

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 39

Bill No. 83-19

Introduced by Mr. Pruski and Mr. Volke

By the County Council, November 4, 2019

Introduced and first read on November 4, 2019
Public Hearing set for and held on December 2, 2019
Public Hearing on AMENDED bill set for and held on December 16, 2019
Public Hearing on SECOND AMENDED bill set for and held on January 6, 2020
Bill Expires February 7, 2020

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Licenses – Towing Companies – Nonconsensual Towing
2 – Storage Facilities and Redemption Areas – Blanket Authorizations to Tow
3

4 FOR the purpose of adding definitions of “redemption area” and “storage facility”;
5 requiring licensed companies that perform nonconsensual tows to maintain storage and
6 redemption areas in the County or within a certain distance of the County boundary;
7 requiring a towing company to provide its insurance information to the owner, operator,
8 or agent of a towed vehicle; amending the information that must be provided on signs
9 posted in and along parking lots and private roads; allowing a parking lot owner or
10 operator, the agent of the owner or operator, or the duly designated agent of a
11 community to provide a blanket authorization to tow or remove all unpermitted
12 vehicles from restricted access parking lots when signs are posted; making technical
13 corrections; and generally relating to licenses.
14

15 BY renumbering: §§ 11-16-101(7) to be 11-16-101(8); 11-16-101(8) through (10) to be
16 11-16-101(10) through (12); and 11-16-201(d) through 11-16-201(l) to be 11-16-
17 201(e) through 11-16-201(m)
18 Anne Arundel County Code (2005, as amended)
19

20 BY adding: §§ 11-16-101(7) and (9); 11-16-201(d)
21 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

BY repealing and reenacting, with amendments: §§ 11-16-202(b); 11-16-203(b) and (d); 11-16-205(b); 11-16-303(c); 11-16-402(a)(3), (4), and (5); and 11-16-404(b) and (c) Anne Arundel County Code (2005, as amended)

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That §§ 11-16-101(7), 11-16-101(8) through (10), and 11-16-201(d) through 11-16-201(l), respectively, of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 11-16-101(8), 11-16-101(10) through (12), and 11-16-201(e) through 11-16-201(m), respectively.

SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 11. LICENSES

TITLE 16. TOWING COMPANIES

11-16-101. Definitions.

In this title, the following words have the meanings indicated.

(7) "REDEMPTION AREA" MEANS A LOCATION OWNED, CONTROLLED, OR OPERATED BY A TOWING COMPANY THAT IS STAFFED DURING THE REGULAR BUSINESS DAY TO ALLOW FOR THE RETRIEVAL OF TOWED VEHICLES.

(9) "STORAGE FACILITY" MEANS AN AREA OWNED, CONTROLLED, OR OPERATED BY A TOWING COMPANY THAT IS STAFFED DURING THE REGULAR BUSINESS DAY AND USED TO STORE TOWED VEHICLES.

11-16-201. License.

(D) **Additional standards for nonconsensual towing.** A TOWING COMPANY THAT ENGAGES IN NONCONSENSUAL TOWING SHALL HAVE, WITHIN THE COUNTY OR WITHIN TWO MILES MEASURED BY DRIVING DISTANCE OF THE COUNTY'S BOUNDARY LINE, A STORAGE FACILITY AND, IF SEPARATE FROM THE STORAGE FACILITY, A REDEMPTION AREA LOCATED IN THE COUNTY.

11-16-202. Insurance.

(b) Information to owner, operator, or agent of towed vehicle. Upon [demand by the owner, operator, or agent of the owner or operator] RELEASE of the towed vehicle, the towing company shall provide the name, address, and telephone number of the towing company's insurance carrier and the number of the insurance policy TO THE TOWED VEHICLE'S OWNER, AN OPERATOR OF THE VEHICLE, OR AN AGENT OF THE OWNER OR OPERATOR.

11-16-203. Storage.

(b) **Separate storage and redemption area.** If the storage and redemption areas are separate, the towing company shall provide safe and reliable transportation from the

1 redemption site to the storage ~~[[site]]~~ FACILITY. Violation of this provision may be grounds
2 for license suspension or revocation.

3 (d) **Location of storage facility.** A towing company conducting nonconsensual towing
4 may not tow a vehicle, or otherwise remove a vehicle, from a parking lot to a storage
5 facility ~~[[or location]]~~ that is more than 10 miles away, MEASURED BY DRIVING DISTANCE,
6 from the parking lot.

7
8 **11-16-205. Rates, charges, and payment.**

9
10 (b) **Storage fee restrictions.** A company that performs police-initiated tows may not
11 charge a storage fee for the calendar day of the tow. A company that performs
12 nonconsensual towing may not charge a storage fee for a calendar day in which the vehicle
13 was not located ~~[[on]]~~ AT the storage ~~[[lot]]~~ FACILITY.

14
15 **11-16-303. Response standards.**

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17 (c) **Events at the scene.** On arriving at the scene, the towing company shall remove
18 the vehicle to the company's storage ~~[[lot]]~~ FACILITY specified on the application. A towing
19 company may not leave the scene until released by the police personnel in charge of the
20 scene.

21
22 **11-16-402. Parking lot and private road owner and operator requirements.**

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24 (a) **Requirements.** [[An]] WITHOUT A VEHICLE OWNER'S PERMISSION, THE owner or
25 operator of a parking lot, the agent of an owner or operator, or a duly designated agent of
26 a community in which there are private roads may not have a vehicle towed or otherwise
27 removed from the parking lot or [[the]] private road [[without the vehicle owner's
28 permission,]] unless the owner, operator, or agent has placed in conspicuous locations signs
29 that:

30
31 (3) [[states]] STATE THE NAME AND TELEPHONE NUMBER OF THE TOWING
32 COMPANY AND the address OF THE STORAGE FACILITY to which the vehicle will be towed
33 or removed. [[the name of the towing company and the telephone number for the towing
34 company or towing storage facility where the car will be towed]] AND, IF DIFFERENT, THE
35 ADDRESS OF THE REDEMPTION AREA;

36
37 (4) [[states]] STATE that State and County law requires that a motor vehicle towed
38 from the parking lot or the private road is available for [[reclamation]] REDEMPTION 24
39 hours a day, 7 days a week; and

40
41 (5) [[states]] STATE the maximum amount that the VEHICLE owner may be charged
42 for the towing or removal of the vehicle.

43
44 **11-16-404. Required nonconsensual towing procedures for towing companies and**
45 **parking lot and private road owners and operators.**

46
47 (b) **Notice to owner.** A towing company shall notify a towed vehicle's owner and the

1 vehicle's insurer of record by certified mail, return receipt requested, and by first class mail
2 within seven days after towing or removing the vehicle, and shall provide the same
3 information as set forth in subsection (a). The towing company shall also provide to the
4 owner, any secured party, and the insurer of record the itemized actual costs of providing
5 notice under this section if the vehicle is redeemed more than 48 hours after receipt at the
6 storage [[location]] FACILITY.

7
8 **(c) Parking lot and private road owner authorization.** Before towing or removing a
9 vehicle from a parking lot or private road, the towing company shall have authorization
10 from the parking lot owner or operator, the agent of the owner or operator, or the duly
11 designated agent of a community in which there are private roads, which shall include the
12 name of the person authorizing the tow or removal and a statement that the vehicle is being
13 towed or removed at the request of the parking lot or private road owner or operator or the
14 agent of the owner or operator. IF THE SIGNS REQUIRED BY § 11-16-402(A) STATE THAT
15 PARKING IS PROHIBITED WITHOUT A PERMIT DISPLAYED ON THE VEHICLE, AND IF THE
16 PARKING LOT IS GATED WITH RESTRICTED ACCESS, THE PARKING LOT OWNER OR
17 OPERATOR, THE AGENT OF THE OWNER OR OPERATOR, OR THE DULY DESIGNATED AGENT
18 OF THE COMMUNITY IN WHICH THE PARKING LOT IS LOCATED MAY PROVIDE A BLANKET
19 AUTHORIZATION TO THEIR CONTRACTUAL TOWING COMPANY TO TOW OR REMOVE ALL
20 VEHICLES PARKED WITHOUT A PERMIT.

21
22 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
23 from the date it becomes law.

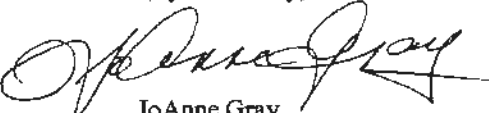
AMENDMENTS ADOPTED: December 2 and 16, 2019

READ AND PASSED this 6th day of January, 2020

By Order:


JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 7th day of January, 2020


JoAnne Gray
Administrative Officer

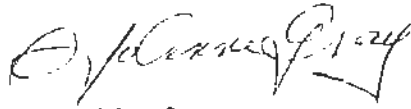
APPROVED AND ENACTED this 16th day of January, 2020


Stuart Pittman
County Executive

EFFECTIVE DATE:

MAR 1 2020

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
83 19. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "JoAnne Gray". The signature is fluid and cursive, with a large initial "J" and "G".

JoAnne Gray
Administrative Officer