

HOUSE BILL 1320

L1

7lr2141

By: **Charles County Delegation**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2017

CHAPTER _____

1 AN ACT concerning

2 **Southern Maryland Code Counties – Towing Companies – Authority to**
3 **Regulate**

4 FOR the purpose of authorizing ~~the governing body of a county~~ the county commissioners
5 of a code county in the Southern Maryland class to adopt rules and regulations for
6 the licensing, maintenance, and operation of towing companies in the county for
7 certain purposes; authorizing certain rules and regulations adopted by a certain
8 county to require a person who operates a towing company in the county to obtain a
9 certain license and pay a certain fee; requiring a certain county to hold a certain
10 hearing that is advertised in advance in a certain manner before adopting certain
11 rules and regulations; providing that a person who violates certain rules and
12 regulations is guilty of a misdemeanor and is subject to a certain penalty; providing
13 that each day that a certain violation continues is a separate offense; stating that, in
14 the event of a conflict with certain federal or State laws or certain written guidance
15 issued by a unit of federal or State government, the rules and regulations adopted in
16 accordance with this Act shall be preempted; providing for the application of this Act;
17 defining certain terms; and generally relating to the authority of Southern Maryland
18 code counties to regulate towing companies.

19 BY adding to

20 Article – Local Government

21 Section ~~13-1001 through 13-1007~~ 11-501 through 11-507 to be under the new
22 subtitle “Subtitle ~~10~~ 5. Towing Companies”

23 Annotated Code of Maryland

24 (2013 Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Local Government**

4 **SUBTITLE ~~10.~~ 5. TOWING COMPANIES.**

5 ~~13-1001.~~ 11-501.

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “NONCONSENSUAL TOWING” MEANS TOWING A MOTOR VEHICLE FROM
9 PRIVATE PROPERTY WITHOUT THE CONSENT OF THE MOTOR VEHICLE’S OWNER OR
10 OPERATOR.

11 (C) “TOW TRUCK” HAS THE MEANING STATED IN § 13-920 OF THE
12 TRANSPORTATION ARTICLE.

13 ~~(C)~~ (D) “TOWING” MEANS THE MOVING OR REMOVAL OF A MOTOR
14 VEHICLE BY A TOW TRUCK.

15 ~~(D)~~ (E) “TOWING COMPANY” MEANS A PERSON THAT PROVIDES TOWING
16 SERVICES.

17 ~~(E)~~ (F) “TOWING SERVICE” MEANS THE OPERATION OF REMOVING OR
18 TOWING MOTOR VEHICLES.

19 ~~13-1002.~~ 11-502.

20 THIS SUBTITLE APPLIES ~~TO ALL COUNTIES, INCLUDING BALTIMORE CITY~~
21 ONLY IN CODE COUNTIES IN THE SOUTHERN MARYLAND CLASS, AS ESTABLISHED IN
22 § 9-302 OF THIS ARTICLE.

23 ~~13-1003.~~ 11-503.

24 ~~THE GOVERNING BODY OF A COUNTY~~ COUNTY COMMISSIONERS MAY ADOPT
25 RULES AND REGULATIONS FOR THE LICENSING, MAINTENANCE, AND OPERATION OF
26 TOWING COMPANIES IN THE COUNTY TO:

27 ~~(1) PROTECT COUNTY RESIDENTS FROM FRAUD, DISCRIMINATION,~~
28 ~~DECEPTION, AND SIMILAR ABUSES;~~

~~(2) ELIMINATE UNNECESSARY STREET CONGESTION, DELAYS, AND TRAFFIC HAZARDS CAUSED BY ACCIDENT, MECHANICAL FAILURE, OR VIOLATION OF LAW;~~

(1) PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND UNIFORMITY REGARDING NONCONSENSUAL TOWING PRACTICES;

~~(3)~~ (2) SAFEGUARD THE PUBLIC HEALTH AND WELFARE;

~~(4)~~ (3) PROMOTE GOOD CIVIC DESIGN; AND

~~(5)~~ (4) PROMOTE THE HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, AND PROSPERITY OF THE COMMUNITY.

~~13-1004.~~ 11-504.

THE RULES AND REGULATIONS ADOPTED BY THE ~~GOVERNING BODY OF A COUNTY~~ COUNTY COUNTY COMMISSIONERS MAY:

(1) REQUIRE A PERSON WHO MAINTAINS OR OPERATES A TOWING COMPANY IN THE COUNTY TO OBTAIN A LICENSE FROM THE COUNTY; AND

(2) SPECIFY A REASONABLE FEE FOR THE LICENSE.

~~13-1005.~~ 11-505.

(A) (1) BEFORE ADOPTING RULES AND REGULATIONS UNDER § ~~13-1003~~ 11-503 OF THIS SUBTITLE, THE ~~GOVERNING BODY OF A COUNTY~~ COUNTY COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING.

(2) THE RULES OR REGULATIONS ARE NOT VALID UNLESS A PUBLIC HEARING IS HELD AS ADVERTISED.

(B) THE ~~GOVERNING BODY OF THE COUNTY~~ COUNTY COUNTY COMMISSIONERS SHALL PUBLISH NOTICE OF THE TIME AND PLACE OF THE PUBLIC HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE A WEEK FOR NOT LESS THAN 4 SUCCESSIVE WEEKS.

~~13-1006.~~ 11-506.

(A) A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED UNDER § ~~13-1003~~ 11-503 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT LESS THAN \$500 OR IMPRISONMENT NOT EXCEEDING 2 MONTHS OR BOTH.

1 (B) EACH DAY ON WHICH A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

2 ~~13-1007.~~ 11-507.

3 IN THE EVENT OF A CONFLICT, FEDERAL LAW, STATE LAW, OR WRITTEN
4 PROGRAM GUIDANCE ISSUED BY A UNIT OF THE FEDERAL OR STATE GOVERNMENT
5 SHALL PREEMPT A RULE OR REGULATION ADOPTED OR ANY OTHER ACTION TAKEN
6 UNDER THIS SUBTITLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.