

HB1120/540712/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1120

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “circumstances;” insert “providing that a motor vehicle towing and storage lienor may only sell a motor vehicle to which a lien is attached in a certain manner; requiring a motor vehicle towing and storage lienor to return certain motor vehicle registration plates to the Motor Vehicle Administration under certain circumstances; requiring the Motor Vehicle Administration to provide a receipt for the return of certain motor vehicle registration plates;”; in line 20, after “that” insert “and locations to which”; in line 22, after “vehicle” insert “under certain circumstances; authorizing a tower to charge certain persons for the actual costs of providing certain notice”; and in line 24, after “departments;” insert “requiring a tower to provide certain notice to certain persons within a certain time period after towing a vehicle from a parking lot; requiring a tower to provide certain persons with certain itemized costs;”.

On page 2, in line 3, strike “a certain manner” and substitute “certain manners under certain circumstances”; and in line 4, strike “premises;” and substitute “premises under certain circumstances; requiring a storage facility that is in possession of a towed vehicle to make the vehicle available to certain persons for certain purposes;”.

AMENDMENT NO. 2

On page 3, in line 9, after “OF” insert “, AND PROVIDING ANY REQUIRED NOTICE REGARDING,”.

On page 4, in line 12, strike the third “THE” and substitute “:

(Over)

(I) THE LOCAL JURISDICTION IN WHICH THE MOTOR VEHICLE WAS ACQUIRED LICENSES TOW TRUCK OPERATORS; AND

(II) THE;

in line 14, strike the first “**THE**” and substitute “**THAT**”; in the same line, strike “**IN WHICH THE MOTOR VEHICLE WAS ACQUIRED**”; after line 14, insert:

“(3) A MOTOR VEHICLE TOWING AND STORAGE LIENOR MAY ONLY SELL A MOTOR VEHICLE TO WHICH A LIEN IS ATTACHED THROUGH A LICENSED DEALER OR AN AUCTIONEER.

(4) (I) IF A MOTOR VEHICLE TOWING AND STORAGE LIENOR SELLS A MOTOR VEHICLE TO WHICH A LIEN IS ATTACHED, THE LIENOR SHALL RETURN ANY REGISTRATION PLATES FOR THE MOTOR VEHICLE IN ITS POSSESSION TO THE MOTOR VEHICLE ADMINISTRATION.

(II) THE MOTOR VEHICLE ADMINISTRATION SHALL PROVIDE THE LIENOR WITH A RECEIPT FOR ANY MOTOR VEHICLE REGISTRATION PLATES RETURNED UNDER THIS PARAGRAPH.;

in line 35, after “**VEHICLE**” insert “**, THE INSURER OF RECORD,**”; and in line 36, strike “**KNOWN**” and substitute “**PERFECTED**”.

On page 5, in line 10, after “**VEHICLE**” insert “**, THE INSURER OF RECORD,**”; and in line 24, after “**OWNER**” insert “**, INSURER OF RECORD,**”.

On page 6, in line 19, after “home” insert “**, THE INSURER OF RECORD,**”.

On page 7, in line 10, strike “PENCIL TRACING AND PHOTOGRAPH” and substitute “DIGITAL IMAGE”.

On page 9, in line 13, strike “IS VALUED AT” and substitute “HAS AN AVERAGE WHOLESALE VALUE OF”; in line 13, strike “\$7,500” and substitute “\$5,000”; and in line 20, after “PARTY” insert “AND INSURER OF RECORD”.

AMENDMENT NO. 3

On page 16, in line 6, strike “ordinances” and substitute “LOCAL LAWS”; in line 7, after “in” insert “, OR OTHERWISE REGULATING IN A MORE STRINGENT MANNER,”; in line 30, strike the brackets; in the same line, strike “SUBJECT TO SUBSECTION (B) OF THIS SECTION, A”; in line 31, strike “more” and substitute “:”

(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, MORE;

and in line 32, after “lot” insert “; **OR**

(2) OUTSIDE OF THE STATE”.

On page 17, in line 3, strike “(A)” and substitute “**(A)(1)**”; in line 6, strike “A” and substitute “UNLESS OTHERWISE SET BY LOCAL LAW, A”; in line 7, strike “vehicle or” and substitute “VEHICLE,”; in the same line, after “agent” insert “, THE INSURER OF RECORD, OR ANY SECURED PARTY”; in line 8, strike “THE AMOUNT OF”; in line 9, strike the brackets; in the same line, strike “More than twice” and substitute “TWICE”; in the same line strike “THE”; in line 14, after “SUBDIVISION” insert “FROM WHICH THE VEHICLE WAS TOWED”; in line 18, strike “\$400” and substitute “\$300”; in the same line, strike “\$35” and substitute “\$30”; in line 19, strike “AND”; in line 20, after “(IV)” insert “THE ACTUAL COST OF PROVIDING”

(Over)

NOTICE UNDER THIS SECTION AND § 16-207 OF THE COMMERCIAL LAW ARTICLE; AND

(v);

and in line 32, after “(3)” insert “SHALL NOTIFY THE OWNER, ANY SECURED PARTY, AND THE INSURER OF RECORD BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND FIRST-CLASS MAIL WITHIN 72 HOURS AFTER TOWING OR REMOVING THE VEHICLE FROM THE PARKING LOT, AND SHALL PROVIDE THE SAME INFORMATION REQUIRED IN A NOTICE TO A POLICE DEPARTMENT UNDER ITEM (2) OF THIS SECTION;

(4) SHALL PROVIDE TO THE OWNER, ANY SECURED PARTY, AND THE INSURER OF RECORD THE ITEMIZED ACTUAL COSTS OF PROVIDING NOTICE UNDER THIS SECTION AND § 16-207 OF THE COMMERCIAL LAW ARTICLE;

(5).

On page 18, in lines 7, 10, 15, and 17, strike “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, “(8)”, and “(9)”, respectively.

On page 19, in line 13, after “(C)” insert “(1)”; in lines 15 and 18, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; in line 15, strike “ACCEPT” and substitute “SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ACCEPT”; in line 16, after “BY” insert “CASH OR”; and after line 19, insert:

“(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A STORAGE FACILITY IS UNABLE TO PROCESS A CREDIT CARD PAYMENT AND DOES NOT HAVE AN OPERABLE AUTOMATIC TELLER MACHINE ON

THE PREMISES, THE STORAGE FACILITY SHALL ACCEPT A PERSONAL CHECK AS PAYMENT FOR OUTSTANDING TOWING AND STORAGE CHARGES.

(II) A STORAGE FACILITY MAY REFUSE TO ACCEPT A PERSONAL CHECK AS PAYMENT IF IT IS UNABLE TO PROCESS A CREDIT CARD FOR THE PAYMENT BECAUSE USE OF THE CREDIT CARD HAS BEEN DECLINED BY THE CREDIT CARD COMPANY.

(3) A STORAGE FACILITY THAT IS IN POSSESSION OF A TOWED VEHICLE SHALL MAKE THE VEHICLE AVAILABLE TO THE OWNER, THE OWNER'S AGENT, THE INSURER OF RECORD, OR A SECURED PARTY, UNDER THE SUPERVISION OF THE STORAGE FACILITY, FOR:

(I) INSPECTION; OR

(II) RETRIEVAL FROM THE VEHICLE OF PERSONAL PROPERTY THAT IS NOT ATTACHED TO THE VEHICLE.”.