



Legislation Details (With Text)

File #: 21-0125 **Version:** 0 **Name:** Trespass Towing - Revisions
Type: Ordinance **Status:** In Committee
File created: 9/13/2021 **In control:** Rules and Legislative Oversight
On agenda: **Final action:**
Enactment date: **Enactment #:**

Title: Trespass Towing - Revisions
For the purpose of making certain substantive and technical revisions to Article 15 {"Licensing and Regulation"}, Subtitle 22 {"Towing Services - Trespass Towing"}; establishing certain maximum charges for towing services; specifying certain required information to be included on towing service receipts and on daily logs maintained by each towing service; specifying certain limitations on incomplete tows; requiring that a towing service must accept credit cards; prohibiting certain instances of patrol towing; making certain stylistic changes; conforming, clarifying, and correcting related provisions; and generally related to the regulation of trespass towing services in Baltimore City.

Sponsors: Ryan Dorsey, Kristerfer Burnett, Odette Ramos, Zeke Cohen, John T. Bullock, Mark Conway, James Torrence

Indexes: Revisions, Towing, Trespass

Code sections:

Attachments: 1. 21-0125~1st Reader, 2. LAW 21-0125, 3. BDC 21-0125, 4. PABC 21-0125, 5. DOT 21-0125, 6. BPD 21-0125, 7. Laur Fitch Testimony, 8. Campbell Testimony 21-0125, 9. Finance 21-0125, 10. Towing Comparison, 11. Mayor Scott - Towing Fees OAG Opinion 4.13.22 (FINAL), 12. FW Towing Fee - 2022 AG Opinion

Date	Ver.	Action By	Action	Result
9/12/2022	0	Rules and Legislative Oversight	Scheduled for a Public Hearing	
11/1/2021	0	Rules and Legislative Oversight	Scheduled for a Public Hearing	
9/16/2021	0	Baltimore City Council	Refer to Dept. of Transportation	
9/16/2021	0	Baltimore City Council	Refer to Parking Authority Board	
9/16/2021	0	Baltimore City Council	Refer to Dept. of Finance	
9/16/2021	0	Baltimore City Council	Refer to City Solicitor	
9/16/2021	0	Baltimore City Council	Refer to Police Department	
9/16/2021	0	Baltimore City Council	Refer to Baltimore Development Corporation	
9/13/2021	0	Baltimore City Council	Assigned	
9/13/2021	0	Baltimore City Council	Introduced	

Introductory*
City of Baltimore
Council Bill

Introduced by: Councilmember Dorsey

A Bill Entitled

An Ordinance concerning
Trespass Towing - Revisions

For the purpose of making certain substantive and technical revisions to Article 15 {"Licensing and Regulation"}, Subtitle 22 {"Towing Services - Trespass Towing"}; establishing certain maximum charges for towing services; specifying certain required information to be included on towing service receipts and on daily logs maintained by each towing service; specifying certain limitations on incomplete tows; requiring that a towing service must accept credit cards; prohibiting certain instances of patrol towing; making certain stylistic changes; conforming, clarifying, and correcting related provisions; and generally related to the regulation of trespass towing services in Baltimore City.

By re-numbering current

Article 15 - Licensing and Regulation
Sections 22-13, 22-14, 22-15, 22-16, 22-17, 22-18, respectively
to be new
Sections 22-15, 22-16, 22-17, 22-18, 22-19, 22-20, respectively
Baltimore City Code
(Edition 2000)

By repealing and re-ordaining, with amendments

Article 15 - Licensing and Regulation
Sections 22-1, 22-8, 22-10, 22-15, 22-16
Baltimore City Code
(Edition 2000)

By adding

Article 15 - Licensing and Regulation
Sections 22-13 and 22-14
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

§ 22-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings specified.

(b) [(a)] *Board.*

“Board” means the Board of Licenses for Towing Services of Baltimore City.

(c) [(b)] *License.*

“License” means the license to engage in the business of towing vehicles within Baltimore City issued

pursuant to this subtitle.

(d) [(c)] *Motor vehicle.*

“Motor vehicle” means any vehicle which is self-propelled or propelled by electric power obtained from overhead electrical wires, but not operated upon rails.

(e) [(d)] *Person.*

[(1) “Person” means every natural person, partnership, corporation, fiduciary, association, or other entity.]

(1) *In general.*

“Person” has the meaning stated in General Provisions Article § 1-107 {“Person”}.

(2) *Inclusion.*

When used in any clause prescribing and imposing a penalty, the term “person” as applied to any [partnership or association] business organization shall [mean] include the partners, officers, or members [thereof] of the organization, as the case may be[, and as applied to any corporation shall include the officers thereof].

(f) [(e)] *Police Department.*

“Police Department” means the Baltimore City Police Department.

(g) [(f)] *Storage.*

“Storage” means the holding and safekeeping of motor vehicles.

(h) [(g)] *Towing.*

“Towing” means the moving or removing of a vehicle by another motor vehicle.

(i) [(h)] *Towing service.*

“Towing service” means the operation of removing or towing motor vehicles for compensation.

(j) [(i)] *Tow truck operator.*

“Tow truck operator” means any person who is the operator of a towing vehicle.

§ 22-8. Charges.

(a) *Schedule to be filed.*

(1) Every person engaged in providing towing services shall, at the time of application for a license, file with the Board a schedule setting forth the applicant’s proposed charges for towing and for any services incident to towing.

(2) The charges shall be stated clearly on the application for a towing services license filed by the person engaged in the towing business.

(b) *Maximum charges.*

- (1) Subject to this subsection, the Board may set maximum charges, subject to State law, for towing services, storage, and release fees.
- (2) In no event may the board establish:
 - (i) a maximum towing service fee that exceeds \$250; or
 - (ii) a maximum release fee that exceeds 25% of the towing fee.
- (3) The Board of Estimates must approve any maximum charge set by the Board before any maximum charge may take effect.

(c) [(b)] *Permitted basis.*

The charges may be measured by mileage, time, and type of service or may be measured on a flat fee basis.

(d) [(c)] *Changes.*

These charges shall not be changed without filing with the Board an amended schedule showing the charges proposed.

§ 22-10. Records and receipts.

(a) *Work order statements.*

- (1) At the request of the owner or operator of the motor vehicle, each tow truck operator shall:
 - (i) inform the owner or operator of the motor vehicle of the towing service charges; and
 - (ii) provide a towing service work order statement.

[(2) Each towing service work order statement shall contain the following:

- (i) the name, business address, license number, and telephone number of the towing service;
- (ii) a brief description of the motor vehicle, including the motor vehicle license plate number and vehicle identification number;
- (iii) the location to which the motor vehicle was towed;
- (iv) the towing charge and the basis for such charge;
- (v) the rate chargeable per day for storage where the motor vehicle is to be stored by the towing service; and
- (vi) any other fees or charges to be paid by the owner or operator.]

(b) *Receipts.*

- (1) [Upon] On payment of any fees for towing services, the tow truck operator or any other employee of

the towing service shall provide a receipt for the amount paid [to him as the charge] for the towing service and shall sign and deliver to the owner [and/or] or operator of the motor vehicle, as the case may be, a receipt of [such] that payment.

- (2) The tow truck operator shall sign the receipt in a legible manner and shall print his or her name under the signature.

(c) *Daily log.*

- (1) Each towing service licensed under [the provisions of] this subtitle shall maintain a record in its ordinary course of business of every tow made under this subtitle.

[(2) The record shall include the following for each vehicle towed:

- (i) the license plate number of the motor vehicle towed and the motor vehicle identification number;
- (ii) the locations from which and to which the motor vehicle was towed;
- (iii) the reason for towing;
- (iv) the name of the person authorizing the towing of the motor vehicle; and
- (v) additional pertinent information, other than financial, as required by the Board.]

- (2) [(3)] The record shall be retained by the licensee for a minimum of 2 years.

(d) *Inspection of records and vehicles.*

Each towing service licensed under the provisions of this subtitle:

- (1) shall make available in a reasonable time and manner, for inspection by the Board or the Police Department, its records kept in the ordinary course of business pursuant to this subtitle; and
- (2) shall make available for inspection by the Police Department those motor vehicles which remain impounded or stored in the storage or repair facility of the towing service.

(e) *Required information.*

Any document required under this section, including receipts and daily logs, must contain the following information:

- (i) *the name, business address, City-issued license number, and telephone number of the towing service;*
- (ii) *a description of the serviced motor vehicle, including the motor vehicle*

license plate number and the vehicle identification number;

(iii) the location from which the motor vehicle was towed, the reason for the tow, how the towing vehicle was summoned, and the name of the person authorizing the tow;

(iv) the location to which the motor vehicle was towed;

(v) the towing charge and the basis for that charge;

(vi) the rate chargeable per day for storage, if the motor vehicle is to be stored by the towing service;

(vii) the Board's phone number and email address;

(viii) any other fees or charges paid by the motor vehicle owner or operator; and

(ix) any other pertinent information required by the Board.

22-13. Incomplete tows.

(a) Scope of section.

This section applies to instances when a motor vehicle is parked without authorization or otherwise illegally parked on private property.

(b) In general.

If a motor vehicle owner or operator returns to his or her motor vehicle at any time after the motor vehicle is attached to a tow truck but before it is towed, the tow truck operator must release the motor vehicle to the owner on payment of a release fee.

(c) No release fee to be charged.

(1) A tow truck operator or a towing service licensed under this subtitle may not charge for releasing an unauthorized vehicle unless the motor vehicle has:

(i) been physically attached to the tow truck; and

(ii) had at least 2 wheels off the ground before the motor vehicle owner or operator returns.

(2) If the tow truck operator has begun to attach the motor vehicle to the tow truck but has not

completed the attachment or lifted the vehicle, the tow truck operator must release the vehicle without charging the owner or operator any fee.

22-14. Credit cards.

A towing service licensed under this subtitle must accept at least 2 major credit cards as a form of payment.

§ 22-15. [§ 22-13.] Prohibited acts.

...

(j) *Patrol towing.*

(1) *In general.*

Except as provided in paragraph (2) of this subsection, a towing service or an owner, operator, employer, or agent of a towing service may not monitor, patrol, or otherwise surveil any property for the purposes of identifying unauthorized parked vehicles for towing and removal.

(2) *Exceptions.*

The prohibitions set forth in paragraph (1) of this section do not apply:

(i) between 2:00 a.m. and 7:00 a.m.; or

(ii) if the towing service or an owner, operator, employer, or agent of a towing service exhausts all reasonable and diligent efforts to alert the owner or operator of the motor vehicle prior to its towing and removal.

§ 22-16. [§ 22-14.] Denial, revocation, suspension, refusal to renew.

...

(b) *Grounds for sanctions.*

The Board [is authorized to] may deny, suspend, revoke, or refuse to renew any license under this subtitle if:

...

(6) the licensee has failed to make available for inspection by the Board or the Police Department the daily towing log required by § 22-10[(d)] of this subtitle;

....

§ 22-17. [§ 22-15.] Notice and hearing.

...

§ 22-18. [§ 22-16.] Judicial and appellate review.

...

§ 22-19. [§ 22-17.] Enforcement.

...

§ 22-20. [§ 22-18.] Penalties.

...

Section 2. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.