



HOWARD COUNTY DEPARTMENT OF CITIZEN SERVICES

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January 18, 2013

To: Lonnie Robbins
 Chief Administrative Officer

From: Rebecca Bowman
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Subject: Testimony – Amendments to County Code Title 17, Subtitle 6 – Towing From Private Property

The purpose of this legislation is to amend various sections of the County Code governing the towing of vehicles from private property at the request of property owners (aka “trespass towing”). The amendments are necessary in light of legislation passed by the Maryland General Assembly during its 2012 session (effective October 1).

Senate Bill 401 (codified in Maryland Transportation Code, Section 21-10A-01 et seq.) created a state-wide licensing and regulatory scheme for the towing of vehicles from private parking lots. Section 21-10A-01(b)(2) of the state law states “[n]othing in this subtitle prevents a local authority from exercising any power to adopt local laws or regulations relating to the registration or licensing of persons engaged in, or otherwise regulating in a more stringent manner, the parking, towing or removal, or impounding of vehicles.” While this section was intended to allow localities to retain control of how trespass towing is conducted in their jurisdictions, the suggested amendments to the County Code must also be adopted to fully accomplish this task.

Much of Howard County’s trespass tow law is more stringent than the state law, but there are some provisions that are not. These more stringent provisions greatly benefit vehicle owners, but the Office of Consumer Affairs has no authority under the law to enforce them. In addition, since the effective date of the state law, trespass tow companies operating in Howard County have had to look at both the state and county laws to determine which provisions to follow – a determination which is not easy for non-lawyers. Amending the County Code will not result in tow companies incurring any expense beyond what they incurred as a result of the new state law.

To make Howard County’s law as stringent as the state law, the following amendments are being proposed:

- 1) increases in the size and number of the signs that must be posted to notify vehicle owners of parking restrictions, as well as additional information on the signs (e.g. the maximum daily storage charge);
- 2) a prohibition against the towing of a vehicle from private property solely because the vehicle does not have a current state registration (i.e. expired license plates);
- 3) a requirement that vehicle owners be able to recover their vehicles 24/7 and to retrieve items from their vehicles at any time; and
- 4) a requirement that a notice be sent to vehicle owners, secured parties and insurers when vehicles are not recovered within three days of the tow.

Amending Title 17, Subtitle 6 to include the more stringent provisions of State law will, therefore, both assist vehicles owners by providing OCA with authority to address all trespass to violations that arise in Howard County, and assist tow companies by providing them with just one law with which they must comply.

cc: Jen Sager
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