

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-39-2012

Chapter No. 50

Proposed and Presented by The Chair (by request – County Executive)

Introduced by Council Members Harrison, Davis, Franklin, Lehman and Patterson

Co-Sponsors _____

Date of Introduction October 9, 2012

BILL

1 AN ACT concerning

2 Towing Regulations

3 For the purpose of amending provisions of the County Code relating to towing regulations and
4 procedures for providing notice of vehicle impoundment from private property.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 5. BUSINESSES AND LICENSES.

7 Section 5-268,

8 The Prince George's County Code

9 (2007 Edition, 2010 Edition).

10 SUBTITLE 26. VEHICLES AND TRAFFIC

11 Sections 26-142.08, 26-142.09, 26-142.10, 26-142.11,

12 26-142.12 and 26-142.14,

13 The Prince George's County Code

14 (2007 Edition, 2010 Edition).

15 BY repealing:

16 SUBTITLE 26. VEHICLES AND TRAFFIC

17 Section 26-142.13,

18 The Prince George's County Code

19 (2007 Edition, 2010 Edition).

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

1 Maryland, that Sections 5-268, 26-142.08, 26-142.09, 26-142.10, 26-142.11, 26-142.12 and 26-
2 142.14 of the Prince George's County Code be and the same are hereby repealed and reenacted
3 with the following amendments:

4 **SUBTITLE 5. BUSINESS AND LICENSES.**
5 **DIVISION 21. TOWING REGULATIONS.**

6 **Sec. 5-268. Issuance of license; categories of license.**

7 * * * * *

8 (l) Each towing company licensed under the provisions of this Division shall be required
9 to maintain a daily towing log. Such daily towing log shall be maintained by the licensee for one
10 (1) year. The daily towing log shall include the following:

- 11 (1) The license plate number of the motor vehicle towed;
- 12 (2) The location the motor vehicle was towed to and from;
- 13 (3) The reasons for towing;
- 14 (4) The name and telephone number of the person authorizing the towing of the
- 15 motor vehicle;
- 16 (5) The year, make and model of the vehicle towed;
- 17 (6) Copy of each notification letter, return receipt, and notice of publication for each
- 18 motor vehicle towed;
- 19 (7) Additional pertinent information, other than financial, as required by the Director.

20 * * * * *

21 **Sec. 26-142.08. Notification to owner.**

22 (a) [Notification after impoundment shall be in accordance with the provisions of Section
23 26-168 of this Code.] Within three (3) full [County working] business days after impoundment
24 of any vehicle pursuant to Section 26-146.06 of this Code, the towing company shall mail a
25 notice by [registered] certified mail to the last known registered owner of the vehicle, the insurer
26 and to each secured party, as may be disclosed by the vehicle license number or vehicle
27 identification number, if such be obtainable, and to any other person who claims the right to
28 possession of the vehicle, if such a claim is actually known to the towing company. If a vehicle
29 is redeemed prior to the mailing of such notice, then notice need not be mailed.

30 (b) The notice shall:

1 (1) State that the vehicle has been taken into custody for violation of the County
 2 ordinance prohibiting unauthorized parking on private property;

3 (2) State the year, make, model, and vehicle identification number of the vehicle;

4 (3) Give the location of the impoundment facility where the vehicle is held;

5 (4) Inform the vehicle owner that he has the right to contest the validity of the towing
 6 and storage of his vehicle at any time within twenty-one (21) days of the date of such notice by
 7 filing a request for hearing with the Director on a request form which shall be included with such
 8 notice;

9 (5) Inform the owner and secured party of his right to reclaim the vehicle within
 10 twenty-one (21) days after the date of said notice on payment of all towing and storage charges
 11 resulting from the towing and storage of the vehicle;

12 (6) State that the failure of the owner or the secured party to exercise his right as
 13 provided in Subsection (b)(5), above, to reclaim the vehicle in the time provided is a waiver by
 14 him of all his right, title and interest in the vehicle [and is a consent to the sale of the vehicle at
 15 public auction].

16 **Sec. 26-142.09. Notification by publication.**

17 (a) This Section shall apply if:

18 (1) The identity of the last registered owner of an impounded vehicle cannot be
 19 determined;

20 (2) The registration of the vehicle gives no address for the owner;

21 (3) It is impossible to determine with reasonable certainty the identity and address of
 22 each secured party; or

23 (4) The [registered] certified mail notice required by Section 26-142.08 of this
 24 Division is returned as undeliverable.

25 (b) Under Subsection (a)(1) of this Section, the [Director] towing company shall give the
 26 notice provided for in Section 26-142.08 by publication in at least one (1) newspaper of general
 27 circulation in Prince George's County, Maryland.

28 (c) The notice by publication:

29 (1) May contain multiple listings of abandoned vehicles;

30 (2) Shall contain the information required by Section 26-142.08 of this Division; and

(3) Shall be published within fifteen (15) days of the taking into custody of the vehicle or, if the notice by publication is made because of the return as undeliverable of a prior notice by registered mail, within seven (7) days of the return of that prior notice.

Sec. 26-142.10. Hearing; determination; appeals; fines and penalties.

(a) Within twenty-one (21) days from the date notice is mailed by the [Director] towing company pursuant to Sections 26-142.08 or 26-142.09 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 Director. Notice of the hearing shall be sent by [registered] certified mail to the address provided by the vehicle owner on his request for hearing and to the tow company. Notice shall be mailed at least seven (7) working days prior to the scheduled hearing date.

* * * * *

Sec. 26-142.11. Payment of charges.

The owner or secured party of a vehicle which has been impounded may reclaim such vehicle within twenty-one (21) days of the date notice is mailed by [Director] towing company pursuant to Sections 26-142.08 or 26-142.09 by paying all towing and storage charges and costs of notice incurred in connection with said impoundment pursuant to regulations issued by the Director.

Sec. 26-142.12. Failure to reclaim vehicle.

If the owner or secured party fails to reclaim an impounded vehicle within twenty-one (21) days after notice is mailed by the [Director] towing company pursuant to this Division, the owner or secured party is deemed to have waived all of his right, title and interest in the vehicle [and to have consented to the sale of the vehicle at public auction].

* * * * *

Sec. 26-142.14. Fees.

(a) The towing charge is not to exceed:

(1) One Hundred Seventy-Five Dollars (\$175) for any vehicle up to ten thousand (10,000) pounds gross vehicle weight. The charge includes the first calendar day of storage, mileage, and hook-up fees, which includes the use of a dolly and transportation to a storage facility. The rate chargeable per day for storage where the motor vehicle is to be stored by the

1 towing company is not to exceed Fifty Dollars (\$50). A fee of no more than thirty dollars (\$30)
2 per notification letter, not to be charged until after 48 hours of impoundment or two (2) business
3 days. No other fees of any type shall be allowed, including but not limited to administrative fees
4 or additional charges for equipment.

5 (2) Three Hundred Dollars (\$300) for any vehicle between ten thousand one (10,001)
6 and twenty-six thousand (26,000) pounds gross vehicle weight and Seven Hundred Fifty Dollars
7 (\$750) for any vehicle over twenty-six thousand (26,000) pounds gross vehicle weight. The
8 charge includes winching, unlocking vehicles, go jacks, and dollies. The maximum storage
9 charge per day allowed shall be Fifty Dollars (\$50).). A fee of no more than thirty dollars (\$30)
10 per notification letter, not to be charged until after 48 hours of impoundment or two (2) business
11 days.

12 * * * * *

13 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, that Section 26-142.13 of the Prince George's County Code be and the same is hereby
15 repealed:

16 **Sec. 26-142.13. [Sale of vehicle; disposition of proceeds] Reserved.**

17 [If an impounded vehicle is not reclaimed as provided for in this Division, the vehicle may
18 be sold by the towing company at public auction. The buyer of the vehicle at auction shall take
19 title to the vehicle free and clear of any claim of ownership or lien, shall be entitled to a sales
20 receipt from the Director and shall be entitled to obtain a certificate of title of the vehicle and to
21 register it in his own name. The sales receipt shall be sufficient title for transferring the vehicle
22 to a scrap processor for dismantling, destroying or scrapping, in which case only, a certificate of
23 title is not required. The Director or the licensed towing company shall reimburse itself from the
24 proceeds of the sale of the vehicle for the costs of towing, preserving and storing the vehicle and
25 the expenses of the auction, including all notice and publication costs incurred under this
26 Division. Any remaining proceeds of the sale shall be held for ninety (90) days for the owner of
27 the vehicle and any entitled secured party, after which the remaining proceeds shall revert to the
28 treasury of Prince George's County.]

29 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
30 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
31 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of

1 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
2 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
3 Act, since the same would have been enacted without the incorporation in this Act of any such
4 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

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

7 Adopted this 7th day of November , 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.