

Introduced January 7, 2013
Public Hearing January 22, 2013
Council Action February 4, 2013
Executive Action February 8, 2013
Effective Date April 10, 2013

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 1

Bill No. 2 -2013

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending certain provisions governing the towing of vehicles from private property; requiring that certain fees not exceed a certain amount; requiring certain signage; increasing the size of signs and requiring that signs contain certain information; prohibiting the use of "spotters;" prohibiting a vehicle from being towed for failure to display a current vehicle registration for a certain period; requiring certain notice; prohibiting the certain transfer of vehicles; requiring that a towed vehicle be made accessible to certain people under certain conditions; and generally relating to the towing of vehicles from private property in Howard County.

Introduced and read first time January 7, 2013. Ordered posted and hearing scheduled.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 22, 2013.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on February 4, 2013 and Passed , Passed with amendments _____, Failed _____.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5th day of February, 2013 at 3:00 a.m./p.m.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Approved Vetoed by the County Executive February 8, 2013

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the Howard
2 County Code is amended as follows:

3
4 By amending:

- 5 1. Title 17 "Public Protection Services"
6 Section 17.601 "Maximum rates"
- 7
8 2. Title 17 "Public Protection Services"
9 Section 17.603 "Public notice; tow procedures"
- 10
11 3. Title 17 "Public Protection Services"
12 Section 17.604 "Notice to police and Office of Consumer Affairs"
- 13
14 4. Title 17 "Public Protection Services"
15 Section 17.607 "Incomplete tow"
- 16
17 5. Title 17 "Public Protection Services"
18 Section 17.608 "Redemption and storage procedures"

19
20 **Title 17. Public Protection Services.**
21 **Subtitle 6. Towing from Private Property.**

22
23 **Section 17.601. Maximum rates.**

24 (a) When towing a vehicle from private property without the consent of the vehicle owner, a
25 towing service shall not charge more than maximum rates which are set annually by resolution of
26 the County Council.

27 (b) Fair and reasonable maximum rates shall be set for each of the following acts:

- 28 (1) Attaching the vehicle to be towed to the tow truck.
- 29 (2) Towing the vehicle to a storage site. This rate shall be based on the distance the
30 vehicle is towed.

1 (3) Storing the vehicle. This rate shall be based on 12-hour time periods during which
2 the vehicle remains in the custody of the towing service. No set charge shall
3 accrue for a time period until at least six hours of the time period has elapsed. The
4 full charge accrues for any portion of the remaining six hours in which the vehicle
5 remains in the custody of the towing service. The charge shall not begin to accrue
6 until after the towing service provides the notice required by section 17.604 of
7 this subtitle.

8 (4) Any other service needed to safely remove a vehicle.

9 (c) A VEHICLE OWNER MAY BE CHARGED A ~~[[The]]~~ fee for releasing a vehicle under section
10 17.607 THAT shall not exceed one-half the attachment fee set under subsection (b)(1) of this
11 section.

12 (D) A VEHICLE OWNER MAY BE CHARGED A FEE FOR PROVIDING NOTICE UNDER SECTION
13 17.604(D) THAT SHALL NOT EXCEED THE ACTUAL COST OF PROVIDING THAT NOTICE.

14 (~~[[d]]~~E) A towing service shall not charge for any act not listed in this section unless that act was
15 expressly requested by the vehicle owner.

16
17 **Section 17.603. - Public notice; tow procedures.**

18 (a) *Requirement.* A property owner and towing service shall comply with all applicable
19 provisions of this section when exercising the property owner's right to remove an unauthorized
20 vehicle from their property.

21 (b) *Signs.* Except as provided in paragraph (3) of this subsection, a property owner shall post a
22 sign notifying the public of parking restrictions at least 24 hours before towing or ordering the
23 towing of an unauthorized vehicle in accordance with the following provisions:

24 (1) There shall be a sufficient numbers of signs permanently posted so that:

25 (i) At least one sign is clearly visible from each parking area and each vehicle
26 entrance to the property at all times; or

27 (ii) In a parking lot with more than ~~[[100]]~~ 45 parking spaces, at least one sign
28 shall be posted in a conspicuous place for each ~~[[75]]~~ 45 parking spaces
29 and each sign shall be able to be read form all affected spaces; and

- 1 (2) Each sign shall:
- 2 (i) Be at least [[18 inches high and 24 inches wide]] 24 INCHES HIGH BY 30
- 3 INCHES WIDE;
- 4 (ii) Summarize all parking restrictions enforced on the property, including
- 5 time and area restrictions;
- 6 (iii) State that a vehicle that violates the restrictions may be towed at the
- 7 vehicle owner's expense;
- 8 (IV) STATE THAT COUNTY AND STATE LAW REQUIRE THAT TOWED VEHICLES
- 9 BE AVAILABLE FOR REDEMPTION 24 HOURS PER DAY, 7 DAYS PER WEEK;
- 10 (V) STATE THE MAXIMUM AMOUNT THAT THE OWNER OF THE VEHICLE MAY
- 11 BE CHARGED FOR THE TOWING OR REMOVAL OF AN UNAUTHORIZED
- 12 VEHICLE;
- 13 ([[iv]]VI) List the name and telephone number of each towing service hired to tow
- 14 unauthorized vehicles from the property AND THE LOCATION TO WHICH
- 15 THE VEHICLE WILL BE TOWED [[or a telephone number that is answered
- 16 personally at all times of the day and night by the property owner or an
- 17 agent of the owner who is informed of each vehicle towed from the
- 18 property]];
- 19 [[(v) Be sized, printed, and located so that it is able to be read by motorists in
- 20 daylight and atnight;
- 21 (vi) Be maintained in a legible and unobstructed condition;]]
- 22 (vii) [[If placed after October 1, 2005, state]] STATE that a vehicle owner may
- 23 contact the Office of Consumer Affairs and state the phone number of the
- 24 Office of Consumer Affairs[.];
- 25 (VIII) BE SIZED, PRINTED, AND LOCATED SO THAT IT IS ABLE TO BE READ BY
- 26 MOTORISTS IN DAYLIGHT AND AT NIGHT; AND
- 27 (IX) BE MAINTAINED IN A LEGIBLE AND UNOBSTRUCTED CONDITION.
- 28 (3) A property owner of residential property, including, without limitation, a
- 29 condominium, cooperative, or homeowners' association, may have an

1 unauthorized vehicle towed from that property without posting signs required by
2 this subsection if the owner provides notice to the vehicle which:

- 3 (i) Is securely attached to the vehicle in a conspicuous place;
- 4 (ii) Specifies the violation of an applicable rule or covenant;
- 5 (iii) Includes the date and time it was attached to the vehicle; and
- 6 (iv) Informs the vehicle owner that the violation shall be corrected or the
7 vehicle removed within the time period set forth in an applicable rule or
8 covenant unless there is no rule or covenant, in which case the violation
9 shall be corrected or the vehicle removed within 48 hours after the notice
10 is attached.

11 (c) *Tow Procedures.* Each tow conducted pursuant to this subtitle shall be conducted in the
12 following manner:

- 13 (1) Except as provided in paragraph (2) of this subsection, a towing service shall not
14 tow a vehicle from private property unless the property owner has directly or
15 through an agent expressly authorized the towing of the particular vehicle.
16 Authorization shall be in the form of a tow slip. The Office of Consumer Affairs
17 may issue a model tow slip. The tow slip shall:

- 18 (i) Contain the following information:
 - 19 a. The address from which the vehicle was towed;
 - 20 b. The date and time the vehicle was towed;
 - 21 c. The make, model, year, and color of the vehicle;
 - 22 d. If available, the vehicle identification number;
 - 23 e. The reason the vehicle was towed;
 - 24 f. The name and signature of the tow operator and the person who
25 authorized the vehicle to be towed; and
 - 26 g. The name and phone number of the Office of Consumer Affairs;
27 and
- 28 (ii) Be signed by the property owner, or the owner's agent, and the driver of
29 the tow truck immediately before the vehicle is towed; and

- 1 (iii) Be legibly copied and a copy of which shall be securely attached to the
2 vehicle.
- 3 (2) An unauthorized vehicle may be towed from private property without the express
4 authorization of the property owner or the property owner's agent only if the
5 vehicle is directly blocking access to the property or to a building on the property.

6 (d) *Prohibited Activities:*

- 7 (1) A property owner, agent of a property owner, or any officer or employee of a
8 towing service shall not:
- 9 (i) Falsely state that a property owner authorized the towing of a particular
10 vehicle;
- 11 (ii) Record any false information about the towing of a particular vehicle; or
12 (iii) Sign a tow slip before all of the information relating to the towing of a
13 particular vehicle is recorded on the slip.
- 14 (2) A towing service shall not charge a vehicle owner any fee for the services of a
15 property owner's agent.
- 16 (3) A person shall not act as a property owner's agent for the purpose of ordering the
17 towing of an unauthorized vehicle unless the property owner or property manager
18 has given express written permission to act.
- 19 (4) An agent of a property owner, for the purpose of ordering the towing of an
20 unauthorized vehicle, shall not:
- 21 (i) Be employed by, or have any member of their immediate family employed
22 by, any towing service; or
- 23 (ii) Have any financial interest in any towing service or the towing of any
24 vehicle.
- 25 (5) A TOWING SERVICE SHALL NOT EMPLOY OR OTHERWISE COMPENSATE
26 INDIVIDUALS, COMMONLY REFERRED TO AS "SPOTTERS," WHOSE PRIMARY TASK
27 IS TO REPORT THE PRESENCE OF UNAUTHORIZED PARKED VEHICLES FOR THE
28 PURPOSES OF TOWING OR REMOVAL.
- 29 (6) A VEHICLE MAY NOT BE TOWED FROM PRIVATE PROPERTY SOLELY FOR A

1 VIOLATION OF FAILURE TO DISPLAY A VALID CURRENT REGISTRATION UNDER
2 SECTION 13-411 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE
3 OF MARYLAND UNTIL 72 HOURS AFTER A NOTICE OF VIOLATION IS PLACED ON
4 THE VEHICLE.

5 (e) *Towing a Vehicle within a Parking Lot:*

6 (1) A property owner may tow a vehicle within a parking lot without prior notice to
7 the vehicle owner if towing the vehicle is necessary to:

- 8 (i) Remove large quantities of snow or debris;
- 9 (ii) Repair the parking lot; or
- 10 (iii) Respond to a threat to a person's safety or health.

11 (2) When towing a vehicle within a parking lot pursuant to this subsection, a property
12 owner shall:

- 13 (i) Take reasonable care not to damage the vehicle;
- 14 (ii) Pay any cost of towing the vehicle; and
- 15 (iii) Either inform the vehicle owner where the vehicle was relocated or return
16 the vehicle to its original location as soon as possible.

17
18 **Section 17.604. - Notice [[to police and Office of Consumer Affairs]].**

19 (a) A towing service that tows an unauthorized vehicle from private property shall notify the
20 Police Department and the Office of Consumer Affairs of the following information within one
21 hour after leaving the property:

- 22 (1) The name of the towing service;
- 23 (2) The make, model, color, year, vehicle identification number and registration plate
24 number of the towed vehicle;
- 25 (3) The address the vehicle was towed from;
- 26 (4) The time the vehicle was towed; and
- 27 (5) The storage site where the vehicle will be stored.

28 (b) The towing service shall notify the Police Department within 24 hours if it moves the vehicle
29 to another storage site.

1 (C) IF A VEHICLE HAS NOT BEEN REDEEMED WITHIN 3 DAYS AFTER TOWING OR REMOVING THE
2 VEHICLE, THE TOWING SERVICE SHALL NOTIFY THE OWNER, ANY SECURED PARTY, AND THE
3 INSURER OF RECORD BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND FIRST-CLASS
4 MAIL, OF THE SAME INFORMATION REQUIRED TO BE GIVEN TO THE POLICE DEPARTMENT AND
5 OFFICE OF CONSUMER AFFAIRS IN SUBSECTION (A) OF THIS SECTION.

6 (D) THE TOWING SERVICE SHALL PROVIDE TO THE OWNER, ANY SECURED PARTY, AND THE
7 INSURER OF RECORD THE ITEMIZED ACTUAL COSTS OF PROVIDING NOTICE UNDER THIS
8 SECTION.

9 ([[c]]E) The towing service shall retain each tow slip and, and for those vehicles towed without
10 tow slips AS PROVIDED IN SECTION 17.603(C)(2), a record of the information furnished to the
11 police, for 12 months after the tow. For each vehicle towed without a tow slip, the towing service
12 shall record and retain the name of the owner of the property and, if the tow was authorized by
13 an agent, the name of the agent. The Police Department, the Office of Consumer Affairs and the
14 owner of any vehicle towed by the service may inspect and copy this information at any time
15 during normal business hours.

16 ([[d]]F) If a towing service tows an unauthorized vehicle from private property when the Office
17 of Consumer Affairs is closed, the towing service shall notify the Office of the tow before 10:00
18 a.m. on the next business day following the tow, either by telephone or by facsimile machine.

19
20 **Section 17.607. - Incomplete tow.**

21 (a) If a vehicle owner returns to an unauthorized vehicle at any time after the vehicle is attached
22 to the tow truck but before it is towed from private property, the towing service shall release the
23 vehicle to the vehicle owner when the vehicle owner pays a release fee. The release fee shall be
24 as set forth in the resolution adopted pursuant to subsection [[17.602(c)]] 17.601(c) of this
25 subtitle [[for towing the vehicle to the nearest storage area]]. The towing service shall not charge
26 any other fee for attaching or releasing the vehicle.

27 (b) A towing service shall not block an unauthorized vehicle with a tow truck to obtain payment
28 from the vehicle owner before attaching the vehicle to the tow truck.

29 (c) The towing service shall provide a receipt that meets the requirements of subsection

1 17.608(f) of this subtitle, indicating the release fee paid and the date of the incomplete tow.

2 (d) A Police Officer may order a towing service to release a vehicle, or to stop attaching a
3 vehicle, at any time.

4 (e) This section does not:

5 (1) Create or imply a lien in favor of a towing service when a lien would not
6 otherwise exist; or

7 (2) Create a right of any towing service to retain possession of any vehicle that it
8 would otherwise have to return to the vehicle owner.

9
10 **Section 17.608. - Redemption and storage procedures.**

11 (a) *Storage of Towed Vehicles:* Every storage site shall comply with the following conditions:

12 (1) A storage site shall not be located more than 12 miles from the origin of the tow[[.
13 If there is no storage site within 12 miles, a vehicle shall be stored at the nearest
14 storage site]] AND THE TOWING SERVICE MAY NOT MOVE THE TOWED VEHICLE
15 FROM THAT STORAGE FACILITY TO ANOTHER STORAGE FACILITY FOR AT LEAST
16 72 HOURS AFTER THE VEHICLE HAS BEEN TOWED;

17 (2) A storage site shall be brightly lit at all times;

18 (3) A towed vehicle shall not be stored more than a reasonable walking distance from
19 a redemption area;

20 (4) The towing service shall keep the towed vehicle and its contents secure at all
21 times; and

22 (5) The storage lot shall be identified by a sign at the entrance indicating the name
23 and telephone number of the tow service.

24 (b) *Redemption of Towed Vehicles:* [[On every day a]] THE trespass towing service [[operates,
25 the service]] shall be open for redemption of vehicles [[until 5:00 p.m. or two hours after the
26 completion of the last tow, whichever is later]] 24 HOURS PER DAY, 7 DAYS A WEEK.

27 (c) *INSPECTION AND RETRIEVAL OF PERSONAL PROPERTY.* A STORAGE SITE THAT IS IN THE
28 POSSESSION OF A TOWED VEHICLE SHALL MAKE THE VEHICLE AVAILABLE TO THE OWNER, THE
29 OWNER'S AGENT, A SECURED PARTY, OR THE INSURER OF RECORD, UNDER THE SUPERVISION OF

1 THE STORAGE SITE, FOR:

- 2 (1) INSPECTION; OR
- 3 (2) RETRIEVAL FROM THE VEHICLE OF PERSONAL PROPERTY THAT IS NOT ATTACHED
- 4 TO THE VEHICLE.

5 ([[c]]D) *Payment and Promise to Pay:*

6 (1) *Applicability.* This subsection applies to payment of any charge arising from the
7 towing or storage of a vehicle without the vehicle owner's consent and to payment
8 for an incomplete tow under section 17.607

9 (2) *Purpose.* This section does not:

- 10 (i) Create or imply a lien in favor of a towing service when a lien would not
- 11 otherwise exist; or
- 12 (ii) Create a right of any towing service to retain possession of any vehicle
- 13 that it would otherwise have to return to the vehicle owner.

14 (3) *Cash payment.* A trespass towing service shall accept payment in cash, or by a
15 traveler's check accompanied by reasonable identification.

16 (4) *Options:*

17 (i) Each trespass towing service shall accept as full payment either a credit
18 card or a personal check, at the option of the towing service, validly
19 signed by the vehicle owner or the vehicle owner's agent for the amount of
20 all valid charges.

21 (ii) Each trespass towing service shall notify the Office of Consumer Affairs
22 on the rate schedule filed under section 17.602 of this subtitle whether it
23 opts to accept credit cards or personal checks or both. The towing service
24 shall notify the Office of Consumer Affairs if it changes that option.

25 (iii) The option chosen by a trespass towing service shall be available to the
26 owners of all vehicles towed by that service without the consent of their
27 owners.

28 (5) *Credit card options:*

29 (i) If a credit card is accepted, each trespass towing service shall accept two

1 major credit cards.

2 (ii) In addition, if a trespass towing service accepts any other credit card for
3 any other purpose, it shall accept that credit card under this section.

4 (6) *Personal check option.* If a trespass towing service does not accept credit cards, it
5 shall accept a personal check, with reasonable identification, if the vehicle is
6 registered in Maryland.

7 ([[d]]E) *Rates Displayed.* Every trespass towing service shall display prominently, at each
8 redemption area, a copy of its current rates and a statement that these rates do not exceed the
9 rates filed with the Office of Consumer Affairs. Every trespass towing service shall also display
10 prominently a sign, furnished at a reasonable fee by the Office of Consumer Affairs, listing the
11 Office's telephone number and summarizing the vehicle owner's rights under this subtitle.

12 ([[e]]F) *Storage Fee.* A trespass towing service shall not charge a storage fee for any time before
13 the vehicle actually reaches the storage site or the service notifies the Police Department under
14 section 17.604, whichever is later.

15 ([[f]]G) *Receipt.* Upon receiving payment, a towing service shall furnish the vehicle owner a
16 receipt on a form approved by the Office of Consumer Affairs. The receipt shall:

- 17 (1) Record the amount paid to redeem the vehicle, the actions for which the vehicle
18 owner paid, and the date and time of the redemption;
- 19 (2) Be signed legibly by an agent of the towing service, and list the name, address
20 and telephone number of the towing service;
- 21 (3) Briefly inform the vehicle owner that the Office of Consumer Affairs can explain
22 the vehicle owner's rights. If the vehicle owner believes that any provision of
23 County law has been violated the vehicle owner may obtain a copy of the law
24 from the Office of Consumer Affairs.

25 ([[g]]H) *Damage Waiver.* A trespass towing service shall not require a vehicle owner to sign any
26 waiver of the vehicle owner's right to receive compensation for damages to the vehicle.

27
28 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
29 ***this Act shall become effective 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on February 8, 2013.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2013.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2013.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2013.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2013.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2013.

Stephen M. LeGendre, Administrator to the County Council