

**Public Property** (County / State) – “Abandoned vehicle,” means any motor vehicle, trailer, or semitrailer. If you see a vehicle that is:

1. That is inoperable and left unattended on public property for more than 48 hours;
2. That has remained illegally on public property for more than 48 hours;
3. That has remained on public property for more than 48 hours and:
  - a. Is not displaying currently valid registration plates; or
  - b. Is displaying registration plates of another vehicle;
4. That has been left unattended on any portion of a "controlled access highway."
5. That has been left unattended on any portion of a primary or secondary highway or controlled access highway.

Contact the non-emergency number (410) 313-2200 for the Communications Center. An Officer will be dispatched to verify the circumstances of the vehicle. If applicable, the officer will tag the vehicle with an orange tag giving notice to the owner that the vehicle must be towed within 48 hours or the County will have the vehicle towed to a contracted towing facility.

**Private Property** - Homeowner/Community Association/Commercial/Management Company  
“Abandoned vehicle,” means any motor vehicle, trailer, or semitrailer:

1. The vehicle has remained on private property for more than 48 hours without the consent of the owner or person in control of the property. A towing service shall not tow a vehicle from private property unless the property owner has directly or through an agent expressly authorized the towing of the particular vehicle. Authorization shall be in the form of a tow slip;
2. That has remained in a garage for more than 10 days after the garage keeper has given the owner of the vehicle notice;
3. That has remained in a garage for more than 10 days after the period when, by contract, the vehicle was to remain in the garage;
4. That was left for more than 10 days in a garage by:
  - a. Someone other than its registered owner; or
  - b. A person authorized to have possession of the vehicle under a contract of use, service, storage, or repair;
5. An unauthorized vehicle may be towed from private property without the express authorization of the property owner or the property owner's agent only if the vehicle is directly blocking access to the property or to a building on the property.
6. A property owner may tow a vehicle within a parking lot without prior notice to the vehicle owner if towing the vehicle is necessary to:
  - a. Remove large quantities of snow or debris;
  - b. Repair the parking lot; or
  - c. Respond to a threat to a person's safety or health.

**Private towing does not apply to:**

1. Towing initiated by the vehicle owner;
2. Towing approved or requested by a police officer, firefighter, or rescue squad member in the course of removing impediments to traffic or during the course of a criminal investigation or under state law regulating abandoned vehicles;
3. Towing a vehicle during a repossession of the vehicle;
4. Towing from a marked fire lane;
5. Towing from a designated handicapped parking space;
6. Towing from the yard or driveway of a single-family dwelling; or
7. Towing from land immediately adjoining an electric or telephone utility building or structure that is not open to the general public.

**PROCEDURES**

***Towing Signs Posted*** - The owner or agent can request the tower to remove the vehicle.

***No Towing Signs Posted*** - The owner or agent can contact a registered trespass tower. The tower or owner must post a notice on the vehicle for 48 hours before towing the vehicle.

**Registered Howard County Trespass Towers** - Towers must be registered with the Office of Consumer Affairs to tow from private property in Howard County. The tow companies will make the required notification to the Police Department and Office of Consumer Affairs

**Application to Dispose of an Abandoned Vehicle** - The attached application must be filled out completely by the property owner or authorized representative and mailed to the Howard County Police Department, Attn: Operations Command. Once the application has been received, a computer inquiry will then be made to identify the last known registered owner and/or lien holder. A certified letter will be sent notifying them of the Intent to Dispose of the Abandoned Vehicle. A police officer or auxiliary officer will respond to the property to confirm the vehicle identification number. The vehicle identification number will then be posted at the Circuit Court in Ellicott City for three (3) weeks. The process can take up to 2 months to complete. When the process has been completed, a Certificate of Authority to Dispose of the Abandoned Vehicle will be issued for the owner or agent to remove the vehicle, as they deemed appropriate.

**It is very important for the owner or agent to read the Howard County Code (Title 17. PUBLIC PROTECTION SERVICES, SUBTITLE 6. Towing from Private Property) and State Law (Transportation Code 25-201) on Abandoned Vehicles.**



DEPARTMENT OF CITIZEN SERVICES

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OFFICE OF CONSUMER AFFAIRS

**REGISTERED TRESPASS TOW COMPANIES  
(2009)**

**ACME TOWING LLC – Lic #039**  
7968 DORSEY RUN ROAD  
JESSUP, MD 20794  
**(301) 617-4140**

**AL'S 24 TOWING, INC. – Lic #021**  
P.O. BOX 6987  
COLUMBIA, MD 21045  
**(410) 740-8822**

**ANY TIME J&R TOWING – Lic. #035**  
6785 WASHINGTON BLVD  
ELKRIDGE, MD 21075  
**(443) 324-7708**

**ATT TOWING CORP – Lic. #043**  
**t/a AGGRESSIVE TOWING & TRANSPORT**  
8115 FENTON ST., #306A  
SILVER SPRING, MD 20910  
**(301) 847-0200**

**AUTO BARN – Lic. #034**  
2930 JAMES STREET  
BALTIMORE, MD 21230  
**(410) 646-2610**

**CHARLEY'S CRANE SVC – Lic. – 041**  
**t/a BRYSON ENTERPRISES**  
8613 OLD ARDMORE RD  
LANDOVER, MD 20785  
**(301) 773-7670**

**HOFMANN BROS TOWING, INC. – Lic #025**  
7808 SANDY SPRING ROAD  
LAUREL, MD 20723  
**(301) 725-0207**

**LENNY'S TOWING, INC. – Lic #028**  
6475 WASHINGTON BLVD  
ELKRIDGE, MD 21075  
**(410) 379-8004**

**PARKING MANAGEMENT  
ENFORCEMENT LLC – Lic. #040**  
5220 WASHINGTON BLVD  
HALETHORPE, MD 21227  
**(410) 536-0707**

**P.L.E. TOWING INC**  
**t/a MILES TOWING, INC – Lic #022**  
6205 S. HANOVER ROAD  
ELKRIDGE, MD 21075  
**(410) 796-4656**

**QUICK RESPONSE TOWING – Lic. #038**  
531 SOUTH CATON AVE.  
BALTIMORE, MD 21229  
**(410) 566-4431**

**THOMAS & SONS TOWING & STORAGE,  
INC. – Lic #033**  
P.O. BOX 6652  
COLUMBIA, MD 21045  
**(301) 596-2897**

**UNIVERSAL TOWING – Lic. #042**  
4421 FOREST VIEW AVE  
BALTIMORE, MD 21206  
**(410) 984-7768**

KEN ULMAN  
*County Executive*



WILLIAM J. MCMAHON  
*Chief of Police*

**HOWARD COUNTY DEPARTMENT OF POLICE**  
3410 Courthouse Drive, Ellicott City, MD 21043

Dear Applicant:

Enclosed is the application for authority to dispose of an abandoned motor vehicle which you requested. Specific attention should be given to the vehicle description which **MUST** include the serial number (VIN) or a reason why it has not been included (i.e., removed, destroyed, etc.). Please be specific as to the location of the vehicle on your property and include a daytime telephone number on the application. This application must be completed as accurately as possible and returned to:

Carla James, Operations Command  
Howard County Department of Police  
3410 Court House Drive  
Ellicott City, MD 21043

Once the completed application has been returned to this Department, a police officer or auxiliary officer will respond to your property to confirm the vehicle identification number. A computer inquiry will then be made to identify the last registered owner and any lien holders. The last registered owner and any lien holders will then be sent a letter notifying them of your intent to dispose of the abandoned vehicle. The vehicle will also be advertised at the Circuit Courthouse in Ellicott City.

By authority of the Transportation Article of the State of Maryland, the owner or lien holder must reclaim the vehicle within twenty-one (21) days after receipt of the letter. If the vehicle is unclaimed during this period, you will be issued authority to dispose of the vehicle. It will be your responsibility to contact a towing company or dismantler to remove the vehicle once you have received the Certificate of Authority.

As you can see, the entire process is regulated by state law and is designed to protect both the property and vehicle owners. The processing of an application should be completed within 30 to 60 days. Please advise this Department if the vehicle is removed from your property during the interim period.

If you have any questions or need further assistance, please contact Carla James at (410) 313-2207.

Sincerely,

Major Gary L. Gardner  
Deputy Chief for Operations

GLG/CJ

Attachments

(410) 313-2207  
(410) 313-6061  
WWW.HCPD.ORG  
HCPD@HOWARDCOUNTYMD.GOV

*Nationally Accredited Since 1990*





**APPLICATION FOR AUTHORITY TO DISPOSE  
OF AN ABANDONED MOTOR VEHICLE IN  
HOWARD COUNTY  
(PLEASE PRINT CLEARLY)**



I, hereby make application for authority to dispose of the vehicle described below, which was abandoned on my property, the location of which is herein stated, for a period of more than forty-eight (48) hours.

<b>(1) NAME OF APPLICANT</b>	<b>FIRST NAME</b>	<b>MIDDLE INITIAL</b>	<b>LAST NAME</b>	<b>PHONE #</b>		
<b>(2) ADDRESS OF APPLICANT</b>	<b>STREET ADDRESS OR RFD &amp; BOX NO.</b>					
	<b>CITY OR TOWN</b>		<b>STATE</b>	<b>ZIP CODE</b>		
<b>(3) VEHICLE DESCRIPTION</b>	<b>YEAR</b>	<b>MAKE</b>	<b>MODEL</b>	<b>BODY STYLE</b>	<b>COLOR (S)</b>	<b>CURRENT MILEAGE</b>
	<b>SERIAL NUMBER (VIN)</b>		<b>REGISTRATION-TAG #</b>	<b>STATE</b>	<b>YEAR EXP</b>	<b>TITLE NO.</b>
<b>(4) LOCATION VEHICLE WAS TOWED FROM</b>	<b>STREET ADDRESS</b>					
	<b>CITY OR TOWN</b>		<b>COUNTY</b>	<b>STATE</b>	<b>ZIP CODE</b>	
<b>(5) CURRENT LOCATION OF VEHICLE</b>	<b>STREET ADDRESS</b>					
	<b>CITY OR TOWN</b>		<b>COUNTY</b>	<b>STATE</b>	<b>ZIP CODE</b>	
<b>(6) STATE FACTS SURROUNDING ABANDONMENT</b>	<b>DATE OF TOW:</b>					

<b>(7) COUNTY POLICE TOW?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>IF YES, IR #</b> _____
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I certify, under penalty of perjury, that the information set forth herein is true and correct to the best of my knowledge, information and belief.

<b>(8)</b>  _____	  _____
<b>DATE OF APPLICATION</b>	<b>SIGNATURE OF APPLICANT</b>

Private property applicants, fill out sections **1, 2, 3, 5, 6 and 8**  
Towing companies, fill out sections **1, 2, 3, 4, 5, 6 and 8**  
Contracted Howard County towers, fill out sections **1, 2, 3, 7, and 8**  
Revised 1/1/05

Howard County Police Department  
Attn: OPS Command  
3410 Court House Drive  
Ellicott City, MD 21043  
(410) 313-2207

**TITLE 25 VEHICLE LAWS - RESPECTIVE POWER OF STATE AND LOCAL AUTHORITIES;  
DISPOSITION OF ABANDONED VEHICLE**

**SUBTITLE 2. ABANDONED VEHICLES**

**§ 25-201. Definitions.**

(a) In general.- In this subtitle the following words have the meanings indicated.

(b) Abandoned vehicle.- "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer:

(1) That is inoperable and left unattended on public property for more than 48 hours;

(2) That has remained illegally on public property for more than 48 hours;

(3) That has remained on private property for more than 48 hours without the consent of the owner or person in control of the property;

(4) That has remained in a garage for more than 10 days after the garage keeper has given the owner of the vehicle notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to remove the vehicle;

(5) That has remained in a garage for more than 10 days after the period when, by contract, the vehicle was to remain in the garage;

(6) That was left for more than 10 days in a garage by:

(i) Someone other than its registered owner; or

(ii) A person authorized to have possession of the vehicle under a contract of use, service, storage, or repair;

(7) That has remained on public property for more than 48 hours and:

(i) Is not displaying currently valid registration plates; or

(ii) Is displaying registration plates of another vehicle;

(8) That has been left unattended on any portion of a "controlled access highway" as defined in § 8-101 (f) of this article for more than 24 hours;

(9) That has been left unattended on any portion of a primary or secondary highway or controlled access highway, as defined in § 8-101 of this article, and is in violation of any of the provisions of § 22-408 of this article; or

(10) That is not reclaimed as provided under § 27-111 of this article.

(c) Garage.- "Garage" means any of the following, if operated for commercial purposes:

(1) A parking place or establishment;

(2) A vehicle storage facility; or

(3) An establishment for the servicing, repair, or maintenance of vehicles.

(d) Lessor.-

(1) "Lessor" means a person who regularly leases or offers to lease motor vehicles.

(2) "Lessor" includes:

(i) An assignee of leases; and

(ii) A person who during any 12-month period offers to lease 5 or more motor vehicles or who is assigned 5 or more leases.

(e) Police department.- "Police department" means:

(1) The Department of State Police;

(2) The police department of any political subdivision of this State;

(3) In Baltimore City, the appropriate agency designated by the Board of Estimates;

(4) The police forces of public colleges and universities;

(5) In Prince George's County, if designated by the County Executive, the Prince George's County Department of Environmental Resources;

(6) In any municipality in Prince George's County or Montgomery County, an appropriate agency or department designated by the governing body of the municipality; and

(7) The police force of any State government agency.

**§ 25-202. Abandonment of vehicles prohibited; presumption of ownership.**

(a) Abandonment prohibited.- A person may not abandon a vehicle:

(1) On any public property; or

(2) On any property other than his own without the permission of the owner or lessee of the property.

(b) Presumption of ownership.- The last known registered owner of an abandoned vehicle is considered to be the prima facie owner of the vehicle at the time it was abandoned and the person who abandoned it.

**§ 25-203. Police may take abandoned vehicles into custody.**

(a) In general.- A police department may take any abandoned vehicle into custody. For this purpose, the police department may use its own personnel, equipment, and facilities or, subject to the provisions of subsection (b) of this section, use other persons, equipment, and facilities for removing, preserving, and storing abandoned vehicles.

(b) Use of tow trucks.- A police department may not authorize the use of a tow truck under subsection (a) of this section unless the tow truck is registered under § 13-920 of this article.

**§ 25-204. Notice by police to last known registered owner and secured parties - In general.**

(a) Notice to be sent by police.- As soon as reasonably possible and within 7 days at most after it takes an abandoned vehicle into custody, a police department shall send a notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(1) The last known registered owner of the vehicle; and

(2) Each secured party, as shown on the records of the Administration.

(b) Contents of notice.- The notice shall:

(1) State that the abandoned vehicle has been taken into custody;

(2) Describe the year, make, model, and vehicle identification number of the vehicle;

(3) Give the location of the facility where the vehicle is held;

(4) (i) Inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 3 weeks after the date of the notice, on payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody; or

(ii) In Baltimore City and Montgomery County, be sent by certified mail, return receipt requested, and inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 11 working days after the receipt of the notice, on payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody; and

(5) State that the failure of the owner or secured party to exercise this right in the time provided is:

(i) A waiver by the owner or secured party of all of the owner's or secured party's right, title, and interest in the vehicle;

(ii) A consent to the sale of the vehicle at public auction; and

(iii) A consent by the owner other than a lessor to the retention of the vehicle for public purposes as provided in § 25-207 of this subtitle.

(c) Recovery of costs of impoundment, etc.- In Baltimore City, Prince George's County, and Montgomery County, a police department or its agent may seek to recover costs of impoundment, storage, and sale of a vehicle as provided by §§ 25-206.1 and 25-206.2 of this subtitle. If a police department or its agent seeks to apply the provisions of §§ 25-206.1 and 25-206.2 of this subtitle, the notice required by this section shall also state that the failure of the owner or secured party to exercise the right to reclaim the vehicle in the time provided may cause:

(1) Continuing liability of the owner for costs of:

(i) Impoundment;

(ii) Storage within the chargeable limit for storage as provided in §25-206.1 (b) of this subtitle; and

(iii) Sale of the vehicle; and

(2) Denial of any application by the owner to renew the registration of any vehicle as required by § 25-206.2 of this subtitle.

**§ 25-205. Same - Notice by publication.**

(a) Application of section.- This section applies if:

(1) The identity of the last registered owner of an abandoned vehicle cannot be determined;

(2) The registration of the vehicle gives no address for the owner;

(3) It is impossible to determine with reasonable certainty the identity and address of each secured party; or

(4) The certified mail notice required by § 25-204 of this subtitle is returned as undeliverable.

(b) When notice by publication required.- Under one of the conditions described in subsection (a) of this section, a police department that takes an abandoned vehicle into custody shall give the required notice by posting a notice complying with the provisions of subsection (c) of this section in the circuit court of the county where the abandoned vehicle was found.

(c) Requisites of notice.- The notice:

(1) May contain multiple listings of abandoned vehicles;

(2) Shall contain the information required by § 25-204 of this subtitle; and

(3) Shall be posted:

(i) Within 15 days of the taking into custody of the vehicle; or

(ii) If the notice by posting under this section is made because of the return as undeliverable of a prior notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, within 7 days of the return of that prior notice.

#### **§ 25-206. Effect of failure to reclaim vehicle.**

(a) In general.- If the owner or secured party fails to reclaim an abandoned vehicle within 3 weeks after notice is given under this subtitle, the owner or secured party is deemed to have waived all of the owner's or secured party's right, title, and interest in the vehicle and to have consented to the sale of the vehicle at public auction, and the owner other than a lessor is deemed to have consented to the retention of the vehicle for public purposes as provided in § 25-207 of this subtitle.

(b) Baltimore City and Montgomery County.- In Baltimore City and Montgomery County, if the owner or secured party fails to reclaim an abandoned vehicle within 11 working days after receipt of notice given under § 25-204 (b) (4) (ii) of this subtitle, the owner or secured party is deemed to have waived all of the owner's or secured party's right, title, and interest in the vehicle and to have consented to the sale of the vehicle at public auction, and the owner other than a lessor is deemed to have consented to the retention of the vehicle for public purposes as provided in § 25-207 of this subtitle.

#### **§ 25-206.1. Liability for costs of preservation and storage of vehicle.**

(a) Application.- This section applies to any vehicle sold by a police department of Baltimore City, Prince George's County, Montgomery County, or a municipal corporation in Prince George's County or Montgomery County under this subtitle as an abandoned vehicle, and to any vehicle sold pursuant to an ordinance of the Mayor and City Council of Baltimore, an ordinance or local law enacted by Prince George's County or Montgomery County, or an ordinance enacted by a municipal corporation in Prince George's County or Montgomery County governing vehicles that are:

(1) Abandoned and unclaimed;

(2) Reported stolen, recovered, and subsequently unclaimed; or

(3) Involved in an accident, removed by police, and subsequently unclaimed.

(b) Costs chargeable to owner.- If the money collected from the sale of a vehicle subject to this section is not enough to reimburse a police department or its agent for the costs of towing, preserving, and storing the vehicle and for the expenses of sale, including all publication and notice costs, the last registered owner shall be liable to the police department or its agent for the deficiency. For purposes of this subsection, the costs chargeable to an owner for the preservation and storage of a vehicle may not exceed \$300.

(c) Costs chargeable to transferee.- If a vehicle subject to this section is transferred by the registered owner after it has been towed or impounded and before its sale at auction, and the transferee is given a copy of the notice required under § 25-204 of this subtitle, by the transferor or by the towing or impounding agency, then the transferee shall be liable for the costs provided by this section.

(d) Exception; bona fide sale or gift.- The liability provided by this section does not apply to the registered owner of a vehicle who has made a bona fide sale or gift of the vehicle to another person prior to its being towed or impounded. The registered owner has the burden of showing that a bona fide sale or gift of the vehicle has occurred.

(e) Notice required.- The liability provided by this section does not apply in any case in which notice as required by § 25-204 (c) of this subtitle has not been provided.

**§ 25-206.2. Restrictions on vehicle registration for liability incurred under § 25-206.1**

(a) In general.- The Administration may not renew the registration of any vehicle subject to this section if it is notified by a police department of Baltimore City, Prince George's County, Montgomery County, or a municipal corporation in Prince George's County or Montgomery County that the applicant has failed to satisfy a liability arising under § 25-206.1 of this subtitle to the police department or its agent.

(b) Application.-

(1) The restriction provided by this section shall apply to all vehicles registered to the applicant at the time that notification is made by a police department as provided in subsection (a) of this section.

(2) The restriction provided by this section may not apply solely to those vehicles provided for under § 25-206.1 of this subtitle.

(c) Administration to continue to refuse application.- The Administration shall continue to refuse an application as required by subsection (a) of this section until it is notified by the police department that the applicant is no longer subject to the restriction imposed by this section.

(d) Exceptions; bona fide sale or gift.- The penalty provided in this section does not apply to the registered owner of a vehicle who has made a bona fide sale or gift of the vehicle to another person prior to its being towed or impounded. The registered owner has the burden of showing that a bona fide sale or gift of the vehicle has occurred.

(e) Notice required under § 25-204 (c).- The penalty provided by this section does not apply in any case in which notice as required by § 25-204 (c) of this subtitle has not been provided.

(f) Administration to be notified.- The Administration shall adopt procedures by which a police department shall notify it of any restriction or rescission of a restriction under this section on a person's ability to register or transfer the registration of a vehicle.

(g) Restrictions in addition to other penalties provided by law.- The restrictions and procedures provided by this section are in addition to any other penalty provided by law for the abandonment of, or failure to reclaim impounded vehicles.

**§ 25-207. Sale of vehicle; disposition of proceeds.**

(a) Sale.- Except as provided in subsection (e) of this section, if an abandoned vehicle is not reclaimed as provided for in this subtitle, the police department shall sell the vehicle at public auction.

(b) Rights of buyer.- The buyer of the vehicle at auction:

(1) Takes ownership of the vehicle free and clear of any claim of ownership or lien of any other person;

(2) Is entitled to a sales receipt, on a form that is approved by the Administration, from the police department;

(3) Is entitled to obtain a salvage certificate for the vehicle; and

(4) May obtain a certificate of title under § 13-507 of this article.

(c) Certificate of title not necessary in certain cases.- The sales receipt, on a form that is approved by the Administration, is sufficient title for transferring the vehicle to an automotive dismantler and recycler or scrap processor for dismantling, destroying, or scrapping, in which case, a certificate of title is not required.

(d) Allocation of funds from sale.- Except as otherwise provided in this subtitle:

(1) From the proceeds of the sale of an abandoned vehicle, the police department shall reimburse itself for the costs of towing, preserving, and storing the vehicle and the expenses of the auction, including all notice and publication costs incurred under this subtitle; and

(2) Any remaining proceeds of the sale shall be held for 90 days for the owner of the vehicle and any entitled secured party, after which the remaining proceeds revert to:

(i) The treasury of the county in which the sale was made; or

(ii) In the case of a municipality that conducts the sale, the treasury of the municipality.

(e) Retention and use of vehicle.-

(1) After satisfying the requirements for obtaining a certificate of title for an abandoned vehicle under § 25-207.1 of this subtitle, a police department may retain and use the vehicle for public purposes without any further notice or consent of the owner other than a lessor as provided in paragraph (2) of this subsection.

(2) (i) If there is a secured party with an interest in the vehicle as shown on the records of the Administration, the police department may not retain the vehicle for public purposes without the written consent of the secured party.

(ii) If the vehicle is owned by a lessor under a lease not intended as security, the police department may not retain the vehicle for public purposes without the written consent of the lessor.

(f) Dismantling or sale.- A vehicle retained for public purposes under subsection (e) of this section:

(1) May be dismantled or disassembled for the purpose of using its component parts; and

(2) When no longer usable for public purposes, may at the discretion of the police department, without further notice, be sold at public auction as provided in this

subtitle or transferred by the police department to a scrap processor licensed under § 15-502 of this article.

**§ 25-207.1. Abandoned or impounded vehicles with removed or defaced serial numbers.**

(a) Applicability.- This section applies to any vehicle:

(1) Which is impounded by a police department either as abandoned or pursuant to other State or local law;

(2) From which the engine or vehicle serial number has been removed or defaced; and

(3) Of which neither the owner nor any secured party can be identified from records of the Administration or other reasonable steps taken by the police department.

(b) Application for assignment of identification number.- The police department on whose authority the vehicle was impounded may apply to the Administration for an assignment of an identification number under §§ 13-106.1 and 14-107 of this article.

(c) Application for assignment of certificate of title.- The police department on whose authority the vehicle was impounded may apply to the Administration for a certificate of title to a vehicle, and shall submit as evidence of ownership:

(1) A copy of the return receipt or certified mail notice returned as undeliverable, received under § 25-204 of this subtitle; or

(2) A copy of the notice published under § 25-205 of this subtitle.

(d) Public use of vehicle.- Notwithstanding the provisions of § 25-207 of this subtitle, the police department, after satisfying the requirements of subsections (b) and (c) of this section, may retain and use the vehicle for public purposes.

(e) Dismantling or disassembling; disposition.- Any vehicle retained for use under this section:

(1) May not be dismantled or disassembled for the purpose of using its component parts; and

(2) When no longer usable for public purposes, shall be transferred by the police department to a scrap processor licensed under § 15-502 of this article.

**§ 25-208. Special provisions for vehicles abandoned in garages.**

(a) "Abandoned" defined.- In this section, "abandoned" means abandoned in a garage, as described in § 25-201 (b) (4), (5), or (6) of this subtitle.

(b) Report by garage keeper required.-

(1) A garage keeper shall report any vehicle abandoned in the garage to the appropriate police department.

(2) Any garage keeper who fails to report the vehicle within 10 days after it becomes abandoned no longer has any claim for servicing, storage, or repair of the vehicle.

(c) Taking into custody and sale.- The police department may take the abandoned vehicle into custody and sell it in accordance with the procedures set forth in this subtitle, unless:

(1) The vehicle is reclaimed by the owner or secured party; and

(2) The garage keeper is paid.

(d) Allocation of funds from sale.- As to the proceeds of the sale:

(1) They shall be applied, first, to the garage keeper's charges for servicing, storage, or repair; and

(2) Any surplus proceeds shall be distributed in accordance with § 25-207(d) of this subtitle.

(e) Construction of section.- This section does not impair any:

(1) Lien of a garage keeper under the laws of this State; or

(2) The right of any secured party to foreclose.

**§ 25-209. Disposition of vehicles to dismantler and recycler or scrap processor - In general.**

(a) Application for disposition - In general.- Any person who possesses or on whose property is found an abandoned vehicle and any person who owns a vehicle, for which the certificate of title is defective, lost, or destroyed, may apply to the police department of the jurisdiction in which the vehicle is located for authority to transfer the vehicle to an automotive dismantler and recycler or scrap processor.

(b) Same - Contents.- The application shall include:

(1) The name and address of the applicant;

(2) The year, make, model, and vehicle identification number of the vehicle, if ascertainable, and any other identifying features of the vehicle;

(3) A concise statement of the facts about the abandonment of the vehicle or the loss, destruction, or defect of the certificate of title of the vehicle; and

(4) An affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

(c) Notification of owner and secured party - In general.- If a police department finds that the application is executed in proper form and shows either that the vehicle has been abandoned on the property of the applicant or, if the vehicle is not abandoned, that the applicant appears to be the rightful owner, the police department shall follow the notification procedures of §§ 25-204 and 25-205 of this subtitle.

(c-1) Same - Waiver.- If the applicant submits with the application documentary proof that the notification procedures of §§ 25-204 and 25-205 already have been complied with, the police department may accept the document as proof of compliance and the department is not required to provide this notification.

(d) If vehicle not reclaimed.-

(1) If an abandoned vehicle is not reclaimed in the time required by this subtitle, the police department shall give the applicant a certificate of authority to transfer the vehicle to:

(i) Any automotive dismantler and recycler for:

1. Dismantling, destroying, or scrapping; or

2. Salvaging as authorized under § 13-506 of this article; or

(ii) Any scrap processor for dismantling, destroying, or scrapping.

(2) The automotive dismantler and recycler or scrap processor shall accept the certificate of authority instead of the certificate of title of the vehicle.

(3) The automotive dismantler and recycler may apply for a salvage certificate as provided in § 13-506 of this article.

**§ 25-210. Same - Transfer under indemnity agreement.**

(a) Application of section.- The following persons may transfer a vehicle under this section:

(1) Any person who possesses or on whose property any abandoned vehicle is found;

(2) Any person who owns a vehicle for which the certificate of title is defective, lost, or destroyed; or

(3) Any agent designated and authorized by a government agency to remove an abandoned vehicle from public or private property.

(b) Transfer without certificate of title or notification.- Notwithstanding any other provision of this subtitle, if the vehicle is more than 8 years old and has no engine or otherwise is totally inoperable, any person described in subsection (a) of this section may transfer the vehicle to an automotive dismantler and recycler or scrap processor without a certificate of title and without following the notification procedures of §§ 25-204 and 25-205 of this subtitle.

(c) Indemnity agreement.- An automotive dismantler and recycler or scrap processor may require a person who transfers a vehicle under subsection (b) of this section, to execute an indemnity agreement on a form prescribed by the Administration.

(d) Scrap processor to file agreement.- In those cases described in subsection (b) of this section, an automotive dismantler and recycler or a scrap processor whose plant is physically located and operating in this State may file with the Administration the indemnity agreement described in subsection (c) of this section that identifies the vehicle and contains the name, address, and signature of the person delivering it.

## TITLE 17. PUBLIC PROTECTION SERVICES

### SUBTITLE 6. TOWING FROM PRIVATE PROPERTY

#### Sec. 17.600. Purpose; scope; definition.

(a) *Purpose* : The purpose of this subtitle is to protect the health, safety, and welfare of county residents and to regulate and authorize the county council to set maximum rates for the towing of vehicles from private property. This subtitle does not authorize the towing or holding of any vehicle. To the extent that legal authority to tow or hold a vehicle without the consent of its owner exists, that authority shall be derived from other statutes or the common law. This subtitle restricts the exercise of any such legal authority.

(b) *Scope* :

(1) This subtitle applies to the towing of a vehicle from private property without the consent of the vehicle owner.

(2) This subtitle does not apply to:

(i) Towing initiated by the vehicle owner;

(ii) Towing approved or requested by a police officer, firefighter, or rescue squad member in the course of removing impediments to traffic or during the course of a criminal investigation or under state law regulating abandoned vehicles;

(iii) Towing a vehicle during a repossession of the vehicle;

(iv) Towing from a marked fire lane;

(v) Towing from a designated handicapped parking space;

(vi) Towing from the yard or driveway of a single-family dwelling; or

(vii) Towing from land immediately adjoining an electric or telephone utility building or structure that is not open to the general public.

(c) *Definitions*: Words and phrases used in this subtitle shall have their usual meanings, except as defined below:

(1) *Property manager*: Any person who manages property on behalf of an owner.

(2) *Property owner*: Includes any person in lawful possession or control of property. The owner of general common elements of a condominium is the council of unit owners or the council's agent for parking management. The owner of limited common elements of a condominium is the unit owner or owners who have the executive right to use the common elements, or the agent of that unit owner or owners.

(3) *Redemption area*: An area or building where a vehicle owner may pay any charges necessary to redeem a vehicle.

(4) *Storage site*: Any land or building used by a towing service to store towed vehicles.

(5) *Tow or towing*: The removal or preparation to remove any vehicle by another vehicle for compensation.

(6) *Tow truck*: Includes any vehicle which may tow or attempt to tow a vehicle from private property.

(7) *Trespass towing service or towing service*: Any person who tows any vehicle from private property for compensation without the consent of the vehicle owner.

(8) *Unauthorized vehicle*: Any vehicle which a property owner has not consented to have parked on the property.

(9) *Vehicle* : A device that is able to transport persons or property on a public highway and is required to be registered pursuant to Title 13 of the Transportation Article of the Annotated Code of Maryland.

(10) *Vehicle owner*: The person in whose name title to a vehicle is registered.

(C.B. 90, 1991; C.B. 43, 2001, § 1; C.B. 71, 2004; C.B. 71, 2004)

#### Sec. 17.601. Maximum rates.

(a) When towing a vehicle from private property without the consent of the vehicle owner, a towing service shall not charge more than maximum rates which are set annually by resolution of the county council.

(b) Fair and reasonable maximum rates shall be set for each of the following acts.

(1) Attaching the vehicle to be towed to the tow truck.

(2) Towing the vehicle to a storage site. This rate shall be based on the distance the vehicle is towed.

(3) Storing the vehicle. This rate shall be based on 12-hour time periods during which the vehicle remains in the custody of the towing service. No set charge shall accrue for a time period until at least 6 hours of the time period has elapsed. The full charge accrues for any portion of the remaining 6 hours in which the vehicle remains in the custody of the towing service. The charge shall not begin to accrue until after the towing service provides the notice required by § 17.604 of this subtitle.

(4) Any other service needed to safely remove a vehicle.

(c) The fee for releasing a vehicle under section 17.607 shall not exceed one-half the attachment fee set under subsection (b)(1) of this section.

(d) A towing service shall not charge for any act not listed in this section unless that act was expressly requested by the vehicle owner.

(C.B. 90, 1991; C.B. 43, 2001, § 1; C.B. 71, 2004)

#### Sec. 17.602. Administration; rates; registration; hearing.

(a) Each tow truck operated by a trespass towing service shall be identified, registered, and insured as required under state law, except that any required lettering shall be placed on both sides of the truck. Each driver employed by a trespass towing service shall be at least 18 years of age and shall have a valid license to operate a tow truck.

(b) Each trespass towing service shall be registered with the office of consumer affairs and shall pay annually in January a registration fee recommended by the consumer affairs administrator and which is set annually by resolution of the county council.

(c) Every trespass towing service shall file with the office of consumer affairs a schedule of its rates for each action connected with the towing or storage of unauthorized vehicles.

(d) A trespass towing service shall not charge a rate that is higher than the rate on file with the office of consumer affairs

for any action in connection with the towing or storage of any unauthorized vehicle.

(e) Each trespass towing service shall inform the office of consumer affairs of the type of business organization or ownership in which the service operates and the address of a person authorized to accept service.

(f) Each trespass towing service shall enter into a written contract with every owner of private property that authorizes the towing service to tow vehicles from its property. The towing service shall keep on file each contract that is in effect, or that was terminated within the previous 12 months. The office of consumer affairs, the police department or the owner of any vehicle towed by the service may inspect and copy any contract during normal business hours. The cost of photocopying the contract shall be no more than the county charges the public for photocopying county documents. The office of consumer affairs may issue model contracts that meet the requirements of this subsection.

(g) The office of consumer affairs may revoke the registration of trespass towing services which violate the provisions of this subtitle. The administrator shall send a written decision to the trespass towing service stating that the registration has been revoked and the reasons for the revocation. The decision shall indicate the right of the trespass towing service to a hearing before the administrator of the office of consumer affairs or the administrator's designee under the Administrative Procedures Act set forth at Title 2, Subtitle 1 of the Howard County Code.

(h) A towing service may appeal a decision of the office of consumer affairs to revoke its registration to the administrator or the administrator's designee within 30 days of the date of the decision. The hearing on a decision to revoke a towing service's registration shall be conducted in accordance with Title 2, Subtitle 1, Article III of the Howard County Code, The Administrative Procedures Act, and shall be heard by the administrator of the office of consumer affairs or the administrator's designee.

(i) Within 30 days of the date of a decision of the administrator of the office of consumer affairs, or the administrator's designee, to revoke a towing service's registration, the towing service may appeal that decision to the board of appeals pursuant to the procedures set forth in Title 2, Subtitle 2 of the Howard County Code. The appeal to the board of appeals shall be heard on the record of the hearing before the office of consumer affairs in accordance with the procedures set forth in section 2.210(B) of the Howard County Code.

(C.B. 90, 1991; C.B. 71, 2004)

### **Sec. 17.603. Public notice; tow procedures.**

(a) *Requirement:* A property owner and towing service shall comply with all applicable provisions of this section when exercising the property owner's right to remove an unauthorized vehicle from their property.

(b) *Signs:* Except as provided in paragraph (3) of this subsection, a property owner shall post a sign notifying the public of parking restrictions at least 24 hours before towing or ordering the towing of an unauthorized vehicle in accordance with the following provisions:

(1) There shall be a sufficient numbers of signs permanently posted so that:

(i) At least one sign is clearly visible from each parking area and each vehicle entrance to the property at all times; or

(ii) In a parking lot with more than 100 parking spaces, at least one sign shall be posted in a conspicuous place for each 75 parking spaces and each sign shall be able to be read from all affected spaces; and

(2) Each sign shall:

(i) Be at least 18 inches high and 24 inches wide;

(ii) Summarize all parking restrictions enforced on the property, including time and area restrictions;

(iii) State that a vehicle that violates the restrictions may be towed at the vehicle owner's expense;

(iv) List the name and telephone number of each towing service hired to tow unauthorized vehicles from the property or a telephone number that is answered personally at all times of the day and night by the property owner or an agent of the owner who is informed of each vehicle towed from the property;

(v) Be sized, printed, and located so that it is able to be read by motorists in daylight and at night;

(vi) Be maintained in a legible and unobstructed condition; and

(vii) If placed after October 1, 2005, state that a vehicle owner may contact the office of consumer affairs and state the phone number of the office of consumer affairs.

(3) A property owner of residential property, including, without limitation, a condominium, cooperative, or homeowners' association, may have an unauthorized vehicle towed from that property without posting signs required by this subsection if the owner provides notice to the vehicle which:

(i) Is securely attached to the vehicle in a conspicuous place;

(ii) Specifies the violation of an applicable rule or covenant;

(iii) Includes the date and time it was attached to the vehicle; and

(iv) Informs the vehicle owner that the violation shall be corrected or the vehicle removed within the time period set forth in an applicable rule or covenant unless there is no rule or covenant, in which case the violation shall be corrected or the vehicle removed within 48 hours after the notice is attached.

(c) *Tow Procedures :* Each tow conducted pursuant to this subtitle shall be conducted in the following manner:

(1) Except as provided in paragraph (2) of this subsection, a towing service shall not tow a vehicle from private property unless the property owner has directly or through an agent expressly authorized the towing of the particular vehicle. Authorization shall be in the form of a tow slip. The office of consumer affairs may issue a model tow slip. The tow slip shall:

(i) Contain the following information:

a. The address from which the vehicle was towed;

b. The date and time the vehicle was towed;

c. The make, model, year, and color of the vehicle;

d. If available, the vehicle identification number;

e. The reason the vehicle was towed;

f. The name and signature of the tow operator and the person who authorized the vehicle to be towed; and

g. The name and phone number of the office of consumer affairs; and

- (ii) Be signed by the property owner, or the owner's agent, and the driver of the tow truck immediately before the vehicle is towed; and
- (iii) Be legibly copied and a copy of which shall be securely attached to the vehicle.

(2) An unauthorized vehicle may be towed from private property without the express authorization of the property owner or the property owner's agent only if the vehicle is directly blocking access to the property or to a building on the property.

(d) *Prohibited activities.*

(1) A property owner, agent of a property owner, or any officer or employee of a towing service shall not:

- (i) Falsely state that a property owner authorized the towing of a particular vehicle;
- (ii) Record any false information about the towing of a particular vehicle; or
- (iii) Sign a tow slip before all of the information relating to the towing of a particular vehicle is recorded on the slip.

(2) A towing service shall not charge a vehicle owner any fee for the services of a property owner's agent.

(3) A person shall not act as a property owner's agent for the purpose of ordering the towing of an unauthorized vehicle unless the property owner or property manager has given express written permission to act.

(4) An agent of a property owner, for the purpose of ordering the towing of an unauthorized vehicle, shall not:

- (i) Be employed by, or have any member of their immediate family employed by, any towing service; or
- (ii) Have any financial interest in any towing service or the towing of any vehicle.

(e) *Towing a vehicle within a parking lot :*

(1) A property owner may tow a vehicle within a parking lot without prior notice to the vehicle owner if towing the vehicle is necessary to:

- (i) Remove large quantities of snow or debris;
- (ii) Repair the parking lot; or
- (iii) Respond to a threat to a person's safety or health.

(2) When towing a vehicle within a parking lot pursuant to this subsection, a property owner shall:

- (i) Take reasonable care not to damage the vehicle;
- (ii) Pay any cost of towing the vehicle; and
- (iii) Either inform the vehicle owner where the vehicle was relocated or return the vehicle to its original location as soon as possible.

(C.B. 90, 1991; C.B. 12, 1994; C.B. 43, 2001, § 1; C.B. 71, 2004)

**Editor's note:** Section 2 of C.B. 90, 1991 declared this section effective Jan. 1, 1992.

**Sec. 17.604. Notice to police and office of consumer affairs.**

(a) A towing service that tows an unauthorized vehicle from private property shall notify the police department and the office of consumer affairs of the following information within 1 hour after leaving the property:

- (1) The name of the towing service;
- (2) The make, model, color, year, vehicle identification number and registration plate number of the towed vehicle;
- (3) The address the vehicle was towed from;
- (4) The time the vehicle was towed; and
- (5) The storage site where the vehicle will be stored.

(b) The towing service shall notify the police department within 24 hours if it moves the vehicle to another storage site.

(c) The towing service shall retain each tow slip and, and for those vehicles towed without tow slips, a record of the information furnished to the police, for 12 months after the tow. For each vehicle towed without a tow slip, the towing service shall record and retain the name of the owner of the property and, if the tow was authorized by an agent, the name of the agent. The police department, the office of consumer affairs and the owner of any vehicle towed by the service may inspect and copy this information at any time during normal business hours.

(d) If a towing service tows an unauthorized vehicle from private property when the office of consumer affairs is closed, the towing service shall notify the office of the tow before 10 a.m. on the next business day following the tow, either by telephone or by facsimile machine.

(C.B. 90, 1991; C.B. 43, 2001, § 1; C.B. 71, 2004)

**Editor's note:** Section 2 of C.B. 90, 1991 declared this section effective Jan. 1, 1992.

**Sec. 17.605. Notice to owner; right to hearing.**

(a) *Notice:* By the end of the next business day after the vehicle was towed, the office of consumer affairs shall mail a written notice to the registered owner of each motor vehicle at the address on file with the motor vehicle administration for each motor vehicle which was towed from private property without the consent of the vehicle owner, and which remains in the custody of the towing service at 11:00 a.m. of the day after the vehicle was towed. If computer malfunction prevents the office of consumer affairs from immediately determining the name and address of the vehicle's owner, the notice shall be sent by the end of business day when the computer(s) are functioning. The notice shall state:

- (1) That the vehicle was towed; and
- (2) The name, address and telephone number of the towing service that has custody of the vehicle.

(b) *Right to Hearing:*

(1) The notice sent by the office of consumer affairs shall inform the vehicle owner of the owner's right to request a prompt hearing before the office of consumer affairs on the validity of the tow. The owner may exercise that right by:

- (i) Returning a detachable portion of the notice form within 10 days after receiving the notice; or
- (ii) Within 10 days after receiving the notice, submitting a written request for a hearing.

(2) An owner who has reclaimed a vehicle may request a hearing within 10 days after reclaiming the vehicle, and an owner paying for an incomplete tow as defined under section 17.607 may request a hearing within 10 days after the incomplete tow.

(3) A vehicle owner who does not request a hearing within the appropriate 10-day period is not entitled to a hearing.

(4) After receiving a timely request for a hearing, the office of consumer affairs shall immediately inform the vehicle owner and the towing service of the date, time and location of the hearing.

(c) *Hearing Process:*

(1) The hearing shall be before the consumer affairs administrator or his designee.

(2) The office of consumer affairs shall hold a hearing within 2 working days after receiving a request from a vehicle

owner who has not reclaimed the vehicle, and within 30 days if the vehicle owner has reclaimed the vehicle. The hearing is informal.

(d) *Hearing Decisions, Appeals and Enforcement:*

(1) Unless the director or his designee finds by a preponderance of the evidence that the vehicle was validly towed, the director or his designee shall order the towing service to release the vehicle without payment of any kind or to refund any payment that the vehicle owner has already made. The director or his designee may also order a towing service to refund any charge that exceeds the rates filed under section 17.602(d) or is improper, or to compensate the vehicle owner for any other damages that occurred in the towing of the vehicle.

(2) Failure to comply with an order of a director or his designee to release a vehicle is a class B violation under section 24.107, "Fines," of title 24, "Civil Penalties," of the Howard County Code. Each day's failure to comply is a separate violation.

(3) The county solicitor may proceed to enforce any order of the director or his designee in any court of competent jurisdiction. An order of a director or his designee is admissible in any enforcement action or other civil action, and is prima facie evidence of the facts therein.

(4) Any party may appeal to the board of appeals an order of a director or his designee within 10 days of the decision of the director or his designee.

(5) The director or his designee's order does not affect:

(i) Any liability of a property owner to a towing service or a vehicle owner, or of a towing service to a property owner; or

(ii) The right of either the vehicle owner or the towing service to receive damages from the other in any other forum.

(C.B. 90, 1991)

**Editor's note:** Section 2 of C.B. 90, 1991 declared this section effective Jan. 1, 1992.

**Sec. 17.606. Handicapped vehicle owners.**

A vehicle with a valid handicapped registration plate or valid disabled person's parking permit conspicuously displayed shall not be towed from private property without the consent of the vehicle owner unless:

(a) The tow is expressly authorized by a police officer or member of the department of fire and rescue services; or

(b) The vehicle is blocking a clearly marked fire lane or access to another vehicle, the property, or a building.

(C.B. 90, 1991; C.B. 71, 2004)

**Sec. 17.607. Incomplete tow.**

(a) If a vehicle owner returns to an unauthorized vehicle at any time after the vehicle is attached to the tow truck but before it is towed from private property, the towing service shall release the vehicle to the vehicle owner when the vehicle owner pays a release fee. The release fee shall be as set forth in the resolution adopted pursuant to section 17.602(c) of this subtitle for towing the vehicle to the nearest storage area. The towing service shall not charge any other fee for attaching or releasing the vehicle.

(b) A towing service shall not block an unauthorized vehicle with a tow truck to obtain payment from the vehicle owner before attaching the vehicle to the tow truck.

(c) The towing service shall provide a receipt that meets the requirements of section 17.608(f) of this subtitle, indicating the release fee paid and the date of the incomplete tow.

(d) A police officer may order a towing service to release a vehicle, or to stop attaching a vehicle, at any time.

(e) This section does not:

(1) Create or imply a lien in favor of a towing service when a lien would not otherwise exist; or

(2) Create a right of any towing service to retain possession of any vehicle that it would otherwise have to return to the vehicle owner.

(C.B. 90, 1991; C.B. 71, 2004)

**Sec. 17.608. Redemption and storage procedures.**

(a) *Storage of Towed Vehicles* : Every storage site shall comply with the following conditions:

(1) A storage site shall not be located more than 12 miles from the origin of the tow. If there is no storage site within 12 miles, a vehicle shall be stored at the nearest storage site;

(2) A storage site shall be brightly lit at all times;

(3) A towed vehicle shall not be stored more than a reasonable walking distance from a redemption area;

(4) The towing service shall keep the towed vehicle and its contents secure at all times; and

(5) The storage lot shall be identified by a sign at the entrance indicating the name and telephone number of the tow service.

(b) *Redemption of Towed Vehicles* : On every day a trespass towing service operates, the service shall be open for redemption of vehicles until 5 p.m. or 2 hours after the completion of the last tow, whichever is later.

(c) *Payment and Promise To Pay* :

(1) *Applicability* : This subsection applies to payment of any charge arising from the towing or storage of a vehicle without the vehicle owner's consent and to payment for an incomplete tow under section 17.607.

(2) *Purpose* : This section does not:

(i) Create or imply a lien in favor of a towing service when a lien would not otherwise exist; or

(ii) Create a right of any towing service to retain possession of any vehicle that it would otherwise have to return to the vehicle owner.

(3) *Cash payment* : A trespass towing service shall accept payment in cash, or by a traveler's check accompanied by reasonable identification.

(4) *Options* :

(i) Each trespass towing service shall accept as full payment either a credit card or a personal check, at the option of the towing service, validly signed by the vehicle owner or the vehicle owner's agent for the amount of all valid charges.

(ii) Each trespass towing service shall notify the office of consumer affairs on the rate schedule filed under section 17.602 of this subtitle whether it opts to accept credit cards or personal checks or both. The towing service shall notify the office of consumer affairs if it changes that option.

(iii) The option chosen by a trespass towing service shall be available to the owners of all vehicles towed by that service without the consent of their owners.

(5) *Credit card options* :

(i) If a credit card is accepted, each trespass towing service shall accept 2 major credit cards.

(ii) In addition, if a trespass towing service accepts any other credit card for any other purpose, it shall accept that credit card under this section.

(6) *Personal check option* : If a trespass towing service does not accept credit cards, it shall accept a personal check, with reasonable identification, if the vehicle is registered in Maryland.

(d) *Rates displayed* : Every trespass towing service shall display prominently, at each redemption area, a copy of its current rates and a statement that these rates do not exceed the rates filed with the office of consumer affairs. Every trespass towing service shall also display prominently a sign, furnished at a reasonable fee by the office of consumer affairs, listing the office's telephone number and summarizing the vehicle owner's rights under this subtitle.

(e) *Storage fee*: A trespass towing service shall not charge a storage fee for any time before the vehicle actually reaches the storage site or the service notifies the police department under section 17.604, whichever is later.

(f) *Receipt* : Upon receiving payment, a towing service shall furnish the vehicle owner a receipt on a form approved by the office of consumer affairs. The receipt shall:

(1) Record the amount paid to redeem the vehicle, the actions for which the vehicle owner paid, and the date and time of the redemption;

(2) Be signed legibly by an agent of the towing service, and list the name, address and telephone number of the towing service;

(3) Briefly inform the vehicle owner that the office of consumer affairs can explain the vehicle owner's rights. If the vehicle owner believes that any provision of county law has been violated the vehicle owner may obtain a copy of the law from the office of consumer affairs.

(g) *Damage waiver*: A trespass towing service shall not require a vehicle owner to sign any waiver of the vehicle owner's right to receive compensation for damages to the vehicle.

(C.B. 90, 1991; C.B. 43, 2001, § 1; C.B. 71, 2004)

Sec. 17.609. Reserved.

**Editor's note:** Section 2 of C.B. 71, 2004, repealed former section 17.609 in its entirety which pertained to liability for damages and derived from § 2 of C.B. 90, 1991.

**Sec. 17.610. Rebates prohibited.**

A towing service shall not pay or offer to pay a property owner and a property owner shall not accept payment for authorizing the towing of a vehicle from any private property. (C.B. 90, 1991)

**Editor's note:** Section 2 of C.B. 90, 1991 declared this section effective Jan. 1, 1992.

**Sec. 17.611. Penalties.**

(a) The office of consumer affairs may take any action at law or in equity, including injunction and mandamus, to enforce the provisions of this subtitle.

(b) Alternatively or in addition to and concurrent with other remedies, the office of consumer affairs may:

(1) Seek a civil fine not to exceed \$1,000 for any violation of this subtitle; or

(2) Enforce the provisions of this subtitle with penalties as provided in Title 24, "Civil Penalties," of the Howard County Code. A violation of this subtitle shall be a Class A offense. Each day that a violation continues is a separate violation.

(C.B. 90, 1991; C.B. 43, 2001, § 1; C.B. 71, 2004)

**Editor's note:** Section 2 of C.B. 90, 1991 declared this section effective Jan. 1, 1992.

**Sec. 17.612. Severability.**

If any part of this subtitle is held to be invalid, the invalidity shall not affect the other parts.

(C.B. 90, 1991)