

HOUSE BILL 1255

R4

3lr1787

By: **Delegates Niemann and Malone**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Towing Services – Licensing**

3 FOR the purpose of requiring a tow truck registered in the State to display a certain
4 registration sticker in a certain manner; prohibiting, after a certain date, a
5 person from registering a tow truck unless the person obtains a certain license;
6 authorizing a police department to take an improperly registered tow truck into
7 custody, subject to reclamation under certain circumstances; requiring, after a
8 certain date, a person to obtain a license from the Motor Vehicle Administration
9 before driving a tow truck in the State, operating a towing service in the State,
10 or operating a certain vehicle storage facility in the State; requiring the
11 Administration to adopt certain regulations governing towing services by a
12 certain date; establishing the Towing Regulation Advisory Board in the
13 Administration; providing for the membership, officers, duties, meetings, and
14 terms for the Advisory Board; authorizing the Governor to remove a member of
15 the Advisory Board under certain circumstances; requiring the Administration
16 to staff the Advisory Board; prohibiting compensation and providing for
17 reimbursement for expenses for a member of the Advisory Board; authorizing
18 the Administration to investigate a complaint alleging a towing violation under
19 certain standards and procedures; authorizing the Administration to establish
20 certain fees; establishing the Towing Services Fund; establishing the purpose of
21 the Fund; providing for the funding of the Fund and uses of money in the Fund;
22 requiring the Administration to provide certain information on a towing service
23 licensee to a person on payment of a certain fee; establishing certain minimum
24 qualifications for a towing service license; establishing certain application and
25 renewal procedures for a towing service license; requiring the Administration to
26 reinstate certain towing service licenses under certain circumstances;
27 establishing the duties of a towing service licensee; establishing certain
28 administrative and criminal penalties for certain violations of this Act;
29 establishing certain standards for determining certain administrative penalties;
30 providing for an administrative hearing before the Administration imposes
31 certain penalties under this Act; establishing certain employment restrictions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and prohibited acts for a towing service licensee; defining certain terms;
 2 providing for the construction of this Act; and generally relating to the licensing
 3 of towing services.

4 BY repealing and reenacting, without amendments,
 5 Article – Transportation
 6 Section 13–920(a) and 27–101(a) and (b)
 7 Annotated Code of Maryland
 8 (2012 Replacement Volume)

9 BY repealing and reenacting, with amendments,
 10 Article – Transportation
 11 Section 13–920(g)
 12 Annotated Code of Maryland
 13 (2012 Replacement Volume)

14 BY adding to
 15 Article – Transportation
 16 Section 13–920(k) and (l); 15–901 through 15–919 to be under the new subtitle
 17 “Subtitle 9. Towing Services”; and 27–101(ff)
 18 Annotated Code of Maryland
 19 (2012 Replacement Volume)

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

22 **Article – Transportation**

23 13–920.

24 (a) (1) In this section, “tow truck” means a vehicle that:

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

27 (ii) Has a manufacturer’s gross vehicle weight rating of 10,000
 28 pounds or more; and

29 (iii) Is equipped as a tow truck or designed as a rollback as
 30 defined in § 11–151.1 of this article.

31 (2) In this section, “tow truck” does not include a truck tractor as
 32 defined in § 11–172 of this article.

33 (g) (1) Except for tow trucks operated by dealers, automotive dismantlers
 34 and recyclers, and scrap processors displaying special registration plates issued under

1 this title, the vehicle shall display a distinctive registration plate as authorized by the
2 Administration.

3 **(2) A MOTOR VEHICLE REQUIRED TO BE REGISTERED AS A TOW**
4 **TRUCK IN THE STATE SHALL DISPLAY A DISTINCTIVE REGISTRATION STICKER**
5 **ISSUED BY THE ADMINISTRATION ON THE DRIVER'S SIDE DOOR.**

6 **(K) AFTER OCTOBER 1, 2015, A PERSON MAY NOT REGISTER A TOW**
7 **TRUCK UNDER THIS SECTION IF THE PERSON IS NOT LICENSED UNDER TITLE**
8 **15, SUBTITLE 9 OF THIS ARTICLE.**

9 **(L) (1) A POLICE DEPARTMENT MAY TAKE AN IMPROPERLY**
10 **REGISTERED TOW TRUCK INTO CUSTODY.**

11 **(2) AN OWNER OR A SECURED PARTY MAY RECLAIM A TOW TRUCK**
12 **TAKEN INTO CUSTODY UNDER THIS SUBSECTION IF THE OWNER OR SECURED**
13 **PARTY:**

14 **(I) PROPERLY REGISTERS THE TOW TRUCK; AND**

15 **(II) SATISFIES ALL OUTSTANDING ADMINISTRATIVE**
16 **PENALTIES AND TOWING AND STORAGE FEES.**

17 **SUBTITLE 9. TOWING SERVICES.**

18 **15-901.**

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

21 **(B) (1) "DRIVE A TOW TRUCK" MEANS TO OPERATE A TOW TRUCK**
22 **AND RECEIVE OR EXPECT TO RECEIVE COMPENSATION FOR THE TOWING OR**
23 **REMOVAL OF A VEHICLE.**

24 **(2) "DRIVE A TOW TRUCK" INCLUDES OPERATING A TOW TRUCK**
25 **AND RECEIVING OR EXPECTING TO RECEIVE COMPENSATION FROM A TOWING**
26 **SERVICE UNDER ANY FORM OF AGREEMENT OR ARRANGEMENT FOR THE**
27 **TOWING OR REMOVAL OF A VEHICLE.**

28 **(C) "FUND" MEANS THE TOWING SERVICES FUND ESTABLISHED UNDER**
29 **§ 15-908 OF THIS SUBTITLE.**

30 **(D) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A**
31 **LICENSE ISSUED BY THE ADMINISTRATION TO:**

- 1 **(1) DRIVE A TOW TRUCK;**
2 **(2) OPERATE A TOWING SERVICE; OR**
3 **(3) OPERATE A VEHICLE STORAGE FACILITY.**

4 **(E) “TOW TRUCK” HAS THE MEANING STATED IN § 13-920(A) OF THIS**
5 **ARTICLE.**

6 **(F) “TOWING SERVICE” MEANS THE BUSINESS OF OPERATING OR**
7 **DIRECTING THE OPERATION OF ONE OR MORE TOW TRUCKS TO TOW OR REMOVE**
8 **VEHICLES.**

9 **(G) “VEHICLE STORAGE FACILITY” MEANS A GARAGE, PARKING LOT, OR**
10 **OTHER FACILITY THAT IS USED TO STORE OR PARK TOWED OR REMOVED**
11 **VEHICLES.**

12 **15-902.**

13 **THIS SUBTITLE MAY NOT BE CONSTRUED TO PREEMPT A COUNTY OR**
14 **MUNICIPALITY FROM ENACTING AND ENFORCING STANDARDS TO GOVERN**
15 **TOWING PRACTICES.**

16 **15-903.**

17 **(A) AFTER OCTOBER 1, 2015, A PERSON SHALL OBTAIN A TOWING**
18 **LICENSE FROM THE ADMINISTRATION BEFORE THE PERSON MAY:**

- 19 **(1) DRIVE A TOW TRUCK IN THE STATE;**
20 **(2) OPERATE A TOWING SERVICE IN THE STATE; OR**
21 **(3) OPERATE A VEHICLE STORAGE FACILITY FOR TOWED OR**
22 **REMOVED VEHICLES IN THE STATE.**

23 **(B) AFTER OCTOBER 1, 2015, A PERSON MAY NOT REGISTER A TOW**
24 **TRUCK IN ACCORDANCE WITH § 13-920 OF THIS ARTICLE UNLESS THE PERSON**
25 **HOLDS A TOWING LICENSE UNDER SUBSECTION (A) OF THIS SECTION.**

26 **15-904.**

1 **THE ADMINISTRATION SHALL ADOPT REGULATIONS GOVERNING TOW**
2 **TRUCK DRIVERS, TOWING SERVICES, AND VEHICLE STORAGE FACILITIES IN THE**
3 **STATE, INCLUDING REGULATIONS THAT:**

4 **(1) ESTABLISH QUALIFICATIONS FOR LICENSE APPLICANTS;**

5 **(2) ESTABLISH STANDARDS AND PROCEDURES FOR**
6 **ADMINISTERING EXAMINATIONS;**

7 **(3) ESTABLISH PROCEDURES FOR THE ISSUANCE OF LICENSES;**

8 **(4) SET STANDARDS FOR SAFETY, EQUIPMENT, VEHICLE**
9 **STORAGE, AND SIGNAGE;**

10 **(5) ESTABLISH INSURANCE AND BONDING REQUIREMENTS FOR**
11 **LICENSEES;**

12 **(6) ESTABLISH LICENSE FEES;**

13 **(7) GOVERN TOWING FEES AND METHODS OF PAYMENT FOR**
14 **VEHICLE TOWING AND STORAGE; AND**

15 **(8) ESTABLISH AN ADMINISTRATIVE PENALTY SCHEDULE FOR A**
16 **VIOLATION OF THIS SUBTITLE.**

17 **15-905.**

18 **(A) THERE IS A TOWING REGULATION ADVISORY BOARD IN THE**
19 **ADMINISTRATION.**

20 **(B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS, APPOINTED**
21 **BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE:**

22 **(1) FOUR REPRESENTATIVES OF THE TOWING SERVICE**
23 **INDUSTRY;**

24 **(2) ONE POLICE EMPLOYEE OF THE DEPARTMENT OF STATE**
25 **POLICE;**

26 **(3) ONE REPRESENTATIVE OF THE CONSUMER PROTECTION**
27 **DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL;**

28 **(4) ONE REPRESENTATIVE OF THE ADMINISTRATION;**

1 **(5) ONE CONSUMER MEMBER; AND**

2 **(6) ONE REPRESENTATIVE OF THE INSURANCE INDUSTRY.**

3 **(C) (1) THE GOVERNOR SHALL APPOINT A CHAIR FROM AMONG THE**
4 **BOARD MEMBERS.**

5 **(2) EXCEPT FOR THE CHAIR, THE MANNER OF ELECTION OF**
6 **OFFICERS SHALL BE DETERMINED BY THE BOARD.**

7 **(D) (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON**
8 **OCTOBER 1.**

9 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
10 **THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2013.**

11 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
12 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

13 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
14 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
15 **APPOINTED AND QUALIFIES.**

16 **(5) A BOARD MEMBER IS ELIGIBLE FOR REAPPOINTMENT BUT**
17 **MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.**

18 **(6) THE GOVERNOR MAY REMOVE A MEMBER FOR**
19 **INCOMPETENCE OR MISCONDUCT.**

20 **(E) THE ADMINISTRATION SHALL PROVIDE STAFF FOR THE BOARD.**

21 **(F) (1) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD**
22 **IS A QUORUM.**

23 **(2) THE BOARD SHALL MEET AT LEAST ONCE EACH CALENDAR**
24 **QUARTER AND AT OTHER TIMES AS THE BOARD DETERMINES NECESSARY.**

25 **(3) A MEMBER OF THE BOARD:**

26 **(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF**
27 **THE BOARD; BUT**

1 **(II) IS ENTITLED TO REIMBURSEMENT FOR REASONABLE**
2 **EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED**
3 **IN THE STATE BUDGET.**

4 **(G) THE BOARD SHALL:**

5 **(1) ADVISE THE ADMINISTRATION ON MATTERS RELATED TO THE**
6 **TOWING SERVICES INDUSTRY;**

7 **(2) REVIEW ANY REGULATIONS OF THE ADMINISTRATION**
8 **PROPOSED FOR ADOPTION UNDER § 15-904 OF THIS SUBTITLE AND PROVIDE**
9 **WRITTEN COMMENTS ON THE PROPOSED REGULATIONS; AND**

10 **(3) REVIEW AND ADVISE THE ADMINISTRATION ON ANY**
11 **COMPLAINTS MADE TO THE ADMINISTRATION REGARDING THE TOWING**
12 **SERVICE INDUSTRY IN THE STATE.**

13 **15-906.**

14 **(A) (1) THE ADMINISTRATION MAY INVESTIGATE A COMPLAINT THAT**
15 **ALLEGES A VIOLATION OF THIS SUBTITLE.**

16 **(2) ON RECEIPT OF THE RESULTS OF AN INVESTIGATION MADE**
17 **UNDER THIS SECTION, THE ADMINISTRATION PROMPTLY SHALL TAKE ACTION**
18 **THAT IS APPROPRIATE UNDER THIS SUBTITLE TO ENSURE COMPLIANCE WITH**
19 **THIS SUBTITLE.**

20 **(3) (I) IF THE ADMINISTRATION CONCLUDES THAT CONDUCT**
21 **ALLEGED TO BE IN VIOLATION OF THIS SUBTITLE WILL RESULT IN HARM TO A**
22 **RESIDENT OF THE STATE, THE ADMINISTRATION MAY SEEK A PERMANENT OR**
23 **TEMPORARY INJUNCTION WITH RESPECT TO THE CONDUCT FROM THE CIRCUIT**
24 **COURT OF THE COUNTY IN WHICH THE ALLEGED VIOLATION OCCURRED.**

25 **(II) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION,**
26 **THE ADMINISTRATION IS NOT REQUIRED TO:**

- 27 **1. POST BOND;**
- 28 **2. ALLEGE OR PROVE THAT AN ADEQUATE REMEDY**
29 **AT LAW DOES NOT EXIST; OR**
- 30 **3. ALLEGE OR PROVE THAT SUBSTANTIAL OR**
31 **IRREPARABLE DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATION.**

1 (III) A REPRESENTATIVE OF THE ADMINISTRATION MAY NOT
2 BE HELD PERSONALLY LIABLE FOR ACTION TAKEN UNDER THIS SUBSECTION IN
3 GOOD FAITH WITH REASONABLE GROUNDS.

4 (4) THE ADMINISTRATION, OR A HEARING OFFICER DESIGNATED
5 BY THE ADMINISTRATION, MAY ADMINISTER OATHS, HOLD HEARINGS, AND
6 TAKE TESTIMONY ABOUT ALL MATTERS ARISING UNDER THIS SUBTITLE WITHIN
7 THE JURISDICTION OF THE ADMINISTRATION.

8 (5) (I) THE ADMINISTRATION OR THE ADMINISTRATION'S
9 DESIGNEE MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO
10 TESTIFY OR FOR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH:

11 1. A DISCIPLINARY ACTION BROUGHT UNDER THIS
12 SUBTITLE; OR

13 2. A PROCEEDING BROUGHT FOR AN ALLEGED
14 VIOLATION OF THIS SUBTITLE.

15 (II) IF AN INDIVIDUAL FAILS TO COMPLY WITH A SUBPOENA
16 ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE ADMINISTRATION A
17 COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE
18 SUBPOENA.

19 (B) THE ADMINISTRATION MAY INSPECT THE PLACE OF BUSINESS OR
20 VEHICLE STORAGE FACILITY OF ANY LICENSEE OR APPLICANT FOR A LICENSE
21 UNDER THIS SUBTITLE AT ANY TIME DURING BUSINESS HOURS.

22 **15-907.**

23 (A) THE ADMINISTRATION SHALL SET REASONABLE FEES FOR THE
24 ISSUANCE AND RENEWAL OF LICENSES UNDER THIS SUBTITLE.

25 (B) THE FEES ESTABLISHED BY THE ADMINISTRATION SHALL BE SET
26 TO COVER THE COSTS OF REGULATING THE TOWING INDUSTRY IN THE STATE IN
27 ACCORDANCE WITH THIS SUBTITLE.

28 (C) EACH TOW TRUCK DRIVER, TOWING SERVICE, OR VEHICLE STORAGE
29 FACILITY LICENSED UNDER THIS SUBTITLE SHALL PAY TO THE
30 ADMINISTRATION:

31 (1) A LICENSE FEE AT THE TIME OF INITIAL LICENSING; AND

1 (2) A RENEWAL FEE AT THE TIME OF LICENSE RENEWAL.

2 (D) (1) THE ADMINISTRATION SHALL PAY ALL FEES COLLECTED
3 UNDER THIS SECTION TO THE COMPTROLLER.

4 (2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE
5 FUND.

6 15-908.

7 (A) THERE IS A TOWING SERVICES FUND.

8 (B) THE PURPOSE OF THE FUND IS TO FINANCE THE COSTS
9 ASSOCIATED WITH THE ADMINISTRATION AND ENFORCEMENT OF THIS
10 SUBTITLE.

11 (C) THE ADMINISTRATION SHALL ADMINISTER THE FUND.

12 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
13 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (2) THE STATE TREASURER SHALL HOLD THE FUND
15 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

16 (E) THE FUND CONSISTS OF:

17 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 15-907 OF
18 THIS SUBTITLE;

19 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
20 AND

21 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED
22 FOR THE BENEFIT OF THE FUND.

23 (F) THE FUND MAY BE USED ONLY FOR COSTS ASSOCIATED WITH THE
24 ADMINISTRATION AND ENFORCEMENT OF THIS SUBTITLE.

25 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE
26 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

1 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
2 **CREDITED TO THE GENERAL FUND OF THE STATE.**

3 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
4 **ACCORDANCE WITH THE STATE BUDGET.**

5 **15-909.**

6 **(A) ON THE REQUEST OF ANY PERSON AND THE PAYMENT OF A FEE SET**
7 **BY THE ADMINISTRATION, THE ADMINISTRATION SHALL INFORM THE PERSON**
8 **OF THE LICENSE STATUS AND QUALIFICATIONS OF A LICENSEE.**

9 **(B) INFORMATION PROVIDED UNDER THIS SECTION:**

10 **(1) SHALL INCLUDE A STATEMENT OF THE STATUS OF THE**
11 **TOWING LICENSE OF THE PERSON THAT IS THE SUBJECT OF THE REQUEST; AND**

12 **(2) MAY INCLUDE INFORMATION ABOUT:**

13 **(I) ANY OTHER QUALIFICATIONS OF THAT PERSON;**

14 **(II) THE DATES OF ISSUANCE AND RENEWAL OF THE**
15 **TOWING LICENSE; AND**

16 **(III) ANY DISCIPLINARY ACTION TAKEN AGAINST THAT**
17 **PERSON.**

18 **15-910.**

19 **(A) TO QUALIFY FOR A LICENSE UNDER THIS SUBTITLE, A PERSON IN**
20 **WHOSE NAME THE LICENSE IS TO BE ISSUED SHALL:**

21 **(1) BE AT LEAST 18 YEARS OLD;**

22 **(2) BE AN INDIVIDUAL WHO THE ADMINISTRATION FINDS IS OF**
23 **GOOD REPUTATION AND MORAL CHARACTER; AND**

24 **(3) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE**
25 **ADMINISTRATION.**

26 **(B) AN APPLICANT FOR A LICENSE AS A TOW TRUCK DRIVER SHALL**
27 **HAVE A DRIVER'S LICENSE THAT AUTHORIZES THE PERSON TO DRIVE A TOW**
28 **TRUCK UNDER § 16-104 OF THIS ARTICLE.**

1 15-911.

2 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL
3 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT
4 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

5 (B) AN APPLICANT FOR A LICENSE UNDER THIS SUBTITLE SHALL:

6 (1) SUBMIT AN APPLICATION TO THE ADMINISTRATION ON THE
7 FORM THAT THE ADMINISTRATION PROVIDES;

8 (2) PROVIDE FINGERPRINTS FOR USE BY THE CENTRAL
9 REPOSITORY TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS; AND

10 (3) PAY TO THE ADMINISTRATION OR THE ADMINISTRATION'S
11 DESIGNEE AN APPLICATION FEE SET BY THE ADMINISTRATION.

12 (C) (1) THE ADMINISTRATION SHALL APPLY TO THE CENTRAL
13 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK
14 FOR EACH APPLICANT.

15 (2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
16 RECORDS CHECK, THE ADMINISTRATION SHALL SUBMIT TO THE CENTRAL
17 REPOSITORY:

18 (I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE
19 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE
20 CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
21 INVESTIGATION;

22 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE
23 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL
24 HISTORY RECORDS; AND

25 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
26 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
27 RECORDS CHECK.

28 (3) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE
29 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD
30 TO THE APPLICANT AND THE ADMINISTRATION THE APPLICANT'S CRIMINAL
31 HISTORY RECORDS INFORMATION.

1 **(4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
2 **UNDER THIS SUBSECTION:**

3 **(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**
4 **AND**

5 **(II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE**
6 **AUTHORIZED BY THIS SUBSECTION.**

7 **(5) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**
8 **UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED**
9 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223**
10 **OF THE CRIMINAL PROCEDURE ARTICLE.**

11 **15-912.**

12 **(A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE,**
13 **THE ADMINISTRATION SHALL SEND THE APPLICANT A NOTICE THAT STATES**
14 **THAT:**

15 **(1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND**

16 **(2) THE ADMINISTRATION WILL ISSUE A LICENSE TO THE**
17 **APPLICANT ON RECEIPT OF THE LICENSE FEE.**

18 **(B) THE ADMINISTRATION SHALL ISSUE A LICENSE TO AN APPLICANT**
19 **THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE ON PAYMENT OF THE**
20 **LICENSE FEE.**

21 **15-913.**

22 **A LICENSE AS A TOW TRUCK DRIVER, LICENSE TO OPERATE A TOWING**
23 **SERVICE, OR LICENSE TO OPERATE A VEHICLE STORAGE FACILITY AUTHORIZES**
24 **A LICENSEE TO CONDUCT THE BUSINESS ACTIVITY FOR WHICH THE LICENSE IS**
25 **ISSUED.**

26 **15-914.**

27 **(A) THE TERM OF A LICENSE SHALL BE SET BY THE ADMINISTRATION.**

28 **(B) BEFORE A LICENSE EXPIRES, THE PERSON MAY RENEW IT FOR AN**
29 **ADDITIONAL TERM IF THE PERSON:**

1 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

2 (2) PAYS TO THE ADMINISTRATION A RENEWAL FEE SET BY THE
3 ADMINISTRATION; AND

4 (3) SUBMITS TO THE ADMINISTRATION A RENEWAL APPLICATION
5 ON THE FORM THAT THE ADMINISTRATION PROVIDES.

6 (C) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE
7 ADMINISTRATION SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN
8 ADDRESS OF THE LICENSEE:

9 (1) A RENEWAL APPLICATION FORM; AND

10 (2) A NOTICE THAT STATES:

11 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

12 (II) THE DATE BY WHICH THE ADMINISTRATION MUST
13 RECEIVE THE RENEWAL APPLICATION FOR A RENEWED LICENSE TO BE ISSUED
14 AND MAILED BEFORE THE LICENSE EXPIRES; AND

15 (III) THE AMOUNT OF THE RENEWAL FEE.

16 (D) THE ADMINISTRATION SHALL RENEW THE LICENSE OF EACH
17 PERSON THAT MEETS THE REQUIREMENTS OF THIS SECTION.

18 **15-915.**

19 THE ADMINISTRATION SHALL REINSTATE THE LICENSE OF A PERSON
20 THAT HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE PERSON:

21 (1) OTHERWISE IS ENTITLED TO BE LICENSED; AND

22 (2) PAYS TO THE ADMINISTRATION:

23 (I) ALL PAST-DUE RENEWAL FEES; AND

24 (II) A REINSTATEMENT FEE SET BY THE ADMINISTRATION.

25 **15-916.**

1 **EACH TOWING SERVICE SHALL:**

2 **(1) DISPLAY THE TOWING SERVICE LICENSE IN A CONSPICUOUS**
3 **PLACE IN THE LICENSEE'S PRINCIPAL OFFICE;**

4 **(2) DISPLAY A VALID REGISTRATION STICKER ISSUED BY THE**
5 **ADMINISTRATION ON THE DRIVER'S SIDE DOOR OF EACH TOW TRUCK THAT IT**
6 **REGISTERS;**

7 **(3) MAINTAIN A LIST OF ALL TOW TRUCK DRIVERS EMPLOYED BY**
8 **THE LICENSEE;**

9 **(4) ACCEPT PAYMENT BY CASH, INSURANCE CHECK, CERTIFIED**
10 **CHECK, MONEY ORDER, AT LEAST TWO MAJOR NATIONALLY RECOGNIZED**
11 **CREDIT CARDS, OR ADDITIONAL METHODS OF PAYMENT APPROVED BY THE**
12 **ADMINISTRATION;**

13 **(5) AT THE LICENSEE'S PLACE OF BUSINESS, GIVE CHANGE UP TO**
14 **\$100 FOR A CASH PAYMENT BY A VEHICLE'S OWNER IF THE PAYMENT IS FOR A**
15 **VEHICLE THAT WAS TOWED, REMOVED, OR STORED WITHOUT THE OWNER'S**
16 **CONSENT;**

17 **(6) DISPLAY IN A CONSPICUOUS PLACE IN THE LICENSEE'S**
18 **PRINCIPAL OFFICE A LISTING OF ALL TOWING, RECOVERY, STORAGE, AND**
19 **PROCESSING FEES FOR VEHICLES WITH A GROSS WEIGHT OF 26,000 POUNDS OR**
20 **LESS;**

21 **(7) PROVIDE ON CUSTOMER REQUEST:**

22 **(I) THE MAXIMUM FEES CHARGED FOR THE INITIAL**
23 **HOOKUP AND TOWING FOR VEHICLES WITH A GROSS VEHICLE WEIGHT OF**
24 **26,000 POUNDS OR LESS; AND**

25 **(II) THE PHONE NUMBER AT WHICH CONSUMER**
26 **COMPLAINTS MAY BE FILED WITH THE ADMINISTRATION; AND**

27 **(8) MAINTAIN ALL TOWING RECORDS, INCLUDING ITEMIZED**
28 **FEES, FOR A PERIOD OF 1 YEAR AFTER THE DATE OF SERVICE.**

29 **15-917.**

30 **(A) (1) SUBJECT TO THE HEARING PROVISIONS OF § 15-918 OF THIS**
31 **SUBTITLE, THE ADMINISTRATION MAY DENY A LICENSE TO AN APPLICANT,**

1 REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE
2 APPLICANT OR LICENSEE:

3 (I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR
4 ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR
5 ANOTHER PERSON;

6 (II) FRAUDULENTLY OR DECEPTIVELY PROVIDES VEHICLE
7 TOWING, RECOVERY, OR STORAGE SERVICES;

8 (III) CONDUCTS BUSINESS OR OFFERS SERVICES IN SUCH A
9 MANNER AS TO ENDANGER THE HEALTH AND WELFARE OF THE PUBLIC;

10 (IV) USES ALCOHOL OR A CONTROLLED SUBSTANCE IN A
11 MANNER THAT RENDERS THE APPLICANT OR LICENSEE UNSAFE TO PROVIDE
12 VEHICLE TOWING, RECOVERY, OR STORAGE SERVICES;

13 (V) OBTAINS ANY FEE BY FRAUD OR MISREPRESENTATION;

14 (VI) DIRECTLY OR INDIRECTLY PUBLISHES ANY
15 ADVERTISEMENT RELATING TO VEHICLE TOWING, RECOVERY, OR STORAGE
16 SERVICES THAT CONTAINS AN ASSERTION, A REPRESENTATION, OR A
17 STATEMENT OF FACT THAT IS FALSE, DECEPTIVE, OR MISLEADING;

18 (VII) ADVERTISES, PROVIDES SERVICES, OR ATTEMPTS TO
19 PROVIDE SERVICES UNDER A NAME OTHER THAN THE LICENSEE'S OWN NAME AS
20 SHOWN ON THE LICENSE;

21 (VIII) WILLFULLY SEEKS PAYMENT FROM ANY LOCALITY OR
22 POLITICAL SUBDIVISION FOR ANY SERVICE THAT IS NOT STIPULATED OR
23 OTHERWISE INCORPORATED IN A CONTRACT FOR SERVICES WITH THE
24 LOCALITY OR POLITICAL SUBDIVISION;

25 (IX) IS CONVICTED OF A FELONY UNDER THE LAWS OF ANY
26 STATE OR FEDERAL LAW;

27 (X) VIOLATES ANY PROVISION OF LAW RELATING TO THE
28 TOWING, RECOVERY, OR STORAGE OF VEHICLES OR ANY TOWING REGULATION
29 ADOPTED BY THE ADMINISTRATION; OR

30 (XI) AIDS, ASSISTS, OR INDUCES ANY OTHER PERSON TO
31 VIOLATE ANY PROVISION OF LAW RELATING TO THE TOWING, RECOVERY, OR

1 STORAGE OF VEHICLES OR ANY TOWING REGULATION ADOPTED BY THE
2 ADMINISTRATION.

3 (2) (I) IN ADDITION TO REPRIMANDING A LICENSEE OR
4 SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE
5 ADMINISTRATION MAY IMPOSE AN ADMINISTRATIVE PENALTY NOT EXCEEDING
6 \$5,000 FOR EACH VIOLATION.

7 (II) TO DETERMINE THE AMOUNT OF THE PENALTY
8 IMPOSED UNDER THIS PARAGRAPH, THE ADMINISTRATION SHALL CONSIDER:

- 9 1. THE SERIOUSNESS OF THE VIOLATION;
- 10 2. THE HARM CAUSED BY THE VIOLATION;
- 11 3. THE GOOD FAITH OF THE LICENSEE; AND
- 12 4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
13 LICENSEE.

14 (III) THE ADMINISTRATION SHALL USE PENALTIES
15 COLLECTED UNDER THIS PARAGRAPH TO PROVIDE FOR THE ENFORCEMENT OF
16 THIS SUBSECTION.

17 (B) THE ADMINISTRATION SHALL CONSIDER THE FOLLOWING FACTS IN
18 THE APPROVAL, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A
19 LICENSE OR THE REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR
20 LICENSEE IS CONVICTED OF A FELONY:

- 21 (1) THE NATURE OF THE CRIME;
- 22 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES
23 AUTHORIZED BY THE LICENSE;
- 24 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
25 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE VEHICLE
26 TOWING, RECOVERY, OR STORAGE SERVICES;
- 27 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- 28 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
29 LICENSEE BEFORE AND AFTER THE CONVICTION.

1 15-918.

2 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
3 GOVERNMENT ARTICLE, BEFORE THE ADMINISTRATION TAKES ANY FINAL
4 ACTION UNDER § 15-917 OF THIS SUBTITLE, THE ADMINISTRATION SHALL GIVE
5 THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY
6 FOR A HEARING.

7 (B) THE ADMINISTRATION SHALL GIVE NOTICE AND HOLD THE
8 HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE
9 GOVERNMENT ARTICLE.

10 (C) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
11 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE ADMINISTRATION MAY
12 HEAR AND DETERMINE THE MATTER.

13 15-919.

14 (A) A TOWING SERVICE MAY NOT EMPLOY A TOW TRUCK DRIVER
15 REQUIRED TO REGISTER AS A SEX OFFENDER UNDER § 11-704 OF THE
16 CRIMINAL PROCEDURE ARTICLE.

17 (B) A LICENSEE MAY NOT TOW OR REMOVE A VEHICLE TO AN
18 OUT-OF-STATE LOCATION IF THE VEHICLE IS:

19 (1) A TRESPASSING VEHICLE; OR

20 (2) TOWED OR REMOVED AT THE REQUEST OF A POLICE
21 DEPARTMENT UNDER § 25-203 OF THIS ARTICLE.

22 27-101.

23 (a) It is a misdemeanor for any person to violate any of the provisions of the
24 Maryland Vehicle Law unless the violation:

25 (1) Is declared to be a felony by the Maryland Vehicle Law or by any
26 other law of this State; or

27 (2) Is punishable by a civil penalty under the applicable provision of
28 the Maryland Vehicle Law.

29 (b) Except as otherwise provided in this section, any person convicted of a
30 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is
31 subject to a fine of not more than \$500.

1 **(FF) ANY PERSON CONVICTED OF A VIOLATION OF TITLE 15, SUBTITLE 9**
2 **OF THIS ARTICLE (“TOWING SERVICES”) IS GUILTY OF A MISDEMEANOR AND ON**
3 **CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That:

5 (1) the Administration shall adopt regulations implementing this Act
6 by October 1, 2014; and

7 (2) a person who drives a tow truck, operates a towing service, or
8 operates a vehicle storage service shall meet the licensing requirements adopted by
9 the Administration under this Act by October 1, 2015.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
11 members of the Towing Regulation Advisory Board, as determined by the Governor,
12 shall expire as follows:

13 (1) three members in 2017;

14 (2) three members in 2018; and

15 (3) three members in 2019.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2013.