

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 4

Bill No. 5-09

Introduced by Mr. Jones and Mr. Middlebrooks

By the County Council, February 17, 2009

Introduced and first read on February 17, 2009

Public Hearing set for March 16, 2009

Bill Expires May 23, 2009

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Licenses – Towing from Private Property

2

3 FOR the purpose of creating license requirements for towing companies towing from
4 private property; adding definitions; establishing registration fees; setting
5 requirements for towing from private property and redemption of towed vehicles; and
6 generally relating to towing in the County.

7

8 BY repealing and reenacting with amendments: §§ 11-16-101 and 11-16-201

9 Anne Arundel County Code (2005, as amended)

10

11 BY repealing and reenacting without amendments: §§ 11-16-102 and 11-16-103 and 11-
12 16-202

13 Anne Arundel County Code (2005, as amended)

14

15 BY renumbering: §§ 11-16-301, 11-16-302 and 11-16-303 to be 11-16-203, 11-16-204
16 and 11-16-205 to be under the amended subtitle “Subtitle 2. Police-Initiated Towing”

17 Anne Arundel County Code (2005, as amended)

18

19 BY repealing and reenacting with amendments and renumbering: § 11-16-304 to be 11-
20 16-206

21 Anne Arundel County Code (2005, as amended)

22

23 BY adding: §§ 11-16-301 through 11-16-309 to be under the new subtitle “Subtitle 3.
24 Towing from Private Property”

25 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
2 *Maryland,* That §§ 11-16-301, 11-16-302, 11-16-303 and 11-16-304 of the Anne
3 Arundel County Code (2005, as amended) are renumbered to be 11-16-203, 11-16-204,
4 11-16-205 and 11-16-206 to be under the amended subtitle “Subtitle 2. Police-Initiated
5 Towing”

6
7 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
8 Code (2005, as amended) read as follows:

9
10 **ARTICLE 11. LICENSES**

11
12 **TITLE 16. TOWING COMPANIES**

13
14 **11-16-101. Definitions.**

15
16 In this title, the following words have the meanings indicated.

17
18 (1) "Disabled, abandoned, or recovered vehicle" means a motor vehicle that has
19 been damaged or rendered inoperative as a result of a collision or accident; an abandoned
20 motor vehicle that obstructs the free flow of traffic; a recovered stolen motor vehicle; or a
21 motor vehicle impounded by the police.

22
23 (2) “POLICE-INITIATED TOWING” MEANS TOWING DISABLED, ABANDONED, OR
24 RECOVERED VEHICLES AT THE REQUEST OF THE POLICE DEPARTMENT.

25
26 (3) “PROPERTY MANAGER” MEANS ANY PERSON WHO MANAGES PROPERTY ON
27 BEHALF OF AN OWNER.

28
29 (4) “PROPERTY OWNER” MEANS ANY PERSON IN LAWFUL POSSESSION OR
30 CONTROL OF PROPERTY. THE OWNER OF GENERAL COMMON ELEMENTS OF A
31 CONDOMINIUM IS THE COUNCIL OF UNIT OWNERS OR THE COUNCIL'S AGENT FOR
32 PARKING MANAGEMENT. THE OWNER OF LIMITED COMMON ELEMENTS OF A
33 CONDOMINIUM IS THE UNIT OWNER OR OWNERS WHO HAVE THE EXECUTIVE RIGHT TO
34 USE THE COMMON ELEMENTS, OR THE AGENT OF THAT UNIT OWNER OR OWNERS.

35
36 (5) “REDEMPTION AREA” MEANS THE AREA OR BUILDING WHERE A VEHICLE
37 OWNER MAY PAY ANY CHARGES NECESSARY TO REDEEM A TOWED VEHICLE.

38
39 [(2)](6) "Regular business day" means the period between 8:00 a.m. and 6:00
40 p.m., Monday through Friday, and 8:00 a.m. to 12:00 noon on Saturday, holidays
41 excluded.

42
43 (7) “STORAGE SITE” MEANS ANY LAND OR BUILDING USED BY A TOWING
44 COMPANY OR A TRESPASS TOWING SERVICE TO STORE TOWED VEHICLES.

45
46 (8) “TOW OR TOWING” MEANS THE REMOVAL OF OR PREPARATION TO REMOVE
47 ANY VEHICLE BY ANOTHER VEHICLE FOR COMPENSATION.

48
49 [(3)](9) "Tow truck" means a vehicle registered with the State Motor Vehicle
50 Administration that is capable of performing towing operations.

1 [(4)] (10) "Tow truck operator" means any person who operates equipment used
2 in the towing of vehicles at the request of the Police Department OR FROM PRIVATE
3 PROPERTY.
4

5 [(5)] (11) "Towing company" means a person owning, operating, or conducting
6 the business of towing disabled, abandoned, or recovered vehicles at the request of the
7 Police Department AND MEETS THE REQUIREMENTS OF SUBTITLE 2 OF THIS TITLE.
8

9 (12) "TRESPASS TOWING SERVICE" MEANS ANY PERSON WHO TOWS ANY
10 VEHICLE FROM PRIVATE PROPERTY FOR COMPENSATION WITHOUT THE CONSENT OF THE
11 VEHICLE OWNER AND MEETS THE REQUIREMENTS OF SUBTITLE 3 OF THIS TITLE.
12

13 (13) "UNAUTHORIZED VEHICLE" MEANS ANY VEHICLE WHICH A PROPERTY
14 OWNER HAS NOT CONSENTED TO HAVE PARKED ON THE PROPERTY.
15

16 (14) "VEHICLE" MEANS A DEVICE THAT IS ABLE TO TRANSPORT PERSONS OR
17 PROPERTY ON A PUBLIC HIGHWAY AND IS REQUIRED TO BE REGISTERED PURSUANT TO
18 TITLE 13 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
19

20 (15) "VEHICLE OWNER" MEANS THE PERSON IN WHOSE NAME TITLE TO A VEHICLE IS
21 REGISTERED.
22

23 **11-16-102. Rules and regulations.**

24
25 After consultation with the Police Department, the Department may promulgate rules,
26 regulations, forms, and procedures that promote the intent of this title.
27

28 **11-16-103. Telephones.**

29
30 (a) **Generally.** A towing company shall answer its listed telephone number 24 hours a
31 day by using the business name listed in the application.
32

33 (b) **Extension.** A towing company may have an extension at a residence or at the
34 residence of a designated employee.
35

36 (c) **Answering service.** An answering service may be used as long as the time limits
37 established in this title are met, but beepers and answering machines may not be used.
38

39 **SUBTITLE 2. POLICE-INITIATED TOWING**

40 41 **11-16-201. License.**

42
43 (a) **When required.** A person may not engage in towing disabled, abandoned, or
44 recovered vehicles at the request of the Police Department without a license issued by the
45 Department, except that a license is not required for a towing company that is the
46 personal choice of the owner of a disabled vehicle or the owner's agent or for the towing
47 of motor vehicles other than disabled, abandoned, or recovered vehicles.
48

49 (b) **Standards for issuance.** To be eligible for a license, a towing company shall
50 meet the following standards:

1 (1) the towing company shall comply with all applicable federal, State, and local
2 statutes, ordinances, and regulations, and all rules, regulations, forms, and operating
3 procedures that are promulgated by the Department;

4
5 (2) the towing company shall possess at least three tow trucks registered by the
6 State Motor Vehicle Administration that are capable of performing normal towing
7 operations in a safe and timely manner and that are legibly inscribed on each side with
8 the name and address of the towing company in letters at least four inches in height;

9
10 (3) the tow trucks shall be in good mechanical condition and equipped with
11 necessary towing gear and safety apparatus;

12
13 (4) the towing company shall be operational and available 24 hours a day, seven
14 days a week, with sufficient qualified, licensed, and trained personnel to respond to
15 requests and operate the tow trucks and related equipment;

16
17 (5) the towing company shall be able to respond to calls for service in a tow area
18 within 20 minutes and shall have an acceptable response record or be expected to be able
19 to respond in the required time frame; and

20
21 (6) the towing company shall ensure that each tow truck operator:

22
23 (i) holds a valid Maryland driver's license for the class vehicle that the driver
24 operates;

25
26 (ii) is at least 18 years old;

27
28 (iii) is courteous and does not use abusive or offensive language when
29 dealing with the public or police;

30
31 (iv) within the three-year period prior to the date of the application, has not
32 been convicted of a felony or entered a plea of guilty or *nolo contendere* to a felony;

33
34 (v) is not a consistent violator of motor vehicle laws; and

35
36 (vi) does not have a history of drug or alcohol abuse.

37
38 (c) **Application.** A towing company shall report to the Director in writing within
39 three business days all changes to the information contained in an application.

40
41 (d) **Fees.** The annual application fee is \$250. The annual license fee is \$25 for each
42 tow truck.

43
44 (e) **Investigation and approval by Police Department.** The Director shall forward
45 the application to the Police Department for an investigation and inspection and approval.
46 The Police Department shall approve the application on finding that the towing company
47 complies with the standards set forth in this title and the towing company has no pattern
48 of violations of this title.

1 (f) **Issuance.** The Director shall issue a license if the Police Department has approved
2 it; the towing company complies with all applicable zoning laws and has an adequate off-
3 street storage facility located in the County; and no other factors or conditions exist that
4 warrant denial of the license.

5
6 (g) **Approved list.** The Department shall establish and maintain a list of licensed
7 towing companies and provide the list to the Police Department.

8
9 (h) **Denial; revocation; suspension.** After providing a hearing, the Director may
10 deny, revoke, or suspend the license of a towing company that:

11
12 (1) violates any of the provisions of this title;

13
14 (2) violates any rules or regulations adopted under this title;

15
16 (3) has five responses in excess of 20 minutes within any two-month period that
17 were not excused pursuant to [§ 11-16-302] §11-16-204;

18
19 (4) fails to respond to seven tow requests within a six-month period;

20
21 (5) fails to submit timely and proper State and County forms or reports; or

22
23 (6) has a license to tow suspended or revoked by another jurisdiction after
24 opportunity for a hearing.

25
26 (i) **Expiration.** A license issued under this title expires on June 30 of each year.

27
28 (j) **Display of license and decal.** A license issued under this title shall be carried
29 in each tow truck of the licensed towing company when the tow truck is in use. The
30 Department shall issue a decal to each licensed tow truck, and the towing company shall
31 display the decal prominently on the exterior of each tow truck.

32
33 **11-16-202. Insurance.**

34
35 (a) **Certificates to be provided.** A person licensed under the provisions of this title
36 shall furnish to the Director certificates of insurance that provide for minimum coverage
37 as required by State law.

38
39 (b) **Information to owner, operator, or agent of towed vehicle.** Upon demand by
40 the owner, operator, or agent of the owner or operator of the towed vehicle, the towing
41 company shall provide the name, address, and telephone number of the towing company's
42 insurance carrier and the number of the insurance policy.

43
44 **[11-16-301] 11-16-203. Tow areas; rotation list.**

45
46 (a) **Assignment to tow area.** The Police Department shall divide the County into
47 specific tow areas established by the size, road networks, demographic characteristics,
48 and density of each geographical area. The Police Department shall assign each licensed
49 towing company to a tow area.

1 (b) **Rotation.** For each tow area, the Police Department shall maintain a rotation list
2 that includes all licensed towing companies assigned to the tow area and from which
3 requests for towing service shall be made. In making a request for towing service from a
4 rotation list, the Police Department shall determine which licensed towing company
5 received the last request; request the next towing company on the list to respond; and, if
6 the requested towing company is unable to respond, contact each successive towing
7 company on the list until the service is arranged.

8
9 (c) **Rotation deviation.** The Police Department may deviate from the order of the
10 rotation lists when there is a need for specialized equipment or when the police determine
11 that deviation is necessary for the public welfare.

12
13 (d) **Closure of rotation list.** If the Police Department determines that the number of
14 towing companies assigned to a tow area is detrimental to the public safety or welfare,
15 the Department may close the rotation list in that tow area.

16
17 (e) **Individual choice.** Nothing in this title shall preclude the right of an individual to
18 request a towing company of the individual's own choice if the chosen towing company
19 can dispatch a tow truck that will arrive within 20 minutes after the request.

20
21 **[11-16-302] 11-16-204. Response standards.**

22
23 (a) **Timeliness.** A towing company ordinarily shall respond to a request for service no
24 later than 20 minutes after the request was made and, in any event, shall arrive no later
25 than 30 minutes after a request. The Department may determine that a towing company's
26 arrival at the scene more than 20 but less than 30 minutes after the request for service was
27 made is timely after consideration is given to traffic, road, and weather conditions and
28 whether the request was made between the hours of 11:00 p.m. and 7:00 a.m.

29
30 (b) **Request by Police Department required.** A towing company may not attempt to
31 take a disabled, abandoned, or recovered vehicle in tow without being requested to do so
32 by the Police Department.

33
34 (c) **Events at the scene.** On arriving at the scene, the towing company shall remove
35 the vehicle to the company's storage lot specified on the application. A towing company
36 may not leave the scene until released by the police personnel in charge of the scene.

37
38 **[11-16-303] 11-16-205. Inspection; release of vehicle and personal property.**

39
40 (a) **Inspection by police.** A towing company shall accommodate all requests by the
41 police to inspect or view any towed vehicle in its possession.

42
43 (b) **Release of vehicle.** A towing company shall release the towed vehicle during the
44 regular business day and may release the vehicle at other times.

45
46 (c) **Release of personal property.** Personal property shall be released to the owner or
47 the owner's agent during the regular business day.

1 **[11-16-304] 11-16-206. Rates and charges.**

2
3 Each [licensed] towing company LICENSED UNDER THIS SUBTITLE shall adhere to the
4 schedule of fees approved by the Department. No storage fee may be charged for the
5 calendar day of the tow.
6

7 **SUBTITLE 3. TOWING FROM PRIVATE PROPERTY**

8
9 **11-16-301. License; fees; administration.**

10
11 (A) **When required.** EACH TOW TRUCK OPERATED BY A TRESPASS TOWING SERVICE
12 SHALL BE IDENTIFIED, LICENSED, AND INSURED AS REQUIRED UNDER STATE LAW,
13 EXCEPT THAT ANY REQUIRED LETTERING SHALL BE PLACED ON BOTH SIDES OF THE
14 TRUCK.
15

16 (B) **Standards for issuance.** TO BE ELIGIBLE FOR A LICENSE, A TRESPASS TOWING
17 SERVICE SHALL MEET THE FOLLOWING STANDARDS.

18
19 (1) THE TRESPASS TOWING SERVICE SHALL COMPLY WITH ALL APPLICABLE
20 FEDERAL, STATE, AND LOCAL STATUTES, ORDINANCES, AND REGULATIONS.
21

22 (2) ALL TOW TRUCKS SHALL BE IN GOOD MECHANICAL CONDITION AND
23 EQUIPPED WITH NECESSARY TOWING GEAR AND SAFETY APPARATUS.
24

25 (3) THE TRESPASS TOWING SERVICE SHALL ENSURE THAT EACH TOW TRUCK
26 OPERATOR:

27
28 (I) HOLDS A VALID MARYLAND DRIVER'S LICENSE FOR THE CLASS VEHICLE
29 THAT THE DRIVER OPERATES;

30
31 (II) IS AT LEAST 18 YEARS OLD;

32
33 (III) IS COURTEOUS AND DOES NOT USE ABUSIVE OR OFFENSIVE LANGUAGE
34 WHEN DEALING WITH THE PUBLIC OR POLICE;

35
36 (IV) WITHIN THE THREE-YEAR PERIOD PRIOR TO THE DATE OF THE
37 APPLICATION, HAS NOT BEEN CONVICTED OF A FELONY OR ENTERED A PLEA OF GUILTY
38 OR *NOLO CONTENDERE* TO A FELONY;

39
40 (V) IS NOT A CONSISTENT VIOLATOR OF MOTOR VEHICLE LAWS; AND

41
42 (VI) DOES NOT HAVE A HISTORY OF DRUG OR ALCOHOL ABUSE.
43

44 (C) **Fees.** THE TRESPASS TOWING SERVICE SHALL BE LICENSED WITH THE
45 DEPARTMENT AND SHALL PAY AN ANNUAL REGISTRATION FEE OF \$100. THE ANNUAL
46 FEE FOR AN ADDITIONAL TOW TRUCK IS \$25.
47

48 (D) **Application.** THE TRESPASS TOWING SERVICE SHALL REPORT TO THE
49 DEPARTMENT IN WRITING WITHIN THREE BUSINESS DAYS ALL CHANGES TO THE
50 INFORMATION CONTAINED IN AN APPLICATION.
51

52 (E) **Agent.** THE TRESPASS TOWING SERVICE SHALL INFORM THE DEPARTMENT IN
53 WRITING OF THE TYPE OF BUSINESS ORGANIZATION OR OWNERSHIP IN WHICH THE
54 SERVICE OPERATES AND THE ADDRESS OF A PERSON AUTHORIZED TO ACCEPT SERVICE.

1 (F) **Report.** THE TRESPASS TOWING SERVICE SHALL FILE IN WRITING WITH THE
2 DEPARTMENT FOR EACH ACTION CONNECTED WITH THE TOWING OR STORAGE OF
3 UNAUTHORIZED VEHICLES, AS PROVIDED IN SUBSECTION 11-16-304(B).
4

5 (G) **Contract; Records.** THE TRESPASS TOWING SERVICE SHALL ENTER INTO A
6 WRITTEN CONTRACT TO TOW VEHICLES FROM A PROPERTY. THE TOWING SERVICE
7 SHALL KEEP ON FILE EACH CONTRACT THAT IS IN EFFECT, OR THAT WAS TERMINATED
8 WITHIN THE PREVIOUS 12 MONTHS. THE DEPARTMENT, THE POLICE DEPARTMENT OR THE
9 OWNER OF ANY VEHICLE TOWED BY THE SERVICE MAY INSPECT AND COPY ANY
10 CONTRACT DURING NORMAL BUSINESS HOURS. THE COST OF PHOTOCOPYING THE
11 CONTRACT SHALL BE NO MORE THAN THE COUNTY CHARGES THE PUBLIC FOR
12 PHOTOCOPYING COUNTY DOCUMENTS. THE DEPARTMENT MAY PROVIDE MODEL
13 CONTRACTS THAT MEET THE REQUIREMENTS OF THIS SUBSECTION.
14

15 (H) **Revocation.** THE DEPARTMENT MAY REVOKE THE LICENSE OF A TRESPASS
16 TOWING SERVICE THAT VIOLATES THE PROVISIONS OF THIS SUBTITLE. THE DIRECTOR
17 SHALL SEND A WRITTEN DECISION TO THE TRESPASS TOWING SERVICE STATING THAT
18 THE LICENSE HAS BEEN REVOKED AND THE REASONS FOR THE REVOCATION.
19

20 **11-16-302. Maximum rates.**

21
22 (A) **Rate standard.** WHEN TOWING A VEHICLE FROM PRIVATE PROPERTY WITHOUT
23 THE CONSENT OF THE VEHICLE OWNER, A TRESPASS TOWING SERVICE SHALL NOT
24 CHARGE MORE THAN MAXIMUM RATES SET BY THE DEPARTMENT. REASONABLE
25 MAXIMUM RATES SHALL BE SET FOR:
26

- 27 (1) ATTACHING THE VEHICLE TO BE TOWED TO THE TOW TRUCK;
- 28
- 29 (2) TOWING THE VEHICLE TO A STORAGE SITE;
- 30
- 31 (3) STORING THE VEHICLE; AND
- 32
- 33 (4) ANY OTHER SERVICE NEEDED TO SAFELY REMOVE A VEHICLE.
- 34

35 (B) **Towing and storage.**

36
37 (1) THE RATE FOR TOWING THE VEHICLE TO A STORAGE SITE SHALL BE BASED
38 ON THE DISTANCE THE VEHICLE IS TOWED.
39

40 (2) THE RATE FOR STORING THE VEHICLE SHALL BE BASED ON 12-HOUR TIME
41 PERIODS DURING WHICH THE VEHICLE REMAINS IN THE CUSTODY OF THE TOWING
42 SERVICE. NO SET CHARGE SHALL ACCRUE FOR A TIME PERIOD UNTIL AT LEAST 6 HOURS
43 OF THE TIME PERIOD HAS ELAPSED. THE FULL CHARGE ACCRUES FOR ANY PORTION OF
44 THE REMAINING 6 HOURS IN WHICH THE VEHICLE REMAINS IN THE CUSTODY OF THE
45 TOWING SERVICE. THE CHARGE SHALL NOT BEGIN TO ACCRUE UNTIL AFTER THE
46 TOWING SERVICE PROVIDES THE NOTICE REQUIRED.
47

48 (C) **Other charges prohibited.** A TRESPASS TOWING SERVICE SHALL NOT CHARGE
49 FOR ANY ACT NOT LISTED IN THIS SECTION UNLESS THAT ACT WAS EXPRESSLY
50 REQUESTED BY THE VEHICLE OWNER.
51

52 **11-16-303. Public notice required.**

53
54 A PROPERTY OWNER SHALL POST A SIGN NOTIFYING THE PUBLIC OF PARKING
55 RESTRICTIONS AT LEAST 24 HOURS BEFORE TOWING OR ORDERING THE TOWING OF AN

1 UNAUTHORIZED VEHICLE IN ACCORDANCE WITH THE FOLLOWING PROVISIONS.

2
3 (1) THERE SHALL BE A SUFFICIENT NUMBER OF SIGNS PERMANENTLY POSTED
4 THAT:

5
6 (I) ARE AT LEAST 24 INCHES HIGH AND 30 INCHES WIDE;

7
8 (II) ARE CLEARLY VISIBLE TO THE DRIVER OF A MOTOR VEHICLE ENTERING
9 THE PARKING LOT;

10
11 (III) STATE THE LOCATION TO WHICH THE VEHICLE WILL BE TOWED OR
12 REMOVED;

13
14 (IV) STATE THE HOURS DURING WHICH THE VEHICLE MAY BE RECLAIMED;

15
16 (V) STATE THE MAXIMUM AMOUNT THAT THE OWNER OF THE VEHICLE MAY
17 BE CHARGED FOR THE TOWING OR REMOVAL OF THE VEHICLE, THE DAILY STORAGE FEE,
18 AND THE TOWING FEE; AND

19
20 (VI) PROVIDE THE TELEPHONE NUMBER OF A PERSON WHO CAN BE
21 CONTACTED TO ARRANGE FOR THE RECLAIMING OF THE VEHICLE BY ITS OWNER OR THE
22 OWNER'S AGENT.

23
24 (2) A PROPERTY OWNER OF RESIDENTIAL PROPERTY, INCLUDING, WITHOUT
25 LIMITATION, A CONDOMINIUM, COOPERATIVE, OR HOMEOWNERS' ASSOCIATION, MAY
26 HAVE AN UNAUTHORIZED VEHICLE TOWED FROM THAT PROPERTY WITHOUT POSTING
27 SIGNS.

28
29 **11-16-304. Tow Procedures.**

30
31 (A) **Tow request required.** EXCEPT AS PROVIDED IN SUBSECTION B, A TRESPASS
32 TOWING SERVICE SHALL NOT TOW A VEHICLE FROM PRIVATE PROPERTY UNLESS THE
33 PROPERTY OWNER OR THE PROPERTY OWNER'S AGENT EXPRESSLY AUTHORIZES THE
34 TOWING OF THE PARTICULAR VEHICLE. AUTHORIZATION SHALL BE IN THE FORM OF A
35 TOW SLIP COMPLETED BY THE TOW TRUCK OPERATOR AND THE PROPERTY OWNER OR
36 THEIR AGENT. THE TOW SLIP SHALL BE LEGIBLY COMPLETED, AFFIXED TO THE VEHICLE
37 AND CONTAIN THE:

38
39 (1) ADDRESS FROM WHICH THE VEHICLE WAS TOWED;

40
41 (2) DATE AND TIME THE VEHICLE WAS TOWED;

42
43 (3) MAKE, MODEL, YEAR, AND COLOR OF THE VEHICLE;

44
45 (4) VEHICLE IDENTIFICATION NUMBER, IF AVAILABLE;

46
47 (5) REASON THE VEHICLE WAS TOWED;

48
49 (6) NAME AND SIGNATURE OF THE TOW OPERATOR AND THE PERSON WHO
50 AUTHORIZED THE VEHICLE TO BE TOWED; AND

51
52 (7) NAME AND PHONE NUMBER OF THE DEPARTMENT.

53
54 (B) **Notice.**

55
56 (1) WITHIN ONE HOUR AFTER LEAVING THE PROPERTY, A TRESPASS TOWING
57 SERVICE THAT HAS TOWED AN UNAUTHORIZED VEHICLE FROM PRIVATE PROPERTY
58 SHALL NOTIFY THE POLICE DEPARTMENT AND THE DEPARTMENT OF THE TOW AND

1 SUPPLY THE DEPARTMENTS WITH THE:

2
3 (I) NAME OF THE TOWING SERVICE;

4
5 (II) MAKE, MODEL, COLOR, YEAR, VEHICLE IDENTIFICATION NUMBER AND
6 REGISTRATION PLATE NUMBER OF THE TOWED VEHICLE;

7
8 (III) ADDRESS FROM WHICH THE VEHICLE WAS TOWED;

9
10 (IV) TIME THE VEHICLE WAS TOWED; AND

11
12 (V) STORAGE SITE WHERE THE VEHICLE WILL BE STORED.

13
14 (2) THE TOWING SERVICE SHALL NOTIFY THE POLICE DEPARTMENT WITHIN 24
15 HOURS IF IT MOVES THE VEHICLE TO ANOTHER STORAGE SITE.

16
17 (C) **Exception.** AN UNAUTHORIZED VEHICLE MAY BE TOWED FROM PRIVATE
18 RESIDENTIAL PROPERTY WITHOUT THE EXPRESS AUTHORIZATION OF THE PROPERTY
19 OWNER OR THE PROPERTY OWNER'S AGENT IF THE VEHICLE IS DIRECTLY BLOCKING
20 ACCESS TO THE PROPERTY OR TO A BUILDING ON THE PROPERTY

21
22 (D) **Recordkeeping.** THE TRESPASS TOWING SERVICE SHALL RETAIN EACH TOW SLIP
23 AND, FOR THOSE VEHICLES TOWED WITHOUT TOW SLIPS, A RECORD OF THE
24 INFORMATION FURNISHED TO THE POLICE, FOR 12 MONTHS AFTER THE TOW. FOR EACH
25 VEHICLE TOWED WITHOUT A TOW SLIP, THE TOWING SERVICE SHALL RECORD AND
26 RETAIN THE NAME OF THE OWNER OF THE PROPERTY AND, IF THE TOW WAS
27 AUTHORIZED BY AN AGENT, THE NAME OF THE AGENT. THE POLICE DEPARTMENT, THE
28 DEPARTMENT AND THE OWNER OF ANY VEHICLE TOWED BY THE SERVICE MAY INSPECT
29 AND COPY THIS INFORMATION AT ANY TIME DURING NORMAL BUSINESS HOURS.

30
31 (E) **Notice of tow after business hours.** IF A TOWING SERVICE TOWS AN
32 UNAUTHORIZED VEHICLE FROM PRIVATE PROPERTY WHEN THE DEPARTMENT IS
33 CLOSED, THE TOWING SERVICE SHALL NOTIFY THE DEPARTMENT OF THE TOW BEFORE 10
34 A.M. ON THE NEXT BUSINESS DAY FOLLOWING THE TOW, EITHER BY TELEPHONE OR BY
35 FACSIMILE MACHINE.

36
37 (F) **Towing a vehicle within the same parking lot.**

38
39 (1) A PROPERTY OWNER MAY TOW A VEHICLE WITHIN A PARKING LOT WITHOUT
40 PRIOR NOTICE TO THE VEHICLE OWNER IF TOWING THE VEHICLE IS NECESSARY
41 TO REMOVE LARGE QUANTITIES OF SNOW OR DEBRIS; TO REPAIR THE PARKING LOT; OR
42 TO ENSURE A PERSON'S SAFETY OR HEALTH.

43
44 (2) WHEN TOWING A VEHICLE WITHIN A PARKING LOT PURSUANT TO THIS
45 SUBSECTION, A PROPERTY OWNER SHALL TAKE REASONABLE CARE NOT TO DAMAGE
46 THE VEHICLE; PAY ANY COST OF TOWING THE VEHICLE; AND EITHER INFORM THE
47 VEHICLE OWNER WHERE THE VEHICLE WAS RELOCATED OR RETURN THE VEHICLE TO
48 ITS PREVIOUS LOCATION.

49
50 **11-16-305. Handicapped vehicle owners.**

51
52 A VEHICLE WITH A VALID HANDICAPPED REGISTRATION PLATE OR VALID DISABLED
53 PERSON'S PARKING PERMIT CONSPICUOUSLY DISPLAYED SHALL NOT BE TOWED FROM
54 PRIVATE PROPERTY WITHOUT THE CONSENT OF THE VEHICLE OWNER UNLESS:

55
56 (1) THE TOW IS EXPRESSLY AUTHORIZED BY A POLICE OFFICER OR MEMBER OF
57 THE DEPARTMENT OF FIRE AND RESCUE SERVICES; OR

1 (2) THE VEHICLE IS BLOCKING A CLEARLY MARKED FIRE LANE OR ACCESS TO
2 ANOTHER VEHICLE, THE PROPERTY, OR A BUILDING.

3
4 **11-16-306. Incomplete tow.**

5
6 (A) **Release.** IF A VEHICLE OWNER RETURNS TO AN UNAUTHORIZED VEHICLE AT
7 ANY TIME AFTER THE VEHICLE IS ATTACHED TO THE TOW TRUCK BUT BEFORE IT IS
8 TOWED FROM PRIVATE PROPERTY, THE TOWING SERVICE SHALL RELEASE THE VEHICLE
9 TO THE VEHICLE OWNER WHEN THE VEHICLE OWNER PAYS A RELEASE FEE. THE
10 RELEASE FEE SHALL NOT EXCEED ONE-HALF THE ATTACHMENT FEE SET UNDER
11 SUBSECTION 11-16-302(A)(1).
12

13 (B) **Attachment.** A TRESPASS TOWING SERVICE SHALL NOT BLOCK AN
14 UNAUTHORIZED VEHICLE WITH A TOW TRUCK TO OBTAIN PAYMENT FROM THE VEHICLE
15 OWNER BEFORE ATTACHING THE VEHICLE TO THE TOW TRUCK.
16

17 (C) **Receipt.** THE TRESPASS TOWING SERVICE SHALL PROVIDE A RECEIPT THAT
18 MEETS THE REQUIREMENTS OF THIS SUBTITLE, INDICATING THE RELEASE FEE PAID AND
19 THE DATE OF THE INCOMPLETE TOW.
20

21 (D) **Subject to police order.** A POLICE OFFICER MAY ORDER A TRESPASS TOWING
22 SERVICE TO RELEASE A VEHICLE, OR TO STOP ATTACHING A VEHICLE, AT ANY TIME.
23

24 (E) **Lien.** THIS SECTION DOES NOT CREATE OR IMPLY A LIEN IN FAVOR OF A TOWING
25 SERVICE WHEN A LIEN WOULD NOT OTHERWISE EXIST OR CREATE A RIGHT OF ANY
26 TOWING SERVICE TO RETAIN POSSESSION OF ANY VEHICLE THAT IT WOULD OTHERWISE
27 HAVE TO RETURN TO THE VEHICLE OWNER.
28

29 **11-16-307. Storage and redemption procedures.**

30
31 (A) **Storage of towed vehicles.** A STORAGE SITE FOR THE STORAGE OF TOWED
32 UNAUTHORIZED VEHICLES SHALL COMPLY WITH THE FOLLOWING CONDITIONS.
33

34 (1) THE STORAGE SITE SHALL NOT BE LOCATED MORE THAN 10 MILES FROM THE
35 ORIGIN OF THE TOW. IF THERE IS NO STORAGE SITE WITHIN 10 MILES, A VEHICLE SHALL
36 BE STORED AT THE NEAREST STORAGE SITE.
37

38 (2) THE STORAGE SITE SHALL BE BRIGHTLY LIT AT ALL TIMES.
39

40 (3) A TOWED VEHICLE SHALL NOT BE STORED MORE THAN A REASONABLE
41 WALKING DISTANCE FROM A REDEMPTION AREA.
42

43 (4) THE TOWING SERVICE SHALL KEEP THE TOWED VEHICLE AND ITS CONTENTS
44 SECURE AT ALL TIMES.
45

46 (5) THE STORAGE SITE SHALL BE IDENTIFIED BY A SIGN AT THE ENTRANCE
47 INDICATING THE NAME AND TELEPHONE NUMBER OF THE TOW SERVICE.
48

49 (B) **Redemption of Towed Vehicles.** ON EVERY DAY A TRESPASS TOWING SERVICE
50 OPERATES, THE SERVICE SHALL BE OPEN FOR REDEMPTION OF VEHICLES UNTIL 5 P.M.
51 OR 2 HOURS AFTER THE COMPLETION OF THE LAST TOW, WHICHEVER IS LATER.

1 **(C) Payment.**

2
3 (1) THIS SUBSECTION APPLIES TO PAYMENT OF ANY CHARGE ARISING FROM THE
4 TOWING OR STORAGE OF A VEHICLE WITHOUT THE VEHICLE OWNER'S CONSENT AND TO
5 PAYMENT FOR AN INCOMPLETE TOW. THIS SECTION DOES NOT CREATE OR IMPLY A LIEN
6 IN FAVOR OF A TOWING SERVICE WHEN A LIEN WOULD NOT OTHERWISE EXIST OR A
7 RIGHT OF ANY TOWING SERVICE TO RETAIN POSSESSION OF ANY VEHICLE THAT IT
8 WOULD OTHERWISE HAVE TO RETURN TO THE VEHICLE OWNER.
9

10 (2) A TRESPASS TOWING SERVICE SHALL ACCEPT PAYMENT IN CASH. PAYMENT
11 MAY ALSO BE ACCEPTED IN THE FORM OF PERSONAL CHECK, MONEY ORDER, CREDIT OR
12 DEBIT CARD OR BY A TRAVELER'S CHECK. ALL PAYMENT MUST BE ACCOMPANIED BY
13 IDENTIFICATION. IF CREDIT CARD PAYMENT IS ACCEPTED, EACH TRESPASS TOWING
14 SERVICE SHALL ACCEPT 2 MAJOR CREDIT CARDS, INCLUDING ANY CREDIT CARD
15 ACCEPTED BY THE BUSINESS FOR ANY OTHER PURPOSE.
16

17 **(D) Rates displayed.** A TRESPASS TOWING SERVICE SHALL DISPLAY PROMINENTLY,
18 AT EACH REDEMPTION AREA, A COPY OF ITS CURRENT RATES AND A STATEMENT THAT
19 THESE RATES DO NOT EXCEED THE RATES FILED WITH THE DEPARTMENT. A TRESPASS
20 TOWING SERVICE SHALL ALSO DISPLAY PROMINENTLY A SIGN, FURNISHED AT A
21 REASONABLE FEE BY THE DEPARTMENT, LISTING THE DEPARTMENT'S TELEPHONE
22 NUMBER AND SUMMARIZING THE VEHICLE OWNER'S RIGHTS UNDER THIS SUBTITLE.
23

24 **(E) Storage fee.** A TRESPASS TOWING SERVICE SHALL NOT CHARGE A STORAGE FEE
25 FOR ANY TIME BEFORE THE VEHICLE ACTUALLY REACHES THE STORAGE SITE OR THE
26 SERVICE NOTIFIES THE POLICE DEPARTMENT UNDER SECTION 11-16-304, WHICHEVER IS
27 LATER.
28

29 **(F) Receipt.** UPON RECEIVING PAYMENT, A TOWING SERVICE SHALL FURNISH THE
30 VEHICLE OWNER WITH A RECEIPT ON A FORM APPROVED BY THE DEPARTMENT. THE
31 RECEIPT SHALL:
32

33 (1) RECORD THE AMOUNT PAID TO REDEEM THE VEHICLE, THE ACTIONS FOR
34 WHICH THE VEHICLE OWNER PAID, AND THE DATE AND TIME OF THE REDEMPTION;
35

36 (2) BE SIGNED LEGIBLY BY AN AGENT OF THE TOWING SERVICE AND LIST THE
37 NAME, ADDRESS AND TELEPHONE NUMBER OF THE TOWING SERVICE; AND
38

39 (3) BRIEFLY INFORM THE VEHICLE OWNER THAT THE DEPARTMENT CAN
40 EXPLAIN THE VEHICLE OWNER'S RIGHTS.
41

42 **(G) Damage waiver.** A TRESPASS TOWING SERVICE SHALL NOT REQUIRE A
43 VEHICLE OWNER TO SIGN ANY WAIVER OF THE VEHICLE OWNER'S RIGHT TO RECEIVE
44 COMPENSATION FOR DAMAGES TO THE VEHICLE.
45

46 **11-16-308. Prohibited Acts.**

47
48 **(A) Property owners, agents and towing services.** A PROPERTY OWNER, AGENT OF
49 A PROPERTY OWNER, OR ANY OFFICER OR EMPLOYEE OF A TOWING SERVICE SHALL NOT:
50

51 (1) FALSELY STATE THAT A PROPERTY OWNER AUTHORIZED THE TOWING OF A
52 PARTICULAR VEHICLE;
53

54 (2) RECORD ANY FALSE INFORMATION ABOUT THE TOWING OF A PARTICULAR
55 VEHICLE; OR

1 (3) SIGN A TOW SLIP BEFORE ALL OF THE INFORMATION RELATING TO THE
2 TOWING OF A PARTICULAR VEHICLE IS RECORDED ON THE SLIP.

3
4 (B) **Trespass Towing Services.** A TOWING SERVICE SHALL NOT:

5
6 (1) CHARGE A VEHICLE OWNER ANY FEE FOR THE SERVICES OF A PROPERTY
7 OWNER'S AGENT;

8
9 (2) PAY ANY RENUMERATION TO THE PROPERTY OWNER OR THE OWNER'S
10 AGENT; OR

11
12 (3) EMPLOY INDIVIDUALS, COMMONLY REFERRED TO AS "SPOTTERS," WHOSE
13 PRIMARY TASK IS TO REPORT THE PRESENCE OF UNAUTHORIZED PARKED VEHICLES FOR
14 THE PURPOSES OF TOWING OR REMOVAL AND IMPOUNDING.

15
16 (C) **Authorized agent required.** A PERSON SHALL NOT ACT AS A PROPERTY
17 OWNER'S AGENT FOR THE PURPOSE OF ORDERING THE TOWING OF AN UNAUTHORIZED
18 VEHICLE UNLESS THE PROPERTY OWNER OR PROPERTY MANAGER HAS GIVEN EXPRESS
19 WRITTEN PERMISSION TO ACT.

20
21 (D) **Financial interest prohibited.** FOR THE PURPOSE OF ORDERING THE TOWING OF
22 AN UNAUTHORIZED VEHICLE, A PROPERTY OWNER OR AN AGENT OF A PROPERTY
23 OWNER SHALL NOT BE EMPLOYED BY OR HAVE ANY MEMBER OF THEIR IMMEDIATE
24 FAMILY EMPLOYED BY THE TRESPASS TOWING SERVICE, OR HAVE A FINANCIAL
25 INTEREST IN THE TRESPASS TOWING SERVICE OR THE TOWING OF THE VEHICLE.

26
27 **11-16-309. Penalties**

28
29 A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBTITLE IS SUBJECT TO CIVIL
30 FINES AS PROVIDED IN § 9-2-101 OF THIS CODE. THE AMOUNT OF THE CIVIL FINE FOR
31 EACH VIOLATION OF THIS SECTION IS:

32
33 (1) FOR THE FIRST VIOLATION, \$500;

34
35 (2) FOR THE SECOND VIOLATION, \$750; AND

36
37 (3) FOR EACH VIOLATION IN EXCESS OF TWO, \$1,000.

38
39 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
40 from the date it becomes law.