

**CITY OF BALTIMORE  
COUNCIL BILL 21-0125  
(First Reader)**

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Introduced by: Councilmembers Dorsey, Burnett, Ramos, Cohen, Bullock, Conway, Torrence  
Introduced and read first time: September 13, 2021

Assigned to: Rules and Legislative Oversight

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of  
Transportation, Baltimore Police Department, Parking Authority, Baltimore Development  
Corporation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Trespass Towing – Revisions**

3 FOR the purpose of making certain substantive and technical revisions to Article 15 {“Licensing  
4 and Regulation”}, Subtitle 22 {“Towing Services – Trespass Towing”}; establishing certain  
5 maximum charges for towing services; specifying certain required information to be included  
6 on towing service receipts and on daily logs maintained by each towing service; specifying  
7 certain limitations on incomplete tows; requiring that a towing service must accept credit  
8 cards; prohibiting certain instances of patrol towing; making certain stylistic changes;  
9 conforming, clarifying, and correcting related provisions; and generally related to the  
10 regulation of trespass towing services in Baltimore City.

11 BY re-numbering current

12 Article 15 - Licensing and Regulation  
13 Sections 22-13, 22-14, 22-15, 22-16, 22-17, 22-18, respectively  
14 to be new  
15 Sections 22-15, 22-16, 22-17, 22-18, 22-19, 22-20, respectively  
16 Baltimore City Code  
17 (Edition 2000)

18 BY repealing and re-ordaining, with amendments

19 Article 15 - Licensing and Regulation  
20 Sections 22-1, 22-8, 22-10, 22-15, 22-16  
21 Baltimore City Code  
22 (Edition 2000)

23 BY adding

24 Article 15 - Licensing and Regulation  
25 Sections 22-13 and 22-14  
26 Baltimore City Code  
27 (Edition 2000)

28 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
29 Laws of Baltimore City read as follows:

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

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**Baltimore City Code**

**Article 15. Licensing and Regulation**

**Subtitle 22. Towing Services – Trespass Towing**

**§ 22-1. Definitions.**

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS SPECIFIED.

(B) [(a)] *Board.*

“Board” means the Board of Licenses for Towing Services of Baltimore City.

(C) [(b)] *License.*

“License” means the license to engage in the business of towing vehicles within Baltimore City issued pursuant to this subtitle.

(D) [(c)] *Motor vehicle.*

“Motor vehicle” means any vehicle which is self-propelled or propelled by electric power obtained from overhead electrical wires, but not operated upon rails.

(E) [(d)] *Person.*

[(1) “Person” means every natural person, partnership, corporation, fiduciary, association, or other entity.]

(1) *IN GENERAL.*

“PERSON” HAS THE MEANING STATED IN GENERAL PROVISIONS ARTICLE § 1-107 {“PERSON”}.

(2) *INCLUSION.*

When used in any clause prescribing and imposing a penalty, the term “person” as applied to any [partnership or association] BUSINESS ORGANIZATION shall [mean] INCLUDE the partners, OFFICERS, or members [thereof] OF THE ORGANIZATION, AS THE CASE MAY BE[, and as applied to any corporation shall include the officers thereof].

(F) [(e)] *Police Department.*

“Police Department” means the Baltimore City Police Department.

(G) [(f)] *Storage.*

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1           “Storage” means the holding and safekeeping of motor vehicles.

2           (H) [(g)] *Towing.*

3           “Towing” means the moving or removing of a vehicle by another motor vehicle.

4           (I) [(h)] *Towing service.*

5           “Towing service” means the operation of removing or towing motor vehicles for  
6           compensation.

7           (J) [(i)] *Tow truck operator.*

8           “Tow truck operator” means any person who is the operator of a towing vehicle.

9           **§ 22-8. Charges.**

10          (a) *Schedule to be filed.*

11           (1) Every person engaged in providing towing services shall, at the time of application for  
12           a license, file with the Board a schedule setting forth the applicant’s proposed charges  
13           for towing and for any services incident to towing.

14           (2) The charges shall be stated clearly on the application for a towing services license  
15           filed by the person engaged in the towing business.

16          (B) *MAXIMUM CHARGES.*

17           (1) SUBJECT TO THIS SUBSECTION, THE BOARD MAY SET MAXIMUM CHARGES, SUBJECT TO  
18           STATE LAW, FOR TOWING SERVICES, STORAGE, AND RELEASE FEES.

19           (2) IN NO EVENT MAY THE BOARD ESTABLISH:

20                   (I) A MAXIMUM TOWING SERVICE FEE THAT EXCEEDS \$250; OR

21                   (II) A MAXIMUM RELEASE FEE THAT EXCEEDS 25% OF THE TOWING FEE.

22           (3) THE BOARD OF ESTIMATES MUST APPROVE ANY MAXIMUM CHARGE SET BY THE  
23           BOARD BEFORE ANY MAXIMUM CHARGE MAY TAKE EFFECT.

24          (C) [(b)] *Permitted basis.*

25           The charges may be measured by mileage, time, and type of service or may be measured  
26           on a flat fee basis.

27          (D) [(c)] *Changes.*

28           These charges shall not be changed without filing with the Board an amended schedule  
29           showing the charges proposed.

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1     **§ 22-10. Records and receipts.**

2           (a) *Work order statements.*

3           (1) At the request of the owner or operator of the motor vehicle, each tow truck operator  
4           shall:

5                   (i) inform the owner or operator of the motor vehicle of the towing service  
6                   charges; and

7                   (ii) provide a towing service work order statement.

8           [(2) Each towing service work order statement shall contain the following:

9                   (i) the name, business address, license number, and telephone number of the  
10                  towing service;

11                  (ii) a brief description of the motor vehicle, including the motor vehicle license  
12                  plate number and vehicle identification number;

13                  (iii) the location to which the motor vehicle was towed;

14                  (iv) the towing charge and the basis for such charge;

15                  (v) the rate chargeable per day for storage where the motor vehicle is to be stored  
16                  by the towing service; and

17                  (vi) any other fees or charges to be paid by the owner or operator.]

18           (b) *Receipts.*

19           (1) [Upon] ON payment of any fees for towing services, the tow truck operator or any  
20           other employee of the towing service shall provide a receipt for the amount paid [to  
21           him as the charge] for the TOWING service and shall sign and deliver to the owner  
22           [and/or] or operator of the motor vehicle, AS THE CASE MAY BE, a receipt of [such]  
23           THAT payment.

24           (2) The TOW TRUCK operator shall sign the receipt in a legible manner and shall print his  
25           OR HER name under the signature.

26           (c) *Daily log.*

27           (1) Each towing service licensed under [the provisions of] this subtitle shall maintain a  
28           record in its ordinary course of business of every tow made under this subtitle.

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1 [(2) The record shall include the following for each vehicle towed:

- 2 (i) the license plate number of the motor vehicle towed and the motor vehicle  
3 identification number;
- 4 (ii) the locations from which and to which the motor vehicle was towed;
- 5 (iii) the reason for towing;
- 6 (iv) the name of the person authorizing the towing of the motor vehicle; and
- 7 (v) additional pertinent information, other than financial, as required by the  
8 Board.]

9 (2) [(3)] The record shall be retained by the licensee for a minimum of 2 years.

10 (d) *Inspection of records and vehicles.*

11 Each towing service licensed under the provisions of this subtitle:

- 12 (1) shall make available in a reasonable time and manner, for inspection by the Board  
13 or the Police Department, its records kept in the ordinary course of business  
14 pursuant to this subtitle; and
- 15 (2) shall make available for inspection by the Police Department those motor vehicles  
16 which remain impounded or stored in the storage or repair facility of the towing  
17 service.

18 (E) *REQUIRED INFORMATION.*

19 ANY DOCUMENT REQUIRED UNDER THIS SECTION, INCLUDING RECEIPTS AND DAILY LOGS,  
20 MUST CONTAIN THE FOLLOWING INFORMATION:

- 21 (I) THE NAME, BUSINESS ADDRESS, CITY-ISSUED LICENSE NUMBER, AND TELEPHONE  
22 NUMBER OF THE TOWING SERVICE;
- 23 (II) A DESCRIPTION OF THE SERVICED MOTOR VEHICLE, INCLUDING THE MOTOR  
24 VEHICLE LICENSE PLATE NUMBER AND THE VEHICLE IDENTIFICATION NUMBER;
- 25 (III) THE LOCATION FROM WHICH THE MOTOR VEHICLE WAS TOWED, THE REASON FOR  
26 THE TOW, HOW THE TOWING VEHICLE WAS SUMMONED, AND THE NAME OF THE  
27 PERSON AUTHORIZING THE TOW;
- 28 (IV) THE LOCATION TO WHICH THE MOTOR VEHICLE WAS TOWED;
- 29 (V) THE TOWING CHARGE AND THE BASIS FOR THAT CHARGE;
- 30 (VI) THE RATE CHARGEABLE PER DAY FOR STORAGE, IF THE MOTOR VEHICLE IS TO BE  
31 STORED BY THE TOWING SERVICE;

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1 (VII) THE BOARD’S PHONE NUMBER AND EMAIL ADDRESS;

2 (VIII) ANY OTHER FEES OR CHARGES PAID BY THE MOTOR VEHICLE OWNER OR  
3 OPERATOR; AND

4 (IX) ANY OTHER PERTINENT INFORMATION REQUIRED BY THE BOARD.

5 **§ 22-13. INCOMPLETE TOWS.**

6 (A) *SCOPE OF SECTION.*

7 THIS SECTION APPLIES TO INSTANCES WHEN A MOTOR VEHICLE IS PARKED WITHOUT  
8 AUTHORIZATION OR OTHERWISE ILLEGALLY PARKED ON PRIVATE PROPERTY.

9 (B) *IN GENERAL.*

10 IF A MOTOR VEHICLE OWNER OR OPERATOR RETURNS TO HIS OR HER MOTOR VEHICLE AT  
11 ANY TIME AFTER THE MOTOR VEHICLE IS ATTACHED TO A TOW TRUCK BUT BEFORE IT IS  
12 TOWED, THE TOW TRUCK OPERATOR MUST RELEASE THE MOTOR VEHICLE TO THE OWNER  
13 ON PAYMENT OF A RELEASE FEE.

14 (C) *NO RELEASE FEE TO BE CHARGED.*

15 (1) A TOW TRUCK OPERATOR OR A TOWING SERVICE LICENSED UNDER THIS SUBTITLE MAY  
16 NOT CHARGE FOR RELEASING AN UNAUTHORIZED VEHICLE UNLESS THE MOTOR  
17 VEHICLE HAS:

18 (I) BEEN PHYSICALLY ATTACHED TO THE TOW TRUCK; AND

19 (II) HAD AT LEAST 2 WHEELS OFF THE GROUND BEFORE THE MOTOR VEHICLE  
20 OWNER OR OPERATOR RETURNS.

21 (2) IF THE TOW TRUCK OPERATOR HAS BEGUN TO ATTACH THE MOTOR VEHICLE TO THE  
22 TOW TRUCK BUT HAS NOT COMPLETED THE ATTACHMENT OR LIFTED THE VEHICLE, THE  
23 TOW TRUCK OPERATOR MUST RELEASE THE VEHICLE WITHOUT CHARGING THE OWNER  
24 OR OPERATOR ANY FEE.

25 **§ 22-14. CREDIT CARDS.**

26 A TOWING SERVICE LICENSED UNDER THIS SUBTITLE MUST ACCEPT AT LEAST 2 MAJOR CREDIT  
27 CARDS AS A FORM OF PAYMENT.

28 **§ 22-15. [§ 22-13.] Prohibited acts.**

29 . . .

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1 (J) *PATROL TOWING.*

2 (1) *IN GENERAL.*

3 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A TOWING SERVICE OR  
4 AN OWNER, OPERATOR, EMPLOYER, OR AGENT OF A TOWING SERVICE MAY NOT  
5 MONITOR, PATROL, OR OTHERWISE SURVEIL ANY PROPERTY FOR THE PURPOSES OF  
6 IDENTIFYING UNAUTHORIZED PARKED VEHICLES FOR TOWING AND REMOVAL.

7 (2) *EXCEPTIONS.*

8 THE PROHIBITIONS SET FORTH IN PARAGRAPH (1) OF THIS SECTION DO NOT APPLY:

9 (I) BETWEEN 2:00 A.M. AND 7:00 A.M.; OR

10 (II) IF THE TOWING SERVICE OR AN OWNER, OPERATOR, EMPLOYER, OR AGENT OF A  
11 TOWING SERVICE EXHAUSTS ALL REASONABLE AND DILIGENT EFFORTS TO  
12 ALERT THE OWNER OR OPERATOR OF THE MOTOR VEHICLE PRIOR TO ITS  
13 TOWING AND REMOVAL.

14 **§ 22-16. [§ 22-14.] Denial, revocation, suspension, refusal to renew.**

15 . . .

16 (b) *Grounds for sanctions.*

17 The Board [is authorized to] MAY deny, suspend, revoke, or refuse to renew any license  
18 under this subtitle if:

19 . . .

20 (6) the licensee has failed to make available for inspection by the Board or the Police  
21 Department the daily towing log required by § 22-10[(d)] of this subtitle;

22 . . . .

23 **§ 22-17. [§ 22-15.] Notice and hearing.**

24 . . .

25 **§ 22-18. [§ 22-16.] Judicial and appellate review.**

26 . . .

27 **§ 22-19. [§ 22-17.] Enforcement.**

28 . . .

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1    **§ 22-20. [§ 22-18.] Penalties.**

2           . . .

3           **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
4 after the date it is enacted.