

ENROLLED

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0127**

Introduced by: Councilmembers Curran, Spector, Young, Kraft, Henry, Branch, Holton,
Middleton, D'Adamo, Clarke, Welch, Reisinger
Introduced and read first time: May 19, 2008
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: July 21, 2008

AN ORDINANCE CONCERNING

Accident and Disabled-Vehicle Towing

FOR the purpose of clarifying and revising the laws governing accident and disabled-vehicle towing to, among other things, further protect the public from unauthorized, predatory towers; conforming these laws to current practices; correcting, clarifying, and conforming related provisions; increasing certain penalties; authorizing the issuance of civil citations, subject to certain penalties, for violations; providing for a special effective date; and generally relating to the towing of vehicles disabled by accident.

By repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 22-1 to 22-19, to be under the renamed subtitle designation,

“Subtitle 22. Towing Services – Accident Towing”

Baltimore City Code

(Edition 2000)

By renaming

Article 15 - Licensing and Regulation

Subtitle 22. Towing Services

to be

Subtitle 22. Towing Services – Trespass Towing

Baltimore City Code

(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.
Underlined italics indicate matter added to the bill by amendment after printing for third reading.

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1 BY adding
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Section(s) 41-14(4)(Subtitle 22)
4 Baltimore City Code
5 (Edition 2000)

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

8 **Baltimore City Code**

9 **Article 31. Transit and Traffic**

10 **Subtitle 22. [Regulation of] Towing Services – ACCIDENT TOWING**

11 *PART 1. DEFINITIONS; GENERAL PROVISIONS*

12 **§ 22-1. Definitions.**

13 (a) *In general.*

14 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

15 [Whenever used in any clause:

- 16 (1) the singular pronoun shall include the plural, and vice versa; and
17 (2) the masculine shall include the feminine and neuter, and vice versa.]

18 (b) *Disabled vehicle.*

19 “Disabled vehicle” means a motor vehicle [which] THAT:

- 20 (1) has been damaged or rendered inoperative as the result of a collision or OTHER
21 accident[, and not as a result of wear and tear or mechanical failure];
22 (2) IS FOUND TO BE STOLEN;
23 (3) IS BEING HELD FOR EVIDENCE; OR
24 (4) IS OTHERWISE DISABLED AND IMPEDING THE FREE FLOW OF TRAFFIC OR
25 MOVEMENT OF PEDESTRIANS.

26 (c) *MEDALLION TOWING COMPANY.*

27 “MEDALLION TOWING COMPANY” MEANS A TOWING COMPANY THAT:

- 28 (1) IS LICENSED UNDER THIS SUBTITLE; AND
29 (2) OWNS OR OPERATES 1 OR MORE MEDALLION TOWING VEHICLES.

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1 (D) *MEDALLION TOWING VEHICLE.*

2 “MEDALLION TOWING VEHICLE” MEANS A TOWING VEHICLE THAT:

3 (1) IS OWNED AND OPERATED BY A MEDALLION TOWING COMPANY; AND

4 (2) HAS BEEN SPECIFICALLY AUTHORIZED TO TOW VEHICLES UNDER THIS SUBTITLE.

5 (E) [(c)] *Person.*

6 (1) “Person” means [every natural person] ANY INDIVIDUAL, partnership, FIRM,
7 ASSOCIATION, corporation, OR fiduciary, [association] or ANY other entity OF ANY
8 KIND.

9 (2) “PERSON” DOES NOT INCLUDE A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR
10 UNIT OF A GOVERNMENTAL ENTITY.

11 (3) [(2)] Whenever used in [any clause prescribing and] imposing a penalty, the term
12 “person”:

13 (i) as applied to any partnership or association, [shall mean] INCLUDES [the] ITS
14 partners or members [thereof]; and

15 (ii) as applied to any corporation, LIMITED LIABILITY COMPANY, OR SIMILAR
16 ENTITY, [shall include] INCLUDES [the] ITS officers [THEREOF].

17 (F) *POLICE COMMISSIONER; COMMISSIONER.*

18 “POLICE COMMISSIONER” OR “COMMISSIONER” MEANS THE BALTIMORE CITY POLICE
19 COMMISSIONER OR THE COMMISSIONER’S DESIGNEE.

20 (G) [(d)] *Towing.*

21 (1) “Towing” means [the] moving, [or] removing, [and/or the preparation thereof] OR
22 PREPARING TO MOVE OR REMOVE [of] a disabled vehicle by another vehicle, for which
23 [service] a charge is [made,] IMPOSED [either] directly or indirectly.

24 (2) [A charge made indirectly refers to] FOR PURPOSES OF THIS DEFINITION, dues or other
25 charges [of bona fide] BY clubs or associations [which] THAT provide towing services
26 ARE INDIRECT CHARGES.

27 (H) [(e)] *Towing company.*

28 “Towing company” means [a natural person, partnership, corporation, fiduciary,
29 association, or other entity] ANY PERSON [owning, operating, or conducting] THAT OWNS
30 OR OPERATES [the] A business [of] FOR THE disentangling[, removing,] or towing OF
31 DISABLED vehicles [damaged by collision or other accident].

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1 (i) [(f)] *Towing vehicle.*

2 [(1)] “Towing vehicle” means a vehicle that tows[, carries, or removes] a disabled vehicle
3 [for a fee charged either directly or indirectly].

4 [(2) A fee charged indirectly refers to dues or other charges of clubs or associations
5 which provide towing services.]

6 **§ 22-2. Declaration of policy.**

7 [For the purpose] THE PURPOSES OF THIS SUBTITLE ARE [protecting the general welfare and
8 public interests of the community,]:

9 (1) [safe-guarding] TO SAFEGUARD the public interests against fraud, discrimination,
10 deceptions, and similar abuses[.]; [and]

11 (2) [eliminating the retarding of] TO ELIMINATE traffic DELAYS, unnecessary street
12 congestion, [unnecessary delays,] and traffic hazards[.]; AND

13 (3) GENERALLY, TO PROTECT THE GENERAL WELFARE AND PUBLIC INTERESTS OF THE
14 COMMUNITY.

15 [the towing of vehicles disabled by collision or other accidents shall be subject to supervision
16 and administrative control in the City of Baltimore, as in this subtitle provided.]

17 **§ 22-3. Rules and regulations.**

18 (A) *POLICE COMMISSIONER TO ADOPT.*

19 The Police Commissioner [shall have the power to make] SHALL ADOPT and enforce [any
20 and all reasonable] RULES AND regulations to [effectuate the purposes of] CARRY OUT this
21 subtitle.

22 (B) *FILING WITH LEGISLATIVE REFERENCE.*

23 A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF
24 LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

25 **§ 22-4. [§ 22-18.] Severability.**

26 [If any sentence, clause, section, or part of this subtitle is for any reason found to be
27 unconstitutional, illegal, or invalid, that unconstitutionality, illegality, or invalidity may not
28 affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this
29 subtitle. It is declared to be the intent of the Mayor and City Council of Baltimore that this
30 subtitle would have been adopted had the unconstitutional, illegal, or invalid sentence,
31 clause, section, or part had not been included.]

32 ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD,
33 PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS
34 INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR

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1 CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE
2 PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

3 **§ 22-5. {RESERVED}**

4 *PART 2. LICENSING, BONDING, ETC.*

5 **§ 22-6. [§ 22-4. Towing license] LICENSE required.**

6 (a) *In general.*

7 [It shall be unlawful for any] No person [to engage in towing] MAY TOW A disabled
8 [vehicles] VEHICLE from any [accident] location [within] IN the City [of Baltimore
9 without] UNLESS:

10 (1) [having first obtained a license from the Director of Finance as hereinafter
11 provided, or to do so during the suspension or after the revocation thereof]
12 THE PERSON IS LICENSED BY THE POLICE COMMISSIONER UNDER THIS SUBTITLE
13 AS A MEDALLION TOWING COMPANY; OR

14 (2) THE PERSON HAS BEEN SUMMONED BY THE VEHICLE OWNER'S OR OPERATOR'S
15 AUTOMOBILE OR MOTOR CLUB OR AUTOMOBILE INSURANCE COMPANY.

16 (b) *Applications.*

17 Applications [shall] FOR A LICENSE MUST be [made on forms to be furnished by] IN THE
18 FORM AND CONTAIN THE INFORMATION THAT the Police Commissioner REQUIRES.

19 (c) [*Fees*] *APPLICATION FEE.*

20 (1) The [applicant shall pay to the Director of Finance:(1)] APPLICATION MUST BE
21 ACCOMPANIED BY a [filing] NON-REFUNDABLE APPLICATION fee of [\$20] ~~\$1,000~~ \$750
22 \$250 [when the application is made, which fee shall be retained by the Director of
23 Finance to cover initial examination and inspection costs; and].

24 (D) *TERM AND RENEWAL.*

25 (1) EACH MEDALLION TOWING LICENSE EXPIRES ANNUALLY ON THE ANNIVERSARY OF ITS
26 ISSUANCE AND IS RENEWABLE AS PROVIDED IN THIS SUBSECTION.

27 (2) TO RENEW A LICENSE, THE LICENSEE MUST APPLY NO LESS THAN 30 DAYS NOR MORE
28 THAN 60 DAYS BEFORE THE LICENSE EXPIRES.

29 (3) THE RENEWAL APPLICATION MUST BE IN THE FORM AND CONTAIN THE INFORMATION
30 THAT THE POLICE COMMISSIONER REQUIRES.

31 (E) *LICENSE FEES.*

32 [(2) if the application is approved:

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1 (i) shall pay the further sum of \$10 covering the license for the then current year;
2 and

3 (ii) thereafter, shall pay each year the sum of \$20 for a renewal of the license.]

4 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ANNUAL LICENSE
5 FEE IS:

6 (i) ~~\$1,000~~ ~~\$750~~ \$250 FOR THE MEDALLION TOWING COMPANY LICENSE, PLUS

7 (ii) \$100 FOR EACH MEDALLION TOWING VEHICLE TO BE OPERATED UNDER THAT
8 LICENSE.

9 (2) FOR THE 1ST LICENSE YEAR, THE FEE IS \$100 FOR EACH MEDALLION TOWING VEHICLE
10 TO BE OPERATED UNDER THAT LICENSE.

11 [(d) *Copies.*

12 A certified copy of the license must be carried in each towing vehicle when in use, and
13 such copies may be obtained on payment of a fee of \$5 each.]

14 **§ 22-7. QUALIFICATIONS OF APPLICANTS.**

15 (A) *IN GENERAL.*

16 (1) THE RULES AND REGULATIONS ADOPTED BY THE POLICE COMMISSIONER SHALL
17 SPECIFY THE QUALIFICATIONS REQUIRED FOR LICENSING UNDER THIS SUBTITLE.

18 (2) AMONG OTHER QUALIFICATIONS, THESE RULES AND REGULATIONS MUST SEEK TO
19 ASSURE THAT:

20 (i) AN APPLICANT HAS A SIGNIFICANT BUSINESS PRESENCE IN THE CITY AND IS
21 THUS CAPABLE OF PROVIDING THE SERVICES REQUIRED BY THE
22 COMMISSIONER; AND

23 (ii) ALL TOWING VEHICLES TO BE OPERATED UNDER THE LICENSE ARE ADEQUATE
24 FOR THE SERVICES REQUIRED.

25 (B) *COMMISSIONER TO INVESTIGATE.*

26 ON RECEIPT OF AN APPLICATION FOR AN INITIAL LICENSE, THE POLICE COMMISSIONER
27 SHALL INVESTIGATE THE QUALIFICATIONS OF THE APPLICANT.

28 **§ 22-8. [§ 22-5.] Surety bond.**

29 (A) *BOND REQUIRED.*

30 Every person [who shall be] licensed [in the towing business] under [the provisions of]
31 this subtitle shall [be required to] file with the Police Commissioner [of Baltimore City] a
32 bond [in the amount of \$5,000] to save harmless the owner of any [automobile] VEHICLE

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1 for any property damage occurring [thereto during the time that] WHILE [it shall be] THE
2 VEHICLE IS in [the] THAT PERSON’S possession [of the towing company].

3 (B) *AMOUNT.*

4 THE BOND SHALL BE IN AN AMOUNT OF AT LEAST ~~\$75,000~~ 35,000 \$20,000.

5 **§ 22-9. [§ 22-7.] Schedule of charges.**

6 (a) *Schedule to be filed.*

7 (1) [Every person engaged in towing disabled vehicles] WHEN APPLYING FOR A LICENSE,
8 THE APPLICANT shall[, at the time of his application for a license,] file with the Police
9 Commissioner a schedule [setting] THAT CLEARLY SETS forth [his] THAT PERSON’S
10 PROPOSED charges for towing and for [any] services incident to towing.

11 (2) [Such] THESE charges may be measured by mileage, time, and type of service [and
12 stated clearly on the application for a towing license filed by the person engaged in
13 the towing business].

14 (b) *No change without amended schedule.*

15 [The] A LICENSEE MAY NOT CHANGE THE charges [there stated shall not be changed]
16 without [the] filing with the Police Commissioner [of] an amended schedule [showing]
17 THAT SHOWS the [charges] proposed CHANGES.

18 (c) *Rejection of [amended] schedule.*

19 (1) The Police Commissioner[, upon receiving any such proposed schedule of changes,
20 shall have the authority to] MAY reject [it] ANY PROPOSED CHARGES [when the
21 charges proposed] IF, IN THE COMMISSIONER’S OPINION, THE CHARGES are[, in his
22 opinion,] excessive for the service to be performed.

23 (2) In [such] THAT case, [he] THE COMMISSIONER shall return the proposed schedule OR
24 AMENDED SCHEDULE to the [person engaged in the towing business] APPLICANT OR
25 LICENSEE, AS THE CASE MAY BE, with suitable [notification] NOTICE of [his] THE
26 reasons for rejecting it.

27 **§ 22-10. {RESERVED}**

28 *PART 3. TOWING OPERATIONS*

29 **§ 22-11. [§ 22-10.] Owner’s, OPERATOR’S right to choose.**

30 ~~(a) *Officer to permit owner to call.*~~

31 ~~[When] WHENEVER a DISABLED vehicle is required to be towed from a City street [as a
32 result of accident, disability, or similar vehicular emergency, before calling a towing
33 company authorized by the Police Commissioner to tow vehicles in emergencies,]:~~

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1 (A) IN GENERAL.

2 WHENEVER A DISABLED VEHICLE NEEDS TO BE TOWED FROM A CITY STREET:

3 (1) IF THE VEHICLE IS IMPEDING THE FREE FLOW OF TRAFFIC OR MOVEMENT OF
4 PEDESTRIANS OR IF SOME OTHER EMERGENCY PERTAINS, AS DETERMINED BY THE
5 POLICE OFFICER ON THE SCENE, THE POLICE OFFICER SHALL REQUEST THE POLICE
6 COMMISSIONER TO SUMMONS A MEDALLION TOWING VEHICLE; AND

7 (2) IN ALL OTHER SITUATIONS:

8 (i) ~~(1)~~ the police officer on the scene shall permit the owner or operator, if
9 available, to contact a [licensed or authorized towing company to remove
10 the vehicle] A BONA FIDE AUTOMOBILE OR MOTOR CLUB OF WHICH HE OR
11 SHE IS A MEMBER OR AN AUTOMOBILE INSURANCE COMPANY WITH WHICH
12 SHE OR HE IS INSURED; AND

13 (ii) ~~(2)~~ IF THE OWNER OR OPERATOR DECLINES OR IS UNAVAILABLE TO DO SO, THE
14 POLICE OFFICER SHALL REQUEST THE POLICE COMMISSIONER TO SUMMONS
15 A MEDALLION TOWING VEHICLE.

16 (b) *Required response time.*

17 [The] IF THE towing company contacted by [the owner or operator] AN AUTOMOBILE OR
18 MOTOR CLUB OR AUTOMOBILE INSURANCE COMPANY under subsection ~~(a)(1)~~ (A)(2)(i) of
19 this section [shall] CANNOT OR DOES NOT respond within 20 minutes or a reasonable
20 period of time, as determined by the police officer[,] under the circumstances [occurring
21 at the scene], THE POLICE OFFICER SHALL REQUEST THE POLICE COMMISSIONER TO
22 SUMMONS A MEDALLION TOWING VEHICLE.

23 (c) *ASSURANCE OF COMPLIANCE.*

24 TO THE EXTENT POSSIBLE UNDER THE CIRCUMSTANCES, THE POLICE OFFICER AT THE
25 SCENE SHALL VERIFY THAT THE TOWING VEHICLE ARRIVING AT THE SCENE AND
26 PREPARING TO TOW THE DISABLED VEHICLE:

27 (1) IS NOT THERE IN VIOLATION OF § 22-21 {“SOLICITATIONS PROHIBITED”} OR
28 § 22-24 {“POLICE RADIOS PROHIBITED”} OF THIS SUBTITLE; AND

29 (2) EITHER:

30 (i) IS A MEDALLION TOWING VEHICLE SUMMONED BY THE POLICE
31 COMMISSIONER; OR

32 (ii) IS A TOWING VEHICLE SUMMONED BY THE OWNER’S OR OPERATOR’S
33 AUTOMOBILE OR MOTOR CLUB OR AUTOMOBILE INSURANCE COMPANY.

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1 (D) *PRIORITIES.*

2 (1) ONCE A MEDALLION TOWING VEHICLE HAS BEEN SUMMONSED UNDER THIS SECTION, IT
3 IS TO BE GIVEN PRIORITY OVER ANY OTHER TOWING VEHICLE THAT MAY ARRIVE AT
4 THE SCENE.

5 ~~(2) IF, ON ARRIVAL AT THE SCENE, THE MEDALLION TOWING VEHICLE DISCOVERS THAT~~
6 ~~THE DISABLED VEHICLE HAS BEEN TOWED BY ANOTHER OR THAT THE MEDALLION~~
7 ~~TOWING VEHICLE'S SERVICES ARE OTHERWISE NO LONGER NEEDED, THE MEDALLION~~
8 ~~TOWING VEHICLE MAY CHARGE THE OWNER OR OPERATOR A CANCELLATION FEE IN~~
9 ~~ACCORDANCE WITH THE TOWING COMPANY'S APPROVED SCHEDULE OF CHARGES.~~

10 (E) *DESTINATION.*

11 (1) THIS SUBSECTION DOES NOT APPLY TO A VEHICLE THAT IS BEING HELD FOR EVIDENCE.

12 (2) THE OWNER OR OPERATOR OF A DISABLED VEHICLE, IF AVAILABLE, RETAINS FULL
13 DISCRETION TO DETERMINE THE DESTINATION TO WHICH THE VEHICLE IS TO BE
14 TOWED, EVEN IF THE TOW IS BY A MEDALLION TOWING VEHICLE SUMMONED UNDER
15 THIS SECTION.

16 **§ 22-12. [§ 22-9.] Police assignments [to towing companies].**

17 (a) *Commissioner to retain list.*

18 The Police Commissioner [of Baltimore City] shall [retain in his office] MAINTAIN a
19 current list of all [the duly licensed] MEDALLION towing [operators] COMPANIES LICENSED
20 UNDER THIS SUBTITLE.

21 (b) *Allocation by proximity.*

22 (1) [Whenever] SUBJECT TO § 22-11 {"OWNER'S, OPERATOR'S RIGHT TO CHOOSE"} OF
23 THIS SUBTITLE, WHENEVER the services of a towing vehicle [shall be] ARE required
24 and a request is made to the Commissioner's office for [the providing of such]
25 TOWING services, the [Police] Commissioner[, or his representative,] shall [have
26 dispatched to the place where the services are required, a vehicle operated by that]
27 SUMMONS THE MEDALLION towing [operator] COMPANY whose place of business is
28 closest to the scene of the accident.

29 (2) [In the event] IF the towing [operator who] COMPANY THAT is closest to the scene [of
30 the accident] does not then have a MEDALLION towing vehicle available [for service],
31 the [Police] Commissioner shall [call] SUMMONS the next closest towing [operator]
32 COMPANY, and so on until a MEDALLION towing vehicle has been secured.

33 [(c) *Owner's right to choose.*

34 Nothing herein contained shall be construed as interfering, in any way, with the right of
35 any person to call a towing operator of his own choice to send a towing vehicle to the
36 scene of an accident.]

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1 **§ 22-13. {RESERVED}**

2 **§ 22-14. [§ 22-6.] Tow vehicle [sign] IDENTIFICATION.**

3 (A) *IN GENERAL.*

4 [On each side of every] EVERY MEDALLION towing vehicle [there] shall be IDENTIFIED AS
5 SPECIFIED IN THIS SECTION AND THE POLICE COMMISSIONER'S RULES AND REGULATIONS.

6 (B) *INFORMATION REQUIRED.*

7 [legibly inscribed the] THE name, address, AND TELEPHONE NUMBER of the [owner of
8 each] towing [vehicle] COMPANY SHALL BE LEGIBLY INSCRIBED OR PAINTED, ON BOTH
9 SIDES OF THE TOWING VEHICLE, IN [Letters and numerals required by this section shall]
10 LETTERING not [be] less than 4 inches [in height] HIGH.

11 (C) *MEDALLION DISPLAY.*

12 THE TOWING VEHICLE SHALL CARRY AND DISPLAY THE MEDALLION OR OTHER
13 CERTIFICATION ISSUED BY THE COMMISSIONER FOR THAT VEHICLE.

14 **§ 22-15. [§ 22-8.] Estimates and repairs.**

15 (a) *Agreement required.*

16 (1) [It shall be unlawful for any] A towing company [to] MAY NOT make ANY repairs for
17 [a] consideration on [any] A disabled vehicle [removed] TOWED by [a towing vehicle]
18 IT without first entering into a signed agreement with the owner of the disabled
19 vehicle or [his] THE OWNER'S authorized representative[.].

20 (2) [which] THE SIGNED agreement [shall] MUST include an estimates of the cost of
21 repairs.

22 (b) *Copies.*

23 (1) 1 copy of [any] AN agreement entered into [pursuant to] UNDER this section shall be
24 given to the owner of the disabled vehicle or [his] THE OWNER'S authorized
25 representative.

26 (2) 1 copy of [any] AN agreement entered into [pursuant to] UNDER this [subtitle]
27 SECTION shall be retained [as a permanent record] BY THE TOWING COMPANY for a
28 period of AT LEAST 2 years [by the licensed person who owns or leases the towing
29 vehicle to be used in towing or removing the disabled vehicle].

30 **§ 22-16. [§ 22-11.] Delivery of vehicle [absent signed agreement].**

31 (a) *To police.*

32 (1) A towing company [acquiring] THAT ACQUIRES custody and control of a vehicle[,
33 pursuant to the provisions of] UNDER this subtitle[.] shall deliver custody and control

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[thereof] to the Police Commissioner [of Baltimore City], unless a signed agreement to the contrary is executed by the owner of the vehicle.

(2) If the vehicle is delivered into the custody and control of the [Police] Commissioner, [he shall have the responsibility] THE COMMISSIONER IS RESPONSIBLE for the safety of the vehicle while IT IS in [his] THE COMMISSIONER’S custody and control.

(b) *Recovery by owner.*

[Provided, however, that nothing herein contained shall be construed to prevent] NOTHING IN THIS SECTION PREVENTS the owner of a vehicle or [his duly] THE OWNER’S authorized [agent,] REPRESENTATIVE from [acquiring or] reacquiring custody and control of the [owner’s] vehicle [upon] ON payment to the towing company or to the Police Commissioner, as the case may be, of the [prescribed fee which has been] APPLICABLE FEES, AS established in the schedule filed with the [Police] Commissioner.

§§ 22-17 TO 22-20. {RESERVED}

PART 4. PROHIBITED CONDUCT

§ 22-21. [§ 22-12.] Solicitations prohibited.

No person[, firm, or corporation shall] MAY:

(1) in any way solicit [for] towing business; or

(2) attempt OR OFFER to take any DISABLED vehicle in tow unless:

(i) [he or it shall have been] THE PERSON IS OPERATING A MEDALLION TOWING VEHICLE summoned [for that purpose] by the Police Commissioner; or

(ii) [he or it shall have] THE PERSON HAS been summoned by A BONA FIDE AUTOMOBILE OR MOTOR CLUB OR AUTOMOBILE INSURANCE COMPANY ON BEHALF OF the [person] OWNER OR OPERATOR [involved in an accident] OF THE DISABLED VEHICLE.

§ 22-22. [§ 22-13.] Bail services prohibited.

(A) [(b)] *Exception.*

[With the exception that this] THIS section [shall] DOES not apply to A bona fide automobile [clubs] OR MOTOR CLUB, [associations] ASSOCIATION, or insurance [companies] COMPANY.

(B) *PROHIBITION.* [(a) *In general.*]

[It shall be unlawful for any] No person towing A disabled [vehicles] VEHICLE MAY:

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1 (1) [to] offer to secure or provide bail FOR ANY PERSON INVOLVED IN THE INCIDENT;

2 (2) [to] enter into an agreement, oral or written, to secure or provide bail FOR ANY
3 PERSON INVOLVED IN THE INCIDENT; or

4 (3) [to] arrange for the providing of bail FOR ANY PERSON INVOLVED IN THE
5 INCIDENT[;].

6 [for any person involved in a motor vehicle collision, or accident in the City of
7 Baltimore.]

8 **§ 22-23. [§ 22-14.] Gratuities, etc., to City employees prohibited.**

9 [It shall be unlawful for any] No person [to] MAY offer or give any [gratuities, bribes, or
10 inducements] BRIBE, GIFT, GRATUITY, OR INDUCEMENT of any kind to any [officer or
11 employee of the City of Baltimore or any governmental officer or employee whose salary is
12 paid out of the City Treasury,] PUBLIC OFFICIAL OR EMPLOYEE in order to obtain [towing]
13 business[, or recommendations for towing, [or storage of] STORING, REPAIRING, or
14 [estimating upon repairing] PROVIDING REPAIR ESTIMATES FOR disabled vehicles.

15 **§ 22-24. [§ 22-15.] Police radios prohibited.**

16 [(a) *Possession prohibited.*]

17 No [person owning or operating] TOWING COMPANY NOR ANY OWNER, OPERATOR,
18 EMPLOYEE, OR AGENT OF a towing company, WHETHER LICENSED UNDER THIS SUBTITLE
19 OR NOT, [shall have or maintain] MAY:

20 (1) POSSESS at his, HER, OR ITS garage, repair shop, or other [designated] place of
21 business [a] ANY radio-receiving set capable of receiving signals or messages
22 transmitted on [the] frequencies allocated for use by the Police Department[.]; OR

23 [(b) *Use prohibited.*]

24 (2) [Nor shall any towing company or any of its employees] IN CONNECTION WITH
25 ANY TOWING OPERATIONS, make use of ANY signals or messages [so] transmitted
26 BY THE POLICE DEPARTMENT [in connection with the operation of any towing car
27 business] ON FREQUENCIES ALLOCATED FOR ITS USE.

28 **§§ 22-25 TO 22-30. {RESERVED}**

29 *PART 5. ENFORCEMENT; PENALTIES*

30 **§ 22-31. [§ 22-16. Suspension or revocation] DENIAL, SUSPENSION, ETC., of licenses.**

31 (a) *In general.*

32 The Police Commissioner [shall have the power to] MAY DENY, REFUSE TO RENEW,
33 revoke, or suspend the license of any person [licensed to engage in the towing business]
34 who [shall]:

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1 (1) [violate] VIOLATES any [of the provisions] PROVISION of this subtitle or [any] OF
2 THE rules [of] OR regulations [promulgated pursuant hereto] ADOPTED UNDER THIS
3 SUBTITLE; OR

4 (2) [fail] FAILS to comply with any of the TERMS OR provisions [and terms] of any
5 towing OR REPAIR agreement [executed pursuant to] ENTERED INTO UNDER this
6 subtitle.

7 (b) *Judicial and appellate review.*

8 (1) A person whose license has been DENIED, REFUSED RENEWAL, revoked, or suspended
9 by the Police Commissioner may seek judicial review of that action by petition to the
10 Circuit Court for Baltimore City in accordance with the Maryland Rules of
11 Procedure.

12 (2) A party to the judicial review may appeal the court’s final judgment to the Court of
13 Special Appeals in accordance with the Maryland Rules of Procedure.

14 **§ 22-32. ENFORCEMENT BY CITATION.**

15 (A) *IN GENERAL.*

16 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
17 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE
18 ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

19 (B) *PROCESS NOT EXCLUSIVE.*

20 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
21 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

22 **§ 22-33. [§ 22-17.] Penalties.**

23 (A) *IN GENERAL.*

24 Any person who [shall violate] VIOLATES any of the provisions of this subtitle OR OF THE
25 RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE [shall be] IS guilty of a
26 misdemeanor and, [upon] ON conviction, IS subject to fine of [\$10 to \$100] NOT MORE
27 THAN \$1,000, IMPRISONMENT FOR NOT MORE THAN 12 MONTHS, OR BOTH FINE AND
28 IMPRISONMENT for each offense ~~AND SHALL MAKE RESTITUTION IN SUCH AMOUNT AND TO~~
29 ~~SUCH PARTY AS FOUND BY EITHER A FACT FINDER OR A COURT OF COMPETENT~~
30 ~~JURISDICTION.~~

31 (B) *EACH DAY A SEPARATE OFFENSE.*

32 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

33 **[§ 22-19. Short title.**

34 The subtitle may be cited as the “Baltimore Towing Ordinance”.]

Council Bill 08-0127

Article 15. Licensing and Regulation

Subtitle 22. Towing Services – TRESPASS TOWING

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(4) Article 31. Transit and Traffic

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SUBTITLE 22. TOWING SERVICES – ACCIDENT TOWING \$750

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Certified as duly passed this ____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this ____ day of _____, 20__

Chief Clerk

Approved this ____ day of _____, 20__

Mayor, Baltimore City