

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 17

Bill No. 77-24

Introduced by Mr. Volke

By the County Council, September 16, 2024

Introduced and first read on September 16, 2024
Public Hearing set for and held on October 21, 2024
Public Hearing on AMENDED bill set for and held on November 4, 2024
Public Hearing on AMENDED bill set for and held on November 18, 2024
Bill Expires on December 20, 2024

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Licenses and Registrations – Towing Companies

2
3 FOR the purpose of defining “heavy-duty towing” and “light-duty towing”; establishing
4 tow truck, equipment, and response requirements for heavy-duty police-initiated
5 towing and light-duty police-initiated towing; establishing separate tow rotation lists
6 for heavy-duty police-initiated towing and light-duty police-initiated towing; and
7 generally relating to ~~police-initiated towing~~ licenses and registrations.
8

9 BY renumbering: § 11-16-101(2) through (12), respectively, to be § 11-16-101(4) through
10 (14), respectively
11 Anne Arundel County Code (2005, as amended)
12

13 BY adding: §§ 11-16-101(2) and (3), and 11-16-201(n) and (o)
14 Anne Arundel County Code (2005, as amended)
15

16 BY repealing and reenacting, with amendments: §§ 11-16-201(c)(1) and (3); 11-16-201(g),
17 (h), (i), and (k); 11-16-302(a) through (c); and 11-16-303(a) and (c)
18 Anne Arundel County Code (2005, as amended)
19

20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
21 That §§ 11-16-101(2) through (12), respectively, of the Anne Arundel County Code (2005,

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

as amended) are hereby renumbered to be §§ to be § 11-16-101(4) through (14), respectively.

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

ARTICLE 11. ZONING

TITLE 16. TOWING COMPANIES

11-16-101. Definitions.

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

(2) “HEAVY-DUTY TOWING” MEANS TOWING A VEHICLE WITH A MANUFACTURER’S GROSS VEHICLE WEIGHT RATING GREATER THAN 26,000 POUNDS OR TOWING A VEHICLE FOR WHICH SPECIALIZED EQUIPMENT IS REQUIRED.

(3) “LIGHT-DUTY TOWING” MEANS TOWING A VEHICLE WITH A MANUFACTURER’S GROSS VEHICLE WEIGHT RATING LESS THAN 26,000 POUNDS.

11-16-201. License.

(c) **Additional standards for police-initiated towing.** A towing company that engages in police- initiated towing shall:

(1) (I) IF PERFORMING LIGHT-DUTY TOWING, possess at least three tow trucks CAPABLE OF CONDUCTING LIGHT-DUTY TOWING REGISTERED BY THE STATE MOTOR VEHICLE ADMINISTRATION; AND

(II) IF PERFORMING HEAVY-DUTY TOWING, POSSESS AT LEAST ~~TWO~~ ONE TOW TRUCKS CAPABLE OF CONDUCTING HEAVY-DUTY TOWING registered by the State Motor Vehicle Administration ~~[[that are capable of performing normal towing operations in a safe and timely manner]]~~;

(2) be operational and available 24 hours a day, seven days a week, with sufficient qualified, licensed, and trained personnel to respond to requests and operate the tow trucks and related equipment; and

(3) be able to respond to calls for service in a tow area within 30 minutes FOR LIGHT-DUTY TOWING AND 45 MINUTES FOR HEAVY-DUTY TOWING and shall have an acceptable response record or be expected to be able to respond in the required time frame.

(g) **Investigation and approval by Police Department.** The Director shall forward the application to the Police Department for an investigation and inspection and approval. The Police Department shall approve the application, FOLLOWING AN INSPECTION OF ALL TOW TRUCKS AND TOWING EQUIPMENT, on finding that the towing company, TOW TRUCKS, AND TOWING EQUIPMENT complies with the standards set forth in this title and the towing company has no pattern of violations of this title.

1 (h) **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 no other factors or
3 conditions exist that warrant denial of the license. The Director may not issue a license to
4 a company that performs police-initiated towing unless the towing company has an
5 adequate, SECURE off-street storage facility located in the County. THE LICENSE SHALL
6 INDICATE WHETHER THE TOWING COMPANY IS APPROVED FOR HEAVY-DUTY TOWING,
7 LIGHT-DUTY TOWING, OR BOTH.
8

9 (i) **Approved list.** The Department shall establish and maintain a list of licensed towing
10 companies and provide the list to the Police Department and shall separately designate
11 those companies licensed to conduct HEAVY-DUTY police-initiated towing AND
12 LIGHT-DUTY POLICE-INITIATED TOWING.
13

14 (k) **Additional grounds for denial, revocation, or suspension of license for**
15 **police-initiated towing.** After providing a hearing, the Director may deny, revoke, or
16 suspend the license of a towing company that performs police-initiated towing if the
17 company:
18

19 (1) has five responses in excess of [[30 minutes]] THE REQUIRED RESPONSE TIME
20 IN SUBSECTION (C)(3) within any two-month period that were not excused pursuant to
21 § 11-16-302; or
22

23 (2) fails to respond to seven tow requests within a six-month period.
24

25 (N) **Equipment required for police-initiated towing.** A TOWING COMPANY THAT
26 ENGAGES IN POLICE-INITIATED TOWING SHALL HAVE:
27

28 (1) IN EACH TOW TRUCK:
29

30 (I) A BROOM, SHOVEL, AND BUCKET FOR DEBRIS;
31

32 (II) AN OPERABLE FIRE EXTINGUISHER;
33

34 (III) ABSORBENT;
35

36 (IV) MECHANIC'S TOOLS SUFFICIENT TO PERFORM MINOR REPAIRS;
37

38 (V) LIGHT BAR, REFLECTORS, FLARES, AND OTHER APPROPRIATE SAFETY
39 DEVICES; AND
40

41 (VI) A COPY OF THE CURRENT COUNTY TOWING LICENSE.
42

43 (2) FOR ANY TOWING COMPANY LICENSED TO CONDUCT LIGHT-DUTY
44 POLICE-INITIATED TOWING, AT LEAST ONE ROLLBACK TOW TRUCK ~~AND AT LEAST ONE~~
45 ~~WRECKER WITH A BOOM FOR RECOVERY~~, AND EACH TOW TRUCK SHALL HAVE ALL
46 TOWING EQUIPMENT NECESSARY APPROPRIATE FOR THE SAFE AND TIMELY
47 PERFORMANCE OF TOWING SERVICES FOR THAT TOW TRUCK.
48

49 (3) FOR ANY TOWING COMPANY LICENSED TO CONDUCT HEAVY-DUTY
50 POLICE-INITIATED TOWING, THE TOW TRUCKS USED IN HEAVY-DUTY TOWING SHALL
51 HAVE A GROSS VEHICLE WEIGHT RATING IN EXCESS OF 33,000 POUNDS, AND EACH TRUCK
52 SHALL BE EQUIPPED WITH:

(I) RECOVERY STRAPS;

(II) A CHAINSAW;

(III) HEADSET COMMUNICATION;

(IV) SUFFICIENT QUANTITIES OF 5/8 AND 1/2 CHAINS (100 GRADE);

(V) CROW BARS;

(VI) WORK LIGHTS;

(VII) CONES;

(VIII) AIR LINES AND AIR FITTINGS;

(IX) A CORDLESS IMPACT DRILL;

(X) A COPY OF THE CURRENT COUNTY TOWING LICENSE; AND

(XI) SUFFICIENT EQUIPMENT FOR THE SAFE AND TIMELY PERFORMANCE OF HEAVY-DUTY TOWING SERVICES.

(O) Waiver of heavy-duty equipment requirements. AN APPLICANT FOR A HEAVY-DUTY POLICE-INITIATED TOWING LICENSE MAY SUBMIT A WRITTEN WAIVER REQUEST TO THE POLICE DEPARTMENT SEEKING TO BE LICENSED FOR HEAVY-DUTY POLICE-INITIATED TOWING WITHOUT HAVING ALL OF THE EQUIPMENT SPECIFIED IN SUBSECTION (N)(3). IF THE POLICE DEPARTMENT DETERMINES THAT SPECIFIC EQUIPMENT LISTED IN SUBSECTION (N)(3) IS UNNECESSARY FOR THE HEAVY-DUTY TOW TRUCKS USED BY THE APPLICANT, THE POLICE DEPARTMENT MAY GRANT THE WAIVER AND APPROVE THE APPLICATION FOR HEAVY-DUTY POLICE-INITIATED TOWING.

11-16-302. Tow areas; rotation list.

(a) Assignment to tow area. The Police Department shall divide the County into SEPARATE specific tow areas FOR HEAVY-DUTY TOWING AND LIGHT-DUTY TOWING established by the size, road networks, demographic characteristics, and density of each geographical area. The Police Department shall assign each licensed towing company to a tow area.

(b) Rotation. For each HEAVY-DUTY TOW AREA AND LIGHT-DUTY tow area, the Police Department shall maintain a rotation list that includes all licensed towing companies assigned to the tow area and from which requests for towing service shall be made. In making a request for towing service from a rotation list, the Police Department shall determine WHETHER THE TOW IS A HEAVY-DUTY TOW OR LIGHT-DUTY TOW AND which licensed towing company received the last request[;]. THE POLICE DEPARTMENT SHALL request the next towing company on the RELEVANT list to respond; and, if the requested towing company is unable to respond, contact each successive towing company on the RELEVANT list until the service is arranged.

(c) Rotation deviation. The Police Department may deviate from the order of the rotation lists when, [[there is a need for specialized equipment or when the police determine]], IN THE SOLE DISCRETION OF THE POLICE DEPARTMENT, IT IS DETERMINED that deviation is necessary for the public welfare. [[A towing company may respond to a

1 request requiring specialized equipment by using equipment not owned by the towing
2 company if the equipment has a current towing inspection sticker issued by the Police
3 Department. In addition to any mailed notices required under this title, the towing company
4 shall ensure, to the fullest extent possible, that the towed vehicle's owner has full and
5 correct information on where, when and how to retrieve the vehicle at the time the vehicle
6 is towed.]] IF A LIGHT-DUTY TOWING COMPANY IS REQUESTED TO CONDUCT A TOW AND
7 DETERMINES THAT A HEAVY-DUTY TOW TRUCK OR EQUIPMENT OR OTHER SPECIALIZED
8 EQUIPMENT IS NECESSARY TO COMPLETE THE TOW, THE REQUESTED COMPANY SHALL
9 INFORM THE ~~POLICE DEPARTMENT~~ DIRECTOR IMMEDIATELY AND A REQUEST SHALL BE
10 MADE TO THE NEXT COMPANY ON THE HEAVY-DUTY TOWING ROTATION LIST FOR THAT
11 AREA. IF SUCH DETERMINATION IS DEEMED REASONABLE BY THE POLICE DEPARTMENT,
12 THE REFUSAL BY THE LIGHT-DUTY TOWER SHALL NOT BE DEEMED A FAILURE TO
13 RESPOND FOR THE PURPOSES OF § 11-16-201(K) AND THE LIGHT-DUTY TOWER SHALL BE
14 RETURNED TO THE TOP OF THE LIGHT-DUTY TOWING ROTATION LIST.

15
16 **11-16-303. Response standards.**

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18 (a) **Timeliness.** A LIGHT-DUTY towing company ordinarily shall respond to a request
19 for service and arrive at the scene no later than 30 minutes after the request was made. A
20 HEAVY-DUTY TOWING COMPANY ORDINARILY SHALL RESPOND TO A REQUEST FOR
21 SERVICE AND ARRIVE AT THE SCENE NO LATER THAN 45 MINUTES AFTER THE REQUEST
22 WAS MADE. The Department may determine that a towing company's arrival at the
23 scene[[more than 30 minutes after the request for service was made]] IN EXCESS OF THE
24 REQUIREMENTS ESTABLISHED IN THIS SECTION is timely after consideration is given to
25 traffic, road, and weather conditions and whether the request was made between the hours
26 of 11:00 p.m. and 7:00 a.m.

27
28 (c) **Events at the scene.** On arriving at the scene, the towing company shall remove
29 the vehicle to the company's storage facility specified on the application. A towing
30 company may not leave the scene until released by the police personnel in charge of the
31 scene. IN ADDITION TO ANY MAILED NOTICES REQUIRED UNDER THIS TITLE, THE TOWING
32 COMPANY SHALL ENSURE, TO THE FULLEST EXTENT POSSIBLE, THAT THE TOWED
33 VEHICLE'S OWNER HAS FULL AND CORRECT INFORMATION ON WHERE, WHEN AND HOW
34 TO RETRIEVE THE VEHICLE AT THE TIME THE VEHICLE IS TOWED. UNLESS OTHERWISE
35 PROHIBITED BY LAW, TOW TRUCK OPERATORS SHALL CLEAN ALL DEBRIS, INCLUDING
36 GLASS, AUTO PARTS, OR ABSORBENTS FROM THE SCENE OF A COLLISION.

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

AMENDMENTS ADOPTED: October 21 and November 4, 2024

READ AND PASSED this 18th day of November, 2024

By Order:



Kaley Schultze
Administrative Officer

PRESENTED to the County Executive for his approval this 20th day of November, 2024

A handwritten signature in black ink, appearing to be 'K Schultze', with a long horizontal stroke extending to the right.

Kaley Schultze
Administrative Officer

APPROVED AND ENACTED this 27th day of November, 2024

A handwritten signature in blue ink, appearing to be 'Steuart Pittman', with a long horizontal stroke extending to the right.

Steuart Pittman
County Executive

EFFECTIVE DATE: January 11, 2025

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 77-24 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read 'K. Schultze', with a long horizontal line extending to the right.

Kaley Schultze
Administrative Officer