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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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July 14, 2022

Honorable President  
Members of the City Council  
c/o Natawna Austin, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

Re: City Council Bill 22-0229 – Definition of Commercial Vehicle

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0229 for form and legal sufficiency. The bill would change the definition of a commercial vehicle in §1-1(f) (Definitions) of Article 31 (Transit and Traffic) of the City Code to include every vehicle that has a trailer attached.

The “provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising” certain “powers as to highways under its jurisdiction,” including, “[s]ubject to the provisions of §21-1003.1 of [the Transportation Article of the Maryland Code], regulating or prohibiting the stopping, standing, or parking of vehicles.” Md. Code, Transp., §25-102. No conflicting definition of commercial vehicle exists in the State Transportation Article which is generally applicable to the City. See MD Transportation Article, §11-101, et seq. Therefore, Baltimore City may define commercial vehicle for the purpose of regulating parking. However, the change to the definition of commercial vehicle will not prevent vehicles with attached trailers from parking in residential neighborhoods under Art. 31, §6-26 unless one of the Law Department’s suggested amendments is adopted.

Many vehicles with attached trailers are personal vehicles driven without a commercial purpose. For instance, attaching a boat trailer to the family SUV or a utility trailer to a family pickup or minivan for hauling yard waste to the composting center would render those vehicles commercial under the definition proposed by Council Bill 22-0229. A definition of commercial vehicle, which includes all vehicles with an attached trailer regardless of whether the vehicle is being operated for a commercial purpose, results in the potentially unintended application of a number of Code provisions to private vehicles. In Art. 31, §22-9(b), for example, towing charges may not exceed \$150.00, unless the vehicle is a commercial vehicle as defined by Art. 31, §1-1(f). See also Subtitle 31, regarding impoundment, which subjects commercial vehicles as

defined by Art. 31, §1-1(f) to potentially increased towing and storage charges.

The bill as drafted will not prevent vehicles with attached trailers from parking on residential streets. Under the definition in CB 22-0229, the attachment of any trailer to a vehicle renders it commercial. The exception to Article 31, §6-26, which prohibits commercial vehicles from parking for longer than 1 hour continuously on residential streets, does not apply to private passenger vehicles. Therefore, passenger vehicles deemed commercial as a result of the attachment of a trailer are not subject to the prohibition on the parking of commercial vehicles on a residential street.

An alternative to the proposed change in the definition of commercial vehicle in Art. 31, §1-1(f), would be to remove some or all the vehicles identified in Art. 31, §6-26(c) from the exceptions to the prohibition in §6-26(a). A second alternative would be to add to Art. 31, §6-26 a provision which states that if a trailer is attached to any of the vehicles excepted from the prohibition on parking in §6-26(a) the exception no longer applies. Both alternatives may still be overbroad in the sense that they would result in some vehicles being designated as commercial and prohibited from parking on residential streets when they are not being used for a commercial purpose. A third option is to limit the proposed definition in CB 22-0229 to only those vehicles being used in conjunction with a business.

Since there is no conflicting state law, the Law Department approves this bill for form and legal sufficiency. However, without incorporation of one of the suggestions above, the bill will not prevent the vehicles made exempt from the prohibition on commercial vehicle parking in Art. 31, §6-26 from parking in residential neighborhoods.

Sincerely yours,



Michele Toth  
Special Solicitor

cc: Nikki Thompson  
Natasha Mehu  
Nina Themelis  
Sofia Gebrehiwot  
Elena DiPietro  
Hilary Ruley  
Ashlea Brown  
Jeff Hochstetler  
Dereka Bolden