



Legislation Details (With Text)

File #: 19-0431 **Version:** 0 **Name:** Towing - Licensing and Regulation
Type: Ordinance **Status:** Vetoed by Mayor
File created: 8/19/2019 **In control:** Mayor
On agenda: **Final action:** 12/7/2020
Enactment date: **Enactment #:**

Title: Towing - Licensing and Regulation
 For the purpose of consolidating the licensing and regulation of towing services in Baltimore City under one administrative body; defining certain terms; establishing the Board of Towing to regulate certain towing services in Baltimore City; requiring a license to perform certain towing services; specifying certain towing services that require additional certification; establishing certain standards of operation; prohibiting certain conduct; imposing certain penalties; allowing for licensure sanctions in certain situations; establishing a hearing process for licensure discipline; allowing for appeals in certain situations; and generally relating to the licensing and regulation of towing services in Baltimore City.

Sponsors: Ryan Dorsey, Zeke Cohen, Bill Henry, Kristerfer Burnett, John Bullock, Mary Pat Clarke

Indexes: Licensing, Regulation, Towing

Code sections:

Attachments: 1. 19-0431 - 1st Reader, 2. Parking 19-0431, 3. ECB 19-0431, 4. DOT 19-0431, 5. Law 19-0431, 6. BDC 19-0431, 7. Finance 19-0431, 8. Fire 19-0431, 9. BPD 19-0431, 10. BCIT 19-0431, 11. 2nd Reader Amendments 19-0431, 12. 19-0431~3rd Reader

Date	Ver.	Action By	Action	Result
12/7/2020	0	City Council	Vetoed by Mayor	
12/7/2020	0	Mayor	Vetoed by Mayor	
10/19/2020	0	City Council	Approved and Sent to the Mayor	
10/5/2020	0	Public Safety Committee	Recommended Favorably with Amendment	
10/5/2020	0	City Council	3rd Reader, for final passage	
9/30/2020	0	Public Safety Committee	Recommended Favorably with Amendment	Pass
9/21/2020	0	Public Safety Committee	Scheduled for a Public Hearing	
9/1/2020	0	Public Safety Committee	Worksession	
9/1/2020	0	Public Safety Committee	Scheduled for Voting Session	
7/20/2020	0	Public Safety Committee	Scheduled for a Public Hearing	
6/15/2020	0	Public Safety Committee	Scheduled for a Public Hearing	
2/24/2020	0	Public Safety Committee	Scheduled for a Public Hearing	
8/22/2019	0	The City Council	Refer to Dept. of Finance	
8/22/2019	0	The City Council	Refer to Environmental Control Board	
8/22/2019	0	The City Council	Refer to Parking Authority	
8/22/2019	0	The City Council	Refer to Dept. of Transportation	

8/22/2019	0	The City Council	Refer to Police Department
8/22/2019	0	The City Council	Refer to Baltimore Development Corporation
8/22/2019	0	The City Council	Refer to City Solicitor
8/22/2019	0	The City Council	Refer to Fire Department
8/22/2019	0	The City Council	Refer to Mayor's Office of Information Technology
8/19/2019	0	City Council	Introduced
8/19/2019	0	City Council	Assigned

Introductory*

City of Baltimore Council Bill ____

Introduced by: Councilmember Dorsey

A Bill Entitled

An Ordinance concerning

Towing - Licensing and Regulation

For the purpose of consolidating the licensing and regulation of towing services in Baltimore City under one administrative body; defining certain terms; establishing the Board of Towing to regulate certain towing services in Baltimore City; requiring a license to perform certain towing services; specifying certain towing services that require additional certification; establishing certain standards of operation; prohibiting certain conduct; imposing certain penalties; allowing for licensure sanctions in certain situations; establishing a hearing process for licensure discipline; allowing for appeals in certain situations; and generally relating to the licensing and regulation of towing services in Baltimore City.

BY repealing

Article 15. Licensing and Regulation

Subtitle 22. Towing Services - Trespass Towing, in its entirety

Baltimore City Code

(Edition 2000)

BY repealing

Article 31. Transit and Traffic

Subtitle 22. Towing Services - Accident Towing, in its entirety

Baltimore City Code

(Edition 2000)

BY adding

Article 15. Licensing and Regulation

Section(s) 22-1 to 22-46, to be under the new subtitle, "Subtitle 22.

Towing"

Baltimore City Code

(Edition 2000)

BY repealing and re-ordaining, with amendments
Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(2), 41-14(1), and 41-14(4)
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That City Code Article 15, Subtitle 22 {"Towing Services - Trespass Towing"} and City Code Article 31, Subtitle 22 {"Towing Services - Accident Towing"}, are repealed, in their entireties.

Section 2. And be it further ordained, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 15. Licensing and Regulation

Subtitle 22. Towing

Part 1. Definitions; general provisions

§ 22-1. Definitions.

(a) *In general.*

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

(b) *Board.*

“Board” means the Baltimore City Board of Towing.

(c) *Disabled vehicle.*

“Disabled vehicle” means a motor vehicle that:

(1) has been damaged or rendered inoperative as the result of a collision or other accident;

(2) is found to be stolen;

(3) is being held for evidence; or

(4) is otherwise disabled and impeding the free flow of traffic or pedestrians on a public right-of-way.

(d) *License.*

“License” means a license issued by the Board under this subtitle:

(1) to engage in the business of towing motor vehicles; or

(2) to operate a towing vehicle.

(e) *Licensee*.

“Licensee” means a person holding a license issued under this subtitle.

(f) *Motor vehicle*.

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

(g) *Person*.

“Person” means:

- (i) an individual;
- (ii) a partnership, firm, association, corporation, or other entity of any kind; or
- (iii) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(h) *Police Commissioner; Commissioner*.

“Police Commissioner” or “Commissioner” means the Baltimore City Police Commissioner or the Commissioner’s designee.

(i) *Police Department; Department*.

“Police Department” or “Department” means the Baltimore City Police Department.

(j) *Right-of-way tow; Right-of-way towing*.

“Right-of-way tow” or “right-of-way towing” means towing a motor vehicle from any public right-of-way.

(k) *Right-of-way towing company*.

“Right of way towing company” means a towing company that:

- (1) is licensed under this subtitle as a towing company;
- (2) is certified under this subtitle to tow motor vehicles from the public right-of-way; and
- (3) owns or operates 1 or more right-of-way towing vehicles for the purpose of towing vehicles from the public right-of-way.

(l) *Right of way towing vehicle*.

“Right of way towing vehicle” means a towing vehicle that:

- (1) is owned or operated by a right-of-way towing company; and
- (2) has been certified by the Board to tow vehicles from any public right-of-way under this subtitle.

(m) *Storage.*

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

(n) *Tow; towing.*

(1) “Tow” or “towing” means moving, disentangling, removing, or preparing to move or remove a vehicle by another vehicle, for which a charge is imposed directly or indirectly.

(2) For purposes of this definition, dues, membership fees, or other charges by clubs or associations that provide towing services are indirect charges.

(3) Unless otherwise specified, this definition includes both right-of-way towing and trespass towing.

(o) *Trespass tow; trespass towing.*

“Trespass tow” or “trespass towing” means removing a motor vehicle from private property.

(p) *Tow truck operator.*

“Tow truck operator” means an individual licensed to operate a towing vehicle.

(q) *Towing company.*

“Towing company” means any person licensed to engage in the business of towing of motor vehicles.

(r) *Towing vehicle.*

“Towing vehicle” means a vehicle that tows another vehicle.

§ 22-2. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“May not” and “no ... may” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“may” is permissive.

§ 22-3. Declaration of policy.

The purposes of this subtitle are:

(1) to safeguard the public interests against fraud, discrimination, deceptions, and similar abuses;

- (2) to eliminate traffic delays, unnecessary street congestion, and traffic hazards; and
- (3) generally, to protect the general welfare and public interests of the community.

§§ 22-4 to 22-5. *{Reserved}*

Part 2. Baltimore City Board of Towing

§ 22-6. Board established.

(a) *In general.*

There is a Baltimore City Board of Towing.

(b) *Composition.*

(1) the Board comprises:

(i) the following officials:

- (A) the Director of Finance or the Director's designee;
- (B) the Director of Transportation or the Director's designee;
- (C) the Police Commissioner or the Commissioner's designee; and
- (D) the President of the City Council or a Councilmember designee; and

(ii) 3 members appointed by the Mayor in accordance with Article IV, § 6 of the City charter, as follows:

- (A) a representative of the property management industry who contracts with 1 or more towers for towing services;
- (B) a representative of the towing industry; and
- (C) a Baltimore City resident.

§ 22-7. Terms, compensation, vacancies.

(a) *Terms of office.*

(1) Board members serve a term of 4 years, concurrent with the terms of the Mayor and City Council.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(b) *Compensation; expenses.*

The members of the Board:

- (1) serve without compensation; but

(2) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates.

(c) *Vacancies.*

(1) A member appointed to fill a vacancy must meet the same qualifications for appointment as the member being succeeded.

(2) A member appointed to fill a vacancy in an unexpired term or to succeed a member who is holding over serves only for the remainder of that term.

§ 22-8. Officers; Committees.

(a) *Chair.*

(1) The Board must elect a chair from among its members.

(2) The term of the chair is 1 year.

(3) The chair may be reelected.

(b) *Committees.*

The chair may appoint committees to assist the Board in carrying out its functions and duties.

§ 22-9. Meetings; Quorum.

(a) *In general.*

(1) The Board must meet at the call of the chair as frequently as required to perform its duties.

(2) A majority of the voting members of the Board constitutes a quorum for the transaction of business.

(3) An affirmative vote by the majority of a quorum is needed for any official action.

(b) *Rules of procedure.*

The Board may adopt rules of procedure to govern its meetings and operations.

(c) *Failure to attend meetings.*

If any Board member appointed under § 22-6(b)(1)(ii) of this subtitle is absent from regularly scheduled meetings more than 3 times in 1 year, not counting absences excused by the chair:

(1) the member is considered to have resigned; and

(2) the chair must request the Mayor to fill the resultant vacancy.

§ 22-10. Staff.

The Department of Law must provide adequate staff for the Board to administer this subtitle.

§ 22-11. Rules and regulations.

(a) *Board to adopt.*

The Board must adopt rules and regulations to carry out this subtitle.

(b) *Solicitor approval required.*

Any rule or regulation adopted by the Board must be approved by the City Solicitor or the Solicitor's designee prior to taking effect.

(c) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

§§ 22-12 to 22-13. {Reserved}

Part 3. Licensing, Bonding, Etc.

§ 22-14. License required.

(a) *In general.*

A person may not engage in the business of towing motor vehicles or operate a towing vehicle in Baltimore City without a license issued by the Board.

(b) *Exemptions.*

The provisions of this section do not apply to:

- (1) a person who tows without any compensation from any source;
- (2) a person who tows a motor vehicle through Baltimore City, from a point outside the City; or
- (3) persons towing on behalf of the government of the United States or State of Maryland.

§ 22-15. Applications.

(a) *In general.*

A license application must be submitted in the form and contain the information required by the rules and regulations adopted under this subtitle.

(b) *Application fee.*

With the initial application and in addition to any applicable license fee, the applicant must pay a non-refundable application fee to be set annually by the Board of Estimates in an amount sufficient to cover the cost of processing.

(c) *Designated agent.*

(1) Applications for a towing company license must include the name and business address of an individual 18 years of age or older who:

(i) is customarily present in an office in the City for the purposes of transacting business; and

(ii) has been designated by the applicant as the applicant's authorized agent:

(A) for receiving notices issued under this subtitle; and

(B) for receiving court process on behalf of the applicant in connection with the enforcement of this subtitle.

(2) The Board must be notified within 10 business days of any change in the designated agent.

§ 22-16. Application review and approval.

(a) *In general.*

Notwithstanding any other provision of this subtitle, no person may be denied a license solely on the grounds that the person has a criminal record, unless the conviction is:

(1) within a period of 3 years prior to the application; and

(2) involves the theft of property or constitutes a series of crimes that includes the theft, receiving, or sale of stolen motor vehicles.

(b) *Towing company licenses.*

(1) Before issuing a towing company license, the Board must determine if the applicant is qualified for licensure.

(2) In evaluating an applicant for a towing company, the Board must use the following criteria:

(i) a determination that the applicant has the ability to engage in the licensed activity without detriment to the public;

(ii) the adequacy of the applicant's designated storage facility;

(iii) whether the applicant's storage facility are located in a place that:

(A) are readily accessible for the recovery of a motor vehicle; and

(B) are properly zoned for the applicable use;

(iv) proof that each towing vehicle to be operated under the license is properly registered and complies with all applicable laws, regulations, and rules established by the State of Maryland under the State Transportation article;

(v) proof that the applicant has complied with any other provision of this subtitle and any rule or regulation established by the Board; and

(vi) if the applicant is applying for right-of-way certification, proof that each right-of-way towing vehicle to be used by the applicant has and uses technology that is compatible with the City's dispatch system.

(c) *Tow truck operator licenses.*

(1) The Board must develop qualifications for licensure of tow truck operators in the rules and regulations adopted under this subtitle.

(2) The Board may delegate to staff the review and approval of tow truck operator licenses.

(d) *Right-of-way towing certifications.*

The Board, in consultation with the Commissioner, may establish any additional qualifications necessary for certification as a right-of-way towing company or a right-of-way tow truck operator in the rules and regulations adopted under this subtitle.

§ 22-17. Issuance; Fees.

(a) *In general.*

On approval by the Board of a license application and payment of the applicable license fee, the Board must issue the license.

(b) *Towing companies: annual fee.*

An annual license fee set by the Board of Estimates must be assessed on each towing vehicle used by the towing company.

(c) *Tow truck operator: annual fee.*

The Board of Estimates must set an annual fee for the licensure of tow truck operators.

(c) *Replacement fee.*

The Board of Estimates must set a replacement fee if a license is lost, mutilated, or destroyed.

§ 22-18. Term and renewal.

(a) *Term.*

Any license issued under this subtitle expires on the 1st anniversary of its effective date and is renewable as provided in this section.

(b) *Annual renewal.*

(1) To renew an annual license, the licensee must apply no less than 30 nor more than 60 days

before the license expires.

(2) The application for renewal must:

- (i) be in the form and contain the information required by the Board; and
- (ii) be accompanied by the applicable annual fee.

§ 22-19. Surety bond.

(a) *Bond required.*

As a condition of licensure, a towing company must file with the Board a bond to save harmless the owner of any motor vehicle for any property damage occurring while the motor vehicle is in that person's possession.

(b) *Amount of bond.*

The bond required by this section must be in an amount and form set annually by the Board of Estimates.

§ 22-20. Liability insurance.

(a) *In general.*

As a condition of licensure, a towing company must obtain commercial liability insurance.

(b) *Amount of insurance.*

The insurance required by this section must be in an amount and form set annually by the Board of Estimates.

§ 22-21. Display of license; Towing vehicle identification.

(a) *Towing company license.*

(1) The towing company license issued under this subtitle must be prominently displayed in the licensee's storage facilities.

(2) A copy of towing company license must be kept in each towing vehicle operated under the towing company license issued under this subtitle.

(b) *Tow truck operator license.*

When towing any motor vehicle under this subtitle, a tow truck operator must have his or her license with them and ready for inspection at all times.

(c) *Towing vehicle markings.*

(1) The towing company's name, address, phone number, and City-issued license number must be legibly inscribed or painted in lettering not less than 4 inches high on both sides of each towing vehicle in a towing company's employ.

(2) In addition to the requirements set forth in paragraph (1) of this subsection, right-of-way

towing vehicles must display the right-of-way towing certification issued by the Board.

§ 22-22. Schedule of charges.

(a) *Schedule to be filed.*

(1) With any application for a towing company license submitted to the Board, the applicant must file a schedule setting forth the applicant's proposed charges for towing and for any services incident to towing.

(2) These charges may be measured by mileage, time elapsed, and type of service or may be measured on a flat fee basis.

(b) *Maximum charges.*

In the rules and regulations adopted under this subtitle, the Board may set maximum charges, subject to state law, for towing services and storage.

(c) *Modifications.*

A towing company may not modify any charges set forth in the schedule submitted to the Board without the Board's prior written approval.

(d) *Rejection.*

(1) The Board may reject any proposed schedule filed under this subtitle, if the Board determines that the proposed charges are excessive.

(2) Any rejection under this subsection must be in writing and adequately set forth the reasons for rejection.

§§ 22-23 to 22-24. {Reserved}

Part 4. Standards of Operation

§ 22-25. Records and receipts.

(a) *Work order statements.*

At the request of the owner or operator of a motor vehicle, each tow truck operator must:

- (i) inform the owner or operator of the towing service charges; and
- (ii) provide a towing service work order statement.

(b) *Receipts.*

(1) On payment of any fees for towing services, a tow truck operator or any other employee of a towing company must provide a receipt for the amount paid for the service to the owner or operator of the motor vehicle.

(2) The tow truck operator must sign the receipt in a legible manner along with the tow truck operator's printed name below the signature.

(c) *Daily log.*

(1) Each towing company must maintain a record of every tow service performed.

(2) The log required by this subsection must be maintained for inspection by the Board on request for no less than 3 years.

(d) *Required information.*

All documents required under this section must contain the following information:

(i) the name, business address, City-issued license number, and telephone number of the towing company;

(ii) a brief 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 company;

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

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

(e) *Inspection of records and vehicles.*

(1) A towing company must:

(i) make any record required under this subtitle available to the Board or Police Department on request; and

(ii) make any motor vehicle impounded or stored in the storage or repair facility of the towing company available for inspection by the Board or Police Department.

(2) A record created under this section must be kept by the towing company for no less than 3 years.

§ 22-26. Storage facilities.

(a) *In general.*

A tow truck operator must move a motor vehicle to the storage or repair facility customarily used by the towing company that employs the tow truck operator, unless directed otherwise by:

(1) the Police Department;

(2) the Department of Transportation;

(3) the owner of the vehicle; or

(4) the owner's authorized agent.

(b) *Commencement of storage charges.*

If the motor vehicle is towed without the consent of the owner or owner's authorized agent, storage charges may not commence until 12 hours after the motor vehicle is available for recovery by the owner or owner's authorized agent.

§ 22-27. Repairs.

(a) *In general.*

No person may make repairs to a motor vehicle removed by a towing company without entering into a signed, written agreement with the owner of the motor vehicle or the owner's authorized representative.

(b) *Cost estimate.*

The agreement required under this section must include an estimate of the cost of repairs.

(c) *Copies.*

(1) 1 copy of any agreement required under this section must be given to the owner of the motor vehicle or to the owner's authorized agent.

(2) A licensee must retain a copy of any agreements provided under this section for 2 years.

§ 22-28. {Reserved}

§ 22-29. Disabled vehicles: Generally.

(a) *In general.*

Whenever a disabled vehicle needs to be towed from a public right-of-way:

(1) if the vehicle is impeding the free flow of traffic or movement of pedestrians or if some other emergency exists, as determined by the police officer on the scene, only a right-of-way towing company may tow the disabled vehicle; and

(2) in all other situations:

(i) the police officer on the scene must permit the owner or operator, if available, to contact:

(A) a bona fide automobile or motor club of which the owner or operator is a member;

(B) an automobile insurance company with which the owner or operator is insured; or

(C) any other towing company of the owner or operator's choosing; and

(ii) if the owner or operator declines to contact any of the entities set forth in subparagraph (i) of this paragraph or is unavailable to do so, the police officer on the scene must request the Police Commissioner to summon a right-of-way towing vehicle.

(b) *Required response time.*

If the towing company contacted under subparagraph (a)(2)(i) of this section cannot or does not respond within 20 minutes or a reasonable period of time as determined by the police officer under the circumstances, the police officer on the scene must request the Police Commissioner summon a right-of-way towing vehicle to tow the disabled vehicle.

(c) *Prohibited towers.*

To the extent possible under the circumstances, the police officer on the scene must verify that the towing vehicle arriving at the scene and preparing to tow the disabled vehicle:

(1) is not there in violation of § 22-36 {"Solicitations prohibited"} or § 22-39 {"Police radios prohibited"} of this subtitle; and

(2) is either:

(i) a right-of-way towing vehicle summoned by the Police Commissioner;

or

(ii) a towing vehicle summoned by the owner's or operator's automobile or motor club or automobile insurance company.

(d) *Priorities.*

Once a right-of-way towing vehicle has been summoned under this section, it is to be given priority over any other towing vehicle that may arrive at the scene.

(e) *Destination.*

(1) This subsection does not apply to a motor vehicle that is being held for evidence.

(2) The owner or operator, if available, of a disabled vehicle retains full discretion to determine the destination to which the vehicle is to be towed, even if the tow is by a right-of-way towing vehicle summoned under this section.

§ 22-30. Disabled vehicles: Dispatch of right-of-way towing companies.

(a) *Board to share information.*

On a regular basis, the Board must provide the Police Department dispatchers and Fire Department dispatchers the necessary information to comply with this section.

(b) *City contractors.*

Any contract between the Mayor and City Council and a right-of-way towing company for the

provision of right-of-way towing services must include a requirement that all right-of-way towing vehicles possess an automatic vehicle location device designed to be compatible with the City's dispatch system.

(c) *Allocation by proximity.*

(1) Subject to § 22-29 {"Disabled vehicles: Generally"} of this subtitle and paragraph (2) of this subsection:

(i) whenever the services of a right-of-way towing vehicle are required by the City, the right-of-way towing company that has a right-of-way towing vehicle closest to the requested site as determined by the right-of-way towing vehicle's automatic vehicle location device has priority to tow the disabled vehicle; and

(ii) if the right-of-way towing company whose towing vehicle is closest to the requested site is unavailable, the right-of-way towing company whose right-of-way towing vehicle is the next closest has the priority and so on until a right-of-way towing vehicle has been secured.

(2) If the location of nearby right-of-way towing vehicles cannot be determined, the right-of-way towing company whose place of business is closest to the scene has priority to tow the vehicle.

§ 22-31. Disabled vehicles: Delivery of vehicle.

(a) *To police.*

A towing company that acquires custody and control of a motor vehicle under § 22-29(a) of this subtitle must deliver custody and control to the Police Commissioner, unless a signed agreement to the contrary is executed by the owner of the vehicle.

(b) *Recovery by owner.*

Nothing in this section prevents the owner of a motor vehicle or the owner's authorized representative from re-acquiring custody and control of the vehicle on payment to the towing company or to the Police Commissioner, as the case may be, of the applicable fees, as established in the schedule filed with the Board.

§ 22-32. Disabled vehicles: Crash clean-up.

(a) *In general.*

If a disabled vehicle requires removal from the public right-of-way, it is the responsibility of the responding tow truck operator to leave the public right-of-way broom-swept clean and clear of debris.

(b) *Supplies.*

As a condition of certification as a right-of-way towing company, all right-of-way towing vehicles must be equipped with a broom and a trash can at all times.

(c) *City-owned tow yards.*

Any tow yard owned by the City must have an area dedicated to the disposal of crash debris.

§§ 22-33 to 22-34. {Reserved}

Part 5. Prohibited conduct

§ 22-35. Prohibited acts generally.

No towing company or tow truck operator may:

- (1) tow a motor vehicle to a place more than 10 miles from the place of removal without the consent of the owner or operator of the motor vehicle;
- (2) by any statement or action, make a false representation that the person conducting the towing company represents or is approved by any organization that provides emergency road service for motor vehicles;
- (3) by any statement or action, make a false representation as to the name of the towing company;
- (4) at the scene of an accident or breakdown, require the execution of an agreement to have repair work performed as a condition of providing towing services;
- (5) use any public space for the accommodation of a motor vehicle removed from the scene of an accident or breakdown, except as directed by a police officer;
- (6) furnish towing services at the scene of an accident or breakdown, unless the tow truck operator has been authorized by law to do so;
- (7) employ or compensate individuals, commonly referred to as “spotters”, whose primary task is to report the presence of unauthorized parked vehicles for the purposes of towing and impounding;
- (8) compensate the owner or agent of the owner of a parking lot, parking garage, or other parking facility for the right to tow vehicles;
- (9) fail to immediately deliver any motor vehicle towed under this subtitle to its storage facility declared in the license application submitted to the Board; or
- (10) collect a fee for towing or storing a motor vehicle from a commercial parking facility as defined in § 12-1(b) of this Article that the towing company or the tow truck operator knows or should know is not in compliance with the provisions of that subtitle.

§ 22-36. Solicitations prohibited.

No person may attempt or offer to tow a disabled vehicle unless:

- (1) the person is operating a right-of-way towing vehicle having priority to tow as described in this subtitle; or
- (2) the person has been summoned under § 22-29 {“Disabled vehicles: Generally”} of this subtitle.

§ 22-37. Bail services prohibited.

(a) *Exception.*

This section does not apply to a bona fide automobile or motor club, association, or insurance

company.

(b) *Prohibition.*

No person towing a disabled vehicle may:

(1) offer to secure or provide bail for any person involved in the incident;

(2) enter into an agreement, oral or written, to secure or provide bail for any person involved in the incident; or

(3) arrange for the providing of bail for any person involved in the incident.

§ 22-38. Gratuities, etc. to City employees prohibited.

No person may offer or give any bribe, gift, gratuity, or inducement of any kind to any public official or employee in order to obtain business or recommendations for towing, storing, repairing, or providing repair estimates for disabled vehicles.

§ 22-39. Police radios prohibited.

A towing company or owner, operator, employee, or agent of a towing company may not:

(1) possess at his, her, or its garage, repair shop, or other place of business any radio-receiving set capable of receiving signals or messages transmitted on frequencies allocated for use by the Police Department; or

(2) in connection with any towing operations, make use of any signals or messages transmitted by the Police Department on frequencies allocated for its use.

§§ 22-40 to 22-41. {Reserved}

Part 6. Enforcement; Penalties

§ 22-42. Denial, revocation, suspension, refusal to renew.

(a) *“Unfair ... practice” defined.*

In this section, “unfair or deceptive trade practice” means any false or misleading oral or written statement or representation of any kind that has the capacity, tendency, or effect of deceiving or misleading consumers, including any omission of material fact that would tend to mislead a consumer.

(b) *Grounds for sanctions.*

Subject to the notice and hearing provisions in § 22-43 of this subtitle, the Board may deny, suspend, revoke, or refuse to renew any license under this subtitle if the Board finds that:

(1) the applicant or licensee made a misleading or false statement on an application, report, certification, or any other document required by this subtitle;

(2) the applicant or licensee made misleading or false statements that were submitted or

caused by the applicant or licensee to be submitted to the Board;

(3) during the preceding 3 years, the applicant or a licensee was convicted of or plead guilty or nolo contendere to criminal activity directly relating to the operation of the business of towing;

(4) a tow truck operator was convicted of or plead guilty or nolo contendere to a criminal act that was authorized by the towing company;

(5) a licensee towed a motor vehicle without the consent of the owner or operator of the motor vehicle, without the direction of a police officer, or without otherwise complying with local, state, or federal law;

(6) a tow truck operator failed to comply with any law regulating the towing of motor vehicles;

(7) a towing company failed to make available for inspection by the Board the daily towing log required by § 22-25(c) of this subtitle;

(8) a towing company failed to allow the Police Department reasonable access to inspect any motor vehicle listed in the towing company's records as stored in towing company's storage facility;

(9) a towing company or a tow truck operator engaged in an unfair or deceptive trade practice;

(10) the applicant or licensee failed to comply with or has violated any provision of this subtitle, any rule or regulation adopted under this subtitle, or any applicable federal, state, or local law or rule; or

(11) a tow truck operator towing a disabled vehicle failed to leave the public right-of-way broom-swept clean and clear of debris.

(c) *Term of sanction.*

(1) The Board may deny, suspend, revoke, or refuse any license issued under this subtitle for a period of time determined by the Board to be just and reasonable in relation to the severity of the violation found to exist under subsection (b) of this section.

(2) If a license has been denied, revoked, or not renewed, the applicant may not apply for another license for a period of 12 months after the date of the Board's order.

§ 22-43. Notice and hearing.

(a) *Hearing required.*

The Board may not deny, suspend, revoke, or refuse to renew a license without the Board first providing the applicant or licensee an opportunity for a hearing.

(b) *Notice.*

(1) At least 15 calendar days before the date set for the hearing, the Board must:

(i) notify the applicant or the licensee in writing of the date, time, and place set

for the hearing;

(ii) specify the reason or reasons why the Board proposes to refuse, deny, suspend, revoke, or not renew the application or license; and

(iii) afford all parties the opportunity to be heard in person and by counsel.

(2) The written notice must be served by registered or certified mail.

(c) *Decision.*

Within 10 business days following the hearing, the Board must issue a written decision setting forth the reasons for its action and forward a copy of the decision to all parties by certified or registered mail.

§ 22-44. Judicial and appellate review.

(a) *Judicial review.*

A person aggrieved by a decision of the Board under this subtitle may seek judicial review of the decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules.

(b) *Appellate review.*

A party to the judicial review may appeal the Court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules.

§ 22-45. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation as authorized by the City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation as authorized by the City Code Article 1, Subtitle 41 {"Civil citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(c) *Each day a separate offense.*

Each day that a violation continues is separate offense.

§ 22-46. Criminal penalties.

(a) *In general.*

Any person who violates any provisions of this subtitle or of the rules and regulations adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to fine of not more than \$500 or to

imprisonment for not more than 60 days or to both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is separate offense.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(2) **Article 15. Licensing and Regulation**

Subtitle 22. Towing

§ 22-35(10) {Collecting fee from non-compliant commercial parking facility}	\$1,000
All other provisions	
1 st offense	\$500
Subsequent offenses	\$1,000

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies - Listing.

(1) **Article 15. Licensing and Regulation**

Subtitle 22. Towing

§ 22-35(10) { Collecting fee from non-compliant commercial parking facility }	\$1,000
All other provisions	
1 st offense	\$500
Subsequent offenses	\$1,000

(4) **Article 31. Transit and Traffic**

[Subtitle 22. Towing Services - Accident Towing \$750]

Section 3. 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 part of this or any prior Ordinance.

Section 4. And be it further ordained, That the current members of the “Board of Licenses for Towing Services” shall remain in office as members of the newly ordained “Board of Towing” until their term is terminated in accordance with pre-existing Article 15, § 22-2 {“Board of Licenses for Towing Services”},

notwithstanding the repeal of Article 15, § 22-2 by Section 1 of this Ordinance.

Section 5. And be it further ordained, That this Ordinance takes effect on the 60th day after the date it is enacted.