

# HOUSE BILL 181

R7

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By: **Delegate Kipke**

Introduced and read first time: January 27, 2011

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Towing and Removal of Vehicles from Parking Lots**

3 FOR the purpose of providing for the application to Anne Arundel County of certain  
4 provisions of law governing the towing and removal of vehicles from parking  
5 lots, including provisions governing signage, storage, towing and storage rates,  
6 notice, financial security for towers, prohibited acts, requirements for towers,  
7 and tower liability; and generally relating to the towing and removal of vehicles  
8 from parking lots in Anne Arundel County.

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 21–10A–01  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Transportation  
16 Section 21–10A–02 through 21–10A–06  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2010 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Transportation**

22 21–10A–01.

23 (a) In this subtitle, “parking lot” means a privately owned facility consisting  
24 of 3 or more spaces for motor vehicle parking that is:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Accessible to the general public; and

2 (2) Intended by the owner of the facility to be used primarily by the  
3 owner's customers, clientele, residents, lessees, or guests.

4 (b) (1) This subtitle applies only to the towing or removal of vehicles from  
5 parking lots in **ANNE ARUNDEL COUNTY**, Baltimore City, or Baltimore County.

6 (2) Nothing in this subtitle prevents a local authority from exercising  
7 any power to adopt ordinances or regulations relating to the registration or licensing  
8 of persons engaged in the parking, towing or removal, or impounding of vehicles.

9 (c) This subtitle does not apply to an abandoned vehicle as defined in  
10 § 25–201 of this article.

11 21–10A–02.

12 (a) The owner or operator of a parking lot or the owner's or operator's agent  
13 may not have a vehicle towed or otherwise removed from the parking lot unless the  
14 owner, operator, or agent has placed in conspicuous locations, as described in  
15 subsection (b) of this section, signs that:

16 (1) Are at least 24 inches high and 30 inches wide;

17 (2) Are clearly visible to the driver of a motor vehicle entering or being  
18 parked in the parking lot;

19 (3) State the location to which the vehicle will be towed or removed;

20 (4) State the hours during which the vehicle may be reclaimed;

21 (5) State the maximum amount that the owner of the vehicle may be  
22 charged for the towing or removal of the vehicle; and

23 (6) Provide the telephone number of a person who can be contacted to  
24 arrange for the reclaiming of the vehicle by its owner or the owner's agent.

25 (b) The signs described in subsection (a) of this section shall be placed to  
26 provide at least 1 sign for every 7,500 square feet of parking space in the parking lot.

27 21–10A–03.

28 A vehicle may not be towed or otherwise removed from a parking lot to a  
29 location that is more than 10 miles from the parking lot.

30 21–10A–04.

1 A person who undertakes the towing or removal of a vehicle from a parking lot:

2 (1) May not charge the owner of the vehicle or the owner's agent:

3 (i) More than twice the amount of the total fees normally  
4 charged or authorized by the political subdivision for the impound towing of vehicles;  
5 and

6 (ii) Except as provided in § 16–207(f)(1) of the Commercial Law  
7 Article, more than \$8 per day for storage;

8 (2) Shall notify the police department in the jurisdiction where the  
9 parking lot is located within two hours after towing or removing the vehicle from the  
10 parking lot, and shall provide the following information:

11 (i) A description of the vehicle including the vehicle's  
12 registration plate number and vehicle identification number;

13 (ii) The date and time the vehicle was towed or removed;

14 (iii) The reason the vehicle was towed or removed; and

15 (iv) The locations from which and to which the vehicle was  
16 towed or removed;

17 (3) Before towing or removing the vehicle, shall have authorization of  
18 the parking lot owner which shall include:

19 (i) The name of the person authorizing the tow or removal; and

20 (ii) A statement that the vehicle is being towed or removed at  
21 the request of the parking lot owner;

22 (4) Shall obtain commercial liability insurance in the amount of at  
23 least \$20,000 per occurrence to cover the cost of any damage to the vehicle resulting  
24 from the person's negligence;

25 (5) Shall obtain a surety bond in the amount of \$20,000 to guarantee  
26 payment of any liability incurred under this subtitle;

27 (6) May not employ individuals, commonly referred to as "spotters",  
28 whose primary task is to report the presence of unauthorized parked vehicles for the  
29 purposes of towing or removal, and impounding; and

30 (7) May not pay any remuneration to the owner of the parking lot.

31 21–10A–05.

1           If a vehicle is towed or otherwise removed from a parking lot, the person in  
2 possession of the vehicle shall:

3           (1)   Immediately deliver the vehicle directly to a storage facility  
4 customarily used by the person undertaking the towing or removal of the vehicle; and

5           (2)   Provide the owner of the vehicle or the owner's agent immediate  
6 and continuous opportunity, from the time the vehicle was received at the storage  
7 facility, to retake possession of the vehicle.

8   21-10A-06.

9           Any person who undertakes the towing or removal of a vehicle from a parking  
10 lot in violation of any provision of this subtitle:

11           (1)   Shall be liable for actual damages sustained by any person as a  
12 direct result of the violation; and

13           (2)   Shall be liable to the vehicle owner for triple the amount paid by  
14 the owner or the owner's agent to retake possession of the vehicle.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2011.