



MID-COUNTY CITIZENS ADVISORY BOARD

Isiah Leggett  
County Executive

Ana L. van Balen  
Director

May 19, 2015

The Honorable George Leventhal  
President, Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

Dear Council President Leventhal:

The Mid County Citizen Advisory Board (MCCAB) is writing to provide comments on Bill 17-15, Motor Vehicle Towing and Immobilization on Private Property –Amendments. MCCAB is pleased that many of the concerns we expressed and incorporated into a letter to then Council President Craig Rice and County Executive Isiah Leggett ([May 29th, 2014: MCCAB letter on addressing predatory towing](#)) are addressed in Bill 17-15. To achieve a bill that more clearly defines responsibilities and further balances different stakeholder interests while achieving its laudable objectives, MCCAB would like to recommend the following modifications to the bill:

- **Remove ambiguity in describing “property owner”:** Bill 17-15 should ensure that it defines “property owner” to include the “property manager” or “owner’s agent”. Currently the bill does not always treat these concepts uniformly. (See, e.g., line 144 referring only to the “record owner of property” ; line 166 referring only to the “property owner,” and line 175 referring to the “property owner or [the owner’s agent] property manager”).
- **For towed vehicles, provide a clear and definable rate, a 24-hour grace period, and towing company responsibility for damage:** The bill if implemented would require the County Executive to set maximum or flat rates to recover towed vehicles. MCCAB recommends that council require the County Executive to set and publish a flat maximum rate to be published and distributed to consumers, business owners, and towing companies in hopes of avoiding disagreements among everyone involved. Also, the bill should have a 24-hour grace period to recover a towed vehicle without storage charges being incurred, and have a provision making clear that towing companies are liable for damages to vehicles resulting from towing or storage.
- **Define who records and keeps photographic evidence of violations:** Bill 17-15 requires photographic evidence of a violation to justify a towing. It does not make clear whether the towing company or the business is responsible for managing and

maintaining photographs. Since the business owner must maintain and keep written logs of cars towed on their property under Section 30C-5 Notice to Police, MCCAB recommends that Bill 17-15 state that the property owners (or property managers or the agents of the owners) must also maintain photo records.

- **Distinguish commercial lots from residential Home Owners Association (HOA) lots for purposes of towing procedures.** Unlike the notice provisions of the bill which draw a distinction between residential properties and commercial properties, currently the bill's towing procedures draw no such distinction. We are concerned that this lack of distinction in towing procedures will work too harshly on HOAs, not taking into consideration the responsibilities, burdens and costs of meeting the needs of residential communities.

Increasing the role of the Office of Consumer Protection in towing matters, improved signage in parking lots with clear instructions on tow warnings, and greater consumer awareness are all aspects of the bill for which MCCAB advocated in its letter last year. We will continue to support these measures and any additional provisions that expand upon these actions.

The issue of towing is important to residents, visitors, and businesses of our communities. MCCAB wants to ensure that any law regarding towing practices is fair to all parties involved, balancing legitimate economic development, consumer protection, and public safety needs while addressing towing abuses in our community. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Kieran C. McHargue". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Kieran McHargue, Chair