

Bill No. 17-15  
Concerning: Motor Vehicle Towing and Immobilization on Private Property – Amendments  
Revised: July 21, 2015 Draft No. 5  
Introduced: April 14, 2015  
Enacted: July 21, 2015  
Executive: July 31, 2015  
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Ch. 40, Laws of Mont. Co. 2015

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Berliner  
Co-sponsors: Councilmembers Rice, Katz, Navarro, Hucker, Riemer, Elrich, Council Vice President Floreen and Council President Leventhal

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**AN ACT** to:

- (1) require the County Executive to set flat rates for certain towing services;
- (2) add certain notice and towing procedure requirements;
- (3) provide certain additional enforcement powers for the Office of Consumer Protection;
- (4) prohibit the immobilization of certain vehicles; and
- (5) generally amend the law governing motor vehicle towing and immobilization on private property

By amending

Montgomery County Code  
Chapter 30C, Motor Vehicle Towing and Immobilization on Private Property  
Sections 30C-1, 30C-2, 30C-3, 30C-4, 30C-5, 30C-6, 30C-7, 30C-8, 30C-9, 30C-10, and 30C-11

By adding

Montgomery County Code  
Chapter 30C, Motor Vehicle Towing and Immobilization on Private Property  
Sections 30C-2 and 30C-12

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Sections 30C-1, 30C-2, 30C-3, 30C-4, 30C-5, 30C-6, 30C-7, 30C-8,**  
 2           **30C-9, 30C-10, and 30C-11 are amended, and Sections 30C-2 and 30C-12 are**  
 3           **added, as follows:**

4           **30C-1. Scope; purpose.**

5           (a) *Scope.*

6           (1) This Chapter applies to the towing of a motor vehicle from  
 7           private property, or the immobilization of a motor vehicle on  
 8           private property, without the consent of the vehicle owner.

9           (2) This Chapter does not apply to:

10           (A) towing initiated by the vehicle owner;

11           (B) towing approved or requested by a police officer,  
 12           firefighter, or rescue squad member in the course of a  
 13           criminal investigation or under State law regulating  
 14           abandoned vehicles; or

15           (C) towing a vehicle while repossessing it.

16           (D) towing from the yard or driveway of a single-family  
 17           dwelling; or

18           (E) towing from land immediately adjoining an electric or  
 19           telephone utility building or structure that is not open to  
 20           the general public.

21           (3) Section 30C-5 does not apply to towing from designated  
 22           handicapped parking spaces.

23           (b) *Purpose.* The purpose of this Chapter is to protect the health, safety, and  
 24           welfare of County residents and to regulate and authorize the County  
 25           Executive to set maximum rates for the towing of vehicles from private  
 26           property without the consent of the vehicle owner. This Chapter does  
 27           not authorize the immobilization, towing or holding of any vehicle. To

28 the extent that legal authority to immobilize, tow or hold a vehicle  
29 without the consent of its owner exists, that authority must be derived  
30 from other statutes or the common law. This Chapter restricts the  
31 exercise of any such legal authority.

32 **30C-2. Definitions.**

33 In this Chapter:

34 Commercial property means real estate approved and designed for retail  
35 or wholesale trade, hotel, restaurant, offices, clinics, warehouses, light  
36 manufacturing, and other such uses but not for residential purposes.

37 GVWR means gross vehicle weight rating for the vehicle.

38 Immobilize means to use any method, object, or devise, including a  
39 clamp or lock, to prevent or inhibit the movement of a vehicle.

40 Office means the Office of Consumer Protection.

41 Property manager means any person who manages real property on  
42 behalf of the owner.

43 Property owner means the person in whose name the property is titled,  
44 or any other person in lawful possession or control of the property. The  
45 owner of general common elements of a condominium is the Council of  
46 unit owners or the Council's agent for parking management. The owner  
47 of limited common elements of a condominium is the unit owner or  
48 owners who have the exclusive right to use the common elements, or  
49 the agent of that unit owner or owners.

50 Redemption area means an area or building where a vehicle owner may  
51 pay any charges necessary to redeem a vehicle.

52 Residential property means real estate containing either a single family  
53 or multifamily structure that is available for occupation for non-business  
54 purposes.

55 Storage site means any land or building used by a towing service to  
56 store towed vehicles.

57 Tow or towing means use of a tow truck to remove a vehicle from  
58 private property for compensation without the consent of the vehicle  
59 owner.

60 Tow truck includes any vehicle which may tow or attempt to tow a  
61 vehicle from private property.

62 Trespass towing company or towing company means any person who  
63 tows any vehicle from private property for compensation without the  
64 consent of the vehicle owner.

65 Unauthorized vehicle means any vehicle which a property owner has  
66 not consented to have parked on the property owner's property.

67 Vehicle means a device that is able to transport persons or property on a  
68 public highway and is required to be registered pursuant to Title 13 of  
69 the Transportation Article of the Annotated Code of Maryland.

70 Vehicle Owner means the person in whose name the title to a vehicle is  
71 registered.

72 **30C-3. Maximum rates.**

73 (a) When towing a motor vehicle from private property without the consent  
74 of the owner, a towing company must not charge more than a maximum  
75 rate which the County Executive must establish by regulation under  
76 method (2). The Executive must review the rates at least every two (2)  
77 years.

78 (b) The Executive must set fair and reasonable maximum rates for each of  
79 the following acts:

- 80 (1) towing, which includes attaching the vehicle to be towed to the  
 81 tow truck, towing the vehicle to a storage site, and the first 24  
 82 hours of storage;
- 83 (2) storing the vehicle until it is redeemed; and
- 84 (3) any other service needed to safely remove a vehicle.
- 85 (c) The fee for releasing a vehicle under section 30C-8 must not exceed  
 86 \$25.
- 87 (d) A towing company may charge a vehicle owner a fee for providing  
 88 notice under section 30C-6(e) only if the vehicle has not been reclaimed  
 89 within 48 hours after the towing or removal of the vehicle; the fee must  
 90 not exceed the actual cost of providing that notice.
- 91 (e) A towing company must not charge for any act not listed in this section  
 92 unless that act was expressly requested by the vehicle owner.

93 **30C-4. Administration; rates.**

- 94 (a) Each tow truck operated by a trespass towing company must be  
 95 identified, registered, and insured as required under State law, except  
 96 that any required lettering must be placed on both sides of the truck.  
 97 Each driver employed by a trespass towing service must be at least 18  
 98 years of age and must have a valid license to operate a tow truck.
- 99 (b) Every trespass towing company must register with the Office and must  
 100 file a schedule of its rates for each action connected with the towing or  
 101 storage of unauthorized vehicles. The Office may disapprove a rate that  
 102 exceeds a maximum rate set under Section 30C-2.
- 103 (c) A trespass towing company must not charge a rate that is higher than  
 104 the rate on file with the Office for any action in connection with the  
 105 towing or storage of any unauthorized vehicle.

Comment [HJ1]: Needs technical amendment to 30C-3

- 106 (d) Each trespass towing company must furnish the Office proof that it  
107 carries the insurance required under Section 31A-15(b). Each trespass  
108 towing company must inform the Office of the type of business  
109 organization or ownership in which the company operates and the  
110 names and current addresses of all owners or, if the company is a  
111 corporation, of the officers of the corporation and the name and address  
112 of a person authorized to accept service of process.
- 113 (e) A property owner must not order the towing of an unauthorized vehicle  
114 unless the property owner has entered into a written contract that  
115 authorizes a towing company to tow vehicles from the owner's  
116 property. This provision does not apply if the towing company is the  
117 record owner of the property from which a vehicle is towed. The  
118 property owner and the towing company must keep on file each contract  
119 that is in effect, or that was terminated within the previous 12 months.  
120 The Office, the Police Department, and the owner of any vehicle towed  
121 by the company may inspect and copy any contract during normal  
122 business hours. The Office may issue model contracts that meet the  
123 requirements of this Chapter.
- 124 Any new written contract must include:
- 125 (1) a statement that the property owner is responsible for posting  
126 proper and sufficient signage to notify the public of parking  
127 restrictions;
- 128 (2) a statement that the property owner is responsible for expressly  
129 authorizing the towing of a particular vehicle, except as allowed  
130 under 30C-5(c)(10), and that the existence of this contract does  
131 not constitute express authorization;

- 132           (3) a statement that a property owner or towing company is liable for  
133           a violation of any duty imposed on the property owner or towing  
134           company by Chapter 30C, and the damages payable are three  
135           times the amount of any towing, release or storage fees charged;
- 136           (4) a statement that a property owner and a towing company are  
137           jointly and severally liable for a violation of any duty imposed on  
138           the towing company by Chapter 30C, with a right of contribution  
139           or indemnification; and
- 140           (5) a statement that any violation of any duty imposed on the  
141           property owner or towing company by Chapter 30C subjects the  
142           property owner or towing company to a potential fine of up to  
143           \$1,000.00.
- 144       (f) Any property owner wishing to engage in the non-consensual towing of  
145       vehicles from their property must first register each commercial parking  
146       lot with the Office of Consumer Protection using an electronic  
147       registration program. The property owner must provide:
- 148           (1) the name and contact information for the property owner;  
149           (2) the name and contact information of all individuals who may  
150           authorize the towing of each vehicle;
- 151           (3) a copy of the contract between the property owner and the towing  
152           firm; and
- 153           (4) a diagram of the dimensions of the parking lot including a mark  
154           indicating the locations of each sign stating the parking  
155           restrictions and disclosures required by County and State law.
- 156       (g) A property owner must update the information provided to the Office of  
157       Consumer Protection within 24 hours of any changes to the information  
158       provided under subsection (f).

159       (h) A property owner must provide annual reports regarding the number of  
160       vehicles towed and the reason why each vehicle was towed, unless the  
161       Director of the Office of Consumer Protection waives the requirement  
162       after finding that Police Department records meet the Office's needs for  
163       enforcement of this Chapter.

164 **30C-5. Public notice; tow procedures.**

165       (a) *Requirement.* Before towing a motor vehicle from private property  
166       without the consent of the vehicle owner, the property owner and the  
167       towing company must comply with all applicable provisions of this  
168       section.

169       (b) *Signs.*

170       (1) A property owner must post a sign, notifying the public of  
171       parking restrictions, at least 24 hours before towing or ordering  
172       the towing of an unauthorized vehicle.

173       (2) The property owner must post a sufficient number of signs so  
174       that:

175       (A) at least one sign is clearly readable from each parking area  
176       and each vehicle entrance to the property at all times; or

177       (B) in a parking lot with more than 45 parking spaces, at least  
178       one sign must be posted in a conspicuous place for each 45  
179       parking spaces and each sign can be read from all affected  
180       spaces.

181       (3) Each sign must:

182       (A) be at least 24 inches high by 30 inches wide;

183       (B) summarize all parking restrictions on the property enforced  
184       by towing unauthorized vehicles, including time and area  
185       restrictions;

- 186 (C) state that a vehicle parked in violation of the restrictions  
 187 may be towed at the vehicle owner's expense;
- 188 (D) state that County and State law require that towed vehicles  
 189 be available for redemption 24 hours per day, seven days  
 190 per week;
- 191 (E) state the maximum amount that the owner of the vehicle  
 192 may be charged for the towing or removal of an  
 193 unauthorized vehicle;
- 194 (F) list the name and telephone number of each towing  
 195 company hired to tow unauthorized vehicles from the  
 196 property, and the location to which the vehicle will be  
 197 towed;
- 198 (G) be sized and located so that it is able to be read by  
 199 motorists in daylight and at night; and
- 200 (H) be maintained in a legible and unobstructed condition.
- 201 (4) An owner of residential property, including a condominium,  
 202 cooperative or homeowners' association, may also have an  
 203 unauthorized vehicle towed from that property by posting the  
 204 signs required in subsection (b)(2) only at the entrances to that  
 205 property and:
- 206 (A) a notice specifying a violation of an applicable rule or  
 207 covenant is securely attached to the vehicle in a  
 208 conspicuous place;
- 209 (B) the date and time the notice was attached is written on it;
- 210 (C) the notice informs the vehicle owner that:

- 211 (i) the violation must be corrected or the vehicle may  
212 be towed at the vehicle owner's expense 48 hours  
213 after the notice is attached; and
- 214 (ii) an unauthorized vehicle that has received a notice  
215 of the same violation under this Section on the same  
216 property within the previous 180 days may be towed  
217 without any further notice; and
- 218 (D) the vehicle is not towed until at least 48 hours after the  
219 notice is attached unless the unauthorized vehicle received  
220 a notice of the same violation under this Section on the  
221 same property within the previous 180 days.
- 222 (5) An owner of a commercial parking lot may have an unauthorized  
223 vehicle towed from that property by posting the signs required in  
224 subsection (b)(2) only at the entrances to that property and:
- 225 (A) a notice specifying a violation of an applicable rule or  
226 covenant is securely attached to the vehicle in a  
227 conspicuous place;
- 228 (B) the date and time the notice was attached is written on it;
- 229 (C) the notice informs the vehicle owner that:
- 230 (i) the violation must be corrected or the vehicle may  
231 be towed at the vehicle owner's expense 24 hours  
232 after the notice is attached; and
- 233 (ii) an unauthorized vehicle that has received a notice  
234 of the same violation under this Section on the same  
235 property within the previous 180 days may be towed  
236 without any further notice; and



- 263           (7)    An agent of a property owner, for the purpose of ordering the  
 264           towing of an unauthorized vehicle, must not:  
 265           (A)   be employed by, or have any member of his or her  
 266           immediate family employed by, any towing company; or  
 267           (B)   have any financial interest in any towing company or the  
 268           towing of any motor vehicle.

269           This provision does not apply if the towing company is the record  
 270           owner of property from which a motor vehicle is towed.

- 271           (8)    An unauthorized vehicle may be towed from private property  
 272           without the express authorization of the property owner or the  
 273           owner's agent only:  
 274           (A)    Between 2:00 a.m. and 9:00 a.m.; or  
 275           (B)    if the vehicle is blocking a clearly marked fire lane or  
 276           access to another vehicle, the property or a building on the  
 277           property.

- 278           (9)    Before towing or authorizing the towing of an unauthorized  
 279           vehicle from private property under this Section, a person must  
 280           obtain photographic evidence of the violation or event that  
 281           precipitated the towing of the vehicle. The photograph must be  
 282           available for inspection by any interested party for at least one  
 283           year, and a copy of the photograph must be provided to the  
 284           vehicle owner along with the receipt required under Section 30C-  
 285           9.

- 286           (d)   (1)   A property owner may move a vehicle within a parking lot  
 287           without prior notice to the vehicle owner, but must not remove  
 288           the vehicle from the lot, when moving the vehicle is necessary  
 289           to:

- 290 (A) remove large quantities of snow or debris;
- 291 (B) repair the parking lot; or
- 292 (C) respond to a threat to a person's safety or health.
- 293 (2) In moving a vehicle within a parking lot, a property owner must:
- 294 (A) take reasonable care not to damage the vehicle;
- 295 (B) pay any cost of moving the vehicle; and
- 296 (C) inform the vehicle owner where the vehicle was relocated
- 297 or return the vehicle to its original location as soon as
- 298 possible.
- 299 (e) A vehicle must not be towed from private property solely for a violation
- 300 of failure to display a valid current registration under Section 13-411 of
- 301 the Transportation Article of the Annotated Code of Maryland until 72
- 302 hours after a notice of violation is placed on the vehicle.
- 303 (f) Except between 2:00 a.m. and 9:00 a.m., a towing company must not
- 304 monitor, patrol, or otherwise surveil commercial property for the
- 305 purposes of identifying unauthorized parked vehicles for towing and
- 306 removal.

307 **30C-6. Notice.**

- 308 (a) A towing company that tows an unauthorized vehicle from private
- 309 property must notify the County or municipal Police Department with
- 310 jurisdiction over the site of the tow before the towing company leaves
- 311 the property. The towing company must tell the Police Department:
- 312 (1) the name of the towing company;
- 313 (2) the make, model, color, year, vehicle identification number and
- 314 registration plate number of the towed vehicle;
- 315 (3) the address the vehicle was towed from;
- 316 (4) the time the vehicle was towed;

- 317 (5) the reason the vehicle was towed; and  
 318 (6) the storage site where the vehicle will be stored.
- 319 (b) The towing company must promptly notify the police department if the  
 320 towing company moves the vehicle to another storage site.
- 321 (c) The property owner and the towing company must retain each tow  
 322 authorization form and, for those vehicles towed without a tow  
 323 authorization form, the towing company must retain a record of the  
 324 information furnished to the police for one year after the tow. The  
 325 Police Department, the Office, and the owner of any vehicle towed by  
 326 the service may inspect and copy tow authorization forms at any time  
 327 during normal business hours.
- 328 (d) The towing company must promptly notify the County Police  
 329 Department by telephone of each vehicle that has remained in a towing  
 330 company's possession for 72 hours. The towing company must tell the  
 331 Police Department:  
 332 (1) all information required under subsection (a); and  
 333 (2) the vehicle identification number of the towed vehicle.
- 334 (e) Within seven days after the towing or removal of the vehicle, the towing  
 335 company must notify the owner, any secured party, and the insurer of  
 336 record by certified mail, return receipt requested, and first class mail, of  
 337 the same information required to be given to the Police Department  
 338 under subsection (a) of this Section.
- 339 (f) The towing Company must provide to the owner, any secured party, and  
 340 the insurer of record the itemized actual costs of providing notice under  
 341 this Section.

342 **30C-7. Handicapped vehicle owners.**

343 A property owner must not authorize a towing company to tow a vehicle with  
344 a valid handicapped registration plate or valid disabled person's parking permit  
345 conspicuously displayed from private property without the consent of the  
346 vehicle owner unless:

- 347 (a) the tow is expressly authorized by a police officer at the request of the  
348 property owner; or  
349 (b) the vehicle is blocking a clearly marked fire lane or access to another  
350 vehicle, the property or a building on the property.

351 **30C-8. Incomplete tows.**

- 352 (a) If a vehicle owner returns to an unauthorized vehicle at any time after  
353 the vehicle is attached to the tow truck but before it is towed from  
354 private property, the towing company must release the vehicle to the  
355 owner if the owner pays a release fee as provided in Section 30C-3(c).  
356 The towing service must accept payment by cash or credit card as under  
357 Section 30C-9(b) and must not charge any other fee for attaching or  
358 releasing the vehicle.
- 359 (b) A towing company must not charge for releasing an unauthorized  
360 vehicle unless the service has physically attached the vehicle to the tow  
361 truck and lifted the vehicle at least 6 inches off the ground before the  
362 vehicle owner returns. If the towing company has begun to attach the  
363 vehicle to the tow truck but has not completed the attachment or lifted  
364 the vehicle, the towing company must release the vehicle without  
365 charging the owner any fee.
- 366 (c) A towing company must not block an unauthorized vehicle with a tow  
367 truck to obtain payment from the vehicle owner before attaching the  
368 vehicle to the tow truck.

369 (d) The towing company must provide a receipt that includes a reference to  
 370 the County Code provisions setting the release fee and meets all of the  
 371 requirements for receipts under Section 30C-9(e), indicating the release  
 372 fee paid and the date of the incomplete tow.

373 **30C-9. Redemption and storage procedures.**

374 (a) *Storage of towed vehicles.* A towing company must immediately deliver  
 375 a towed vehicle directly to a storage site that complies with the  
 376 following conditions:

377 (1) A storage site must not be more than 15 miles from the origin of  
 378 the tow. Every storage site must be located in Montgomery  
 379 County, unless the nearest storage site is within one mile of the  
 380 County line.

381 (2) A storage site must be brightly lit at all times.

382 (3) A towed vehicle must not be stored more than a reasonable  
 383 walking distance from a redemption area.

384 (4) The towed vehicle and its contents must be kept secured at all  
 385 times.

386 (5) The storage site must remain open and have personnel on-site for  
 387 redemption of vehicles at 24 hours per day, seven days a week.

388 (6) The storage site must be identified by a sign at the entrance  
 389 indicating the name and telephone number of the tow service.

390 (b) *Payment and promise to pay.*

391 (1) *Cash payment.* A trespass towing company must accept payment  
 392 in cash, or by a traveler's check accompanied by reasonable  
 393 identification.

394 (2) *Credit card payment.* Each trespass towing company must accept  
 395 the two most widely used major credit cards. The Office must

Comment [HJ3]: For some reason, this wasn't in the brackets, so it didn't come out.

396 define, in regulations under method (2), which major credit cards  
397 are the two most widely used.

398 (3) *Withholding payment.* If:

399 (A) the vehicle owner withholds payment in a credit card  
400 transaction with a towing service under this Chapter; and

401 (B) a court in any subsequent civil action finds that the tow  
402 was valid and the amount charged was correct; the vehicle  
403 owner must pay the towing company, in addition to the  
404 amount validly charged, liquidated damages of two times  
405 the amount validly charged (but not more than \$1,000.00)  
406 and all reasonable costs of collection, including court costs  
407 and a reasonable attorney's fee.

408 (4) *Applicability.* This subsection applies to payment of any charge  
409 arising from the towing or storage of a vehicle without the  
410 owner's consent, and to payment for an incomplete tow under  
411 Section 30C-8.

412 (5) *Purpose.* This subsection and Section 30C-8 do not create or  
413 imply a lien in favor of a towing company when such a lien  
414 would not otherwise exist. This subsection and Section 30C-8 do  
415 not give a towing company a right to retain possession of any  
416 vehicle it would otherwise have to return to the vehicle owner.

417 (c) *Rates displayed.* Every trespass towing company must display  
418 prominently, at each redemption area, a copy of its current rates and a  
419 statement that these rates do not exceed the rates filed with the Office.  
420 Every trespass towing company must also display prominently a sign,  
421 furnished at a reasonable fee by the Office, listing the Office's telephone  
422 number and summarizing the vehicle owner's rights under this Chapter.

- 423 (d) *Storage fee.* A trespass towing company must not charge a storage fee  
 424 for any time before the vehicle actually reaches the storage site.
- 425 (e) *Receipt.* Upon receiving payment, a towing company must furnish the  
 426 vehicle owner a receipt on a form approved by the Office. The receipt  
 427 must:
- 428 (1) record the amount paid to redeem the vehicle, the actions for  
 429 which the vehicle owner paid, and the date and time of the  
 430 redemption;
  - 431 (2) be signed legibly by an agent of the towing company, and list the  
 432 name, address and telephone number of the towing company;
  - 433 (3) identify the violation or event that precipitated the towing of the  
 434 vehicle;
  - 435 (4) include photographic evidence of the violation required under  
 436 subsection 30C-5(c)(11); and
  - 437 (5) briefly inform the vehicle owner that the Office can explain the  
 438 vehicle owner's rights and how to enforce them in small claims  
 439 court or another appropriate forum if the vehicle owner believes  
 440 that any provision of County law has been violated, and that the  
 441 owner may obtain a copy of the law from the Office.
- 442 (f) *Damage waiver.* A trespass towing company must not require a vehicle  
 443 owner to sign any waiver of the owner's right to receive compensation  
 444 for damages to the vehicle.
- 445 (g) *Inspection and retrieval of personal property.* A storage site that is in  
 446 the possession of a towed vehicle shall make the vehicle available,  
 447 without charge, to the owner, the owner's agent, a secured party, or  
 448 the insurer of record, under the supervision of the storage site, for:
- 449 (1) inspection; or

Comment [HJ4]: Need technical amendment to 30C5(c)(9)

450           (2) retrieval from the vehicle of personal property that is not  
451                     attached to the vehicle.

452 **30C-10. Liability for damages.**

453           (a) Any trespass towing company, and any private property owner who  
454                     authorizes, expressly or under a standing authorization, the towing of a  
455                     vehicle from private property, are liable for violation of any duty  
456                     imposed on the company or owner by this Chapter with regard to:

- 457                     (1) any towing of a vehicle that does not comply with this Chapter;
- 458                     (2) any towing of a vehicle in the mistaken belief that the vehicle  
459                     was not authorized to park in the place from which it was towed;  
460                     and
- 461                     (3) any damages to a towed vehicle incurred during the tow or  
462                     storage and caused by a lack of reasonable care by the towing  
463                     company, the property owner or an agent of either.

464           (b) A property owner is not liable for the towing of a vehicle if the property  
465                     owner did not expressly authorize the towing, and does not otherwise  
466                     have a business relationship with the towing company.

467           (c) Except as provided in subsection (b), a property owner and a towing  
468                     company are jointly and severally liable for the violation of any duty  
469                     imposed by this Chapter on the towing company, with a right of  
470                     contribution or indemnification.

471           (d) A vehicle owner must mitigate any damages recoverable under this  
472                     Chapter.

473           (e) Damages payable under subsections (a)(1) and (a)(2) are three times the  
474                     amount of any towing, release or storage fees charged.

475 **30C-11. Rebates prohibited.**

476 A towing company must not pay or offer to pay a property owner, and a  
477 property owner must not accept payment, for authorizing the towing of a vehicle  
478 from any private property.

479 **30C-12. Enforcement, police power, subpoena authority.**

480 (a) The Office of Consumer Protection and the Montgomery County Police  
481 Department enforce this Chapter.

482 (b) A police officer or Office of Consumer Protection investigator may  
483 order a towing company to release a vehicle, or to stop attaching a  
484 vehicle, at any time to prevent a breach of the peace or if the  
485 investigator or officer has reasonable cause to believe that the tow  
486 would be or was unlawful.

487 (c) The Office may issue subpoenas to compel the production of  
488 documents, papers, books, records, and other evidence relevant to the  
489 investigation of a complaint filed with the Office in any matter to which  
490 this Chapter applies.

491 (1) If any person does not comply with any subpoena issued under  
492 this Chapter, the County may enforce the subpoena by  
493 appropriate legal action.

494 (2) Any court with jurisdiction may grant injunctive or other  
495 appropriate relief to enforce a subpoena.

496 (3) A person must comply with any subpoena issued under this  
497 Chapter.

498 (d) Any violation of this Chapter is a Class A violation. The maximum  
499 civil fine is \$500 for a first offense, and \$1,000 for subsequent offenses.

500 **30C-13. Immobilization prohibited.**

501 (a) *Applicability.* A person must not immobilize a motor vehicle owned by  
502 another person on private property, without the consent of the vehicle  
503 owner.

504 (b) *Civil remedy.* Any person whose vehicle has been unlawfully  
505 immobilized, unlawfully held after being lawfully immobilized, or  
506 damaged while immobilized, may recover from the owner of the  
507 property or any other person responsible for immobilizing the vehicle,  
508 in a civil action, the greater of:

509 (1) all actual damages sustained; or

510 (2) liquidated damages of \$100.

511 This remedy does not replace or limit any other remedy available by  
512 law.

513 *Approved:*

514 \_\_\_\_\_  
George Leventhal, President, County Council Date

515 *Approved:*

516 \_\_\_\_\_  
Isiah Leggett, County Executive Date

517 *This is a correct copy of Council action.*

518 \_\_\_\_\_  
Linda M. Lauer, Clerk of the Council Date

519