

# HOUSE BILL 1320

L1

7lr2141

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By: **Charles County Delegation**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Counties – Towing Companies – Authority to Regulate**

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

17 BY adding to

18 Article – Local Government

19 Section 13–1001 through 13–1007 to be under the new subtitle “Subtitle 10. Towing  
20 Companies”

21 Annotated Code of Maryland

22 (2013 Volume and 2016 Supplement)

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

25 **Article – Local Government**

26 **SUBTITLE 10. TOWING COMPANIES.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **13-1001.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) "TOW TRUCK" HAS THE MEANING STATED IN § 13-920 OF THE  
5 TRANSPORTATION ARTICLE.

6 (C) "TOWING" MEANS THE MOVING OR REMOVAL OF A MOTOR VEHICLE BY  
7 A TOW TRUCK.

8 (D) "TOWING COMPANY" MEANS A PERSON THAT PROVIDES TOWING  
9 SERVICES.

10 (E) "TOWING SERVICE" MEANS THE OPERATION OF REMOVING OR TOWING  
11 MOTOR VEHICLES.

12 **13-1002.**

13 THIS SUBTITLE APPLIES TO ALL COUNTIES, INCLUDING BALTIMORE CITY.

14 **13-1003.**

15 THE GOVERNING BODY OF A COUNTY MAY ADOPT RULES AND REGULATIONS  
16 FOR THE LICENSING, MAINTENANCE, AND OPERATION OF TOWING COMPANIES IN  
17 THE COUNTY TO:

18 (1) PROTECT COUNTY RESIDENTS FROM FRAUD, DISCRIMINATION,  
19 DECEPTION, AND SIMILAR ABUSES;

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

23 (3) SAFEGUARD THE PUBLIC HEALTH AND WELFARE;

24 (4) PROMOTE GOOD CIVIC DESIGN; AND

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

27 **13-1004.**

1           **THE RULES AND REGULATIONS ADOPTED BY THE GOVERNING BODY OF A**  
2 **COUNTY MAY:**

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

5           **(2) SPECIFY A REASONABLE FEE FOR THE LICENSE.**

6 **13-1005.**

7           **(A) (1) BEFORE ADOPTING RULES AND REGULATIONS UNDER § 13-1003**  
8 **OF THIS SUBTITLE, THE GOVERNING BODY OF A COUNTY SHALL HOLD A PUBLIC**  
9 **HEARING.**

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

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

16 **13-1006.**

17           **(A) A PERSON WHO VIOLATES A RULE OR REGULATION ADOPTED UNDER §**  
18 **13-1003 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**  
19 **SUBJECT TO A FINE OF NOT LESS THAN \$500 OR IMPRISONMENT NOT EXCEEDING 2**  
20 **MONTHS OR BOTH.**

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

22 **13-1007.**

23           **IN THE EVENT OF A CONFLICT, FEDERAL LAW, STATE LAW, OR WRITTEN**  
24 **PROGRAM GUIDANCE ISSUED BY A UNIT OF THE FEDERAL OR STATE GOVERNMENT**  
25 **SHALL PREEMPT A RULE OR REGULATION ADOPTED OR ANY OTHER ACTION TAKEN**  
26 **UNDER THIS SUBTITLE.**

27           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
28 **October 1, 2017.**