



BILL NO.: House Bill 1120
TITLE: Motor Vehicles – Towing Practices and Procedures
POSITION: **SUPPORT WITH AMENDMENTS**
DATE: March 2, 2010
COMMITTEE: Environmental Matters
CONTACT: Andrea Mansfield

The Maryland Association of Counties (MACo) **SUPPORTS** House Bill 1120 **WITH AMENDMENTS**. This bill would implement the recommendations of the Task Force to Study Motor Vehicle Towing Practices.

The Task Force to Study Motor Vehicle Towing Practices was created by House Bill 684, Chapter 514, Acts of 2008, and was extended to continue its work by HB 978, Chapter 704, Acts of 2009. It was charged with studying certain areas of towing and report those findings and recommendations to the Governor and General Assembly. MACo appreciated the opportunity to be represented on this Task Force and believes the statewide framework outlined in HB 1120 will serve as an appropriate “floor” to protect citizens from unscrupulous practices.

MACo believes two issues in the bill should be addressed by amendments (attached). The first issue is language on page 4 that states that a motor vehicle towing and storage lienor may not sell the motor vehicle to which the lien is attached unless the lienor is licensed by the local jurisdiction. This language is problematic because, as the report points out, not all jurisdictions license towing companies, yet it implies that a jurisdiction would need to establish a licensing process. Instead of having each jurisdiction establish a tower license to satisfy this section, MACo suggests that this language be amended out of the bill.

MACo is also concerned that HB 1120 will pre-empt jurisdictions that do more than register and license towers. Jurisdictions such as Montgomery, Prince George's, Anne Arundel, and Howard regulate towers, both trespass and impound towing. However, language on page 16 states that “nothing in this subtitle prevents a local authority from exercising any power to adopt ordinances or regulations relating to the registration or licensing of persons engaged in the parking, towing or removal, or impounding of vehicles.” As this section only references registration or licensing there is a concern that this subtitle will pre-empt jurisdictions that regulate towers. Therefore, MACo urges that HB 1120 be amended to clarify that local jurisdictions that regulate towers locally are not preempted.

For these reasons, MACo **SUPPORTS** HB 1120 **WITH AMENDMENTS** and urges the Committee to give the bill a **FAVORABLE** report with the offered **AMENDMENTS**.

Offered By: MACo

Amendments to HB 1120
(First Reading File Bill)

Amendment No. 1

On page 4, strike (1) in line 4, and in line 5 strike beginning with “AND” down through “SUBSECTION” in line 6.

On page 4, strike lines 11 through 14.

Amendment No. 2

On page 16, in line 6 strike “ordinances” and insert “LOCAL LAWS” and in line 7 following “engaged in” insert “, OR OTHERWISE REGULATING,”.