

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2004 Legislative Session

Bill No. CB-96-2004

Chapter No. _____

Proposed and Presented by Council Member Exum

Introduced by Council Members Exum, Harrington, Dernoga, Dean, Bland and Knotts

Co-Sponsors _____

Date of Introduction November 1, 2004

BILL

1 AN ACT concerning

2 Towing Regulations

3 For the purpose of amending provisions of the Code relating to towing regulations and
 4 establishing penalties, amending the hours for a property owner to initiate the towing of a vehicle
 5 from private property under certain circumstances and establishing the fees to be charged for
 6 private property tow services.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 5. BUSINESSES AND LICENSES.

9 Section 5-268, 5-270, 5-271, and 5-272,

10 The Prince George's County Code

11 (1999 Edition, 2002 Supplement).

12 SUBTITLE 26. VEHICLES AND TRAFFIC.

13 Section 26-142.05,

14 The Prince George's County Code

15 (1999 Edition, 2002 Supplement).

16 BY adding:

17 SUBTITLE 26. VEHICLES AND TRAFFIC.

18 Section 26-142.14,

19 The Prince George's County Code

20 (1999 Edition, 2002 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 5-268, 5-270, 5-271, 5-272, and 26-142.05 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 21. TOWING REGULATIONS.

Sec. 5-268. Issuance of license.

(g) The motor vehicle shall be moved to the licensee's storage or repair facility within Prince George's County unless directed otherwise by the Police Department or the owner of the vehicle, or the owner's authorized agent. The storage or repair facility shall not under any circumstances be any area other than his established place of business as designated in the license issued by the Department of Environmental Resources. Supplementary or overflow storage shall not require separate offices, and must be within Prince George's County. Any motor vehicle so moved shall only be stored and no work shall be done on such motor vehicle without the consent of the owner or operator. Storage charges may only commence one (1) hour after the motor vehicle is, in fact, available for recovery by the owner or operator.

(k) Each towing service licensed under the provisions of this Division which provides trespass towing services must be available twenty-four (24) hours, seven (7) days a week to release vehicles within one (1) hour of receiving a call from the owner of the vehicle. Any violation of this Section shall be punishable by fine in the amount of \$1,000 for each offense.

Sec. 5-270. Insurance requirement.

(b) [The amount of the insurance shall be a minimum of Five Thousand Dollars (\$5,000.00) per towing vehicle and the sum may be increased or decreased under regulations established by the Director when there is statistical data indicating that this sum is insufficient or greater than is necessary to insure the protection of the general public] Each person who registers a tow truck under Section 13-920 of the Transportation Article of the Maryland Annotated Code shall obtain commercial liability insurance in the amount of at least \$100,000 per person, \$300,000 per occurrence bodily injury liability, and \$100,000 per occurrence property damage

1 liability. Each person obtaining a towing license under the provisions of this Division shall also
 2 list Prince George's County as an additional insured.

3 **Sec. 5-271. Continuing obligations.**

4 The licensing requirement as to adequate storage and/or repair facilities within Prince
 5 George's County and capability of towing apparatus, insurance and maintenance of daily towing
 6 log shall be a continuing obligation of the licensee.

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

8 (a) It shall be unlawful for any towing service or tow truck operator licensed under the
 9 provisions of this Division to move [or to], tow, or store any motor vehicle to a place more than
 10 [twenty (20)] fifteen (15) miles from the place of removal or outside of Prince George's County
 11 without the consent of the owner or operator.

12 * * * * *

13 (e) It shall be unlawful for any tow truck operator to furnish any towing service at the
 14 scene of an accident or breakdown unless he has been authorized or called to such scene by the
 15 owner or operator of the motor vehicle or by a member of the Police Department. If the tow is at
 16 the request of the County Police Department, the motor vehicle shall be removed by the towing
 17 company so called by the County Police Department. In all cases of County Police Department
 18 requested tows, the Police Officer requesting the towing service shall affix a sticker to the upper
 19 left-hand corner, rear window, of the motor vehicle designating the name of the towing service
 20 called to the scene of the accident or breakdown. Any violation of this Section by the towing
 21 service or tow truck operator shall be punishable by fine in the amount of \$1,000 for each
 22 offense.

23 **SUBTITLE 26. VEHICLES AND TRAFFIC.**

24 **DIVISION 10. TOWING AND IMPOUNDMENT OF MOTOR VEHICLES FROM**
 25 **PRIVATE PROPERTY.**

26 **Sec. 26-142.05. Tow slip.**

27 (a) The towing company shall cause to be presented to the property owner or property
 28 owner's agent a tow slip, approved by the Chief of Police as to form and content, which shall
 29 consist of one (1) original and three (3) copies. The towing company shall cause said tow slip to
 30 be completed by filling in all pertinent data. Before towing or removing the subject vehicle, the
 31 towing company shall cause the property owner or property owner's agent to sign said tow slip in

1 the place provided. The towing company shall then cause a copy of the towing slip to be
2 securely affixed to the subject vehicle.

3 (b) The tow slip shall provide, as a minimum, spaces for filling in pertinent data as make
4 and model of the vehicle, vehicle identification number, date and time of towing, license plate
5 number, location towed from, name of complaining party, specific reason for the towing of the
6 unauthorized vehicle, [and] name and phone number of towing company, and location where
7 vehicle will be stored.

8 (c) If the property owner has a written contract with the towing company, the property
9 owner or property owner's agent shall not be required to either sign a complaint or tow slip prior
10 to the towing or removal of an unauthorized vehicle from his property in the following instances:

11 (1) If the towing occurs during the hours of [10:00 P.M. and 7:00] 12 A.M. and 6
12 A.M.; or

13 (2) If the vehicle is directly blocking a clearly marked fire lane, a handicapped
14 parking space or access to the property or a building on the property.

15 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
16 County, Maryland, that Section 26-142.14 of the Prince George's County Code be and the same
17 is hereby added:

18 **SUBTITLE 26. VEHICLES AND TRAFFIC.**

19 **DIVISION 10. TOWING AND IMPOUNDMENT OF MOTOR VEHICLES FROM** 20 **PRIVATE PROPERTY.**

21 **Sec. 26-142.14. Fees.**

22 (a) The towing charge is not to exceed:

23 (1) \$100 for any vehicle up to 10,000 pounds gross vehicle weight. The charge
24 includes the first calendar day of storage, mileage, and hook-up fees, which includes the use of a
25 dolly and transportation to a storage facility. The rate chargeable per day for storage where the
26 motor vehicle is to be stored by the towing company is not to exceed \$20.

27 (2) \$250 for any vehicle between 10,001 and 26,000 pounds gross vehicle weight and
28 \$400 for any vehicle over 26,000 pounds gross vehicle weight. The charge includes winching,
29 unlocking vehicles, go jacks, dollies, caging brakes and removal of a drive line. The maximum
30 storage charge per day allowed shall be \$50.

31 (b) If the Police are called and if all procedures have been followed under Section 26-

1 142.05 of this Division, a drop fee may be charged not to exceed \$50. Otherwise no drop fee
2 shall be charged. A drop fee not to exceed \$100 may be charged for vehicles over 10,000
3 pounds gross vehicle weight.

4 (c) Storage charges may only commence after the first calendar day the motor vehicle is
5 available for recovery by the owner and/or operator of the motor vehicle.

6 (d) A towing service shall accept payment in cash or by a major credit card with a credit
7 card slip validly signed by the vehicle owner or the owner's agent for the amount of all valid
8 charges. The towing service shall accept the two (2) most widely used major credit cards of
9 MasterCard and Visa.

10 (e) If the vehicle owner withholds payment in a credit card transaction with a towing
11 service and a court in any subsequent civil action finds that the tow was valid and the amount
12 charged was correct, the vehicle owner shall pay the towing service, in addition to the amount
13 validly charged, liquidated damages of two (2) times the amount validly charged, but not more
14 than \$1,000, and all reasonable costs of collection, including court costs and a reasonable
15 attorney's fee.

16 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
17 calendar days after it becomes law.

Adopted this _____ day of _____, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
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.