

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 11/19/2001

Reference No.: CB-101-2001

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot

Item Title: An Act deleting the requirement for a property owner to initiate towing of a vehicle from private property under certain conditions

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Carol B. White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: 12/13/2001 US

Committee Referral: 10/2/2001 THE

Effective Date: 1/28/2002

Committee Action: 11/8/2001 FAV

Date Introduced: 10/2/2001

Public Hearing: 11/19/2001 10:00 A.M.

Council Action: 11/19/2001 ENACTED

Council Votes: RVR:N, DB:N, JE:A, IG:N, TH:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

11/19/2001: Amended on the floor, DR-2 enacted

TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE DATE: 11/8/01

Committee Vote: Favorable, 3-1, (In favor: Council Members Estep, Hendershot and Shapiro, Against: Gourdin)

Staff gave an overview of the legislation and informed the Committee of referral comments that were received. The current requirement is to have the property owner or the owner's agent initiate a request to tow. CB-101-2001 deletes the requirement for a property owner to initiate the towing of a vehicle from private property under certain conditions. The conditions are: if the towing occurs during the hours of 10:00 P.M. and 7:00 A.M.; or if the vehicle is directly blocking a clearly marked fire lane, a handicapped parking space or access to the property or a

building on the property.

The Legislative Officer finds it to be in proper legislative form and the Office of Audits and Investigations determines that there should not be any negative fiscal impact on the County as a result of enacting CB-101-2001.

The sponsor of CB-101-2001 indicates that this legislation attempts to address the concern that occurs late at night when the property owner is not on site to sign the tow slip. This primarily occurs at apartment complexes and the towing companies have contractual agreements with the landlord. The sponsor further states that Montgomery County currently permits towing without a signed tow slip. The sponsor raised the question that there may be potential conflict with the County Ordinance and the Interstate Commerce Act.

A Committee member raised concern that the Police and Fire Departments were not represented at the Committee worksession. Concern was expressed that in emergency situations access to property and/or fire hydrant is prohibited due to an illegally parked vehicle. It was mentioned that law enforcement is notified within an hour of towing.

The Department of Environmental Resources presented written comments. It is their belief that the proposed exemptions to towing places far too much discretionary and arbitrary authority in the hands of the towing companies. The Vehicle Audit Unit anticipates that this legislation would create a significant increase in towing from private property. Additional staff would be required to handle the workload. Further, the determination of what constitutes “blocking the access to the property or a building on the property” is at the arbitrary discretion of the tow truck driver and profits may be an incentive for abuse.

The DER comments also indicated that during the 2002 legislative session, towing legislation to improve the current regulations will be submitted.

Frank Emig, Attorney representing, Henry’s Wrecker Service Company of Fairfax, Inc., spoke in support of CB-101-2001.

The Committee recommended the following language, on page 2, beginning at line 6, add “If the property owner has a written contract with the towing company.”

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed legislation would amend the provisions of the County Code relating to towing from private property. The current requirement to have the property owner or the owner's agent initiate a request to tow would be eliminated in certain circumstances.

CODE INDEX TOPICS: