

**CITY OF BALTIMORE
COUNCIL BILL 09-0320
(First Reader)**

Introduced by: Councilmembers Curran, Kraft, Henry, Clarke, Branch, Cole, Spector

Introduced and read first time: April 20, 2009

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Department of Transportation, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Trespass Towing – Fees**

3 FOR the purpose of setting maximum towing, storage, and related charges that may be imposed
4 on the owners or operators of certain towed vehicles; requiring certain information to be
5 disclosed on a towing service’s schedule of charges; increasing certain penalties; correcting,
6 clarifying, and conforming related provisions; and generally relating to trespass towing.

7 BY repealing and reenacting, with amendments

8 Article 15 - Licensing and Regulation

9 Section(s) 22-4(b), 22-8, and 22-18

10 Baltimore City Code

11 (Edition 2000)

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

14 **Baltimore City Code**

15 **Article 15. Licensing and Regulation**

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

17 **§ 22-4. License required.**

18 (b) *Exemptions.*

19 [The provisions of this] THIS section [shall] DOES not apply to:

20 (1) [persons] PERSON towing [their] THE PERSON’S own motor vehicles;

21 (2) a motor vehicle towed with permission of the VEHICLE’S owner or operator [of the
22 motor vehicle];

23 (3) a towing service that tows without any charge, fees, or dues connected [therewith]
24 WITH THE SERVICE;

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

Council Bill 09-0320

1 (4) a towing service that tows a motor vehicle into or through Baltimore City[,] from
2 a point outside the City;

3 (5) the transportation of A motor [vehicles] VEHICLE for sale to and from A licensed
4 automobile [dealers] DEALER; or

5 (6) a towing service owned and operated by [the government of] the United States,
6 THE State of Maryland, Baltimore City, or any other governmental entity.

7 **§ 22-8. Charges.**

8 (A) *MAXIMUM CHARGE TO OWNER, ETC..*

9 (1) NO PERSON MAY IMPOSE ON A TOWED VEHICLE'S OWNER OR OPERATOR, OR THEIR
10 AGENTS, ANY CHARGES FOR TOWING, STORAGE, AND OTHER SERVICES THAT EXCEED
11 THE LESSER OF:

12 (i) 150% OF THE TOTAL FEES AUTHORIZED FOR IMPOUND TOWING UNDER CITY
13 CODE ARTICLE 31, SUBTITLE 31, PART 4; AND

14 (ii) \$250.

15 (2) NOTHING IN THIS SUBSECTION PRECLUDES THE TOWING SERVICE FROM CONTRACTING
16 WITH THE OWNER OR OPERATOR OF THE PROPERTY FROM WHICH A VEHICLE IS TOWED
17 FOR AN ADDITIONAL PAYMENT FROM THE PROPERTY OWNER OR OPERATOR.

18 (B) [(a)] *Schedule to be filed.*

19 (1) Every person engaged in providing towing services shall, at the time of application
20 for a license, file with the Board a schedule setting forth the applicant's proposed
21 charges for towing, STORAGE, and [for any] OTHER services incident to towing.

22 (2) The charges shall:

23 (i) be stated clearly on the LICENSE application [for a towing services license
24 filed by the person engaged in the towing business]; AND

25 (ii) CLEARLY DISTINGUISH BETWEEN CHARGES FOR WHICH THE OWNER OR
26 OPERATOR OF THE TOWED VEHICLE IS RESPONSIBLE AND CHARGES FOR WHICH
27 A PROPERTY OWNER OR OPERATOR IS RESPONSIBLE.

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

29 [The] SUBJECT TO THE LIMITATIONS OF SUBSECTION (A) OF THIS SECTION, charges may be
30 measured by mileage, time, and type of service or [may be measured] on a flat fee basis.

31 (D) [(c)] *Changes.*

32 These charges [shall] MAY not be changed without filing with the Board an amended
33 schedule showing the charges proposed.

Council Bill 09-0320

1 **§ 22-18. Penalties.**

2 (a) *In general.*

3 Any person [or his agent violating] WHO VIOLATES any provision of this subtitle or [any]
4 OF A rule or regulation [promulgated by the Board to effectuate the provisions of]
5 ADOPTED UNDER this subtitle[, shall be] IS guilty of a misdemeanor and, [upon] ON
6 conviction [thereof], [shall be] IS subject to a fine of not [less than \$50 nor] more than
7 [\$500] \$1,000 or imprisonment for not more than [60] 180 days[,] or both fine and
8 imprisonment FOR EACH OFFENSE.

9 (b) *Continuing violations.*

10 Each day that a violation continues [shall be deemed] IS a separate offense.

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

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