

Resolution No.:	<u>19-277</u>
Introduced:	<u>October 29, 2019</u>
Adopted:	<u>October 29, 2019</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Proposed Regulation 19-19, *Maximum Rates for Motor Vehicle Towing from Private Property*

Background

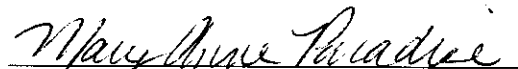
1. On September 5, 2019, the Council received proposed Regulation 19-19, *Maximum Rates for Motor Vehicle Towing from Private Property*.
2. The Council must review the regulation under method (2) of Section 2A-15 of the Code.
3. Under method (2), if the Council does not approve or disapprove a regulation within 60 calendar days after the Council receives the regulation, the regulation automatically takes effect.
4. Regulation 19-19 increases the storage rate that towing companies may charge to store vehicles towed from private property.
5. The Council's Public Safety Committee held a worksession on the proposed regulation on October 14, 2019. The Committee unanimously recommended approval of Regulation 19-19.

Action

The County Council for Montgomery County, Maryland approves the following regulation:

Regulation 19-19, *Maximum Rates for Motor Vehicle Towing from Private Property*, is approved.

This is a correct copy of Council action.


Mary Anne Paradise
Acting Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject Maximum Rates For Motor Vehicle Towing From Private Property	Number 19-19
Originating Department Office of Consumer Protection	Effective Date October 29, 2019

Montgomery County Regulation on:

MAXIMUM RATES FOR MOTOR VEHICLE TOWING FROM PRIVATE PROPERTY

OFFICE OF CONSUMER PROTECTION

Issued By: County Executive

Regulation No. 19-19

COMCOR 30C.02.01

Authority: Code Section: 30C-3

Council Review: Method 2 under Code Section 2A-15

Register Vol. 36 Issue 5

Comment Deadline: May 31, 2019

Effective Date: October 29, 2019

Supersedes: Executive Regulation 15-11

SUMMARY: This regulation revises the maximum rates that a trespass towing company may charge when towing a motor vehicle from private property without the consent of the owner.

ADDRESS: Copies of the regulation may be obtained from the Office of Consumer Protection, 100 Maryland Avenue, Suite 330, Rockville, MD 20850

STAFF CONTACT: Tracy Rezvani, Administrator, (240) 777-3774

BACKGROUND INFORMATION: Chapter 30C of the Montgomery County Code regulates the towing of vehicles from private property. Section 30C-3 requires that the County Executive establish by regulation the maximum rates that a towing company or business may charge when towing a motor vehicle from private property without the consent of the owner. This regulation revises those rates and otherwise makes ministerial changes to make the regulation compliant with the law.

SECTION 1. DEFINITIONS. The terms used in the regulation have the same meaning as in Chapter 30C, Montgomery County Code. Each piece of a tractor trailer combination is considered to be a vehicle when a towing company tows both pieces as a unit.

SECTION 2. LIMITATIONS ON SCOPE. This regulation does not apply to the following:



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- (a) Towing initiated by the vehicle owner;
- (b) Towing approved or requested by a police officer, firefighter, or rescue squad member in the course of duty or under the state law on abandoned vehicles; or
- (c) Towing a motor vehicle while repossessing it.

SECTION 3. MAXIMUM TOWING RATES. When towing a motor vehicle from private property without the consent of the owner, a towing company must not charge more than the following rates:

- (a) for vehicles with a gross vehicle weight rating of 8,000 pounds or less:
 - (1) for attaching the vehicle to be towed to the tow truck, towing the vehicle to a storage site and the first 24 hours of storage; including any other service needed to safely remove the vehicle (such as unlocking, disconnecting and reconnecting the driveshaft, securing the steering wheel, dollying, flatbedding, or use of go-jacks) - \$150.00.
 - (2) The receipt that must be furnished to the vehicle owner in accordance with Montgomery County Code Section 30C- 9 (e) must list the tow truck's odometer readings when the vehicle is attached and when it reaches the storage site.
 - (3) for storing the vehicle until it is redeemed - \$30.00 for each 24- hour time period, or portion thereof, the vehicle remains in the custody of the towing company, after the first 24- hour time period.

For the purposes of this subsection, a towing company does not have custody of the vehicle until the vehicle actually reaches the storage site. The receipt that must be furnished to the vehicle owner in accordance with Montgomery County Code Section 30C-9(e) must state the date and time when the vehicle reached the storage site, when the police were notified, and when the vehicle was redeemed by its owner.

- (b) for vehicles 8,001 to 20,000 pounds gross vehicle weight rating:



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- (1) for attaching the vehicle to be towed to the tow truck, towing the vehicle to a storage site and the first 24 hours of storage, including any other service needed to safely remove the vehicle - \$250.00;
- (2) The receipt that must be furnished to the vehicle owner in accordance with Montgomery County Code Section 30C-9 (e) must list the tow truck's odometer readings when the vehicle is attached and when it reaches the storage site.
- (3) for storing the vehicle until it is redeemed - \$45.00 for each 24-hour time period, or portion thereof, the vehicle remains in the custody of the towing company after the first 24- hour time period.

For the purposes of this subsection, a towing company does not have custody of the vehicle until the vehicle actually reaches the storage site. The receipt that must be furnished to the vehicle owner in accordance with Montgomery County Code Section 30C-9(e) must state the date and time when the vehicle reached the storage site, when the police were notified, and when the vehicle was redeemed by its owner.

(c) for vehicles over 20,000 pounds gross vehicle weight rating:

- (1) for attaching the vehicle to be towed to the tow truck, towing the vehicle to a storage site and the first 24 hours of storage, including any other service needed to safely remove the vehicle - \$500.00;
- (2) The receipt that must be furnished to the vehicle owner in accordance with Montgomery County Code Section 30C-9(e) must list the tow truck's odometer readings when the vehicle is attached and when it reaches the storage site.
- (3) for storing the vehicle until it is redeemed - \$85.00 for each 24-hour time period, or portion thereof, the vehicle remains in the custody of the towing company after the first 24- hour time period.



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For the purposes of this subsection, a towing company does not have custody of the vehicle until the vehicle actually reaches the storage site. The receipt that must be furnished to the vehicle owner in accordance with Montgomery County Code Section 30C-9(e) must state the date and time when the vehicle reached the storage site, when the police were notified, and when the vehicle was redeemed by its owner.

d) A towing company must not charge for any act not listed in this section unless that act was expressly requested by the vehicle owner.

SECTION 4. SEVERABILITY. The provisions of this regulation are severable. If a court holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

SECTION 5. EFFECTIVE DATE. This regulation takes effect immediately after adoption by the County Council.

Approved:

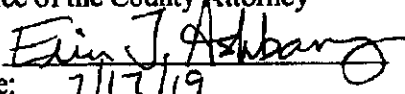

Marc Elrich, County Executive

Date:

9/4/19

Approved as to Form and Legality
Office of the County Attorney

By:


Date: 7/17/19