

---

By: **Prince George's County Delegation**  
Introduced and read first time: February 9, 2006  
Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Towing**  
3 **PG 410-06**

4 FOR the purpose of prohibiting a person who provides a towing service from towing a  
5 vehicle to or storing a vehicle at a location outside Prince George's County  
6 without certain authorization; prohibiting a person providing a towing service  
7 from charging more than a certain amount under certain circumstances;  
8 prohibiting the charging of certain fees; prohibiting a person who provides a  
9 towing service from immobilizing a vehicle; authorizing a person who provides a  
10 towing service to charge a certain amount under certain circumstances;  
11 requiring a person who provides a towing service to provide certain information  
12 to a vehicle owner or the owner's representative, to accept payment in certain  
13 forms, to release a certain vehicle upon payment of all towing fees, to provide  
14 certain information to the Prince George's County Police Department, to retain  
15 certain information for a certain time period, to take and retain a certain  
16 photograph under certain circumstances, to provide certain information to the  
17 operator of a storage facility, and to release the vehicle and reimburse the owner  
18 for certain damages under certain circumstances; prohibiting a person from  
19 providing a towing service involving certain vehicles without certain  
20 authorization; requiring the Prince George's County Police Department to  
21 develop and maintain a system to receive and store certain information;  
22 prohibiting a person operating a vehicle storage facility from charging more  
23 than a certain amount under certain circumstances, charging certain fees under  
24 certain circumstances, and transferring or authorizing a vehicle to be  
25 transferred from the storage facility in a certain time period without certain  
26 consent; requiring a person operating a vehicle storage facility to accept  
27 payment in certain forms, to release a certain vehicle upon payment of all  
28 towing and storage fees, and to retain certain information for a certain period;  
29 authorizing a person to bring an action for an injunction against a person who  
30 violates the provisions of this Act; establishing certain penalties; providing for  
31 the applicability of this Act; defining certain terms; and generally relating to  
32 towing in Prince George's County.

33 BY repealing and reenacting, without amendments,  
34 Article - Transportation

1 Section 13-920(a)  
2 Annotated Code of Maryland  
3 (2002 Replacement Volume and 2005 Supplement)

4 BY adding to  
5 Article - Transportation  
6 Section 21-10B-01 through 21-10B-09, inclusive, to be under the new subtitle  
7 "Subtitle 10B. Towing - General"  
8 Annotated Code of Maryland  
9 (2002 Replacement Volume and 2005 Supplement)

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

12 **Article - Transportation**

13 13-920.

14 (a) (1) In this section, "tow truck" means a vehicle that:

15 (i) Is a Class E (truck) vehicle that is designed to lift, pull, or carry  
16 a vehicle by a hoist or mechanical apparatus;

17 (ii) Has a manufacturer's gross vehicle weight rating of 10,000  
18 pounds or more; and

19 (iii) Is equipped as a tow truck or designed as a rollback as defined  
20 in § 11-151.1 of this article.

21 (2) In this section, "tow truck" does not include a truck tractor as defined  
22 in § 11-172 of this article.

23 **SUBTITLE 10B. TOWING - GENERAL.**

24 21-10B-01.

25 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
26 INDICATED.

27 (2) "TOW TRUCK" HAS THE MEANING STATED IN § 13-920(A) OF THIS  
28 ARTICLE.

29 (3) "TOWING SERVICE" MEANS THE MOVING OF A MOTOR VEHICLE OR  
30 THE PREPARATION FOR MOVING A MOTOR VEHICLE USING A TOW TRUCK.

31 (B) THIS SUBTITLE APPLIES ONLY TO THE TOWING OR STORAGE OF VEHICLES  
32 WITH A GROSS WEIGHT OF 10,000 POUNDS OR LESS WHEN THE TOWING ORIGINATES  
33 WITHIN PRINCE GEORGE'S COUNTY.

1 (C) THIS SUBTITLE APPLIES TO:

2 (1) ANY PERSON OPERATING A TOW TRUCK OR PROVIDING A TOWING  
3 SERVICE FOR A FEE; AND

4 (2) ANY PERSON OPERATING A STORAGE FACILITY FOR VEHICLES THAT  
5 HAVE BEEN TOWED.

6 21-10B-02.

7 (A) A PERSON PROVIDING A TOWING SERVICE MAY NOT TOW A VEHICLE TO OR  
8 STORE A VEHICLE AT A LOCATION OUTSIDE PRINCE GEORGE'S COUNTY UNLESS  
9 REQUESTED AND AUTHORIZED IN WRITING BY THE OWNER OR PRIMARY LIEN  
10 HOLDER OF THE VEHICLE.

11 (B) THE AUTHORIZATION REQUIRED UNDER SUBSECTION (A) OF THIS  
12 SECTION:

13 (1) MAY NOT BE INCLUDED IN THE AGREEMENT TO PROVIDE A TOWING  
14 SERVICE; AND

15 (2) SHALL SPECIFY THE LOCATION TO WHICH THE VEHICLE WILL BE  
16 TOWED.

17 21-10B-03.

18 A PERSON WHO PROVIDES A TOWING SERVICE:

19 (1) MAY NOT CHARGE MORE THAN \$100 TO TOW A VEHICLE TO ANY  
20 LOCATION IN PRINCE GEORGE'S COUNTY THAT IS 15 MILES OR LESS FROM THE  
21 ORIGINATION OF THE TOW;

22 (2) MAY CHARGE UP TO \$5 PER MILE OVER 15 MILES FROM THE  
23 ORIGINATION OF THE TOW IF THE PERSON RECORDS THE TOTAL DISTANCE TOWED;

24 (3) (I) MAY NOT CHARGE A FEE IF AN INDIVIDUAL PRESENTS TO THE  
25 PERSON A KEY TO THE VEHICLE AND THE INDIVIDUAL'S DRIVER'S LICENSE BEFORE  
26 ANY PART OF THE VEHICLE IS LIFTED AT LEAST 6 INCHES OFF THE GROUND; BUT

27 (II) MAY CHARGE A DROP FEE NOT EXCEEDING \$35 IF ANY PART OF  
28 THE VEHICLE IS LIFTED AT LEAST 6 INCHES OFF THE GROUND BEFORE AN  
29 INDIVIDUAL PRESENTS TO THE PERSON A KEY TO THE VEHICLE AND THE  
30 INDIVIDUAL'S DRIVER'S LICENSE;

31 (4) OTHER THAN A FEE SPECIFIED IN ITEM (1), (2), OR (3)(II) OF THIS  
32 SECTION, MAY NOT CHARGE ANY FEES ASSOCIATED WITH PROVIDING THE TOWING  
33 SERVICE, INCLUDING ANY ADDITIONAL FEES ASSOCIATED WITH PROVIDING A  
34 TOWING SERVICE TO RECOVER A VEHICLE THAT WAS STOLEN, THAT WAS INVOLVED  
35 IN AN ACCIDENT, OR TOWED AT POLICE REQUEST;

1 (5) SHALL PROVIDE TO A VEHICLE OWNER OR THE OWNER'S  
2 REPRESENTATIVE WHO REQUESTS THAT A VEHICLE BE TOWED:

3 (I) BEFORE PROVIDING THE TOWING SERVICE:

4 1. AN ESTIMATE OF THE TOTAL FEE THAT WILL BE  
5 CHARGED FOR THE TOWING SERVICE; AND

6 2. THE LOCATION TO WHICH THE VEHICLE WILL BE TOWED;  
7 AND

8 (II) AFTER PROVIDING THE TOWING SERVICE, AN ITEMIZED BILL  
9 FOR THE TOWING SERVICE;

10 (6) SHALL ACCEPT PAYMENT FOR ALL TOWING SERVICES IN CASH OR BY  
11 MAJOR CREDIT CARD; AND

12 (7) SHALL RELEASE A VEHICLE WITHIN THE PERSON'S CONTROL  
13 IMMEDIATELY ON PAYMENT OF ALL TOWING FEES.

14 21-10B-04.

15 A PERSON WHO PROVIDES A TOWING SERVICE:

16 (1) MAY NOT IMMOBILIZE A VEHICLE BY USING ANY METHOD, OBJECT,  
17 OR DEVICE, INCLUDING DISABLING THE VEHICLE OR APPLYING A CLAMP OR LOCK  
18 TO PREVENT OR INHIBIT THE MOVEMENT OF THE VEHICLE;

19 (2) IN THE CASE OF A VEHICLE BEING TOWED BECAUSE THE VEHICLE  
20 WAS PARKED ON PRIVATE PROPERTY ILLEGALLY OR WITHOUT PROPER  
21 AUTHORIZATION, SHALL:

22 (I) TAKE A PHOTOGRAPH OF THE VEHICLE, BEFORE THE VEHICLE  
23 IS TOWED, THAT SHOWS THE ILLEGAL OR UNAUTHORIZED PARKING;

24 (II) RETAIN A COPY OF THE PHOTOGRAPH OF THE VEHICLE FOR 180  
25 DAYS AFTER THE VEHICLE WAS TOWED; AND

26 (III) MAKE THE PHOTOGRAPH OF THE VEHICLE AVAILABLE TO THE  
27 OWNER OF THE VEHICLE OR THE OWNER'S AGENT, ON REQUEST, FOR 180 DAYS  
28 AFTER THE VEHICLE WAS TOWED;

29 (3) IN THE CASE OF A VEHICLE TOWED TO A STORAGE FACILITY, SHALL  
30 PROVIDE THE FOLLOWING INFORMATION TO THE OPERATOR OF THE STORAGE  
31 FACILITY WHEN THE VEHICLE IS RELEASED TO THE STORAGE FACILITY:

32 (I) A DESCRIPTION OF THE VEHICLE INCLUDING THE VEHICLE'S  
33 REGISTRATION PLATE NUMBER AND VEHICLE IDENTIFICATION NUMBER;

34 (II) THE DATE AND TIME THE VEHICLE WAS TOWED;

- 1 (III) THE REASON THE VEHICLE WAS TOWED;
- 2 (IV) THE LOCATION FROM WHICH THE VEHICLE WAS TOWED;
- 3 (V) THE NAME AND ADDRESS OF ANY PERSON WHO AUTHORIZED
- 4 TOWING THE VEHICLE; AND
- 5 (VI) THE NAME OF THE DRIVER OF THE TOW TRUCK; AND

6 (4) IN THE CASE OF A VEHICLE TOWED IN ERROR OR WITHOUT PROPER  
7 AUTHORITY, SHALL RELEASE THE VEHICLE AND REIMBURSE THE VEHICLE OWNER  
8 FOR DAMAGES INCURRED AS A DIRECT RESULT OF THE IMPROPER TOWING,  
9 INCLUDING DAMAGE TO THE VEHICLE AND THE COST OF OBTAINING ALTERNATIVE  
10 TRANSPORTATION.

11 21-10B-05.

12 (A) UNLESS REQUESTED BY A LAW ENFORCEMENT OFFICER OR AUTHORIZED  
13 BY THE OWNER, INSURER, OR PRIMARY LIEN HOLDER OF A VEHICLE, A PERSON MAY  
14 NOT PROVIDE A TOWING SERVICE INVOLVING A VEHICLE THAT:

- 15 (1) IS BEING REMOVED FROM THE SCENE OF AN ACCIDENT; OR
- 16 (2) IS INOPERABLE.

17 (B) UNLESS REQUESTED BY A LAW ENFORCEMENT OFFICER, A PERSON MAY  
18 NOT PROVIDE A TOWING SERVICE INVOLVING AN UNREGISTERED VEHICLE SOLELY  
19 BECAUSE THE VEHICLE IS NOT REGISTERED OR IS IMPROPERLY REGISTERED.

20 (C) A PERSON REQUESTED BY A LAW ENFORCEMENT OFFICER TO PROVIDE A  
21 TOWING SERVICE SHALL:

- 22 (1) RECORD THE NAME AND IDENTIFICATION NUMBER OF THE LAW
- 23 ENFORCEMENT OFFICER MAKING THE REQUEST; AND
- 24 (2) RETAIN THE INFORMATION RECORDED UNDER ITEM (1) OF THIS
- 25 SUBSECTION FOR 180 DAYS AFTER PROVIDING THE TOWING SERVICE.

26 21-10B-06.

27 (A) A PERSON WHO PROVIDES A TOWING SERVICE:

28 (1) SHALL NOTIFY THE PRINCE GEORGE'S COUNTY POLICE  
29 DEPARTMENT WITHIN 24 HOURS OF TOWING A VEHICLE AND SHALL PROVIDE THE  
30 FOLLOWING INFORMATION:

- 31 (I) A DESCRIPTION OF THE VEHICLE INCLUDING THE VEHICLE'S
- 32 REGISTRATION PLATE NUMBER AND VEHICLE IDENTIFICATION NUMBER;
- 33 (II) THE DATE AND TIME THE VEHICLE WAS TOWED;

1 (III) THE REASON THE VEHICLE WAS TOWED;

2 (IV) THE LOCATIONS FROM WHICH AND TO WHICH THE VEHICLE  
3 WAS TOWED;

4 (V) THE NAME AND ADDRESS OF ANY PERSON WHO AUTHORIZED  
5 TOWING THE VEHICLE; AND

6 (VI) THE NAME OF THE DRIVER OF THE TOW TRUCK; AND

7 (2) SHALL RETAIN THE INFORMATION PROVIDED TO THE PRINCE  
8 GEORGE'S COUNTY POLICE DEPARTMENT UNDER ITEM (1) OF THIS SUBSECTION FOR  
9 180 DAYS AFTER TOWING A VEHICLE.

10 (B) (1) THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT SHALL  
11 DEVELOP AND MAINTAIN A SYSTEM FOR RECEIVING AND STORING THE  
12 INFORMATION REQUIRED TO BE SUBMITTED UNDER SUBSECTION (A) OF THIS  
13 SECTION.

14 (2) IN DEVELOPING AND MAINTAINING THE SYSTEM UNDER THIS  
15 SUBSECTION, THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT SHALL:

16 (I) PROVIDE FOR THE ELECTRONIC SUBMISSION OF THE  
17 REQUIRED INFORMATION; AND

18 (II) ENSURE THAT THE INFORMATION IS STORED IN A MANNER  
19 THAT ENABLES A PERSON TO USE THE INFORMATION TO IDENTIFY WHERE A  
20 VEHICLE HAS BEEN TOWED AND ATTEMPT TO DETERMINE WHETHER A VEHICLE HAS  
21 BEEN STOLEN.

22 (C) INFORMATION PROVIDED AND STORED UNDER THIS SECTION SHALL BE  
23 AVAILABLE FOR EXAMINATION BY THE PUBLIC.

24 21-10B-07.

25 A PERSON OPERATING A FACILITY TO STORE VEHICLES THAT HAVE BEEN  
26 TOWED:

27 (1) EXCEPT AS PROVIDED IN § 16-207(F)(1) OF THE COMMERCIAL LAW  
28 ARTICLE, MAY NOT CHARGE MORE THAN \$35 PER CALENDAR DAY FOR STORAGE OF A  
29 VEHICLE;

30 (2) MAY NOT CHARGE ANY FEE FOR THE FIRST CALENDAR DAY A  
31 VEHICLE IS AT THE STORAGE FACILITY IF THE FACILITY IS OWNED, OPERATED, OR  
32 AFFILIATED WITH A PERSON WHO TOWED THE VEHICLE TO THE FACILITY;

33 (3) MAY NOT CHARGE A VEHICLE STORAGE FEE FOR A DAY ON WHICH  
34 THE STORAGE FACILITY PREVENTED RETRIEVAL OF THE VEHICLE FROM THE  
35 STORAGE FACILITY AT ANY TIME BETWEEN 7:00 A.M. AND 12:00 MIDNIGHT;

1 (4) MAY NOT CHARGE ANY FEES ASSOCIATED WITH RECEIVING OR  
2 STORING A VEHICLE THAT HAS BEEN TOWED OTHER THAN THE DAILY STORAGE FEE  
3 GOVERNED BY ITEM (1) OF THIS SECTION;

4 (5) SHALL ACCEPT PAYMENT FOR VEHICLE STORAGE IN CASH OR BY  
5 MAJOR CREDIT CARD;

6 (6) SHALL RELEASE A VEHICLE WITHIN THE PERSON'S CONTROL  
7 IMMEDIATELY ON PAYMENT OF ALL TOWING AND STORAGE FEES;

8 (7) MAY NOT TRANSFER A VEHICLE OR AUTHORIZE A VEHICLE TO BE  
9 TRANSFERRED FROM THE STORAGE FACILITY WITHIN 30 DAYS OF ARRIVAL AT THE  
10 FACILITY WITHOUT THE CONSENT OF THE OWNER, INSURER, OR PRIMARY LIEN  
11 HOLDER OF THE VEHICLE OR AN OFFICIAL DESIGNATED BY THE PRINCE GEORGE'S  
12 COUNTY POLICE DEPARTMENT TO APPROVE THE TRANSFER OF VEHICLES BETWEEN  
13 STORAGE FACILITIES; AND

14 (8) SHALL RETAIN THE INFORMATION PROVIDED UNDER § 21-10B-04(3)  
15 OF THIS SUBTITLE FOR 30 DAYS AFTER A VEHICLE HAS LEFT THE STORAGE FACILITY.  
16 21-10B-08.

17 A PERSON MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON  
18 WHO VIOLATES THIS SUBTITLE.

19 21-10B-09.

20 ANY PERSON WHO UNDERTAKES THE TOWING OR STORAGE OF A VEHICLE IN  
21 VIOLATION OF ANY PROVISION OF THIS SUBTITLE:

22 (1) SHALL BE LIABLE FOR ACTUAL DAMAGES SUSTAINED BY ANY  
23 PERSON AS A DIRECT RESULT OF THE VIOLATION, INCLUDING ATTORNEY'S FEES,  
24 DAMAGE TO A VEHICLE, AND THE COST OF OBTAINING ALTERNATIVE  
25 TRANSPORTATION; AND

26 (2) IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO  
27 A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2006.