OFFICE OF CONSUMER PROTECTION

Isiah Leggett
County Executive

Eric S. Friedman
Director

October 4, 2012

RE: Changes to MD Towing Law

Dear Tow Company:

We are writing to you about the recent changes to MD Transportation Code Sec 21-10A – Towing or Removal of Vehicles from Parking Lots effective October 1, 2012. Some of the requirements of the state law now supersede provisions of Montgomery County Code Chapter 30C - Motor Vehicle Towing & Immobilization on Private Property, but much of 30C still remains intact. Please see the enclosed guidelines for information on complying with both laws. The Montgomery County Office of Consumer Protection will still investigate trespass towing complaints and enforce 30C. We will also be working with the Montgomery County Police on enforcement of the provisions of the state law that now apply in the county.

PLEASE NOTE: Montgomery County Code Chapter 30C does not apply in the following jurisdictions within the county:

Town of Barnesville	Town of Brookville
Chevy Chase Village	Chevy Chase Sec. 3
Town of Chevy Chase	Chevy Chase Sec. 5
Town of Garrett Park	Town of Glen Echo
Town of Kensington	Town of Laytonsville
Town of Poolesville	Town of Somerset
Town of Washington Grove	
Village of Martin's Addition	

State law now applies in the above jurisdictions and county and/or local police will be responsible for enforcement.

If you have any questions about complying with 30C and state law, please feel free to contact me at 240-777-3675 or via email at doug.numbers@montgomerycountymd.gov and I will do my best to assist you.

Sincerely,

Douglas Numbers
Investigator

RDN:MDTowLawltr.doc
Enclosure

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Guidelines for Complying with Montgomery County Code 30C - Motor Vehicle Towing & Immobilization on Private Property and MD Transportation Code Sec 21-10A – Towing or Removal of Vehicles from Parking Lots as of October 1, 2012

Signs:

- Must be posted at least 24 hours before towing
- At least 24 inches high and 30 inches wide
- Must be at each entrance and placed so there is at least 1 sign for every 7,500 square feet of parking space
- Must state:
  - Location to which vehicle will be towed and name of the towing company
  - "State law requires the vehicle be available for reclamation 24 hours per day, 7 days a week" (This language must be on signs.)
  - The maximum amount the vehicle owner may be charged for the towing. Current County maximum is $440 for towing and mileage and $80 per day storage.
  - The telephone number of a contact to reclaim the vehicle

- Signs must be posted on property, can no longer use stickers in lieu of signs but you can sticker along with posting of signs.

All other signage requirements of Montgomery County Code 30C-4(b) (1)-(5) still remain in effect.

Storage Lot:

- Not more than 12 miles from origin of tow (County Code 30C still applies)
- Immediately deliver vehicle directly to storage facility
- Must keep vehicle at storage facility for 72 hours
- Provide owner opportunity 24 hours a day, 7 days a week to reclaim vehicle
- Storage facility must make vehicle available to owner/owner's agent, insurer, or secured party for
  - Inspection
  - Retrieval of personal property not attached to the vehicle

All other requirements of Montgomery County Code 30C-8(a) (1) (2) (3) (4) still apply to storage lots.

General Towing Guidelines for Towers:

- Notify owner, secured party, and insurer by regular and certified mail, return receipt within 3 days, exclusive of days that the towing business is closed, with same information provided to police
  - Provide owner, secured party, and insurer with itemized actual costs of providing notice
  - May charge the actual cost of providing this notice
- May not employ/compensate "spotters"
- May not tow solely for failure to display a valid current registration until 72 hours after notice of violation is placed on vehicle

Look to 30C for:

- Maximum rates (30C-2)
- Notifying police (30C-5)
- Authorization (30C-4(c))
- Commercial liability insurance (31A-15)
- When payment is prohibited (30C-10)

Incomplete Tows

- Tower must release vehicle to owner/owner's agent if
  - Owner/agent requests release AND
  - Vehicle can be driven under its own power
  - Does not matter if vehicle has been lifted off ground

- Owner/agent must pay drop fee not exceeding 50% of full tow (County Drop Fee)

All other requirements of Montgomery County Code 30C-7 still remain in effect.

Payment/Vehicle Availability

- Look to County law 30C-8(b) for overall payment procedures
- Note:
  - If storage facility accepts but cannot process a credit card and does not have an ATM, the facility must accept a personal check
  - If storage facility accepts credit cards but not checks, may refuse to accept personal check if credit card is declined

Violations – Any Person Liable For Violation of State Law

- Actual damages by any person and

- Triple amount paid owner/owner's agent to take repossession of vehicle

- Any person who is convicted of a violation of Title 21, Subtitle 10A ("Towing or Removal from Parking Lots") is subject to a fine of not more than $500 or imprisonment for not more than 2 months or both – **State and local Police agencies can issue citations for violations of the State Law**

Violations of County Law

All sections of Montgomery County Code 30C-9 still apply and the Office of Consumer Protection will continue to enforce provisions of Montgomery County Code 30C.