

## Alert

### New Maryland Law Affects Towing of Vehicles From Private Parking Lots

September 28, 2012

On October 1, 2012 the law in Maryland regarding the process and procedures to tow a vehicle from a privately owned "parking lot" will significantly change. Previously, the state law applied only in Baltimore City and Baltimore County. Under the new law, the entire State of Maryland must comply, although cities or counties may have local laws or regulations that are more stringent than these new State requirements. A "parking lot" is defined as a privately owned facility consisting of 3 or more spaces for parking that is (i) accessible to the general public; and (ii) intended by the owner of the facility to be used primarily by the owner's customers, clientele, residents, lessees, or guests. This will impact condominium associations, homeowners associations, apartment owners and commercial landlords who tow vehicles from their parking lots that are accessible by public roads. Among other things, the law provides:

- Specific sign requirements including (i) that the sign must be at least 24 inches high and 30 inches wide; (ii) be clearly visible at the lot entrance or from the parking spaces; (iii) state the name of the towing company and the location where vehicles will be towed; (iv) indicate that Maryland law requires vehicles to be available for reclamation 24 hours per day, 7 days per week; and (v) state the maximum amount that may be charged for the towing of a vehicle.
- Before towing or removing a vehicle, a tow company must have the authorization of the parking lot owner which shall include: (i) the name of the person authorizing the tow or removal; (ii) a statement that the vehicle is being towed or removed at the request of the parking lot owner; and (iii) photographic evidence of the violation or reason for the towing of the vehicle.
- If a vehicle has not yet been removed from a parking lot, the towing company who has possession of the vehicle must release the vehicle to the owner or an agent of the owner: (i) if the owner or agent requests release of the vehicle; (ii) if the vehicle can be driven under its own power; (iii) whether or not the vehicle has been lifted off the ground; and (iv) if the owner or agent pays a drop fee in an amount not exceeding 50% of the cost of a full tow.

The above only provides several highlights of the towing procedures and requirements, a link to the new law follows:

**[New Towing Law](#)**

Please feel free to contact us for more information or to find out if your parking lot and towing procedures are in compliance with these new requirements and applicable local laws.

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