

AMENDED  
April 20, 2009  
May 18, 2009  
June 1, 2009

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No.6

Bill No. 18-09

Introduced by Mr. Jones and Mr. Middlebrooks  
and  
Mr. Reilly, Chairman  
(by request of the County Executive)

By the County Council, March 16, 2009

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Introduced and first read on March 16, 2009  
Public Hearing set for and held on April 6, 2009  
Public Hearing on AMENDED BILL set for and held on May 4, 2009  
Bill AMENDED on May 18, 2009  
Public Hearing on SECOND AMENDED BILL set for and held on June 1, 2009  
Public Hearing on THIRD AMENDED BILL set for June 15, 2009  
Bill Expires June 19, 2009

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Licenses and Traffic – Towing  
2  
3 FOR the purpose of amending the requirements for towing licenses; creating a new  
4 category of towing license for nonconsensual towing; amending certain requirements  
5 for police-initiated towing; amending provisions for towing from parking lots; adding  
6 a provision to the Zoning Article for signs regarding towing; and generally related to  
7 towing in the County.  
8  
9 BY repealing and reenacting, with amendments: §§ 11-16-101, 11-16-201, 12-3-107 and  
10 18-3-302  
11 Anne Arundel County Code (2005, as amended)  
12  
13 BY repealing: §§ 11-16-303 and 11-16-304  
14 Anne Arundel County Code (2005, as amended)

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 BY renumbering: §§ 11-16-301 and 11-16-302 to be §§ 11-16-302 and 11-16-303,  
2 respectively, to be under the amended subtitle “Subtitle 3. Additional Provisions  
3 Applicable To Police-Initiated Tows”  
4 Anne Arundel County Code (2005, as amended)  
5

6 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
7 *Maryland,* That §§ 11-16-303 and 11-16-304 of the Anne Arundel County Code (2005,  
8 as amended) are hereby repealed.  
9

10 SECTION 2. *And be it further enacted,* That §§ 11-16-301 and 11-16-302 of the  
11 Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 11-16-  
12 302 and 11-16-303, respectively, to be under the amended subtitle “Subtitle 3.  
13 Additional Provisions Applicable To Police-Initiated Tows”.  
14

15 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County  
16 Code (2005, as amended) read as follows:  
17

## 18 ARTICLE 11. LICENSING

### 19 TITLE 16. TOWING COMPANIES

#### 20 11-16-101. Definitions.

21  
22  
23 (1) "Disabled, abandoned, or recovered vehicle" means a motor vehicle that has  
24 been damaged or rendered inoperative as a result of a collision or accident; an abandoned  
25 motor vehicle that obstructs the free flow of traffic; a recovered stolen motor vehicle; or a  
26 motor vehicle impounded by the police.  
27

28 (2) “NONCONSENSUAL TOWING” MEANS TOWING A VEHICLE FROM PRIVATE  
29 PROPERTY FOR COMPENSATION AND WITHOUT THE CONSENT OF THE VEHICLE OWNER.  
30

31 (3) “POLICE-INITIATED TOWING” MEANS TOWING DISABLED, ABANDONED, OR  
32 RECOVERED VEHICLES AT THE REQUEST OF THE POLICE DEPARTMENT.  
33

34 [(2)] (4) "Regular business day" means the period between 8:00 a.m. and 6:00  
35 p.m., Monday through Friday, and 8:00 a.m. to 12:00 noon on Saturday, holidays  
36 excluded.  
37

38 [(3)] (5) "Tow truck" means a vehicle registered with the State Motor Vehicle  
39 Administration that is capable of performing towing operations.  
40

41 [(4)] (6) "Tow truck operator" means any person who operates equipment used  
42 in the towing of vehicles at the request of the Police Department OR WHO TOWS  
43 VEHICLES FROM PRIVATE PROPERTY FOR COMPENSATION AND WITHOUT THE CONSENT  
44 OF THE VEHICLE'S OWNER.  
45

46 [(5)] (7) "Towing company" means a person owning, operating, or conducting  
47 the business of towing disabled, abandoned, or recovered vehicles at the request of the  
48 Police Department OR A PERSON OWNING, OPERATING, OR CONDUCTING THE BUSINESS  
49 OF TOWING VEHICLES WITHOUT THE CONSENT OF THE VEHICLE'S OWNER.

#### 50 11-16-201. License.

1  
2 (a) **When required.** A person may not engage in POLICE-INITIATED towing [disabled,  
3 abandoned, or recovered vehicles at the request of the Police Department] OR  
4 NONCONSENSUAL TOWING without a license issued by the Department, except that a  
5 license is not required for a towing company that is the personal choice of the owner of a  
6 disabled vehicle or the owner's agent [or for the towing of motor vehicles other than  
7 disabled, abandoned, or recovered vehicles].  
8

9 (b) **Standards for issuance.** To be eligible for a license, a towing company shall meet  
10 the following standards:  
11

12 (1) the towing company shall comply with all applicable federal, State, and local  
13 statutes, ordinances, and regulations, and all rules, regulations, forms, and operating  
14 procedures that are promulgated by the Department;  
15

16 (2) [the towing company shall possess at least three] ALL tow trucks USED BY THE  
17 TOWING COMPANY SHALL BE registered by the State Motor Vehicle Administration, [that  
18 are] capable of performing normal towing operations in a safe and timely manner, and  
19 [that are], legibly inscribed on each side with the name and address of the towing  
20 company in letters at least four inches in height;  
21

22 (3) the tow trucks shall be in good mechanical condition and equipped with  
23 necessary towing gear and safety apparatus;  
24

25 [(4) the towing company shall be operational and available 24 hours a day, seven  
26 days a week, with sufficient qualified, licensed, and trained personnel to respond to  
27 requests and operate the tow trucks and related equipment;  
28

29 (5) the towing company shall be able to respond to calls for service in a tow area  
30 within 20 minutes and shall have an acceptable response record or be expected to be able  
31 to respond in the required time frame;] and  
32

33 [(6)] (4) the towing company shall ensure that each tow truck operator:  
34

35 (i) holds a valid Maryland driver's license for the class vehicle that the driver  
36 operates;  
37

38 (ii) is at least 18 years old;  
39

40 (iii) is courteous and does not use abusive or offensive language when dealing  
41 with the public or police;  
42

43 (iv) within the three-year period prior to the date of the application, has not  
44 been convicted of a felony or entered a plea of guilty or *nolo contendere* to a felony;  
45

46 (v) is not a consistent violator of motor vehicle laws; and  
47

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

1 (C) **Additional standards for police-initiated towing.** A TOWING COMPANY THAT  
2 ENGAGES IN POLICE-INITIATED TOWING SHALL:

3  
4 (1) POSSESS AT LEAST THREE TOW TRUCKS REGISTERED BY THE STATE MOTOR  
5 VEHICLE ADMINISTRATION THAT ARE CAPABLE OF PERFORMING NORMAL TOWING  
6 OPERATIONS IN A SAFE AND TIMELY MANNER; AND

7  
8 (2) BE OPERATIONAL AND AVAILABLE 24 HOURS A DAY, SEVEN DAYS A WEEK,  
9 WITH SUFFICIENT QUALIFIED, LICENSED, AND TRAINED PERSONNEL TO RESPOND TO  
10 REQUESTS AND OPERATE THE TOW TRUCKS AND RELATED EQUIPMENT; AND

11  
12 (3) BE ABLE TO RESPOND TO CALLS FOR SERVICE IN A TOW AREA WITHIN 20  
13 MINUTES AND SHALL HAVE AN ACCEPTABLE RESPONSE RECORD OR BE EXPECTED TO BE  
14 ABLE TO RESPOND IN THE REQUIRED TIME FRAME.

15  
16 [(c)] (D) **Application.** A towing company shall report to the Director in writing within  
17 three business days all changes to the information contained in an application.

18  
19 [(d)] (E) **Fees.** The annual application fee is \$250. The annual license fee is \$25 for  
20 each tow truck.

21  
22 [(e)] (F) **Investigation and approval by Police Department.** The Director shall  
23 forward the application to the Police Department for an investigation and inspection and  
24 approval. The Police Department shall approve the application on finding that the towing  
25 company complies with the standards set forth in this title and the towing company has  
26 no pattern of violations of this title.

27  
28 [(f)] (G) **Issuance.** The Director shall issue a license if the Police Department has  
29 approved it; the towing company complies with all applicable zoning laws [and has an  
30 adequate off-street storage facility located in the County]; and no other factors or  
31 conditions exist that warrant denial of the license. THE DIRECTOR MAY NOT ISSUE A  
32 LICENSE TO A COMPANY THAT PERFORMS POLICE-INITIATED TOWING UNLESS THE  
33 TOWING COMPANY HAS AN ADEQUATE OFF-STREET STORAGE FACILITY LOCATED IN THE  
34 COUNTY.

35  
36 [(g)] (H) **Approved list.** The Department shall establish and maintain a list of licensed  
37 towing companies and provide the list to the Police Department AND SHALL SEPARATELY  
38 DESIGNATE THOSE COMPANIES LICENSED TO CONDUCT POLICE-INITIATED TOWING.

39  
40 [(h)] (I) **Denial; revocation; suspension.** After providing a hearing, the Director may  
41 deny, revoke, or suspend the license of a towing company that:

42  
43 (1) violates any of the provisions of this title;

44  
45 (2) violates any rules or regulations adopted under this title;

46  
47 [(3) has five responses in excess of 20 minutes within any two-month period that  
48 were not excused pursuant to § 11-16-302;

49  
50 (4) fails to respond to seven tow requests within a six-month period;]

51  
52 (3) VIOLATES ANY OF THE PROVISIONS OF §12-3-107 OF THIS CODE;

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[(5)] (4) fails to submit timely and proper State and County forms or reports; or

[(6)] (5) has a license to tow suspended or revoked by another jurisdiction after opportunity for a hearing.

(J) **Additional grounds for denial, revocation, or suspension of license for police-initiated towing.** AFTER PROVIDING A HEARING, THE DIRECTOR MAY DENY, REVOKE, OR SUSPEND THE LICENSE OF A TOWING COMPANY THAT PERFORMS POLICE-INITIATED TOWING IF THE COMPANY:

(1) HAS FIVE RESPONSES IN EXCESS OF 20 MINUTES WITHIN ANY TWO-MONTH PERIOD THAT WERE NOT EXCUSED PURSUANT TO §11-16-302; OR

(2) FAILS TO RESPOND TO SEVEN TOW REQUESTS WITHIN A SIX-MONTH PERIOD.

[(i)] (K) **Expiration.** A license issued under this title expires on [June 30] AUGUST 31 of each year.

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

#### **11-16-203. Storage.**

(A) **Zoning certification.** A TOWING COMPANY SHALL PROVIDE TO THE DEPARTMENT THE ADDRESS OF THE STORAGE AND REDEMPTION SITES TO BE USED FOR STORING AND REDEEMING VEHICLES AND SHALL PROVIDE CERTIFICATION THAT EACH SITE COMPLIES WITH LOCAL ZONING LAWS.

(B) **Separate storage and redemption area.** IF THE STORAGE AND REDEMPTION AREAS ARE SEPARATE, THE TOWING COMPANY SHALL PROVIDE SAFE AND RELIABLE TRANSPORTATION FROM THE REDEMPTION SITE TO THE STORAGE SITE. VIOLATION OF THIS PROVISION MAY BE GROUNDS FOR LICENSE SUSPENSION OR REVOCATION.

#### **11-16-204. Inspection; release of vehicle and personal property.**

(A) **Inspection by police.** A TOWING COMPANY SHALL ACCOMMODATE ALL REQUESTS BY THE POLICE TO INSPECT OR VIEW ANY TOWED VEHICLE IN ITS POSSESSION.

(B) **Release of vehicle.** A TOWING COMPANY SHALL RELEASE A TOWED VEHICLE DURING THE REGULAR BUSINESS DAY AND MAY RELEASE A VEHICLE AT OTHER TIMES. A TOWING COMPANY THAT PERFORMS NONCONSENSUAL TOWING SHALL REMAIN OPEN AT LEAST TWO HOURS AFTER THE LAST TOW IS COMPLETED DURING WHICH TIME THE TOWED VEHICLE SHALL BE RELEASED UPON REQUEST.

(C) **Release of personal property.** PERSONAL PROPERTY SHALL BE RELEASED TO THE OWNER OR THE OWNER'S AGENT DURING THE REGULAR BUSINESS DAY AND, IF A NONCONSENSUAL TOW, DURING THE LAST TWO HOURS AFTER THE LAST TOW IS COMPLETED.

1 **11-16-205. Rates and charges.**

2  
3 (A) **Fees.** EACH LICENSED TOWING COMPANY SHALL ADHERE TO THE SCHEDULE OF  
4 FEES APPROVED BY THE DEPARTMENT. ~~MAXIMUM FEES SET BY DEPARTMENT SHALL BE~~  
5 ~~THE SAME FOR POLICE INITIATED TOWING AND NONCONSENSUAL TOWING~~ MAXIMUM  
6 FEES FOR NONCONSENSUAL TOWING MAY BE UP TO TWO TIMES THE APPROVED FEE FOR  
7 POLICE-INITIATED TOWING.  
8

9 (B) **Storage fee restrictions.** A COMPANY THAT PERFORMS POLICE-INITIATED TOWS  
10 MAY NOT CHARGE A STORAGE FEE FOR THE CALENDAR DAY OF THE TOW. A COMPANY  
11 THAT PERFORMS NONCONSENSUAL TOWING MAY NOT CHARGE A STORAGE FEE FOR A  
12 CALENDAR DAY IN WHICH THE VEHICLE WAS NOT LOCATED ON THE STORAGE LOT.  
13

14 (C) **Credit card payment required.** A TOWING COMPANY THAT ENGAGES IN  
15 NONCONSENSUAL TOWING SHALL PROVIDE EVIDENCE TO THE DEPARTMENT  
16 CONFIRMING ACCEPTANCE OF AT LEAST ONE MAJOR CREDIT CARD OR THE PRESENCE OF  
17 A FUNCTIONING AUTOMATED TELLER MACHINE IN ADDITION TO CASH PAYMENT.  
18

19 (D) **Receipt required.** A TOWING COMPANY SHALL ISSUE A RECEIPT IN EXCHANGE  
20 FOR PAYMENT OF TOWING FEES.  
21

22 (E) **Damage waivers.** A TOWING COMPANY MAY NOT REQUIRE A PERSON TO SIGN A  
23 DAMAGE WAIVER AS A CONDITION OF VEHICLE RELEASE.  
24

25 **11-16-301. Scope.**

26  
27 THIS SUBTITLE APPLIES ONLY TO TOWING COMPANIES AUTHORIZED TO TOW  
28 DISABLED, ABANDONED, OR RECOVERED VEHICLES AT THE REQUEST OF THE POLICE  
29 DEPARTMENT.  
30

31 **ARTICLE 12. PUBLIC SAFETY**

32 **TITLE 3. TRAFFIC**

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34  
35 **12-3-107. Removal of motor vehicles from parking lots.**

36  
37 (a) **Definition.** In this section, "parking lot" means a privately owned facility  
38 consisting of three or more spaces for motor vehicle parking that is accessible to the  
39 general public and intended by the owner of the facility to be used primarily by the  
40 owner's customers, clientele, residents, lessees, or guests.  
41

42 (b) **Scope.** This section does not apply to:

43  
44 (1) the towing of abandoned vehicles as defined in the Transportation Article, §  
45 25-201, of the State Code;

46  
47 (2) towing performed at the request of the Anne Arundel County Police  
48 Department performed by tow companies licensed under Article 11 of this Code; or  
49

50 (3) a parking lot owned by a homeowner's association or condominium  
51 association as defined in the State Code.

1 (c) **Signs.** The owner or operator of a parking lot or the agent of the owner or operator  
2 may not have a vehicle towed or otherwise removed from the parking lot unless the  
3 owner, operator, or agent has placed at each entrance to the parking lot signs that:

4  
5 (1) are at least 24 inches high and 30 inches wide;

6  
7 (2) DO NOT EXCEED A HEIGHT OF 10 FEET;

8  
9 [(2)] (3) are clearly visible to the driver of a motor vehicle entering the parking  
10 lot;

11  
12 [(3)] (4) state the location to which the vehicle will be towed or removed;

13  
14 [(4)] (5) state the hours during which the vehicle may be reclaimed;

15  
16 [(5)] (6) state the maximum amount that the owner of the vehicle may be charged  
17 for the towing or removal of the vehicle, the daily storage fee, and the towing fee; and

18  
19 [(6)] (7) provide the telephone number of a person who can be contacted to  
20 arrange for the reclaiming of the vehicle by its owner or the owner's agent.

21  
22 (d) **Towing.** A person who tows or removes a vehicle from a parking lot without the  
23 consent of the owner of the vehicle or the agent of the owner:

24  
25 (1) SHALL BE LICENSED AS REQUIRED BY ARTICLE 11, TITLE 16 OF THIS CODE;

26  
27 [(1)] (2) may not charge the owner of the vehicle or the owner's agent more than  
28 the towing or storage fees authorized by [the Transportation Article, § 21-10A-04, of the  
29 State Code] ARTICLE 11, SUBTITLE 16 OF THIS CODE;

30  
31 (2) before towing or removing the vehicle, shall have authorization of the parking  
32 lot owner that shall include the name of the person authorizing the tow or removal and a  
33 statement that the vehicle is being towed or removed at the request of the parking lot  
34 owner AND SHALL PROVIDE EVIDENCE OF THE AUTHORIZATION OR A COPY OF THE  
35 WRITTEN CONTRACT UPON REQUEST OF THE POLICE DEPARTMENT;

36  
37 (3) may not employ individuals, commonly referred to as "spotters," whose  
38 primary task is to report the presence of unauthorized parked vehicles for the purposes of  
39 towing or removal and impounding AND MAY NOT ACT AS AN AGENT OF THE PARKING  
40 LOT OWNER FOR THE PURPOSE OF AUTHORIZING TOWS OR SERVING AS A SPOTTER;

41  
42 (4) may not pay any remuneration to the owner of the parking lot;

43  
44 (5) may not tow or otherwise remove a vehicle from a parking lot to a location  
45 that is more than 10 miles from the parking lot AND MAY NOT REQUIRE REDEMPTION AT  
46 A SITE THAT IS MORE THAN 10 MILES FROM THE PARKING LOT;

47  
48 (6) MAY NOT CHARGE A VEHICLE OWNER FOR RELOCATION OF A VEHICLE  
49 WITHIN THE PARKING LOT;

1 (7) MAY NOT TOW A VEHICLE WITH A VALID HANDICAPPED REGISTRATION  
2 WITHOUT THE AUTHORIZATION OF AN OFFICER IN THE POLICE OR FIRE DEPARTMENT;  
3

4 (8) MAY NOT BLOCK A VEHICLE TO OBTAIN PAYMENT AND SHALL RELEASE A  
5 VEHICLE IF ORDERED TO DO SO BY THE POLICE; [and]  
6

7 [(6)] (9) shall notify the Police Department within one hour after towing or  
8 removal and shall provide the following information:  
9

10 (i) a description of the vehicle, including the vehicle's registration plate  
11 number and vehicle identification number;  
12

13 (ii) the date and time the vehicle was towed or removed;  
14

15 (iii) the reason the vehicle was towed or removed; and  
16

17 (iv) the locations from which and to which the vehicle was towed or removed;  
18 AND  
19

20 (10) SHALL AFFIX TO EACH TOWED VEHICLE A TOW SLIP THAT PROVIDES THE  
21 FOLLOWING INFORMATION IN LEGIBLE FORM:  
22

23 (I) THE ADDRESS FROM WHICH THE VEHICLE WAS TOWED;  
24

25 (II) THE DATE AND TIME THE VEHICLE WAS TOWED;  
26

27 (III) THE MAKE, MODEL, COLOR, AND LICENSE PLATE NUMBER OF THE  
28 VEHICLE;  
29

30 (IV) THE REASON THE VEHICLE WAS TOWED;  
31

32 (V) THE NAME AND SIGNATURE OF THE TOW OPERATOR AND THE NAME AND  
33 SIGNATURE OF THE PERSON WHO AUTHORIZED THE TOW; AND  
34

35 (VI) THE TELEPHONE NUMBER OF THE COUNTY POLICE DEPARTMENT.  
36

37 (e) **Sanctions.** A person who violates the provisions of this section is subject to civil  
38 fines as provided in § 9-2-101 of this Code. The amount of the civil fine for each  
39 violation of this section is:  
40

41 (1) for the first violation, \$500;  
42

43 (2) for the second violation, \$750;  
44

45 (3) for each violation in excess of two, \$1,000.  
46

## 47 **ARTICLE 18. ZONING**

### 48 **TITLE 3. PARKING, NONRESIDENTIAL OUTDOOR LIGHTING, AND** 49 **SIGNAGE.** 50

#### 51 **18-3-302. Permit requirements.** 52

1 (a) **Permit generally required.** Except as provided in subsection (b), a permit shall  
2 be obtained from the Department of Inspections and Permits before posting a sign.

3  
4 (b) **When permit not required.** The following signs do not require a permit:

5 (1) a temporary sign;

6 (2) a directional sign that is less than four square feet in area;

7  
8 (3) a permanent directional sign in a County right-of-way, but pre-approval is  
9 required as provided in § 18-3-305; [or]

10 (4) a sign forming an integral part of a transportation shelter, fuel-dispensing  
11 pump, vending machine, or service appliance; OR

12 (5) A SIGN POSTED AT A PARKING LOT AS REQUIRED BY §12-3-107 OF THIS CODE.

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17  
18 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days  
19 from the date it becomes law.

: