

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Bill No. CB-086-2024

Chapter No. _____

Proposed and Presented by Council Member Dernoga

Introduced by Council Members Dernoga, Oriadha, Blegay Watson, Olson, Ivey,
Harrison, Fisher, Hawkins and Burroughs

Co-Sponsors _____

Date of Introduction October 22, 2024

BILL

1 AN ACT concerning

2 Abandoned Vehicles

3 For the purpose of providing for the prohibition of abandoning vehicles within the County under
4 certain circumstances; providing for certain increased fines; providing for certain increased
5 penalties; and generally regarding towing of abandoned vehicles.

6 BY repealing and reenacting with amendment:

7 SUBTITLE 26. VEHICLES AND TRAFFIC.

8 Section 26-162,

9 The Prince George's County Code

10 (2023 Edition).

11 BY repealing and reenacting with amendments:

12 SUBTITLE 5. BUSINESSES AND LICENSES.

13 Sections 5-265,5-272 , and 5-273

14 The Prince George's County Code

15 (2023 Edition).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that Section 26-162 of the Prince George's County Code be and the same is hereby
18 repealed and reenacted with the following amendments:

19 **SUBTITLE 26. VEHICLES AND TRAFFIC.**

20 **DIVISION 14. ABANDONED VEHICLES.**

1 **Sec. 26-162. - Abandoned vehicles prohibited.**

2 (a) No person shall leave any abandoned vehicle at any place within the County and no
 3 owner, lessee, or custodian in charge of any lot, field, road, street, lane, or other property
 4 shall permit any abandoned vehicle to remain on such property within the County.

5 (b) Abandoned vehicle means any motor vehicle, trailer, or semitrailer:

6 (1) That is inoperable and left unattended on public property for more than forty-eight
 7 (48) hours;

8 (2) That has remained illegally on public property for more than forty-eight (48) hours;

9 (3) That has remained on public property for more than forty-eight (48) hours; and

10 (A) Is not displaying currently valid registration plates; and/or

11 (B) Is displaying registration plates of another vehicle; and/or

12 (C) Is in violation of Section 26-122.01 of this Subtitle;

13 (4) That has remained on private property for more than forty-eight (48) hours; and

14 (A) Is inoperable in that one or more of its major mechanical components,
 15 including but not limited to engine, transmission, drive train, and wheels, is missing or not
 16 functional unless such vehicle is kept in an enclosed building or as permitted by Subtitle 13 or
 17 Subtitle 27 of the Code; or

18 (B) Is not displaying currently valid registration plates; or

19 (C) Is displaying registration plates of another vehicle.

20 (c) Any partially dismantled, wrecked, or junked motor vehicle may be presumed to have
 21 been or be abandoned.

22 (d) Any person issued a citation for a violation of Section 26-162(a) shall be subject to a
 23 fine of [Fifty Dollars (\$50.00)]One Hundred Dollars for the first violation (\$100.00), Five
 24 Hundred Dollars (\$500.00) for a second violation and One Thousand Dollars \$1,000.00 for each
 25 additional violation.

26 (e) Curbstoning, as defined in Section 26-122.01 of this Subtitle, shall be subject to a fine
 27 of up to One Thousand Dollars (\$1,000) for each offense.

28 (f)The Revenue Authority of Prince George's County shall be authorized to enforce this
 29 Code provision.

30 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
 31 Maryland, that Sections 5-265, 5-272 and 5-273 of the Prince George's County Code be and the

1 same are hereby repealed and reenacted with the following amendments:

2 **SUBTITLE 5. BUSINESSES AND LICENSES.**

3 **DIVISION 21. TOWING REGULATIONS.**

4 **Sec. 5-265. - License required; penalty.**

5 (a) Except as provided in Section 5-266 of this Division, it shall be unlawful for any person
6 to provide a towing service in Prince George's County, Maryland, without first having obtained a
7 license from the Department.

8 (b) Each license shall be renewed on an annual basis.

9 (c) A person who provides a towing service in Prince George's County without a license is
10 guilty of a misdemeanor and on conviction is subject to a fine not exceeding [One Thousand
11 Dollars (\$1,000.00)] Five Thousand Dollars (\$5,000.00) or imprisonment not to exceed six (6)
12 months, or both.

13 (d) Any tow truck providing towing services without a license shall be subject to
14 impoundment in accordance with regulations issued by the Director and may only be retrieved
15 upon presentation to the Department of proof of license and/or payment of a fine of [One
16 Thousand Dollars (\$1,000.00)] Five Thousand Dollars (\$5,000.00).

17 * * * * *

18 **Sec. 5-272. - Prohibited acts.**

19 (a) It shall be unlawful for any towing company or tow truck operator licensed under the
20 provisions of this Division to move, tow, or store any motor vehicle to a place more than fifteen
21 (15) miles from the place of removal or to a location outside of Prince George's County without
22 the consent of the owner, operator, insurer or primary lienholder.

23 (b) It shall be unlawful for any towing company or tow truck operator by any statement or
24 action, to make any false representation to the effect that such person conducting the towing
25 service represents or is approved by any organization which provides emergency road service for
26 motor vehicles, or to make false representation as to the name of the towing company.

27 (c) It shall be unlawful for any towing company or tow truck operator at the scene of an
28 accident or breakdown to require the execution of an agreement to have repair work performed
29 as a condition to providing towing service.

30 (d) (1) It shall be unlawful for any towing company or tow truck operator to use any
31 public space for the accommodation of a motor vehicle removed from the scene of an accident or

1 breakdown, or impoundment, except as the use of any such space may be directed by a member
2 of the Police Department.

3 (2) Notwithstanding Section 5-272(d)(1), it shall be unlawful for any tow truck
4 operator to leave any abandoned vehicle at any place within the County in violation of Section
5 26-162 (a) of Division 26 Vehicles and Traffic.

6 (e) It shall be unlawful for any tow truck operator to furnish any towing service at the scene
7 of an accident or breakdown unless he has been authorized or called to such scene by the owner
8 or operator of the motor vehicle or by a member of the Police Department. The Police
9 Department shall only contract and use towing companies licensed by the Department. If the tow
10 is at the request of the Police Department, the motor vehicle shall be removed by the towing
11 company so called by the Police Department. In all cases of Police Department requested tows,
12 the Police Officer requesting the towing service shall affix a sticker to the upper left-hand corner,
13 rear window, of the motor vehicle designating the name of the towing service called to the scene
14 of the accident or breakdown. Any violation of this Section by the towing company or tow truck
15 operator shall be guilty of a misdemeanor and on conviction is subject to a fine not exceeding
16 [One Thousand Dollars (\$1,000.00)] Five Thousand Dollars (\$5,000) or imprisonment not to
17 exceed six (6) months, or both for each offense.

18 **Sec. 5-273. - Denial, revocation, suspension, refusal to renew license.**

19 (a) The Director is hereby authorized to deny, suspend, revoke, or refuse to renew any
20 licenses issued under this Division if the Director finds that:

21 (1) The applicant or licensee has failed to comply with any provision contained in the
22 Prince George's County Code.

23 (2) The applicant or licensee furnished or made misleading or false statements on
24 reports, certifications and written documents required by this Division.

25 (3) A court of competent jurisdiction has found an applicant for a license or a licensee
26 guilty of criminal activity during the preceding three (3) years directly relating to the operation
27 or business of towing or for a crime involving theft or a related crime involving dishonesty or
28 theft of property or constitutes a series of crimes which include receiving or the sale of stolen
29 motor vehicles. A plea of nolo contendere shall be deemed to be the equivalent of a conviction of
30 guilty plea for purposes of this Division.

31 (4) A court of competent jurisdiction has found any tow truck operator guilty of a

1 criminal act authorized by the licensee.

2 (5) A motor vehicle has been towed by a towing company without the consent of the
3 owner or operator of the motor vehicle or without the direction of the Police Department or
4 authorized under some authority of law.

5 (6) A tow truck operator has knowingly failed to comply with the specific requirement
6 of any laws regulating the towing of motor vehicles.

7 (7) The licensee has failed to make available for inspection by the Director or the
8 Police Department such daily towing log as required by Section 5-268 (m).

9 (8) The licensee has failed to allow the Police Department reasonable access to inspect
10 any motor vehicle listed in the daily log that has been impounded or stored upon the storage
11 facility of the towing company.

12 (9) The licensee has willfully and deliberately engaged in a course of conduct which is
13 in violation of any provision of Division 8 of Subtitle 2 of the Prince George's County Code or
14 the consumer protection laws of the State, or has repeatedly demonstrated a disregard for
15 compliance with any provision or provisions of Division 8 of Subtitle 2 of the Prince George's
16 County Code or the consumer protection laws of the State.

17 (10) The licensee has failed to comply with an order to reimburse the owner of a motor
18 vehicle that was deemed improperly towed within fifteen (15) days of the order or failed to
19 comply with any other order of a hearing officer resulting from a proceeding under this Code or
20 such regulations as the Director may issue.

21 (11) The licensee has failed to accept a credit card for payment at its business location
22 or storage facility more than five (5) times in a year.

23 (12) The licensee has failed to appear at a hearing three (3) times in a three (3) month
24 period.

25 (13) The licensee has abandoned a vehicle in violation of Section 5-272(d)(2).

26 (b) No license shall be denied, suspended, revoked, or not renewed hereunder without the
27 Director first notifying, in writing, the licensee and its resident agent, and providing the reasons
28 for said denial, suspension, revocation or refusal to renew a license. The written notice shall be
29 served by delivery of said notice to all parties by registered or certified mail. Any party
30 aggrieved by a decision or action of the Director shall have the right to request a hearing within
31 ten (10) calendar days after the date of such decision or action. At least fifteen (15) calendar days

1 prior to the date set for the hearing, the Director shall notify the licensee to the proceeding and its
2 resident agent in writing of the date, time and place set for the hearing and the charge made, and
3 afford all parties the opportunity to be heard in person and by counsel in reference thereto. The
4 written notice shall be served by the delivery of the notice to all parties by registered or certified
5 mail. Within ten (10) working days following the hearing, the Director shall render a final
6 decision and the reasons therefor in writing and shall forward a copy of the same to all parties by
7 certified or registered mail.

8 (c) The Director may deny, suspend, revoke, or refuse to renew any license issued under
9 this Division for a period of time determined by the Director to be just and reasonable in relation
10 to the severity of the violations found to exist under this Section. If a license has been denied,
11 revoked, or not renewed, the applicant shall not be eligible to apply for another license for a
12 period of twelve (12) months after the date on which the Director rendered a denial, revocation
13 or refusal to renew decision.

14 **Sec. 5-274. - Appeals.**

15 (a) Any party aggrieved by a final decision of the Director with respect to the denial,
16 suspension, revocation, or refusal to renew a license shall have the right to appeal any such
17 decision to the Board of Appeals for Prince George's County, Maryland, within ten (10) calendar
18 days after receipt of a denial, suspension, revocation or refusal to renew decision rendered by the
19 Director. Appeals to the Board of Appeals from denial, suspension, revocation, or refusal to
20 renew decision of the Director shall be on the record of the hearing before the Director. The
21 Board may only reverse, modify, or remand the decision of the Director only if the decision of
22 the Director is clearly erroneous, illegal, arbitrary or capricious, or unsupported by any
23 substantial evidence. The Board shall not have the authority to issue an order which is in conflict
24 with a lawful order of the Director, the requirements and provisions of this Division, federal or
25 State law. The Board of Appeals shall render a final decision within forty (40) calendar days
26 after receiving the notice of appeal.

27 (b) Any party aggrieved by a final decision by the Board of Appeals, including the Director,
28 shall be entitled to file an appeal within thirty (30) days to the Circuit Court for Prince George's
29 County, Maryland. Such appeals shall be governed by the provisions of the Maryland Rules
30 pertaining to administrative appeals.

1 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
2 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
3 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
4 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
5 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
6 Act, since the same would have been enacted without the incorporation in this Act of any such
7 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
8 or section.

9 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
10 calendar days after it becomes law.

Adopted this ____ day of _____, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.