



Legislation Text

File #: 09-0320, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Curran

A BILL ENTITLED

AN ORDINANCE concerning
Trespass Towing - Fees

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

BY repealing and reenacting, with amendments

Article 15 - Licensing and Regulation
Section(s) 22-4(b), 22-8, and 22-18
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

§ 224. License required.

(b) Exemptions.

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

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

- (2) a motor vehicle towed with permission of the VEHICLE'S owner or operator [of the motor vehicle];
- (3) a towing service that tows without any charge, fees, or dues connected [therewith] WITH THE SERVICE;
- (4) a towing service that tows a motor vehicle into or through Baltimore City[,] from a point outside the City;
- (5) the transportation of A motor [vehicles] VEHICLE for sale to and from A licensed automobile [dealers] DEALER; or
- (6) a towing service owned and operated by [the government of] the United States, THE State of Maryland, Baltimore City, or any other governmental entity.

§ 228: Charges.

(A) MAXIMUM CHARGE TO OWNER, ETC..

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

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

(II) \$250.

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

(B) [(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, STORAGE, and [for any] OTHER services incident to towing.

(2) The charges shall:

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

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

(C) [(b)] Permitted basis.

[The] SUBJECT TO THE LIMITATIONS OF SUBSECTION (A) OF THIS SECTION, 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] MAY not be changed without filing with the Board an amended schedule showing the charges proposed.

§ 2218. Penalties.

(a) In general.

Any person [or his agent violating] WHO VIOLATES any provision of this subtitle or [any] OF A rule or regulation [promulgated by the Board to effectuate the provisions of] ADOPTED UNDER 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 imprisonment for not more than [60] 180 days[,] or both fine and imprisonment FOR EACH OFFENSE.

(b) Continuing violations.

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

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