

SENATE BILL 107

14

(PRE-FILED)

4lr1444
CF HB 514

By: **Senator James**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 **Commercial Law – Statutory Liens – Motor Vehicles Towed or Removed From**
3 **Parking Lots**

4 FOR the purpose of establishing that a certain person has a lien on a motor vehicle towed
5 or removed from a privately owned parking lot for certain charges under certain
6 circumstances; establishing the circumstances in which the lien is extinguished;
7 ~~providing for the retroactive application of this Act;~~ and generally relating to
8 statutory liens and motor vehicles.

9 BY adding to

10 Article – Commercial Law

11 Section 16–202(e)

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2023 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Commercial Law**

17 16–202.

18 **(E) (1) A PERSON HAS A LIEN ON A MOTOR VEHICLE IF THE PERSON TOWS**
19 **OR REMOVES THE MOTOR VEHICLE FROM A PRIVATELY OWNED PARKING LOT UNDER**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **TITLE 21, SUBTITLE 10A OF THE TRANSPORTATION ARTICLE, ON BEHALF OF THE**
2 **PARKING LOT OWNER OR AGENT, FOR ANY CHARGE INCURRED FOR ANY:**

- 3 (I) TOWING;
- 4 (II) RECOVERY;
- 5 (III) STORAGE; OR
- 6 (IV) NOTICE PROVIDED.

7 (2) A LIEN CREATED UNDER THIS SUBSECTION SHALL BE
8 EXTINGUISHED IF THE MOTOR VEHICLE IS RECLAIMED AND THE CHARGES GIVING
9 RISE TO THE LIEN ARE PAID BY:

- 10 (I) THE OWNER OF THE MOTOR VEHICLE;
- 11 (II) THE LESSEE OF THE MOTOR VEHICLE;
- 12 (III) THE OPERATOR OF THE MOTOR VEHICLE;
- 13 (IV) THE INSURER OF RECORD;
- 14 (V) ANY SECURED PARTY; OR
- 15 (VI) ANY AUTHORIZED AGENT OF THE MOTOR VEHICLE OWNER.

16 (3) A LIEN IS CREATED UNDER THIS SUBSECTION WHEN ANY
17 CHARGES GIVING RISE TO THE LIEN ARE INCURRED.

18 (4) A LIEN CREATED UNDER THIS SUBSECTION IS SUBORDINATE TO A
19 SECURITY INTEREST THAT PREDATES THE CREATION OF THE LIEN.

20 SECTION 2. ~~AND BE IT FURTHER ENACTED, That this Act shall be construed to~~
21 ~~apply retroactively and shall be applied to and interpreted to affect any action for the~~
22 ~~wrongful retention of a motor vehicle arising out of the towing or removal of the motor~~
23 ~~vehicle from a privately owned parking lot under Title 21, Subtitle 10A of the~~
24 ~~Transportation Article occurring before the effective date of this Act.~~

25 ~~SECTION 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2024.