

## **Title 17 – Public Protection Service; Subtitle 6 – Towing From Private Property**

Sec. 17.600. Purpose; scope; definition.

- (a) *Purpose.* The purpose of this subtitle is to protect the health, safety, and welfare of County residents and to regulate and authorize the County Council to set maximum rates for the towing of vehicles from private property. This subtitle does not authorize the towing or holding of any vehicle. To the extent that legal authority to tow or hold a vehicle without the consent of its owner exists, that authority shall be derived from other statutes or the common law. This subtitle restricts the exercise of any such legal authority.
- (b) *Scope:*
- (1) This subtitle applies to the towing of a vehicle from private property without the consent of the vehicle owner.
  - (2) This subtitle does not apply to:
    - (i) Towing initiated by the vehicle owner;
    - (ii) Towing approved or requested by a Police Officer, firefighter, or rescue squad member in the course of removing impediments to traffic or during the course of a criminal investigation or under State law regulating abandoned vehicles;
    - (iii) Towing a vehicle during a repossession of the vehicle;
    - (iv) Towing from a marked fire lane;
    - (v) Towing from a designated handicapped parking space;
    - (vi) Towing from the yard or driveway of a single-family dwelling; or
    - (vii) Towing from land immediately adjoining an electric or telephone utility building or structure that is not open to the general public.
- (c) *Definitions.* Words and phrases used in this subtitle shall have their usual meanings, except as defined below:
- (1) *Property manager* means any person who manages property on behalf of an owner.
  - (2) *Property owner* includes any person in lawful possession or control of property. The owner of general common elements of a condominium is the Council of unit owners or the Council's agent for parking management. The owner of limited common elements of a condominium is the unit owner or owners who have the Executive right to use the common elements, or the agent of that unit owner or owners.
  - (3) *Redemption area* means an area or building where a vehicle owner may pay any charges necessary to redeem a vehicle.
  - (4) *Storage site* means any land or building used by a towing service to store towed vehicles.
  - (5) *Tow or towing* means the removal or preparation to remove any vehicle by another vehicle for compensation.
  - (6) *Tow truck* includes any vehicle which may tow or attempt to tow a vehicle from private property.

- (7) *Trespass towing service* or *towing service* means any person who tows any vehicle from private property for compensation without the consent of the vehicle owner.
- (8) *Unauthorized vehicle* means any vehicle which a property owner has not consented to have parked on the property.
- (9) *Vehicle* means a device that is able to transport persons or property on a public highway and is required to be registered pursuant to title 13 of the transportation article of the Annotated Code of Maryland.
- (10) *Vehicle owner* means the person in whose name title to a vehicle is registered.

Sec. 17.601. Maximum rates.

- (a) When towing a vehicle from private property without the consent of the vehicle owner, a towing service shall not charge more than maximum rates which are set annually by resolution of the County Council.
- (b) Fair and reasonable maximum rates shall be set for each of the following acts:
  - (1) Attaching the vehicle to be towed to the tow truck.
  - (2) Towing the vehicle to a storage site. This rate shall be based on the distance the vehicle is towed.
  - (3) Storing the vehicle. This rate shall be based on 12-hour time periods during which the vehicle remains in the custody of the towing service. No set charge shall accrue for a time period until at least six hours of the time period has elapsed. The full charge accrues for any portion of the remaining six hours in which the vehicle remains in the custody of the towing service. The charge shall not begin to accrue until after the towing service provides the notice required by [section 17.604](#) of this subtitle.
  - (4) Any other service needed to safely remove a vehicle.
- (c) A vehicle owner may be charged a fee for releasing a vehicle under [section 17.607](#) that shall not exceed one-half the attachment fee set under subsection (b)(1) of this section.
- (d) A vehicle owner may be charged a fee for providing notice under section 17.604(d) that shall not exceed the actual cost of providing that notice.
- (e) A towing service shall not charge for any act not listed in this section unless that act was expressly requested by the vehicle owner.

Sec. 17.602. Administration; rates; registration; hearing.

- (a) Each tow truck operated by a trespass towing service shall be identified, registered, and insured as required under State law, except that any required lettering shall be placed on both sides of the truck. Each driver employed by a trespass towing service shall be at least 18 years of age and shall have a valid license to operate a tow truck.
- (b) Each trespass towing service shall be registered with the Office of Consumer Affairs and shall pay annually in January a registration fee recommended by the Consumer Affairs Administrator and which is set annually by resolution of the County Council.

- (c) Every trespass towing service shall file with the Office of Consumer Affairs a schedule of its rates for each action connected with the towing or storage of unauthorized vehicles.
- (d) A trespass towing service shall not charge a rate that is higher than the rate on file with the Office of Consumer Affairs for any action in connection with the towing or storage of any unauthorized vehicle.
- (e) Each trespass towing service shall inform the Office of Consumer Affairs of the type of business organization or ownership in which the service operates and the address of a person authorized to accept service.
- (f) Each trespass towing service shall enter into a written contract with every owner of private property that authorizes the towing service to tow vehicles from its property. The towing service shall keep on file each contract that is in effect, or that was terminated within the previous 12 months. The Office of Consumer Affairs, the Police Department or the owner of any vehicle towed by the service may inspect and copy any contract during normal business hours. The cost of photocopying the contract shall be no more than the County charges the public for photocopying County documents. The Office of Consumer Affairs may issue model contracts that meet the requirements of this subsection.
- (g) The Office of Consumer Affairs may revoke the registration of trespass towing services which violate the provisions of this subtitle. The Administrator shall send a written decision to the trespass towing service stating that the registration has been revoked and the reasons for the revocation. The decision shall indicate the right of the trespass towing service to a hearing before the Administrator of the Office of Consumer Affairs or the Administrator's designee under the Administrative Procedures Act set forth at title 2, subtitle 1 of the Howard County Code.
- (h) A towing service may appeal a decision of the Office of Consumer Affairs to revoke its registration to the Administrator or the Administrator's designee within 30 days of the date of the decision. The hearing on a decision to revoke a towing service's registration shall be conducted in accordance with title 2, subtitle 1, article III of the Howard County Code, the Administrative Procedures Act, and shall be heard by the Administrator of the Office of Consumer Affairs or the Administrator's designee.
- (i) Within 30 days of the date of a decision of the Administrator of the Office of Consumer Affairs, or the Administrator's designee, to revoke a towing service's registration, the towing service may appeal that decision to the Board of Appeals pursuant to the procedures set forth in title 2, subtitle 2 of the Howard County Code. The appeal to the Board of Appeals shall be heard on the record of the hearing before the Office of Consumer Affairs in accordance with the procedures set forth in subsection 2.210(b) of the Howard County Code.

Sec. 17.603. Public notice; tow procedures.

- (a) *Requirement.* A property owner and towing service shall comply with all applicable provisions of this section when exercising the property owner's right to remove an unauthorized vehicle from their property.
- (b) *Signs.* Except as provided in paragraph (3) of this subsection, a property owner shall post a sign notifying the public of parking restrictions at least 24 hours before towing or ordering the towing of an unauthorized vehicle in accordance with the following provisions:
- (1) There shall be a sufficient number of signs permanently posted so that:
    - (i) At least one sign is clearly visible from each parking area and each vehicle entrance to the property at all times; or
    - (ii) In a parking lot with more than 45 parking spaces, at least one sign shall be posted in a conspicuous place for each 45 parking spaces and each sign shall be able to be read from all affected spaces; and
  - (2) Each sign shall:
    - (i) Be at least 24 inches high by 30 inches wide;
    - (ii) Summarize all parking restrictions enforced on the property, including time and area restrictions;
    - (iii) State that a vehicle that violates the restrictions may be towed at the vehicle owner's expense;
    - (iv) State that County and State law require that towed vehicles be available for redemption 24 hours per day, seven days per week;
    - (v) State the maximum amount that the owner of the vehicle may be charged for the towing or removal of an unauthorized vehicle;
    - (vi) List the name and telephone number of each towing service hired to tow unauthorized vehicles from the property and the location to which the vehicle will be towed;
    - (vii) State that a vehicle owner may contact the Office of Consumer Affairs and state the phone number of the Office of Consumer Affairs;
    - (viii) Be sized, printed, and located so that it is able to be read by motorists in daylight and at night; and
    - (ix) Be maintained in a legible and unobstructed condition.
  - (3) A property owner of residential property, including, without limitation, a condominium, cooperative, or homeowners' association, may have an unauthorized vehicle towed from that property without posting signs required by this subsection if the owner provides notice to the vehicle which:
    - (i) Is securely attached to the vehicle in a conspicuous place;
    - (ii) Specifies the violation of an applicable rule or covenant;
    - (iii) Includes the date and time it was attached to the vehicle; and
    - (iv) Informs the vehicle owner that the violation shall be corrected or the vehicle removed within the time period set forth in an applicable rule or covenant unless there is no rule or covenant, in which case the violation shall be corrected or the vehicle removed within 48 hours after the notice is attached.

- (c) *Tow Procedures.* Each tow conducted pursuant to this subtitle shall be conducted in the following manner:
- (1) Except as provided in paragraph (2) of this subsection, a towing service shall not tow a vehicle from private property unless the property owner has directly or through an agent expressly authorized the towing of the particular vehicle. Authorization shall be in the form of a tow slip. The Office of Consumer Affairs may issue a model tow slip. The tow slip shall:
    - (i) Contain the following information:
      - a. The address from which the vehicle was towed;
      - b. The date and time the vehicle was towed;
      - c. The make, model, year, and color of the vehicle;
      - d. If available, the vehicle identification number;
      - e. The reason the vehicle was towed;
      - f. The name and signature of the tow operator and the person who authorized the vehicle to be towed; and
      - g. The name and phone number of the Office of Consumer Affairs; and
    - (ii) Be signed by the property owner, or the owner's agent, and the driver of the tow truck immediately before the vehicle is towed; and
    - (iii) Be legibly copied and a copy of which shall be securely attached to the vehicle.
  - (2) An unauthorized vehicle may be towed from private property without the express authorization of the property owner or the property owner's agent only if the vehicle is directly blocking access to the property or to a building on the property.
- (d) *Prohibited Activities:*
- (1) A property owner, agent of a property owner, or any officer or employee of a towing service shall not:
    - (i) Falsely state that a property owner authorized the towing of a particular vehicle;
    - (ii) Record any false information about the towing of a particular vehicle; or
    - (iii) Sign a tow slip before all of the information relating to the towing of a particular vehicle is recorded on the slip.
  - (2) A towing service shall not charge a vehicle owner any fee for the services of a property owner's agent.
  - (3) A person shall not act as a property owner's agent for the purpose of ordering the towing of an unauthorized vehicle unless the property owner or property manager has given express written permission to act.
  - (4) An agent of a property owner, for the purpose of ordering the towing of an unauthorized vehicle, shall not:
    - (i) Be employed by, or have any member of their immediate family employed by, any towing service; or
    - (ii) Have any financial interest in any towing service or the towing of any vehicle.
  - (5) A towing service shall not employ or otherwise compensate individuals, commonly referred to as "spotters," whose primary task is to report the presence of unauthorized parked vehicles for the purposes of towing or removal.
  - (6) A vehicle may not be towed from private property solely for a violation of failure to display a valid current registration under Section 13-411 of the Transportation Article

of the Annotated Code of Maryland until 72 hours after a notice of violation is placed on the vehicle.

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

- (1) A property owner may tow a vehicle within a parking lot without prior notice to the vehicle owner if towing the vehicle is necessary to:
  - (i) Remove large quantities of snow or debris;
  - (ii) Repair the parking lot; or
  - (iii) Respond to a threat to a person's safety or health.
- (2) When towing a vehicle within a parking lot pursuant to this subsection, a property owner shall:
  - (i) Take reasonable care not to damage the vehicle;
  - (ii) Pay any cost of towing the vehicle; and
  - (iii) Either inform the vehicle owner where the vehicle was relocated or return the vehicle to its original location as soon as possible.

Sec. 17.604. Notice.

- (a) A towing service that tows an unauthorized vehicle from private property shall notify the Police Department and the Office of Consumer Affairs of the following information within one hour after leaving the property:
  - (1) The name of the towing service;
  - (2) The make, model, color, year, vehicle identification number and registration plate number of the towed vehicle;
  - (3) The address the vehicle was towed from;
  - (4) The time the vehicle was towed; and
  - (5) The storage site where the vehicle will be stored.
- (b) The towing service shall notify the Police Department within 24 hours if it moves the vehicle to another storage site.
- (c) If a vehicle has not been redeemed within three days after towing or removing the vehicle, the towing service shall notify the owner, any secured party, and the insurer of record by certified mail, return receipt requested, and first class mail, of the same information required to be given to the Police Department and Office of Consumer Affairs in subsection (a) of this section.
- (d) The towing service shall provide to the owner, any secured party, and the insurer of record the itemized actual costs of providing notice under this section.
- (e) The towing service shall retain each tow slip and, and for those vehicles towed without tow slips as provided in section 17.603(c)(2), a record of the information furnished to the police, for 12 months after the tow. For each vehicle towed without a tow slip, the towing service shall record and retain the name of the owner of the property and, if the tow was authorized by an agent, the name of the agent. The Police Department, the Office of

Consumer Affairs and the owner of any vehicle towed by the service may inspect and copy this information at any time during normal business hours.

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

Sec. 17.606. Handicapped vehicle owners.

A vehicle with a valid handicapped registration plate or valid disabled person's parking permit conspicuously displayed shall not be towed from private property without the consent of the vehicle owner unless:

- (a) The tow is expressly authorized by a Police Officer or member of the Department of Fire and Rescue Services; or
- (b) The vehicle is blocking a clearly marked fire lane or access to another vehicle, the property, or a building.

Sec. 17.607. Incomplete tow.

- (a) If a vehicle owner returns to an unauthorized vehicle at any time after the vehicle is attached to the tow truck but before it is towed from private property, the towing service shall release the vehicle to the vehicle owner when the vehicle owner pays a release fee. The release fee shall be as set forth in the resolution adopted pursuant to subsection 17.601(c) of this subtitle. The towing service shall not charge any other fee for attaching or releasing the vehicle.
- (b) A towing service shall not block an unauthorized vehicle with a tow truck to obtain payment from the vehicle owner before attaching the vehicle to the tow truck.
- (c) The towing service shall provide a receipt that meets the requirements of subsection 17.608(f) of this subtitle, indicating the release fee paid and the date of the incomplete tow.
- (d) A Police Officer may order a towing service to release a vehicle, or to stop attaching a vehicle, at any time.
- (e) This section does not:
  - (1) Create or imply a lien in favor of a towing service when a lien would not otherwise exist; or
  - (2) Create a right of any towing service to retain possession of any vehicle that it would otherwise have to return to the vehicle owner.

Sec. 17.608. Redemption and storage procedures.

- (a) *Storage of Towed Vehicles.* Every storage site shall comply with the following conditions:
- (1) A storage site shall not be located more than 12 miles from the origin of the tow and the towing service may not move the towed vehicle from that storage facility to another storage facility for at least 72 hours after the vehicle has been towed;
  - (2) A storage site shall be brightly lit at all times;
  - (3) A towed vehicle shall not be stored more than a reasonable walking distance from a redemption area;
  - (4) The towing service shall keep the towed vehicle and its contents secure at all times; and
  - (5) The storage lot shall be identified by a sign at the entrance indicating the name and telephone number of the tow service.
- (b) *Redemption of Towed Vehicles.* The trespass towing service shall be open for redemption of vehicles 24 hours per day, seven days a week.
- (c) *Inspection and Retrieval of Personal Property.* A storage site that is in the possession of a towed vehicle shall make the vehicle available to the owner, the owner's agent, a secured party, or the insurer of record, under the supervision of the storage site, for:
- (1) Inspection; or
  - (2) Retrieval from the vehicle of personal property that is not attached to the vehicle.
- (d) *Payment and Promise to Pay:*
- (1) *Applicability.* This subsection applies to payment of any charge arising from the towing or storage of a vehicle without the vehicle owner's consent and to payment for an incomplete tow under section 17.607.
  - (2) *Purpose.* This section does not:
    - (i) Create or imply a lien in favor of a towing service when a lien would not otherwise exist; or
    - (ii) Create a right of any towing service to retain possession of any vehicle that it would otherwise have to return to the vehicle owner.
  - (3) *Cash payment.* A trespass towing service shall accept payment in cash, or by a traveler's check accompanied by reasonable identification.
  - (4) *Options:*
    - (i) Each trespass towing service shall accept as full payment either a credit card or a personal check, at the option of the towing service, validly signed by the vehicle owner or the vehicle owner's agent for the amount of all valid charges.
    - (ii) Each trespass towing service shall notify the Office of Consumer Affairs on the rate schedule filed under [section 17.602](#) of this subtitle whether it opts to accept credit cards or personal checks or both. The towing service shall notify the Office of Consumer Affairs if it changes that option.
    - (iii) The option chosen by a trespass towing service shall be available to the owners of all vehicles towed by that service without the consent of their owners.



(5) *Credit card options:*

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

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

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

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

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

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

(1) Record the amount paid to redeem the vehicle, the actions for which the vehicle owner paid, and the date and time of the redemption;

(2) Be signed legibly by an agent of the towing service, and list the name, address and telephone number of the towing service;

(3) Briefly inform the vehicle owner that the Office of Consumer Affairs can explain the vehicle owner's rights. If the vehicle owner believes that any provision of County law has been violated the vehicle owner may obtain a copy of the law from the Office of Consumer Affairs.

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

Sec. 17.609. Reserved.

Sec. 17.610. Rebates prohibited.

A towing service shall not pay or offer to pay a property owner and a property owner shall not accept payment for authorizing the towing of a vehicle from any private property.

Sec. 17.611. Penalties.

(a) The Office of Consumer Affairs may take any action at law or in equity, including injunction and mandamus, to enforce the provisions of this subtitle.

- (b) Alternatively or in addition to and concurrent with other remedies, the Office of Consumer Affairs may:
- (1) Seek a civil fine not to exceed \$1,000.00 for any violation of this subtitle; or
  - (2) Enforce the provisions of this subtitle with penalties as provided in title 24, "Civil Penalties," of the Howard County Code. A violation of this subtitle shall be a Class A offense. Each day that a violation continues is a separate violation.

Sec. 17.612. Severability.

If any part of this subtitle is held to be invalid, the invalidity shall not affect the other parts.