

Chapter 735

(House Bill 1320)

AN ACT concerning

Southern Maryland Code Counties – Towing Companies – Authority to Regulate

FOR the purpose of authorizing ~~the governing body of a county~~ the county commissioners of a code county in the Southern Maryland class to adopt rules and regulations for the licensing, maintenance, and operation of towing companies in the county for certain purposes; authorizing certain rules and regulations adopted by a certain county to require a person who operates a towing company in the county to obtain a certain license and pay a certain fee; requiring a certain county to hold a certain hearing that is advertised in advance in a certain manner before adopting certain rules and regulations; providing that a person who violates certain rules and regulations is guilty of a misdemeanor and is subject to a certain penalty; providing that each day that a certain violation continues is a separate offense; stating that, in the event of a conflict with certain federal or State laws or certain written guidance issued by a unit of federal or State government, the rules and regulations adopted in accordance with this Act shall be preempted; providing for the application of this Act; defining certain terms; and generally relating to the authority of Southern Maryland code counties to regulate towing companies.

BY adding to

Article – Local Government

Section ~~13-1001 through 13-1007~~ 11-501 through 11-507 to be under the new subtitle “Subtitle ~~10. 5.~~ 5. Towing Companies”

Annotated Code of Maryland

(2013 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Local Government

SUBTITLE ~~10. 5.~~ 5. TOWING COMPANIES.

~~13-1001.~~ 11-501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “NONCONSENSUAL TOWING” MEANS TOWING A MOTOR VEHICLE FROM PRIVATE PROPERTY WITHOUT THE CONSENT OF THE MOTOR VEHICLE’S OWNER OR OPERATOR.

(C) “TOW TRUCK” HAS THE MEANING STATED IN § 13-920 OF THE TRANSPORTATION ARTICLE.

~~(C)~~ **(D) “TOWING” MEANS THE MOVING OR REMOVAL OF A MOTOR VEHICLE BY A TOW TRUCK.**

~~(D)~~ **(E) “TOWING COMPANY” MEANS A PERSON THAT PROVIDES TOWING SERVICES.**

~~(E)~~ **(F) “TOWING SERVICE” MEANS THE OPERATION OF REMOVING OR TOWING MOTOR VEHICLES.**

~~13-1002.~~ 11-502.

THIS SUBTITLE APPLIES TO ALL COUNTIES, INCLUDING BALTIMORE CITY ONLY IN CODE COUNTIES IN THE SOUTHERN MARYLAND CLASS, AS ESTABLISHED IN § 9-302 OF THIS ARTICLE.

~~13-1003.~~ 11-503.

THE ~~GOVERNING BODY OF A COUNTY~~ COUNTY COMMISSIONERS MAY ADOPT RULES AND REGULATIONS FOR THE LICENSING, MAINTENANCE, AND OPERATION OF TOWING COMPANIES IN THE COUNTY TO:

~~(1) PROTECT COUNTY RESIDENTS FROM FRAUD, DISCRIMINATION, DECEPTION, AND SIMILAR ABUSES;~~

~~(2) ELIMINATE UNNECESSARY STREET CONGESTION, DELAYS, AND TRAFFIC HAZARDS CAUSED BY ACCIDENT, MECHANICAL FAILURE, OR VIOLATION OF LAW;~~

(1) PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND UNIFORMITY REGARDING NONCONSENSUAL TOWING PRACTICES;

~~(3)~~ **(2) SAFEGUARD THE PUBLIC HEALTH AND WELFARE;**

~~(4)~~ **(3) PROMOTE GOOD CIVIC DESIGN; AND**

~~(5)~~ (4) PROMOTE THE HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, AND PROSPERITY OF THE COMMUNITY.

~~13-1004.~~ 11-504.

THE RULES AND REGULATIONS ADOPTED BY THE ~~GOVERNING BODY OF A COUNTY~~ COUNTY COMMISSIONERS MAY:

(1) REQUIRE A PERSON WHO MAINTAINS OR OPERATES A TOWING COMPANY IN THE COUNTY TO OBTAIN A LICENSE FROM THE COUNTY; AND

(2) SPECIFY A REASONABLE FEE FOR THE LICENSE.

~~13-1005.~~ 11-505.

(A) (1) BEFORE ADOPTING RULES AND REGULATIONS UNDER § ~~13-1003~~ 11-503 OF THIS SUBTITLE, THE ~~GOVERNING BODY OF A COUNTY~~ COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING.

(2) THE RULES OR REGULATIONS ARE NOT VALID UNLESS A PUBLIC HEARING IS HELD AS ADVERTISED.

(B) THE ~~GOVERNING BODY OF THE COUNTY~~ COUNTY COMMISSIONERS SHALL PUBLISH NOTICE OF THE TIME AND PLACE OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE A WEEK FOR NOT LESS THAN 4 SUCCESSIVE WEEKS.

~~13-1006.~~ 11-506.

(A) A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED UNDER § ~~13-1003~~ 11-503 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT LESS THAN \$500 OR IMPRISONMENT NOT EXCEEDING 2 MONTHS OR BOTH.

(B) EACH DAY ON WHICH A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

~~13-1007.~~ 11-507.

IN THE EVENT OF A CONFLICT, FEDERAL LAW, STATE LAW, OR WRITTEN PROGRAM GUIDANCE ISSUED BY A UNIT OF THE FEDERAL OR STATE GOVERNMENT SHALL PREEMPT A RULE OR REGULATION ADOPTED OR ANY OTHER ACTION TAKEN UNDER THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.