

**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 \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**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 and 5-272 ,

14 The Prince George's County Code

15 (2023 Edition).

16 BY adding:

17 SUBTITLE 5. BUSINESSES AND LICENSES.

18 Section 5-274.02 ,

19 The Prince George's County Code

20 (2023 Edition).

21 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,

Maryland, that Section 26-162 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

**SUBTITLE 26. VEHICLES AND TRAFFIC.**

**DIVISION 14. ABANDONED VEHICLES.**

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

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

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

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

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

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

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

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

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

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

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

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

(C) Is displaying registration plates of another vehicle.

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

(d) Any person issued a citation for a violation of Section 26-162(a) shall be subject to a fine of [Fifty Dollars (\$50.00)] Five Hundred Dollars (\$500.00) for each violation.

(e) Pursuant to Section 5-273 of Division 21 of Subtitle 5 of the County Code, the Director may deny, revoke, suspend, and refuse to renew a license, for a violation by a person including a tow company of Section 5-272(d) of Division 21 of Subtitle 5 and/or Section 26-162

1 (a) of this Division.

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

4 [(f)] (g) The Revenue Authority of Prince George's County shall be authorized to enforce  
5 this Code provision.

6 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,  
7 Maryland, that Sections 5-265 and 5-272 of the Prince George's County Code be and the same  
8 are hereby repealed and reenacted with the following amendments:

9 **SUBTITLE 5. BUSINESSES AND LICENSES.**

10 **DIVISION 21. TOWING REGULATIONS.**

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

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

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

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

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

24 \* \* \* \* \*

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

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

30 (b) It shall be unlawful for any towing company or tow truck operator by any statement or  
31 action, to make any false representation to the effect that such person conducting the towing

1 service represents or is approved by any organization which provides emergency road service for  
2 motor vehicles, or to make false representation as to the name of the towing company.

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

6 (d) (1) It shall be unlawful for any towing company or tow truck operator to use any  
7 public space for the accommodation of a motor vehicle removed from the scene of an accident or  
8 breakdown, or impoundment, except as the use of any such space may be directed by a member  
9 of the Police Department.

10 (2) Notwithstanding Section 5-272(d)(1), it shall be unlawful for any tow truck  
11 operator to leave any abandoned vehicle at any place within the County and no owner, lessee, or  
12 custodian in charge of any lot, field, road, street, lane, or other property shall permit any  
13 abandoned vehicle to remain on such property within the County.

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

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

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

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

31 (2) The applicant or licensee furnished or made misleading or false statements on

1 reports, certifications and written documents required by this Division.

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

8 (4) A court of competent jurisdiction has found any tow truck operator guilty of a  
9 criminal act authorized by the licensee.

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

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

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

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

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

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

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

31 (12) The licensee has failed to appear at a hearing three (3) times in a three (3) month

1 period.

2 (b) No license shall be denied, suspended, revoked, or not renewed hereunder without the  
3 Director first notifying, in writing, the licensee and its resident agent, and providing the reasons  
4 for said denial, suspension, revocation or refusal to renew a license. The written notice shall be  
5 served by delivery of said notice to all parties by registered or certified mail. Any party  
6 aggrieved by a decision or action of the Director shall have the right to request a hearing within  
7 ten (10) calendar days after the date of such decision or action. At least fifteen (15) calendar days  
8 prior to the date set for the hearing, the Director shall notify the licensee to the proceeding and its  
9 resident agent in writing of the date, time and place set for the hearing and the charge made, and  
10 afford all parties the opportunity to be heard in person and by counsel in reference thereto. The  
11 written notice shall be served by the delivery of the notice to all parties by registered or certified  
12 mail. Within ten (10) working days following the hearing, the Director shall render a final  
13 decision and the reasons therefor in writing and shall forward a copy of the same to all parties by  
14 certified or registered mail.

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

21 **Sec. 5-274. - Appeals.**

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

1 State law. The Board of Appeals shall render a final decision within forty (40) calendar days  
 2 after receiving the notice of appeal.

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

7 SECTION 3. BE IT ENACTED by the County Council of Prince George's County,  
 8 Maryland, that Section 5-274.02 of the Prince George's County Code be and the same is hereby  
 9 added:

10 **SUBTITLE 5. BUSINESSES AND LICENSES.**

11 **DIVISION 21. TOWING REGULATIONS.**

12 **Sec. 5-274.01. - Penalties.**

13 Except as provided otherwise in this Division, a violation by a person of any of the  
 14 provisions of this Division is guilty of a misdemeanor and on conviction is subject to a fine not  
 15 exceeding One Thousand Dollars (\$1,000.00) or imprisonment not to exceed six (6) months, or  
 16 both.

17 **Sec. 5-274.02. – Penalties, towing of abandoned vehicles.**

18 (a) Pursuant to Section 5-273, the Director may deny, revoke, suspend, and refuse to renew a  
 19 license, for a violation by a person including a tow company of Section 5-272(d) of this Division  
 20 and/or Section 26-162 (a) of Division 26 Vehicles and Traffic.

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

29 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
 30 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.

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