

CODE OF BALTIMORE COUNTY REGULATIONS

TITLE 02. DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

SUBTITLE 02. PERMITS AND LICENSES

CHAPTER 03. TRESPASS TOWING

Authority: § 21-16-123, Baltimore County Code, 2003

.01 Scope.

This Chapter applies to all persons applying for and maintaining a Baltimore County Trespass Towing License.

.02 Definitions.

A. In this Chapter, the following words have the meanings stated in § 21-16-101 of the Baltimore County Code, 2003:

- (1) License.
- (2) Owner.
- (3) Parking lot or garage.
- (4) Towing.
- (5) Trespass Towing.
- (6) Trespass towing license.

B. In this Chapter, the following words have the meanings indicated.

- (1) "Department" means the Department of Permits, Approvals and Inspections.
- (2) "Operator" means the driver of a tow truck.
- (3) "Owner of a parking lot or garage" includes a tenant who has the exclusive right to occupy the parking lot or garage.
- (4) "Light duty towing" means towing any vehicle up to 10,000 lbs. GVWR.
- (5) "Towing Company" means a business entity holding a valid trespass towing license.

.03 Applications.

A. A person shall apply for a trespass towing license on forms provided by the Department.

B. At time of application, an applicant for a license shall receive a copy of this Chapter.

C. Forms.

(1) A new application and any renewal shall be complete and accurate.

(2) In addition to the application form, an applicant for a license shall submit the following:

(a) a copy of the Articles of Incorporation or other tax entity filing from the Maryland Department of Assessments and Taxation;

(b) a separate list of all company owners, officers, managers and employees;

(c) a receipt from any authorized location that provides fingerprinting services authorized by COMAR 12.15.05, a law enforcement agency or the Maryland Motor Vehicle Administration showing that an application for a criminal history records check has been filed for each owner, operator and employee who might accompany an operator while undertaking a trespass tow required by Regulation .06 C. and D. of this chapter;

(d) photocopies of the registration of all tow trucks;

(e) photocopies of the licenses and medical cards of all operators;

(f) certificate of required insurance; and

(g) training certification for all operators.

D. False information.

(1) The Department shall immediately reject any application containing false information.

(2) An applicant filing false information may not reapply for a license for a period of five years.

(3) The Department shall immediately suspend any license issued or renewed based upon false information.

E. Term.

(1) Licenses are in effect from January 1 to December 31 of each year.

(2) Licenses issued during the year will expire December 31 of that year.

F. Renewal.

(1) If a license holder does not file a renewal with the Department by December 30:

(a) the application shall be deemed late;

(b) the license holder shall apply for a license as an application for a new license; and

(c) the license holder may not provide trespass towing services until the license is issued.

(2) The applicant shall pay the required fees.

G. Insurance.

A license holder shall obtain and maintain, from an insurer licensed to do business in the state, the general liability insurance coverage required under § 21-16-105 of the Baltimore County Code, 2003.

.04 Facilities.

A. Storage facilities.

(1) Storage facilities shall comply with County zoning regulations.

(2) The applicant or licensee shall provide secure fenced-in storage facilities either on the premises shown on the license or within sight of the premises shown on the license, including capacity for 10 or more vehicles.

(3) Fencing of storage facilities shall be kept free of holes in or under the fence.

(4) Storage facilities shall be located no more than ten (10) radial miles from a parking lot or garage from which a vehicle is removed.

B. Reclaiming vehicle.

When a vehicle has been towed from a private property, the towing company or owner of the property from which the vehicle was removed must provide the owner of the vehicle the opportunity to retake possession of the vehicle at any time, 24 hours a day, 7 days a week as required under § 21-16-120 of the Baltimore County Code, 2003.

C. Signs.

(1) A towing facility office shall have a sign that is visible at all times from the roadway where the towing facility is located.

(2) Signs shall comply with all applicable provisions of the Baltimore County Zoning Regulations.

D. Office facilities shall have adequate equipment to provide notification to the Baltimore County Police Department and the Department under Regulation .07 of this chapter.

.05 Equipment.

A. Trespass towers shall have at least one tow truck capable of performing light duty towing. If a rollback truck is used for towing, there shall also be sufficient chains, straps and proper hooks and ratchets to secure vehicle rollback beds and wheel lifts.

B. Requirements for tow trucks.

(1) All tow trucks must be kept in good mechanical condition.

(2) Tow trucks must be able to pass a Commercial Vehicle Safety Alliance Level I inspection at any time.

C. Tow trucks shall have legible markings including company name, telephone number and DOT number. Markings shall be visible and legible from a distance of 50 feet. Tow trucks shall display only the name of the company as it is shown on the towing license. The name, telephone number and DOT number shall be displayed on both doors of the cab of the truck.

D. Towing vehicles shall be registered as tow trucks with the state Motor Vehicle Administration.

E. Tow trucks shall be kept in a neat and orderly condition free of excessive dirt, rust holes, trash and objects obstructing towing apparatus or the operator's control or egress.

F. A tow truck may not be a vehicle constructed predominantly from homemade parts.

.06 Operators.

A. An operator shall have United States Department of Transportation medical cards and shall be properly licensed for the weight of the combination of tow trucks the operator operates.

B. Operator training.

The towing company shall ensure that each operator using a flat trailer or loader has, in the judgment of the towing company, the necessary skill and experience to operate such equipment in a responsible and professional manner.

C. Criminal History Records Check.

An owner, officer and partner of a towing company and all operators and any other employee who might accompany an operator while undertaking a trespass tow may not within the past ten (10) years have been convicted of any of the following offenses:

- (1) any felony or sex offense;
- (2) insurance fraud;
- (3) theft of a vehicle or theft from a vehicle;
- (4) impersonating a Police Officer; or
- (5) assaulting a Police Officer

and may not be on a current registered sex offender roster of any state.

D. Applications for criminal history records checks shall be obtained from the Baltimore County Police Towing Team located at 1747 Merritt Boulevard, Baltimore, MD 21222, telephone number 410-887-7361.

.07 Notification

A. The tower shall notify the Baltimore County Police Department within one (1) hour of attaching a vehicle to a tow truck or loading a vehicle onto a flat bed truck. Notification to the Baltimore County Police Department shall be made by telephone to the 911 Operator.

B. The tower shall notify the Department as quickly as possible after the tow but no later than one (1) hour after opening of business operations on the next business day. The notification to the Department shall be made by fax to 410-887-4578 or by e-mail to dbrand@baltimorecountymd.gov satisfying the notification to the Department required under § 21-16-118 of the Baltimore County Code, 2003.

C. If a vehicle is not claimed within 72 hours, the tower shall provide a second notification to the Baltimore County Police Department and the Department of Permits, Approvals and Inspections in the manner set forth in A. and B. of this section.

D. Notification shall include the street address of the parking lot or garage; the date and time of the tow; reason for removal; copies of all photographs related to the tow; description of the vehicle towed including make, model, color, vehicle identification number and license plate number, including issuing state. If a vehicle is not claimed within 72 hours, the first line of the notification shall state "Notification that vehicle was not claimed within 72 hours."

E. The Towing Company shall provide to the Department upon its request a copy of the agreement between the Towing Company and the operator of the parking lot

or garage from which a trespass tow originates within two business days. The operator may be either the owner of the parking lot or garage or a legal entity which has been granted the right to regulate the use of the parking lot or garage by the owner. Confidential information may be redacted from the agreement requested; however, there must be sufficient un-obscured wording to show the Towing Company has authority to remove the vehicle occupying the parking lot or garage.

.08 Towing fees.

A. The Department shall establish and distribute a list of maximum allowable fees for trespass towing services (*See Regulation .10*). A towing company may not charge more than the fees established by the Department but may charge less. Fees for services not enumerated by the Department are covered in the basic towing fee. A towing company may not charge for any service that is not listed on the allowable fees established by the Department.

B. At least annually, the Director of the Department or his designee shall hold a hearing to consider testimony on whether changes should be made to the maximum allowable fees for towing services. The hearing shall be held no later than December 15th of each calendar year. Within 30 days of the hearing, the Director or his designee shall issue a finding on whether any changes should be made and adopt a new fee schedule implementing those changes, if any. Notice of the hearing shall be posted at the Department's website and shall be mailed to each trespass towing license holder at least 15 days before the hearing.

C. The maximum fee schedule shall be posted in an area visible to vehicle owners in the towing company's office.

D. Itemized bill - Invoice.

Each vehicle owner shall receive an itemized bill listing all fees.

E. Any work or items done for the vehicle owner at the vehicle owner's request, including secondary towing, opening during off-hours or repair shall be rendered on a separate receipt.

F. The towing company shall maintain all receipts for trespass towing separate from other towing receipts.

G. All bills shall have a paper copy.

H. A towing company shall maintain all bills for trespass towing for the previous 24 months filed by date of the tow. All bills for trespass towing maintained by

licensed towing companies shall be kept at the office location and accessible on demand to the Department during regular business hours.

I. Any required justifications, receipts for administrative work, etc. shall be attached to the paper copy of the receipt.

J. Bills shall state the date the vehicle was picked up and the date it was released or scrapped.

K. Bills shall also contain the vehicle owner's name, address and phone number.

L. For any vehicle towed from private property, the receipt given to the owner must contain the following statement: "Towing from private parking facilities is regulated by county code, Article 21, Title 16. For complaints, please call the Department of Permits, Approvals and Inspections at 410-887-3616" in accordance with § 21-16-120 of the Baltimore County Code, 2003.

M. In addition to cash, a towing company shall accept payment from at least two major credit card companies, including Visa, MasterCard, or American Express. The Towing Company may maintain an automated teller machine or ATM for use by customers to access funds to satisfy towing fees.

.09. Additional Requirements

A. A vehicle may not be towed or otherwise removed from a parking lot or garage if the parking lot or garage does not comply with the signage requirements, including placement, in accordance with § 21-16-116 of the Baltimore County Code, 2003.

B. At no time should a stored vehicle be permitted to be stored outside of the storage yard.

C. A licensee may not use any tow truck other than one that has been inspected and properly licensed as required in this Chapter to undertake trespass towing.

D. All towing companies shall make every effort to be courteous in their communications with those persons it becomes necessary to do business with.

E. Each towing company is an independent contractor and is not an officer, employee, servant or agent of the county. A towing company may not represent that it, its agents, or employees are agents, officers, servants, or employees of the county.

F. A licensee may not discriminate or allow discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, sex, physical or mental disability, including blindness, unless it is shown by the licensee that such disability prevents performance of work involved and shall provide the Baltimore County Commission on Disabilities with such information requested by the Commission concerning the employment practices and procedures of the licensee.

G. A towing company may not tow a vehicle from the location identified on signs posted in accordance with § 21-16-116 of the Baltimore County Code, 2003 to another storage facility for at least 72 hours.

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See next page for Regulation .10.

.10 Towing Fees

KEVIN KAMENETZ
County Executive



ARNOLD JABLON
Deputy Administrative Officer,
Director, Department of
Permits, Approvals and
Inspections

**MAXIMUM* RATES FOR LICENSED TRESPASS TOWING OF LIGHT DUTY VEHICLES
(GROSS VEHICLE WEIGHT OF 10,000 POUNDS OR LESS)
BALTIMORE COUNTY, MARYLAND
EFFECTIVE January 1, 2016**

Towing of Light Duty vehicles except from a parking lot within the Towson Entertainment District** \$ 250.00

Towing of Light Duty vehicles from a garage within the Towson Entertainment District** \$ 250.00

Towing of Light Duty vehicles from an unmetered surface parking lot within the Towson Entertainment District** where parking spaces are specifically reserved for occupants of adjoining office buildings \$ 250.00

Towing of Light Duty vehicles from an unmetered surface parking lot within the Towson Entertainment District** \$ 125.00

Towing of Light Duty vehicles from a metered parking lot*** within the Towson Entertainment District** one (1) hour after permit expiration \$ 125.00

Towing of Light Duty vehicles from a metered parking lot*** within the Towson Entertainment District** within one (1) hour after permit expiration Prohibited

Storage per day or part thereof, commencing at 12:01 a.m., the first calendar day after being towed. \$ 32.00

Administrative Fee. \$ 50.00

(An administrative fee shall only be charged when vehicle owners have not claimed, or arranged to claim their vehicle within three business days [business day is any day the company is regularly open for reclaiming vehicles]. Companies must attach receipts, dated prior to the date the vehicle was reclaimed, which shows expenditures for such things as sending certified letters, for obtaining registration and title information [from the MVA], certified lien checks and copies of postings at court if required.)

*These are the **MAXIMUM ALLOWABLE RATES** for Trespass Towing. Licensed trespass towing companies may charge any amount **BELOW** these rates but **SHALL NOT EXCEED** them. **ADDITIONALLY**, a Trespass Tower shall accept payment from at least two major credit card companies including Visa, Mastercard, or American Express.

**See map of Towson Entertainment District on page 11.

***A metered parking lot is a lot where every vehicle has its own meter which is commonly located in front of the parking space or where there is a common meter which dispenses parking tickets which are displayed on the dash of the vehicle.

