

**FINAL**

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 28

Bill No. 52-13

Introduced by Mr. Walker, Chairman  
(by request of the County Executive)

By the County Council, May 28, 2013

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Introduced and first read on May 28, 2013  
Public Hearing set for and held on June 17, 2013  
Bill AMENDED July 1, 2013  
Public Hearing on AMENDED BILL set for and held on July 15, 2013  
Bill Expires August 31, 2013

By Order: Elizabeth E. Jones, Administrative Officer

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A BILL ENTITLED

- 1 AN ORDINANCE concerning: Licenses -- Towing Companies  
2  
3 FOR the purpose of repealing the provisions for nonconsensual towing in the Public Safety  
4 Article and amending and relocating those provisions to the Licensing Article; adding  
5 certain amendments to the towing provisions in Article 11 including required methods of  
6 payment for all towing companies and imposing certain restrictions on towing companies  
7 engaging in nonconsensual towing; providing for a delayed effective date; and generally  
8 relating to towing.  
9  
10 BY renumbering: § 11-16-101(3) through (7) to be § 11-16-101(4) through (8), respectively  
11 Anne Arundel County Code (2005, as amended)  
12  
13 BY repealing and reenacting, with amendments: §§ 11-1-102, 11-16-204; and 11-16-205  
14 Anne Arundel County Code (2005, as amended)  
15  
16 BY repealing and reenacting, without amendments: § 11-16-203(a) and (b)  
17 Anne Arundel County Code (2005, as amended)

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 BY adding: §§ 11-16-101(3); 11-16-203(c) and (d); and §§ 11-16-401 through 11-16-405 to  
2 be under the subtitle "Subtitle 4. Nonconsensual Towing Company and Parking Lot  
3 Requirements"

4 Anne Arundel County Code (2005, as amended)

5  
6 BY repealing: § 12-3-108

7 Anne Arundel County Code (2005, as amended)

8  
9 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
10 That § 11-16-101(3) through (7) of the Anne Arundel County Code (2005, as amended) is  
11 hereby renumbered to be § 11-16-101(4) through (8), respectively.

12  
13 SECTION 2. *And be it further enacted,* That § 12-3-108 of the Anne Arundel County  
14 Code (2005, as amended) be and is hereby repealed.

15  
16 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County  
17 Code (2005, as amended) read as follows:

18  
19 **ARTICLE 11 LICENSES**

20  
21 **TITLE 1. DEFINITIONS; GENERAL PROVISIONS**

22  
23 **11-1-102. Administration.**

24  
25 The Director and the Department shall administer and enforce provisions of this article,  
26 except that provisions relating to multiple dwelling and rooming houses shall be administered  
27 and enforced as provided in Title 10, PROVISIONS RELATING TO NONCONSENSUAL TOWING  
28 COMPANIES AND PARKING LOT OWNERS SHALL BE ADMINISTERED AND ENFORCED AS  
29 PROVIDED IN TITLE 16, and the Health Officer and the Health Department shall administer and  
30 enforce the provisions relating to fires, food service facilities, and swimming pools.

31  
32 **ARTICLE 11 LICENSES**

33  
34 **TITLE 16. TOWING COMPANIES**

35  
36 **11-16-101. Definitions.**

37  
38 In this title, the following words have the meanings indicated.

39  
40 (3) "PARKING LOT" MEANS A PRIVATELY OWNED FACILITY CONSISTING OF ~~THREE TWO~~  
41 OR MORE SPACES FOR MOTOR VEHICLE PARKING THAT IS ACCESSIBLE TO THE GENERAL  
42 PUBLIC AND INTENDED BY THE OWNER OF THE FACILITY TO BE USED PRIMARILY BY THE  
43 OWNER'S CUSTOMERS, CLIENTELE, RESIDENTS, LESSEES, OR GUESTS. FOR NONCONSENSUAL  
44 TOWING, A DESIGNATED RESIDENTIAL PARKING SPACE OR HANDICAPPED PARKING SPACE  
45 SHALL QUALIFY AS A PARKING LOT.

46  
47 **11-16-203. Storage.**

1 (a) **Zoning certification.** A towing company shall provide to the Department the address  
2 of the storage and redemption sites to be used for storing and redeeming vehicles and shall  
3 provide certification that each site complies with local zoning laws.  
4

5 (b) **Separate storage and redemption area.** If the storage and redemption areas are  
6 separate, the towing company shall provide safe and reliable transportation from the  
7 redemption site to the storage site. Violation of this provision may be grounds for license  
8 suspension or revocation.

9 (c) **Nonconsensual towed vehicles; delivery to storage facility.** A TOWING COMPANY  
10 THAT PERFORMS NONCONSENSUAL TOWING SHALL IMMEDIATELY DELIVER ANY TOWED  
11 VEHICLE TO THE STORAGE FACILITY LISTED ON THE SIGNS LOCATED IN THE PARKING LOT  
12 FROM WHICH THE VEHICLE WAS TOWED, AS REQUIRED BY § 11-16-402, AND MAY NOT REMOVE  
13 THE TOWED VEHICLE FROM THE STORAGE FACILITY FOR AT LEAST 72 HOURS.  
14

15 (d) **Location of storage facility.** A TOWING COMPANY CONDUCTING NONCONSENSUAL  
16 TOWING MAY NOT TOW A VEHICLE, OR OTHERWISE REMOVE A VEHICLE, FROM A PARKING LOT  
17 TO A STORAGE FACILITY OR LOCATION THAT IS MORE THAN 10 MILES AWAY FROM THE  
18 PARKING LOT.  
19

#### 20 **11-16-204. Inspection; release of vehicle and personal property.**

21  
22 (a) **Inspection by police.** A towing company shall accommodate all requests by the police  
23 to inspect or view any towed vehicle in its possession.  
24

25 (b) **Release of vehicle.** A towing company shall release a towed vehicle during the regular  
26 business day and may release a vehicle at other times. A towing company that performs  
27 nonconsensual towing shall [remain open at least two hours after the last tow is completed  
28 during which time the towed vehicle shall be released upon request] BE AVAILABLE TO  
29 RELEASE THE TOWED VEHICLE AT ALL TIMES, 24 HOURS A DAY, SEVEN DAYS A WEEK, TO THE  
30 TOWED VEHICLE'S OWNER OR THE OWNER'S REPRESENTATIVE. AN OWNER'S  
31 REPRESENTATIVE MUST PRESENT A COPY OF A VALID DRIVER'S LICENSE AND AN ORIGINAL  
32 KEY TO THE VEHICLE TO OBTAIN THE VEHICLE.  
33

34 (c) **Release of personal property.** Personal property shall be released to the owner or the  
35 owner's agent during the regular business day and, if a nonconsensual tow, [during the last  
36 two hours after the last tow is completed] PERSONAL PROPERTY SHALL BE MADE AVAILABLE  
37 FOR RELEASE 24 HOURS A DAY, SEVEN DAYS A WEEK, FROM THE TIME THE VEHICLE WAS  
38 RECEIVED AT THE STORAGE FACILITY.  
39

#### 40 **11-16-205. Rates, charges, and payment.**

41  
42 (a) **Fees.** Each licensed towing company shall adhere to the schedule of fees approved by  
43 the Department. {Maximum fees for nonconsensual towing may be up to two times the  
44 approved fee for police-initiated towing.}  
45

46 (b) **Storage fee restrictions.** A company that performs police-initiated tows may not  
47 charge a storage fee for the calendar day of the tow. A company that performs nonconsensual  
48 towing may not charge a storage fee for a calendar day in which the vehicle was not located

1 on the storage lot.

2  
3 (c) **Required forms of payment.** [A towing company that engages in nonconsensual  
4 towing shall provide evidence to the Department confirming acceptance of at least one major  
5 credit card or the presence of a functioning automated teller machine in addition to cash  
6 payment]. IN ADDITION TO ACCEPTING CASH PAYMENTS, A TOWING COMPANY ENGAGED IN  
7 NONCONSENSUAL TOWING AND STORAGE FACILITY MUST PROVIDE EVIDENCE TO THE  
8 DEPARTMENT CONFIRMING ACCEPTANCE OF AT LEAST TWO NATIONALLY RECOGNIZED  
9 MAJOR CREDIT CARDS OR PROVIDE AN OPERABLE AUTOMATED TELLER MACHINE ON THE  
10 PREMISES TO OBTAIN CASH FOR PAYMENT OF ALL TOWING, RECOVERY AND STORAGE  
11 CHARGES. IN THE EVENT A TOWING COMPANY OR STORAGE FACILITY ENGAGING IN  
12 NONCONSENSUAL TOWING IS UNABLE TO PROCESS A VEHICLE OWNER'S CREDIT CARD OR  
13 ACCEPTS ONLY CASH PAYMENT AND THERE IS NO OPERABLE AUTOMATIC TELLER MACHINE  
14 (ATM) ON THE PREMISES, A VEHICLE OWNER MAY PAY FOR THE TOWING FEES NECESSARY TO  
15 RETRIEVE HIS VEHICLE BY A PERSONAL CHECK. A TOWING COMPANY OR STORAGE FACILITY  
16 ENGAGING IN NONCONSENSUAL TOWING MAY REFUSE TO ACCEPT A PERSONAL CHECK IN THE  
17 EVENT A VEHICLE OWNER'S CREDIT CARD IS DECLINED BY THE CREDIT CARD ISSUING  
18 COMPANY.

19  
20 (d) **Receipt required.** A towing company shall issue a receipt in exchange for payment of  
21 towing fees.

22  
23 (e) **Damage waivers.** A towing company may not require a person to sign a damage  
24 waiver as a condition of vehicle release.

25  
26 **SUBTITLE 4. NONCONSENSUAL TOWING COMPANY AND PARKING LOT**  
27 **REQUIREMENTS**

28  
29 **11-16-401. Scope and enforcement.**

30  
31 (A) **Scope.** THIS SUBTITLE APPLIES ONLY TO TOWING COMPANIES AND STORAGE  
32 FACILITIES, AND PARKING LOT OWNERS, OPERATORS AND AGENTS ENGAGING IN  
33 NONCONSENSUAL TOWING.

34  
35 (B) **Enforcement.** THE REQUIREMENTS OF THIS SUBTITLE MAY BE ENFORCED BY THE  
36 DEPARTMENT OR THE POLICE DEPARTMENT.

37  
38 **11-16-402. Parking lot owner and operator requirements.**

39  
40 (A) **Requirements.** AN OWNER OR OPERATOR OF A PARKING LOT, OR THE AGENT OF AN  
41 OWNER OR OPERATOR, MAY NOT HAVE A VEHICLE TOWED OR OTHERWISE REMOVED FROM  
42 THE PARKING LOT WITHOUT THE VEHICLE OWNER'S PERMISSION, UNLESS THE OWNER,  
43 OPERATOR, OR AGENT HAS PLACED IN CONSPICUOUS LOCATIONS SIGNS THAT:

44  
45 (1) ARE AT LEAST 24 INCHES HIGH AND 30 INCHES WIDE;

46  
47 (2) ARE CLEARLY VISIBLE TO THE DRIVER OF A VEHICLE ENTERING OR PARKING IN THE  
48 PARKING LOT;

49  
50 (3) STATES THE ADDRESS TO WHICH THE VEHICLE WILL BE TOWED OR REMOVED, THE  
51 NAME OF THE TOWING COMPANY AND THE TELEPHONE NUMBER FOR THE TOWING COMPANY

1 OR TOWING STORAGE FACILITY WHERE THE CAR WILL BE TOWED;

2  
3 (4) STATES THAT STATE AND COUNTY LAW REQUIRES THAT A MOTOR VEHICLE TOWED  
4 FROM THE PARKING LOT IS AVAILABLE FOR RECLAMATION 24 HOURS A DAY, 7 DAYS A WEEK;  
5 AND

6  
7 (5) STATES THAT THE MAXIMUM AMOUNT THAT THE OWNER MAY BE CHARGED FOR  
8 THE TOWING OR REMOVAL OF THE VEHICLE IS ~~\$250.00~~.

9  
10 (B) **Number of Signs.** AN OWNER OR OPERATOR OF A PARKING LOT, OR THE AGENT OF AN  
11 OWNER OR OPERATOR, SHALL PLACE ONE SIGN, CONFORMING TO THE REQUIREMENTS OF  
12 SUBSECTION (A), FOR EVERY 7,500 SQUARE FEET OF PARKING SPACE IN THE PARKING LOT. IN  
13 ADDITION TO MEETING THE REQUIREMENTS OF THIS SECTION, IF THE PARKING LOT HAS MORE  
14 THAN ONE ENTRANCE, A SIGN CONFORMING TO THE REQUIREMENTS OF SUBSECTION (A)  
15 SHALL BE PLACED AT EACH POINT OF ENTRY INTO THE PARKING LOT.

16  
17 **11-16-403. Commercial liability insurance.**

18  
19 A TOWING COMPANY SHALL COMPLY WITH ALL FEDERAL AND STATE COMMERCIAL  
20 LIABILITY INSURANCE REQUIREMENTS AND ANY SURETY BOND REQUIREMENTS.

21  
22 **11-16-404. Required nonconsensual towing procedures for towing companies and lot**  
23 **owners and operators.**

24  
25 (A) **Notice to police.** A TOWING COMPANY SHALL NOTIFY THE POLICE DEPARTMENT  
26 WITHIN ONE HOUR AFTER TOWING OR REMOVING A VEHICLE AND SHALL PROVIDE THE  
27 FOLLOWING INFORMATION:

28  
29 (1) A DESCRIPTION OF THE VEHICLE, INCLUDING THE VEHICLE'S REGISTRATION AND  
30 LICENSE PLATE INFORMATION AND THE VEHICLE IDENTIFICATION NUMBER;

31  
32 (2) THE DATE AND TIME THE VEHICLE WAS TOWED OR REMOVED;

33  
34 (3) THE REASON THE VEHICLE WAS TOWED OR REMOVED; AND

35  
36 (4) THE LOCATIONS FROM WHICH AND TO WHICH THE VEHICLE WAS TOWED OR  
37 REMOVED.

38  
39 (B) **Notice to owner.** A TOWING COMPANY SHALL NOTIFY A TOWED VEHICLE'S OWNER  
40 AND THE VEHICLE'S INSURER OF RECORD BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,  
41 AND BY FIRST CLASS MAIL WITHIN 24 HOURS SEVEN DAYS AFTER TOWING OR REMOVING THE  
42 VEHICLE, AND SHALL PROVIDE THE SAME INFORMATION AS SET FORTH IN SUBSECTION (A).  
43 THE TOWING COMPANY SHALL ALSO PROVIDE TO THE OWNER, ANY SECURED PARTY, AND  
44 THE INSURER OF RECORD THE ITEMIZED ACTUAL COSTS OF PROVIDING NOTICE UNDER THIS  
45 SECTION IF THE VEHICLE IS REDEEMED MORE THAN 48 HOURS AFTER RECEIPT AT THE  
46 STORAGE LOCATION.

47  
48 (C) **Parking lot owner authorization.** BEFORE TOWING OR REMOVING A VEHICLE FROM A  
49 PARKING LOT, THE TOWING COMPANY SHALL HAVE AUTHORIZATION FROM THE PARKING LOT  
50 OWNER OR OPERATOR, OR THE AGENT OF THE OWNER OR OPERATOR, WHICH SHALL INCLUDE  
51 THE NAME OF THE PERSON AUTHORIZING THE TOW OR REMOVAL AND A STATEMENT THAT  
52 THE VEHICLE IS BEING TOWED OR REMOVED AT THE REQUEST OF THE PARKING LOT OWNER  
53 OR OPERATOR OR THE AGENT OF THE OWNER OR OPERATOR.

1        **(D) Photographic evidence required.** BEFORE TOWING OR REMOVING A VEHICLE FROM A  
2 PARKING LOT, THE TOWING COMPANY MUST HAVE PHOTOGRAPHIC EVIDENCE OF THE  
3 VIOLATION OR EVENT THAT GAVE RISE TO THE VEHICLE BEING TOWED OR REMOVED.  
4

5        **(E) Payment to spotters and parking lot owners.** A TOWING COMPANY MAY NOT  
6 EMPLOY OR COMPENSATE ANY INDIVIDUALS, COMMONLY REFERRED TO AS "SPOTTERS",  
7 WHOSE PRIMARY TASK IS TO REPORT THE PRESENCE OF UNAUTHORIZED PARKED VEHICLES  
8 FOR THE PURPOSES OF TOWING OR REMOVAL AND IMPOUNDING. A TOWING COMPANY MAY  
9 NOT COMPENSATE OR PAY ANY REMUNERATION TO THE OWNER, AGENT, OR EMPLOYEE OF A  
10 PARKING LOT. A TOWING COMPANY MAY NOT DEPLOY, CAUSE THE DEPLOYMENT OF, OR  
11 UTILIZE ANY FORM OF ELECTRONIC SURVEILLANCE TO TAKE THE PLACE OF OR FUNCTION AS  
12 A "SPOTTER".  
13

14        **(F) Towing for failure to display registration.** A TOWING COMPANY MAY NOT TOW A  
15 VEHICLE SOLELY FOR FAILING TO DISPLAY A VALID CURRENT REGISTRATION UNTIL 72 HOURS  
16 AFTER A NOTICE OF VIOLATION IS PLACED ON THE VEHICLE.  
17

18        **(G) Drop fees and release of vehicle.** BEFORE A VEHICLE IS REMOVED FROM A PARKING  
19 LOT, THE TOWER WHO POSSESSES THE VEHICLE SHALL RELEASE THE VEHICLE TO THE OWNER,  
20 OR AN AGENT OF THE OWNER, UPON REQUEST AND UPON A PAYMENT OF A DROP FEE TO THE  
21 TOWER NOT TO EXCEED 50% OF THE COST OF A FULL TOW.  
22

23        **(H) Handicapped Registration.** A TOWING COMPANY MAY NOT TOW A VEHICLE WITH A  
24 VALID HANDICAPPED REGISTRATION WITHOUT THE AUTHORIZATION OF AN OFFICER IN THE  
25 POLICE OR FIRE DEPARTMENT.  
26

27        **(I) Blocking of vehicles.** A TOWING COMPANY MAY NOT BLOCK A VEHICLE TO OBTAIN  
28 PAYMENT AND SHALL RELEASE A VEHICLE IF ORDERED TO DO SO BY THE POLICE.  
29

30        **(J) Compliance with federal and state towing law.** A TOWING COMPANY SHALL COMPLY  
31 WITH ALL TOWING REQUIREMENTS LISTED IN FEDERAL AND STATE LAW.  
32

33 **11-16-405. Penalties and Citations.**  
34

35        **(A) Penalties.** IN ADDITION TO ANY STATE CIVIL OR CRIMINAL PENALTIES, FAILURE TO  
36 ABIDE BY THE REQUIREMENTS OF THIS SUBSECTION IS A CLASS D CIVIL OFFENSE SET FORTH  
37 IN 9-2-101 OF THIS CODE, AND A VIOLATION MAY BE ENFORCED THROUGH THE ISSUANCE OF  
38 CIVIL CITATIONS OR LEGAL INJUNCTION PROCEEDINGS. IN ADDITION TO THE PENALTIES IN  
39 THIS CODE, A TOWING COMPANY OR LOT OWNER OR OPERATOR THAT VIOLATES ANY  
40 PROVISION OF THIS TITLE SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THE STATE  
41 CODE AND THE REGULATIONS PROMULGATED UNDER THE STATE CODE.  
42

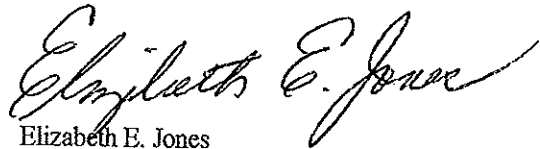
43        **(B) Citations.** CITATIONS ISSUED BY THE POLICE DEPARTMENT UNDER THIS SUBTITLE  
44 SHALL BE IN ACCORDANCE WITH § 12-3-301 THROUGH § 12-3-303 OF THIS CODE.  
45

46        SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days from  
47 the date it becomes law October 1, 2013.

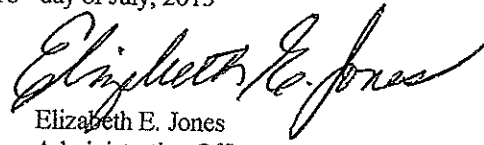
AMENDMENTS ADOPTED: July 1, 2013

READ AND PASSED this 15<sup>th</sup> day of July, 2013


By Order:

  
Elizabeth E. Jones  
Administrative Officer

PRESENTED to the County Executive for her approval this 16<sup>th</sup> day of July, 2013

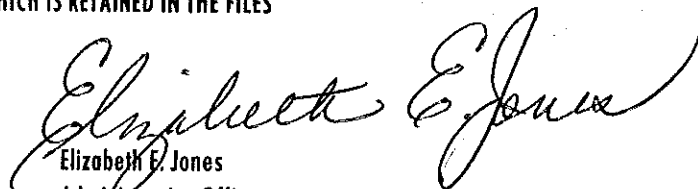
  
Elizabeth E. Jones  
Administrative Officer

APPROVED AND ENACTED this 22nd day of July, 2013

  
Laura Neuman  
County Executive

EFFECTIVE DATE: October 1, 2013

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
52-13, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

  
Elizabeth E. Jones  
Administrative Officer