

**CITY OF BALTIMORE
COUNCIL BILL 08-0233
(First Reader)**

Introduced by: Councilmembers Conaway, Henry, Branch

Introduced and read first time: November 17, 2008

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore City Parking Authority
Board, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Towing Services – Licensing and Regulation**

3 FOR the purpose of extending certain licensure requirements to include those who provide tow
4 services with permission of the owner or operator of a vehicle; increasing the penalties for
5 violation of the laws, rule, or regulations governing tow services; requiring that certain
6 photographs be taken and retained before towing a vehicle for violating parking restrictions
7 of a private parking facility; increasing the penalties for violation of the laws governing the
8 towing of vehicles from private parking facilities; correcting, clarifying, and conforming
9 related language; and generally relating to the licensing and regulation of tow services.

10 BY repealing and reordaining, with amendments

11 Article 15 - Licensing and Regulation

12 Section(s) 22-4 and 22-18, to be under the renamed subtitle designation,

13 “Subtitle 22. Towing Services – General”

14 Baltimore City Code

15 (Edition 2000)

16 BY adding

17 Article 31 - Transit and Traffic

18 Section(s) 21-2

19 Baltimore City Code

20 (Edition 2000)

21 BY repealing and reordaining, with amendments

22 Article 31 - Transit and Traffic

23 Section(s) 21-6

24 Baltimore City Code

25 (Edition 2000)

26 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
27 **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] GENERAL

§ 22-4. License required.

(a) *In general.*

(1) It [shall be] is unlawful for any person to engage in a towing service in Baltimore City without a [valid] towing license issued by the Director of Finance.

(2) The license is renewable annually.

(b) *Exemptions.*

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

(1) persons towing their own motor vehicles;

[(2) a motor vehicle towed with permission of the owner or operator of the motor vehicle;]

(2) [(3)] a towing service that tows without any charge, fees, or dues connected therewith;

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

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

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

§ 22-18. Penalties.

(a) *In general.*

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

(b) *Continuing violations.*

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

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Article 31. Transit and Traffic

Subtitle 21. Towing Vehicles from Private Parking Facility

§ 21-2. OTHER PREREQUISITES TO INVOLUNTARY TOW.

(A) *TOWER TO BE LICENSED.*

NO PERSON MAY TOW A VEHICLE FROM A PRIVATE PARKING FACILITY FOR VIOLATING PARKING RESTRICTIONS UNLESS THE PERSON IS LICENSED UNDER CITY CODE ARTICLE 15, SUBTITLE 22 {"TOWING SERVICES – GENERAL"}.

(B) *VIOLATION TO BE PHOTOGRAPHED.*

(1) NO PERSON MAY TOW A VEHICLE FROM A PRIVATE PARKING FACILITY FOR VIOLATING PARKING RESTRICTIONS UNLESS THAT PERSON HAS TAKEN 1 OR MORE PHOTOGRAPHS THAT EVIDENCE THE VIOLATION.

(2) A VEHICLE OWNER OR AN OWNER’S AUTHORIZED AGENT RECLAIMING THE VEHICLE MAY NOT BE CHARGED ANY TOWING, STORING, OR OTHER CHARGE UNLESS THE VEHICLE OWNER OR AGENT IS FIRST GIVEN A COPY OF ALL PHOTOGRAPHS TAKEN OF THE ALLEGED VIOLATION.

§ 21-6. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, subject to a [sum] FINE of not more than [\$200] \$1,000 for each offense.

(b) *Each towed vehicle a separate offense.*

Each vehicle that is towed from a parking facility that is not posted as required by this [section] SUBTITLE is a separate offense.

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.