

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 11-0715

Introduced by: Councilmembers Henry, Clarke, Conaway, Stokes, Curran
Introduced and read first time: June 6, 2011
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 20, 2011

AN ORDINANCE CONCERNING

Towing Service – Trespass Towing

FOR the purpose of modifying the composition of the Board of Licenses for Towing Services; authorizing the Board to deny, suspend, revoke, or refuse to renew a license on receipt, within a certain period, of a certain number of ~~valid~~ complaints of unfair or ~~improper~~ ~~business~~ deceptive trade practices; defining certain terms; and correcting, clarifying, and conforming related language.

BY repealing and reordaining, with amendments
Article 15 - Licensing and Regulation
Section(s) 22-2(b) and ~~22-14(b)~~ 22-14(a) and (b)
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 15. Licensing and Regulation

Subtitle 22. Towing Services – Trespass Towing

§ 22-2. Board of Licenses for Towing Services.

(b) *Composition.*

(1) The Board [shall be composed of] **COMPRISES:**

(1) THE FOLLOWING OFFICIALS OR THEIR RESPECTIVE DESIGNEES:

(A) (i) the Director of Finance, ~~EX OFFICIO~~ OR DESIGNEE;

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.

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1 (B) (ii) the Director of [Public Works] TRANSPORTATION, EX OFFICIO OR
2 DESIGNEE;

3 (C) (iii) the Police Commissioner, EX OFFICIO OR DESIGNEE; AND

4 (D) THE PRESIDENT OF THE CITY COUNCIL OR A COUNCILMEMBER DESIGNEE;
5 AND

6 ~~(IV) A MEMBER OF THE CITY COUNCIL, TO BE APPOINTED BY THE COUNCIL~~
7 ~~PRESIDENT; AND~~

8 (II) (v) 3 MEMBERS APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV,
9 § 6 OF THE CITY CHARTER, AS FOLLOWS:

10 (A) A REPRESENTATIVE OF THE PROPERTY MANAGEMENT INDUSTRY WHO
11 CONTRACTS WITH 1 OR MORE TRESPASS TOWERS FOR TRESPASS TOWING
12 SERVICES;

13 (B) [(iv)] a representative of the TRESPASS towing industry; and

14 (C) [(v)] a citizen at large.

15 (2) [The citizen and the representative of the towing industry shall be appointed by the
16 Mayor and confirmed by a majority vote of the City Council, pursuant to Article IV,
17 § 6 of the Baltimore City Charter.] The [terms of the] members shall [be] SERVE A
18 TERM OF 4 years, [and shall coincide] CONCURRENT with the terms of the Mayor and
19 City Council. The members shall be appointed without regard to political party
20 affiliation.

21 ~~(3) [In the event that any governmental agency] IF AN EX OFFICIO member of the Board~~
22 ~~cannot attend [any] A BOARD meeting [of the Board], [the governmental agency]~~
23 ~~THAT member may be represented by a designated subordinate to whom he OR SHE~~
24 ~~has delegated [his] THIS authority. [Such] THE DESIGNATED representative [shall~~
25 ~~have] HAS the power to act in the place of the absent member.~~

26 **§ 22-14. Denial, revocation, suspension, refusal to renew.**

27 (a) [Effect of nolo plea] “UNFAIR ... PRACTICE” DEFINED; NOLO PLEA.

28 (1) IN THIS SECTION, “UNFAIR OR DECEPTIVE TRADE PRACTICE” MEANS ANY FALSE OR
29 MISLEADING ORAL OR WRITTEN STATEMENT OR REPRESENTATION OF ANY KIND THAT
30 HAS THE CAPACITY, TENDENCY, OR EFFECT OF DECEIVING OR MISLEADING
31 CONSUMERS, INCLUDING ANY OMISSION OF MATERIAL FACT THAT WOULD TEND TO
32 MISLEAD A CONSUMER.

33 (2) For [the] purposes of this [subtitle] SECTION, a plea of nolo contendere [shall be
34 deemed to be] is the equivalent of a conviction or a guilty plea.

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1 (b) *Grounds for sanctions.*

2 The Board is [hereby] authorized to deny, suspend, revoke, or refuse to renew any license
3 under this subtitle if [the Board finds that]:

4 (1) the applicant or licensee furnished or made misleading or false statements on
5 reports, certifications, or written documents THAT ARE required by this subtitle OR
6 THAT ARE OTHERWISE SUBMITTED OR CAUSED BY THE APPLICANT OR LICENSEE TO
7 BE SUBMITTED TO THE BOARD;

8 (2) DURING THE PRECEDING 3 YEARS, a court of competent jurisdiction has found an
9 applicant for a license or a licensee guilty of criminal activity [during the
10 preceding 3 years] directly relating to the operation of the business of towing;

11 (3) a court of competent jurisdiction has found a tow truck operator guilty of a
12 criminal act THAT WAS authorized by the licensee;

13 (4) a motor vehicle has been towed by a towing service without the consent of the
14 owner or operator of the motor vehicle, without the direction of the Police
15 Department, or without complying with local, state, or federal law;

16 (5) a tow truck operator has failed to comply with any law regulating the towing of
17 motor vehicles;

18 (6) the licensee has failed to make available for inspection by the Board or the Police
19 Department the daily towing log [as] required by § 22-10(d) OF THIS SUBTITLE;

20 (7) the licensee has failed to allow the Police Department reasonable access to inspect
21 any motor vehicle listed in the licensee’s records that is stored upon the storage
22 facility of the towing service; [or]

23 ~~(8) THE BOARD HAS RECEIVED 5 OR MORE VALID INDIVIDUAL COMPLAINTS OF UNFAIR~~
24 ~~OR IMPROPER BUSINESS PRACTICES AGAINST A GIVEN APPLICANT OR LICENSEE~~
25 ~~WITHIN A 6-MONTH PERIOD; OR~~

26 (8) WITHIN A 6-MONTH PERIOD, THE BOARD HAS RECEIVED 5 OR MORE INDIVIDUAL
27 COMPLAINTS OF UNFAIR OR DECEPTIVE TRADE PRACTICES AGAINST A GIVEN
28 APPLICANT OR LICENSEE; OR

29 (9) [(8)] the applicant or licensee has failed to comply with or has violated the
30 provisions of this subtitle, the rules or regulations adopted [pursuant to] UNDER
31 this subtitle, or any applicable federal, state, or local law or rule.

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

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

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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