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Montgomery County Code

Chapter 30C. Motor Vehicle Towing and Immobilization on Private Property. [Note]

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Sec. 30C-1. Scope; purpose.

(a) Scope.

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

(2) This Chapter does not apply to:

- (A) towing initiated by the vehicle owner;
- (B) towing approved or requested by a police officer, firefighter, or rescue squad member in the course of a criminal investigation or under State law regulating abandoned vehicles; or
- (C) towing a vehicle while repossessing it.
- (D) towing from the yard or driveway of a single-family dwelling; or
- (E) towing from land immediately adjoining an electric or telephone utility building or

structure that is not open to the general public.

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

(b) Purpose. The purpose of this Chapter is to protect the health, safety, and welfare of County residents and to regulate and authorize the County Executive to set maximum rates for the towing of vehicles from private property without the consent of the vehicle owner. This Chapter does not authorize the immobilization, towing or holding of any vehicle. To the extent that legal authority to immobilize, tow or hold a vehicle without the consent of its owner exists, that authority must be derived from other statutes or the common law. This Chapter restricts the exercise of any such legal authority. (1988 L.M.C., ch. 29, § 2; 1996 L.M.C., ch. 13, § 1; 1996 L.M.C., ch. 22, § 1; 1997 L.M.C., ch. 21, § 1; [2005 L.M.C., ch. 26](#), § 1; 2015 L.M.C., ch. 40, § 1.)

Editor's note—2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.

Sec. 30C-2. Definitions.

In this Chapter:

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

GVWR means gross vehicle weight rating for the vehicle.

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

Office means the Office of Consumer Protection.

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

Property owner means the person in whose name the property is titled, or any other person in lawful possession or control of the 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 exclusive right to use the common elements, or the agent of that unit owner or owners.

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

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

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

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

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

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

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

Vehicle means 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.

Vehicle Owner means the person in whose name the title to a vehicle is registered. (2015 L.M.C., ch. 40, § 1.)

Sec. 30C-3. Maximum rates.

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

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

(1) towing, which includes attaching the vehicle to be towed to the tow truck, towing the vehicle to a storage site, and the first 24 hours of storage;

(2) storing the vehicle until it is redeemed; and

(3) any other service needed to safely remove a vehicle.

(c) The fee for releasing a vehicle under section 30C-8 must not exceed \$25.

(d) A towing company may charge a vehicle owner a fee for providing notice under section 30C-6(e) only if the vehicle has not been reclaimed within 48 hours after the towing or removal of the vehicle; the fee must not exceed the actual cost of providing that notice.

(e) A towing company must not charge for any act not listed in this section unless that act was expressly requested by the vehicle owner. (1988 L.M.C., ch. 29, § 2; 1997 L.M.C., ch. 21, § 1; 2015 L.M.C., ch. 40, § 1.)

Sec. 30C-4. Administration; rates.

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

(b) Every trespass towing company must register with the Office and must file a schedule of its rates for each action connected with the towing or storage of unauthorized vehicles. The Office may disapprove a rate that exceeds a maximum rate set under Section 30C-2.

(c) A trespass towing company must not charge a rate that is higher than the rate on file with the Office for any action in connection with the towing or storage of any unauthorized vehicle.

(d) Each trespass towing company must furnish the Office proof that it carries the insurance required under Section 31A-15(b). Each trespass towing company must inform the Office of the type of business organization or ownership in which the company operates and the names and current addresses of all owners or, if the company is a corporation, of the officers of the corporation and the name and address of a person authorized to accept service of process.

(e) A property owner must not order the towing of an unauthorized vehicle unless the property owner has entered into a written contract that authorizes a towing company to tow vehicles from the owner's property. This provision does not apply if the towing company is the record owner of the property from which a vehicle is towed. The property owner and the towing company must keep on file each contract that is in effect, or that was terminated within the previous 12 months. The Office, the Police Department, and the owner of any vehicle towed by the company may inspect and copy any contract during normal business hours. The Office may issue model contracts that meet the requirements of this Chapter.

Any new written contract must include:

(1) a statement that the property owner is responsible for posting proper and sufficient signage to notify the public of parking restrictions;

(2) a statement that the property owner is responsible for expressly authorizing the towing of a particular vehicle, except as allowed under 30C-5(c)(10), and that the existence of this contract does not constitute express authorization;

(3) a statement that a property owner or towing company is liable for a violation of any duty imposed on the property owner or towing company by Chapter 30C, and the damages payable are three times the amount of any towing, release or storage fees charged;

(4) a statement that a property owner and a towing company are jointly and severally liable for a violation of any duty imposed on the towing company by Chapter 30C, with a right of contribution or indemnification; and

(5) a statement that any violation of any duty imposed on the property owner or towing company by Chapter 30C subjects the property owner or towing company to a potential fine of up to \$1,000.00.

(f) Any property owner wishing to engage in the non-consensual towing of vehicles from their property must first register each commercial parking lot with the Office of Consumer Protection using an electronic registration program. The property owner must provide:

(1) the name and contact information for the property owner;

(2) the name and contact information of all individuals who may authorize the towing of each vehicle;

(3) a copy of the contract between the property owner and the towing firm; and

(4) a diagram of the dimensions of the parking lot including a mark indicating the locations of

each sign stating the parking restrictions and disclosures required by County and State law.

(g) A property owner must update the information provided to the Office of Consumer Protection within 24 hours of any changes to the information provided under subsection (f).

(h) A property owner must provide annual reports regarding the number of vehicles towed and the reason why each vehicle was towed, unless the Director of the Office of Consumer Protection waives the requirement after finding that Police Department records meet the Office's needs for enforcement of this Chapter. (1988 L.M.C., ch. 29, §2; 1996 L.M.C., ch. 13, § 1; 1997 L.M.C., ch. 21, §1; [2005 L.M.C., ch. 26](#), § 1; 2015 L.M.C., ch. 40, § 1.)

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[Sec. 30C-5. Public notice; tow procedures.](#)

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

(b) Signs.

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

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

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

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

(3) Each sign must:

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

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

(C) state that a vehicle parked in violation of the restrictions may be towed at the vehicle owner's expense;

(D) state that County and State law require that towed vehicles be available for redemption

24 hours per day, seven days per week;

(E) state the maximum amount that the owner of the vehicle may be charged for the towing or removal of an unauthorized vehicle;

(F) list the name and telephone number of each towing company hired to tow unauthorized vehicles from the property, and the location to which the vehicle will be towed;

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

(H) be maintained in a legible and unobstructed condition.

(4) An owner of residential property, including a condominium, cooperative or homeowners' association, may also have an unauthorized vehicle towed from that property by posting the signs required in subsection (b)(2) only at the entrances to that property and:

(A) a notice specifying a violation of an applicable rule or covenant is securely attached to the vehicle in a conspicuous place;

(B) the date and time the notice was attached is written on it;

(C) the notice informs the vehicle owner that:

(i) the violation must be corrected or the vehicle may be towed at the vehicle owner's expense 48 hours after the notice is attached; and

(ii) an unauthorized vehicle that has received a notice of the same violation under this Section on the same property within the previous 180 days may be towed without any further notice; and

(D) the vehicle is not towed until at least 48 hours after the notice is attached unless the unauthorized vehicle received a notice of the same violation under this Section on the same property within the previous 180 days.

(5) An owner of a commercial parking lot may have an unauthorized vehicle towed from that property by posting the signs required in subsection (b)(2) only at the entrances to that property and:

(A) a notice specifying a violation of an applicable rule or covenant is securely attached to the vehicle in a conspicuous place;

(B) the date and time the notice was attached is written on it;

(C) the notice informs the vehicle owner that:

(i) the violation must be corrected or the vehicle may be towed at the vehicle owner's expense 24 hours after the notice is attached; and

(ii) an unauthorized vehicle that has received a notice of the same violation under this Section on the same property within the previous 180 days may be towed without any further notice; and

(D) the vehicle is not towed until at least 24 hours after the notice is attached unless the unauthorized vehicle received a notice of the same violation under this Section on the same property within the previous 180 days.

(c) Tow procedures.

- (1) Except as provided in subsection (c)(10), a towing company must not tow a motor vehicle from private property unless the property owner has, directly or through an agent, expressly authorized the towing of the particular vehicle.
- (2) The property owner must authorize the towing of a vehicle in writing via tow authorization form in person, or via fax, email, or other electronic means approved by the Director of the Office of Consumer Protection.
- (3) The Office may issue a model tow authorization form.
- (4) Any property owner or any person acting as an agent of a property owner, must not:
 - (A) falsely state that a property owner authorized the towing of a particular vehicle; or
 - (B) record any false information about the towing of a particular vehicle.
- (5) A towing company must not charge a vehicle owner any fee for the services of another agent of the property owner.
- (6) A person must not act as a property owner's agent for the purpose of ordering the towing of an unauthorized vehicle, unless the owner or property manager has expressly authorized in writing the person to so act.
- (7) An agent of a property owner, for the purpose of ordering the towing of an unauthorized vehicle, must not:
 - (A) be employed by, or have any member of his or her immediate family employed by, any towing company; or
 - (B) have any financial interest in any towing company or the towing of any motor vehicle.This provision does not apply if the towing company is the record owner of property from which a motor vehicle is towed.
- (8) An unauthorized vehicle may be towed from private property without the express authorization of the property owner or the owner's agent only:
 - (A) between 2:00 a.m. and 9:00 a.m.; or
 - (B) if the vehicle is blocking a clearly marked fire lane or access to another vehicle, the property or a building on the property.
- (9) Before towing or authorizing the towing of an unauthorized vehicle from private property under this Section, a person must obtain photographic evidence of the violation or event that precipitated the towing of the vehicle. The photograph must be available for inspection by any interested party for at least one year, and a copy of the photograph must be provided to the vehicle owner along with the receipt required under Section 30C-9.
- (d) (1) A property owner may move a vehicle within a parking lot without prior notice to the vehicle owner, but must not remove the vehicle from the lot, when moving 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.

(2) In moving a vehicle within a parking lot, a property owner must:

(A) take reasonable care not to damage the vehicle;

(B) pay any cost of moving the vehicle; and

(C) inform the vehicle owner where the vehicle was relocated or return the vehicle to its original location as soon as possible.

(e) A vehicle must not be towed from private property solely for a violation of failure to display a valid current registration under Section 13-411 of the Transportation Article of the Annotated Code of Maryland until 72 hours after a notice of violation is placed on the vehicle.

(f) Except between 2:00 a.m. and 9:00 a.m., a towing company must not monitor, patrol, or otherwise surveil commercial property for the purposes of identifying unauthorized parked vehicles for towing and removal. (1988 L.M.C., ch. 29, § 2; 1996 L.M.C., ch. 13, § 1; 1997 L.M.C., ch. 21, § 1; [2005 L.M.C., ch. 26](#), § 1; 2015 L.M.C., ch. 40, § 1.)

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Sec. 30C-6. Notice.

(a) A towing company that tows an unauthorized vehicle from private property must notify the County or municipal Police Department with jurisdiction over the site of the tow before the towing company leaves the property. The towing company must tell the Police Department:

(1) the name of the towing company;

(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;

(5) the reason the vehicle was towed; and

(6) the storage site where the vehicle will be stored.

(b) The towing company must promptly notify the police department if the towing company moves the vehicle to another storage site.

(c) The property owner and the towing company must retain each tow authorization form and, for those vehicles towed without a tow authorization form, the towing company must retain a record of

the information furnished to the police for one year after the tow. The Police Department, the Office, and the owner of any vehicle towed by the service may inspect and copy tow authorization forms at any time during normal business hours.

(d) The towing company must promptly notify the County Police Department by telephone of each vehicle that has remained in a towing company's possession for 72 hours. The towing company must tell the Police Department:

- (1) all information required under subsection (a); and
- (2) the vehicle identification number of the towed vehicle.

(e) Within seven days after the towing or removal of the vehicle, the towing company must notify the owner, any secured party, and the insurer of record by certified mail, return receipt requested, and first class mail, of the same information required to be given to the Police Department under subsection (a) of this Section.

(f) The towing Company must provide to the owner, any secured party, and the insurer of record the itemized actual costs of providing notice under this Section. (1988 L.M.C., ch. 29, § 2; 1996 L.M.C., ch. 13, § 1; 1997 L.M.C., ch. 21, §1; [2005 L.M.C., ch. 26](#), § 1; 2015 L.M.C., ch. 40, § 1.)

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[Sec. 30C-7. Handicapped vehicle owners.](#)

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

- (a) the tow is expressly authorized by a police officer at the request of the property owner; or
- (b) the vehicle is blocking a clearly marked fire lane or access to another vehicle, the property or a building on the property. (1988 L.M.C., ch. 29, § 2; 1997 L.M.C., ch. 21, §1; 2015 L.M.C., ch. 40, § 1.)

[Sec. 30C-8. Incomplete tows.](#)

(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 company must release the vehicle to the owner if the owner pays a release fee as provided in Section 30C-3(c). The towing

service must accept payment by cash or credit card as under Section 30C-9(b) and must not charge any other fee for attaching or releasing the vehicle.

(b) A towing company must not charge for releasing an unauthorized vehicle unless the service has physically attached the vehicle to the tow truck and lifted the vehicle at least 6 inches off the ground before the vehicle owner returns. If the towing company has begun to attach the vehicle to the tow truck but has not completed the attachment or lifted the vehicle, the towing company must release the vehicle without charging the owner any fee.

(c) A towing company must not block an unauthorized vehicle with a tow truck to obtain payment from the vehicle owner before attaching the vehicle to the tow truck.

(d) The towing company must provide a receipt that includes a reference to the County Code provisions setting the release fee and meets all of the requirements for receipts under Section 30C-9(e), indicating the release fee paid and the date of the incomplete tow. (1988 L.M.C., ch. 29, § 2; 1997 L.M.C., ch. 21, §1; 2015 L.M.C., ch. 40, § 1.)

Sec. 30C-9. Redemption and storage procedures.

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

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

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

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

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

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

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

(b) Payment and promise to pay.

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

(2) Credit card payment. Each trespass towing company must accept the two most widely used major credit cards. The Office must define, in regulations under method (2), which major credit cards are the two most widely used.

(3) Withholding payment. If:

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

(B) a court in any subsequent civil action finds that the tow was valid and the amount

charged was correct;

the vehicle owner must pay the towing company, in addition to the amount validly charged, liquidated damages of two times the amount validly charged (but not more than \$1,000.00) and all reasonable costs of collection, including court costs and a reasonable attorney's fee.

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

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

(c) **Rates displayed.** Every trespass towing company must 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. Every trespass towing company must also display prominently a sign, furnished at a reasonable fee by the Office, listing the Office's telephone number and summarizing the vehicle owner's rights under this Chapter.

(d) **Storage fee.** A trespass towing company must not charge a storage fee for any time before the vehicle actually reaches the storage site.

(e) **Receipt.** Upon receiving payment, a towing company must furnish the vehicle owner a receipt on a form approved by the Office. The receipt must:

(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 company, and list the name, address and telephone number of the towing company;

(3) identify the violation or event that precipitated the towing of the vehicle;

(4) include photographic evidence of the violation required under subsection 30C- 5(c)(11);
and

(5) briefly inform the vehicle owner that the Office can explain the vehicle owner's rights and how to enforce them in small claims court or another appropriate forum if the vehicle owner believes that any provision of County law has been violated, and that the owner may obtain a copy of the law from the Office.

(f) **Damage waiver.** A trespass towing company must not require a vehicle owner to sign any waiver of the owner's right to receive compensation for damages to the vehicle.

(g) **Inspection and retrieval of personal property.** A storage site that is in the possession of a towed vehicle shall make the vehicle available, without charge, to the owner, the owner's agent, a secured party, or the insurer of record, under the supervision of the storage site, for:

(1) inspection; or

(2) retrieval from the vehicle of personal property that is not attached to the vehicle. (1988 L.M.C., ch. 29, § 2; 1996 L.M.C., ch. 13, § 1; 1997 L.M.C., ch. 21, §1; [2005 L.M.C., ch. 26](#), § 1; 2015 L.M.C., ch. 40, § 1.)

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Sec. 30C-10. Liability for damages.

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

(1) any towing of a vehicle that does not comply with this Chapter;

(2) any towing of a vehicle in the mistaken belief that the vehicle was not authorized to park in the place from which it was towed; and

(3) any damages to a towed vehicle incurred during the tow or storage and caused by a lack of reasonable care by the towing company, the property owner or an agent of either.

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

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

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

(e) Damages payable under subsections (a)(1) and (a)(2) are three times the amount of any towing, release or storage fees charged. (1988 L.M.C., ch. 29, § 2; 1997 L.M.C., ch. 21, §1; 2015 L.M.C., ch. 40, § 1.)

Sec. 30C-11. Rebates prohibited.

A towing company must not pay or offer to pay a property owner, and a property owner must not accept payment, for authorizing the towing of a vehicle from any private property. (1988 L.M.C., ch. 29, § 2; 2015 L.M.C., ch. 40, § 1.)

Sec. 30C-12. Enforcement, police power, subpoena authority.

(a) The Office of Consumer Protection and the Montgomery County Police Department enforce

this Chapter.

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

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

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

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

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

(d) Any violation of this Chapter is a Class A violation. The maximum civil fine is \$500 for a first offense, and \$1,000 for subsequent offenses. (2015 L.M.C., ch. 40, § 1.)

Sec. 30C-13. Immobilization prohibited.

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

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

- (1) all actual damages sustained; or
- (2) liquidated damages of \$100.

This remedy does not replace or limit any other remedy available by law. (1996 L.M.C., ch. 22, § 1; 1997 L.M.C., ch. 21, § 1; 2015 L.M.C., ch. 40, § 1.)

Notes

[Note] *Editor's note-In Cade v. Montgomery County, 83 Md. App. 419, 575 A.2d 744 (1990), cert. denied, 320 Md. 350, 578 A.2d 190 (1990), U.S. cert. denied, 112 L.Ed.2d 1047 (1991), the court upheld ch. 30C against challenges of unreasonable exercise of police power and unconstitutionality on the contended grounds that this legislation interfered with private property rights by requiring property owners to post notices that unauthorized vehicles will be towed and by prohibiting the towing of vehicles with handicap identification, that the law's failure to create an express possessory lien denied the right of a towing company to require payment of its fee prior to releasing a towed vehicle, and that the law's provision requiring a towing company to accept payment by check or credit card violated Art. I, § 10 of the U.S. Constitution which restricts legal tender to cash.

Cross reference-Motor vehicle repair and towing registration, ch. 31A.

