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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session

1992

Bill No. _____ CB-68-

1992

Chapter No.

Proposed and Presented by _____ Council Member

Mills _____

Introduced by

Co-Sponsors

Date of Introduction

BILL

AN ACT concerning

Towing Vehicles from Private Property

FOR the purpose of providing that notice of a hearing be provided by the County Police to the property owner and the towing company which towed a vehicle from private property at least 48 hours prior to the hearing.

BY repealing and reenacting with amendments:

SUBTITLE 26. VEHICLES AND TRAFFIC.

Section 26-142.10,

The Prince George's County Code

(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 26-142.10 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments: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 10. TOWING AND IMPOUNDMENT OF MOTOR

VEHICLES FROM PRIVATE PROPERTY.

Sec. 26-142.10. Hearing; determination; appeals.

(a) Within twenty-one (21) days from the date notice is mailed by the County Police pursuant to Sections 26-142.8 or 26-142.9 of this Division, the owner or secured party of a vehicle which has been impounded may request that a hearing be held to determine whether the vehicle was properly towed and impounded under the provisions of this Division. The request for a hearing shall be made by filing a request-for-hearing form with the County Police.

(b) The hearing shall be held within three (3) working days after the request for a hearing is filed with the County Police. Notice of the hearing shall be provided by the County Police to the property owner of the property from which the vehicle was towed and to the towing company which towed the

vehicle at least 48 hours prior to the hearing. The hearing shall be before a hearing officer designated by the County Attorney of Prince George's County. Such hearing officer shall not be a member of any state or local police department.

(c) Determination as to whether vehicle was parked illegally.

(1) If it is determined at the hearing that the vehicle was not parked on private property in violation of this Division, then the hearing officer shall issue an order that the vehicle be returned to the owner and that such owner is not liable for any of the towing, storage or other charges incurred by the County Police in connection with the impoundment. If the owner has already paid such towing, storage and other charges to the County Police, he shall be entitled to receive reimbursement of all such payments from the County Police which, in turn, shall be entitled to payment of all such charges from the property owner who filed the complaint which caused the towing and impoundment of the vehicle.

(2) If the hearing officer shall determine that the vehicle was illegally parked on private property in violation of this Division, then the owner of the vehicle may not reclaim it until he has paid to the County Police all towing and storage charges and costs of notice incurred by the County Police.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this _____ day of _____, 1992.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Richard J. Castaldi
Chairman

ATTEST:

Joyce T. Sweeney
Acting Clerk of the Council

APPROVED:

DATE: _____

BY:

Parris N. Glendening
County Executive

KEY:

Underscoring indicates language added to existing law.