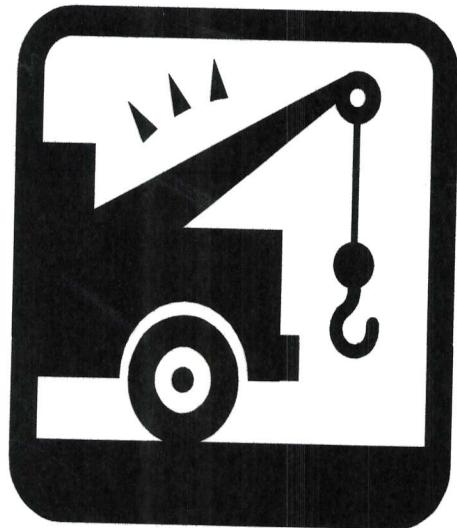


BOARD OF LICENSES FOR TOWING SERVICES

RULES AND REGULATIONS



October 11, 2012

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Board of Licenses for Towing Services

Rules and Regulations

RULE NO. 1 GENERAL

1.01 Purpose

The Board of Licenses for Towing Services (hereinafter referred to as "Board") is a group of representatives from a variety of City Agencies, private sector business, and persons representing the community. The purpose of the Board is to hear and decide specific issues arising out of tows from private property. The Board also regulates private property towing practices. In addition, the Board has the authority to license tow truck companies performing towing services from private property located in Baltimore City. The Board receives its authority from Article 15 Subtitle 22 Towing Services of the Baltimore City Code (Edition 2000), as from time to time amended (hereinafter referred to as "Code"). See Exhibit I.

1.02 Definitions

As used in these regulations, the following words shall have the following meanings:

- (a) "ATM" means any electronic information-processing device located in this State that accepts or dispenses cash in connection with a credit, deposit, or convenience account. ATM does not include a device used for the payment of goods or services (i.e. a point of sale machine that does not dispense cash).
- (b) "Automobile" means any vehicle which is self-propelled or propelled by electric power obtained from overhead electrical wires, but not operated upon rails.
- (c) "Board" means the Board of Licenses For Towing Services of Baltimore City.
- (d) "Board Meeting" means any scheduled or emergency meeting of the Board.
- (e) "Contractor" means a person who enters into an agreement with either a towing service subcontractor or with another person not engaged in providing a towing service, or both, for the purpose of securing or providing a towing service.
- (f) "Drop" means the release of a motor vehicle to its owner or lawful possessor after the possession of the motor vehicle for towing purposes already has been completely accomplished by the tow truck operator by attachment to, placement on,

or otherwise securing for towing by the tow truck, but prior to its removal from the property.

- (g) "Drop Fee" means a fee no greater than 50% of the Licensee's towing fee, which would normally be charged for the tow, which would have occurred, but for the Drop.
- (h) "Executive Meeting" means any scheduled or emergency meeting of the Board to discuss new or pending matters that are not open to the public.
- (i) "License" means the license to engage in the business of towing vehicles within Baltimore City issued pursuant to Article 15, Section 22-1 of the Baltimore City Code.
- (j) "Licensee" means a towing company currently licensed as a trespass tower in Baltimore City. The terms Licensee and Towing Company are used interchangeably and shall have the same meaning.
- (k) "Monitoring" see Patrolling.
- (l) "Motor Vehicle" see "Automobile".
- (m) "Office" means a building or other approved structure in which towing business and activities are conducted.
- (n) "Patrolling" means a service where tow trucks move about in, or canvass an area where current clients are located, so long as patrolling is a requested service as per the contract. Patrolling and monitoring shall have the same meaning, which terms exclude Predatory Towing and Spotting practices.
- (o) "Person" means every natural person, partnership, corporation, fiduciary, association or other entity. When used in any clause prescribing and imposing a penalty, the term "Person" as applied to any partnership or association shall mean the partners or members thereof, and as applied to any corporation shall include the officers thereof.
- (p) "Police Department" means the Baltimore City Police Department.
- (q) "Predatory Towing" occurs when a tower waits for a driver to exit the vehicle then proceeds to tow the car away.
- (r) "Premises" means the property on which the storage facility is located.
- (s) "Private Property" means a property having parking facilities with one (1) or more spaces accessible to the public, offered to customers, clientele, residents, lessees, or

guests, where parking restrictions by the use of tow truck services are intended to be enforced.

- (t) "Property Owner" means the owner or authorized agent of private property where trespass services are being provided.
- (u) "Special Meeting" means a meeting called in lieu of or in addition to any Board Meeting and may be conducted via telephone.
- (v) "Spotters" are those persons employed for the primary task of reporting the presence of unauthorized parked vehicles for the purposes of towing or removal and impounding.
- (w) "Storage" means the holding and safekeeping of motor vehicles.
- (x) "Storage Facility" means any place zoned for the storage of automobiles.
- (y) "Subcontractor" means a person who enters into an agreement with a towing service contractor to perform a towing service for the contractor.
- (z) "Towing" means the moving or removing of a vehicle by another motor vehicle.
- (aa) "Towing Service" means the operation of removing or towing motor vehicles for compensation.
- (bb) "Tow Truck Operator" means any person who is the operator of a towing vehicle.
- (cc) "Towing Vehicle" means a motor vehicle that tows, carries or removes another motor vehicle for a fee.
- (dd) "Trespass Towing" occurs when a tow company contracts with a private property owner to tow away unauthorized automobiles.

RULE NO. 2 BOARD OF LICENSES FOR TOWING SERVICES

2.01 Board Members

- (a) The Board shall be composed of:
 1. The Director of Finance;
 2. The Director of the Department of Transportation;
 3. The Police Commissioner;
 4. City Council President;

5. A representative of the property management industry who contracts with one (1) or more trespass towers;
6. A representative of the towing industry; and
7. Citizen at large.
 - a. The citizen and the representatives of the towing and property management industry shall be appointed by the Mayor and confirmed by a majority vote of the City Council, pursuant to Article IV §6 of the Baltimore City Charter.

(b) Term

1. The terms of the non-governmental members of the Board shall be four (4) years and shall coincide with the terms of the Mayor and City Council.
2. The members shall be appointed without regard to political party affiliation.

(c) Designated Subordinate

In the event that any governmental agency member of the Board cannot attend any meeting of the Board, such member may be represented by a designated subordinate to whom he/she has delegated his/her authority.

(d) Officers

The members of the Board shall annually elect a Chairman from among the members of the Board and shall appoint a Secretary.

(e) Compensation

Board members shall receive no compensation for services rendered by them as members of the Board; however, they shall be reimbursed for all necessary and proper expenses incurred in the discharge of their duties. Such reimbursement shall be made pursuant to the procedures set forth in the "Administrative Manual" for reimbursing city employees for expenses incurred in the discharge of their employment.

(f) Staff

The Board shall appoint such employees, assistants, and investigators at such compensation as may be provided in the annual ordinance of estimates from time to time. Staff members may consist of individuals from the Law Department, Zoning and the Office of Transportation.

(g) Meetings

The Board shall meet upon the call of the Chairman or at a time certain set by a majority of its members.

(h) Quorum

A majority of the Board shall constitute a quorum for the transaction of business and the action of a majority of the members at a meeting at which a quorum is present is the action of the Board.

(i) Restrictions on Participation

Any member of the Board having a financial, membership, or other economic interest in a Licensee, that could specifically affect that Licensee or the member's determination on a matter pending before the Board, will abstain from voting on that matter

2.02 Rules and Regulations

(a) Board to Adopt

The Board shall, from time to time, adopt such other rules and regulations, as it deems necessary, for the orderly conduct of its business.

(b) Notice and Hearing

Before the Board promulgates and adopts Rules and Regulations to carry out the purposes and intent of the "Towing Services" subtitle of the Baltimore City Code, the Board shall give at least fifteen (15) calendar days notice and hold a public hearing.

(c) Effect

The Rules and Regulations shall have the force and effect of law.

2.03 Other Duties

(a) The Motor Vehicle Administration (MVA) will create and manage a database of insurer addresses. The database will be made available at no cost to all licensed towiers.

(b) The Board will provide a copy of the Rules and Regulations to all license applicants.

RULE NO. 3 - LICENSING REQUIREMENT

3.01 It shall be unlawful for any person to engage in trespass towing service in Baltimore City without a valid towing license issued by the Director of Finance.

- 3.02 Any person acting as a subcontractor for a contractor in providing a towing service covered under Ordinance 273 of 1989 in Baltimore City (or any successor provision thereto) is required to obtain a towing license under the provisions of said Ordinance and these regulations.

RULE NO. 4 - ISSUANCE OF LICENSE

- 4.01 After examining the qualifications of each applicant; after the applicant provides the Board with evidence of liability insurance, workers compensation insurance, Certificate of Good Standing from the Department of Assessment and Taxation and other coverage required; and, upon approval of a license application by the Board as determined by a majority vote, the Director of Finance shall issue a license.
- 4.02 The license period for licenses issued under the subtitle "Towing Services" of the Code shall be from January 1st of each year through December 31st of the same year. A license issued at any time during a license period shall expire on December 31st following its issuance, but shall be subject to the fee required for a full period. The license is renewable annually. Renewal applications shall be made available by September 1st and post-marked by October 1st.
- (a) Licenses may be reviewed to ensure compliance of the Code and the Rules and Regulations. Towing companies may be subject to revocation or suspension of its license.
- 4.03 Applications for licenses or renewal of licenses shall be made on forms prescribed and furnished by the Board. All applications shall be signed by the applicant, or if a corporation, by an authorized corporate officer and shall be submitted to the Board with an application fee of \$100.00 in addition to a \$100.00 registration fee per tow truck, payable to the Director of Finance, and shall contain the following information:
- (a) Natural or corporate name and address of the towing company, including any trade name or DBA ("doing business as") name if different from that of the applicant.
- (b) Designated Agent -The name and business address of a natural person eighteen (18) years of age or older who is customarily present in an office in Baltimore City for the purpose of transacting business and who has been designated by the applicant as the applicant's authorized agent for receiving notices issued pursuant to Ordinance No. 273 (and any amendments thereto) and for receiving court process on behalf of the applicant in connection with the enforcement of the subtitle entitled "Towing Services" of the Code. The Board must be notified within twenty-four (24) hours of any change in this designated agent.

- (c) Make, serial number, year, motor vehicle license, and title certificate number of each towing vehicle for which a license is sought; the name of the owner of each vehicle; and the place where such vehicle is garaged when not engaged in actual towing operations. The applicant is required to have title for its tow vehicles.
- (d) The names and three (3) year certified driving records from the MVA, a valid Maryland driver's license, including CDL verification for heavy duty tow operators, and a valid DOT medical card of every tow truck operator.
- (e) Evidence that all tow truck operators and new hires submitted to work under this license have passed an alcohol and drug screening test as part of the employment process, and annually thereafter. The Board retains the right to bar any employee from working under this license if there is evidence of drug and /or alcohol use. New hires cannot do trespass towing until approved by the Board at a quarterly or special hearing. Drug/alcohol tests must be within 90 days of submission of your Trespass Towing application or hiring of new tow truck operator.
- (f) A schedule of charges for towing and other services incident to towing which shall include, when applicable, a description of how such charges are to be utilized by the applicant. The Licensee's approved schedule of charges and other services incident to towing must be clearly displayed in the place of business and tow trucks for the customers reclaiming their vehicles.
- (g) The exact location of any storage facilities equipped with an office to be utilized by the applicant.
- (h) The current zoning district designation for the applicant's storage and/or repair facilities.
- (i) A statement that if the license is issued, the applicant will notify the Board of any change in any fact contained in the application, including any change in the schedule of charges filed with the application, within twenty-four (24) hours of such change.
- (j) Unless otherwise expressly stated herein, no additional charges or fees not approved by the Board may be charged by the Licensees for the release of a vehicle.
- (k) A statement that the applicant agrees, if a license is issued, to abide by all rules and regulations promulgated by the Board and any amendments which may be made thereto from time to time.

- (l) The criminal record of:
 - 1. an individual applicant or applicants;
 - 2. each partner, if the applicant is a partnership;
 - 3. the officers of the corporation, if the applicant is a corporation;
 - 4. all tow truck operators employed as trespass towers
 - (m) The applicant shall notify the Board within thirty (30) calendar days of any hiring or firing of tow truck operators.
 - (n) Submit the name of the individual who serves as the licensee's representative for handling compliance issues.
 - (o) Each towing company tow truck operator must have and display a photographic identification badge at all times while working under this license issued by the Board. The badge must include the tow company name, telephone number, tow truck operator's last name and badge ID number. The badge must be surrendered to the Board within 72 hours upon demand by the Board. A deposit will be required and will be kept if the badge is lost or not returned. There will be a nominal fee for the badge.
- 4.04 Upon receipt of an application, the Board shall conduct an investigation of the applicant for a towing service license. The investigation shall include the following:
- (a) A determination that the applicant has the ability to engage in the licensed activity without detriment to the public.
 - (b) The adequacy of the applicant's storage and/or repair facility. The applicant's storage facility shall provide secure, fenced or walled-in storage. The applicant's storage facility shall have signs visible from the roadway where the towing facility is located.
 - (c) Whether the storage facility is located in a location that is readily accessible for the recovery of a motor vehicle.
 - (d) Proof that the vehicle(s) to be licensed is properly registered and complies with all applicable laws, regulations and rules established by the State of Maryland pursuant to the Transportation Article of the Annotated Code of Maryland.
 - (e) Proof that the applicant's storage and/or repair facilities are located in a place, which is properly zoned for such use. The storage facility shall be well-lighted or protected in some manner to prevent theft or vandalism to stored vehicles.

- (f) Applicant has been in the business of towing for at least twelve (12) consecutive months before applying for certification.
- (g) Proof that the applicant has complied with any other rule or regulation established by the Board or provided in the subtitle of the Baltimore City Code entitled "Towing Services."
- (h) A determination that the applicant's tow operators are properly licensed and certified.
 - Operator training.
 - 1. Each operator performing light duty towing shall have a Level I certification. Certification by the Towing and Recovery Association of America or Wreckmaster, Inc. shall be considered sufficient, but is not limited to said certification.
 - 2. Heavy duty towing companies shall have a certification for recovery of heavy trucks for each operator. Certification by the Towing and Recovery Association of America or Wreckmaster, Inc. shall be considered sufficient, but is not limited to said certification.
 - (i) A determination that none of the owners, officers, partners, operators, or other employees involved in the operation and/or management of the business, whether paid or unpaid, has within the past ten (10) years been convicted of or pleaded guilty to:
 - 1. A felony or sex offense including fraud or a integrity-related charge including attempts and conspiracy;
 - 2. Insurance fraud;
 - 3. Theft of a vehicle or theft from a vehicle;
 - 4. Impersonating a police officer;
 - 5. Assaulting a police officer;
 - 6. False statements to the Police

and any active parole or probation for an offense described in (i) of this section

and that none is on a current registered sex offender roster of any state. A plea of *nolo contendere* shall be deemed to be the equivalent of a conviction or a guilty plea.

- (j) A determination that a court of competent jurisdiction has not found an applicant's or a licensee's tow operator guilty of criminal activity during the preceding five (5) years directly related to the operation of the business of towing. A plea of *nolo contendere* shall be deemed to be the equivalent of a conviction or a guilty plea.

- (k) A determination that any applicant's or a licensee's tow operator does not have more than eight (8) current points on his/her driver's license, and does not have a driving restriction for an alcohol or drug related violation, according to MVA records.
 - (l) The applicants, applicant's drivers and new hires shall submit a waiver allowing the Board to conduct any investigation it deems necessary.
- 4.05 If the information supplied by the applicant is found to be correct, after the investigation by the Board, and provided the applicant has fully complied with the provisions of the subtitle of the Code entitled "Towing Services" and the rules and regulations promulgated by the Board in connection therewith, the Board shall vote on approval of the license. Should the Board find that the information provided in the application is incorrect or that the applicant is not in compliance with the laws and regulations, the application shall be rejected and returned to the applicant with suitable notification of the reasons for rejection.
- 4.06 Upon submitting the application to the Board, every person to be licensed shall file with said application:
- a) Evidence that such person has obtained commercial liability insurance in the amount required by federal law for transporting property in interstate or foreign commerce.
 - b) A certificate of commercial liability insurance for tow vehicles listed on the application in an amount of at least \$1,000,000 per occurrence for claims arising out of bodily injuries or death, and property damages. In those policies with aggregate limits, a minimum limit of \$3,000,000 is required. Such insurance shall include contractual liability insurance, umbrella and excess liability insurance;
 - c) A certificate of business automobile liability insurance for tow vehicles listed on the application in an amount of at least \$1,000,000 per occurrence for all claims arising out of bodily injuries or death and property damages, This insurance shall apply to any owned, non-owned, leased, or hired automobiles, and trucks involved in or used for the act of towing services;
 - d) a certificate of Garage Keepers Legal Liability insurance including On-Hook coverage with limits of no less than \$100,000 per occurrence with no aggregate;
 - e) Evidence that such person has obtained vehicle liability insurance that meets or exceeds the State of Maryland's minimum requirements for towing companies and includes coverage for any and all owned, non-owned, scheduled, and hired autos, vehicles, and trucks involved in or used for the act of towing services.
 - f) Evidence that such person has obtained workers' compensation insurance that meets or

exceeds the State of Maryland's statutory requirements.

- g) These insurances must be issued by an insurance company authorized to do business in the State of Maryland.

4.07 Evidence of insurance shall be in the form of a certificate of insurance or a true and certified copy of any policy required. Every person licensed or to be licensed shall provide the Board with a true and certified copy of any policy required whenever requested to do so by the Board. The Mayor and City Council of Baltimore shall be named as additional insured on all policies. Notice shall be given to:

The Mayor and City Council of Baltimore, as Additional Insured
c/o Department of Transportation
417 East Fayette Street, Room 512
Baltimore, Maryland 21202

- 4.08 The insurance policies required by law and these regulations must be issued by an insurance company licensed to do business in the State of Maryland having an A.M. Best rating of "B+" or better.
- 4.09 The license issued pursuant to Ordinance 273 of 1989 and these regulations is issued on the condition that the Licensee has previously obtained and continuously maintains the insurance required by the Code and these rules and regulations. The Licensee shall notify the Board of Licenses for Towing Services of the cancellation or non-renewal of the insurance required under the provisions of the Code, as amended, and these regulations. Such notice shall be given in writing fifteen (15) calendar days prior to the effective date of such cancellation or non-renewal. Failure to obtain and continuously maintain the insurance in effect will invalidate the license issued pursuant to the law and these regulations, such invalidation to become effective as of the date of the first non-covered period. The Licensee must surrender its license and any copies thereof to the Board should such license become invalid immediately.
- 4.10 No original or renewal license shall be issued until the applicant has furnished evidence of the commercial liability insurance and other coverage pursuant to the provisions of Regulation 4.06 (a), (b), (c), (d), (e), (f) and (g).
- 4.11 If the license is invalidated for failure to conform with the insurance requirements, and the person engaged in the towing services desires a new license, a new application must be submitted, along with the evidence of compliance with all licensing requirements, including payment of all applicable fees.

- 4.12 Following invalidation of a license, no applicant shall engage in towing or otherwise perform any act authorized by such license.
- 4.13 If the towing company moves its location, the applicant shall notify the City within twenty-four (24) hours of such move.
- 4.14 Information regarding an applicant's insurance policy, including but not limited to the name, address and policy limits, shall be public information and made available upon written request.

RULE NO. 5 – DUTIES OF LICENSEE

- 5.01 Licensee has a duty to respond to requests made by the Board or its representatives within forty-eight (48) hours of the Boards' written or oral request(s).
- 5.02 A Licensee who, for any reason, terminates his towing business shall notify the Board of such fact and shall, within twenty-four (24) hours of the cessation of such towing business, surrender the license and all copies thereof to the Board. Such notification shall be in writing and signed by the owner and shall accompany the license.
- 5.03 A copy of the license shall be kept in each tow truck or towing vehicle licensed under the subtitle "Towing Services." Each copy of the license shall contain the make, serial number, year, motor vehicle license, and registration certificate number of the towing vehicle for which it is issued and in which it is to be carried. No copy may be used in more than one (1) towing vehicle.
- 5.04 Licensee must be contractually authorized to tow from the private lot.
 - (a) Licensee will utilize the Board's standard private party contract ("contract"), see Exhibit III, for all signed agreements with owners of private lots for trespass towing services. The standard contract may be modified by the Licensee provided that all substantive elements of the contract remain. The Board will revise and amend the contract as necessary. All contracts must be updated in accordance with this section within 12 months of the effective date of these regulations.
 - (b) Licensee must forward a signed copy of any contract between Licensee and Property Owner to the Board within forty-eight (48) hours of Board's request. If the contract is signed by an agent of the Property Owner, Licensee has the burden of proving the agent is authorized to enter into contracts on behalf of the Property Owner.

- 5.05 Licensee must prepare and implement a comprehensive Customer Service Policy, which shall be submitted to the Board with Licensee's application. The Customer Service Policy shall address such issues as customer complaints, employee disciplinary policies, and positive relations in addition to other issues.
- 5.06 If the signage requirements are not met, Licensee is not authorized to tow vehicles. Each sign posted by Licensee must:
- (d) Be a minimum of 24 inches high and 30 inches wide;
 - (e) Be clearly visible to drivers entering and exiting or parking in the lot;
 - (f) Include the Licensee name, address, phone number, and city license number;
 - (g) State the location to which vehicles will be towed, the maximum amount that may be charged, and that towed vehicles are available for release twenty-four (24) hours a day, seven (7) days a week.
- 5.07 Licensee may not employ or otherwise compensate "spotters" and may not pay the owner, agent, or employee of the private property to "spot" vehicles.
- 5.08 Licensee may not tow a vehicle solely on failure to display a valid current vehicle license registration until seventy-two (72) hours after a notice of the violation is placed on the vehicle.
- 5.09 Licensee will not knowingly tow or prepare to tow a vehicle while it is occupied by a person or animal.
- 5.10 Licensees shall not relocate a vehicle to make it eligible to be towed.
- 5.11 A vehicle may not be towed from a parking lot to a location that is more than ten (10) miles away or outside the state.
- 5.12 Upon removal of a vehicle from a parking lot, Licensee shall immediately deliver the vehicle to the storage facility identified by the posted signs. Licensee is prohibited from moving the vehicle from that facility for at least seventy-two (72) hours.
- 5.13 Licensee must implement a "Drop Fee" policy for those owners who wish to recover their automobile after the vehicle is attached, whether or not the vehicle has been lifted off the ground, and not removed from the private property. The licensee who possesses the vehicle must inform the vehicle owner or the owner's agent of the drop fee policy. Before a

vehicle is removed from a parking lot, a licensee who possesses the vehicle shall release the vehicle to the owner or the owner's agent if:

- a) The owner or the owner's agent requests the release of the vehicle;
- b) The vehicle can be driven under its own power;
- c) The owner or agent pays a drop free not exceeding fifty percent (50%) of the cost of the full tow. Tow truck operator will allow the requester a reasonable period of time (fifteen (15) to twenty (20) minutes) to obtain the drop fee; and

A tow company must not refuse to offer or honor the drop fee if the police are called.

5.14 It shall be the duty of the Licensee, within one (1) hour after removing a motor vehicle, to notify the Police Department Communications Center that said vehicle has been removed and provide a description of the vehicle and any other information requested by the Center.

5.15 Licensee shall prepare a towing record which shall include the following information for each vehicle towed:

- (a) The date and time the vehicle was towed.
- (b) The license plate and the motor vehicle identification number of the vehicle.
- (c) The location from which the vehicle was towed.
- (d) The location to which the vehicle was towed.
- (e) The reason for towing the vehicle.
- (f) Identification number of the person authorizing the tow.
- (g) Photographic evidence of the parking violation.
- (h) Photographic evidence of the trespass tow sign that is clearly visible from the vehicle.
- (i) If charging for removing a split tow, must provide photographic evidence of the split tow.

Licensee shall provide the information in (a) - (f) to the customer at the time of redemption.

5.16 Licensee shall keep all records made in the ordinary course of its business, including bills, at the storage facility and make all records available for inspection on demand by the Board or its authorized agent or the Police Department during regular business hours. Records relating to towing services shall be retained by the Licensee for a minimum of two (2) years.

5.17 Each Licensee by the Board shall make available for inspection by the Police Department those motor vehicles that remain impounded or stored in its storage or repair facilities.

- 5.18 Should a vehicle stay in the Licensee's possession for seventy-two (72) hours or longer without any notification from the legal owner or authorized representative, the Licensee shall again contact the Police Department Communications Center with the information found in the provisions of Regulation 5.15 (a-d) if the vehicle was moved to a new storage location.
- 5.19 Licensee must make all reasonable efforts to contact the legal owner prior to disposal. Reasonable efforts shall include notifying the owner, any secured party, and the insurer of record by certified mail, return receipt requested, and first-class mail within three (3) days, exclusive of days the licensee is closed, after towing the vehicle. The notice must include all information required for the towing record in Regulation 5.15(a-d). Licensee shall also provide an itemized list of the actual costs of providing this notice. Disposal may occur thirty (30) calendar days after taking possession of an automobile.
- 5.20 Receipts:
- (a) Upon payment of any fees for towing services, including a Drop Fee, the tow truck operator or any other employee of the licensee shall immediately provide a receipt for the amount paid and shall print a clerk number or ID number on the receipt and deliver to the motor vehicle owner or operator a receipt in a legible manner.
- (b) For any vehicle towed from private property, the receipt given to the owner or owner's agent must contain the following statement, which may not be stamped or handwritten onto the receipt:
“Towing from private property facilities is regulated by City Code Article 31, Subtitle 21 and by City Code Article 15, Subtitle 22. For complaints, please call the Baltimore City Towing Board at 410.545.3377”
- 5.21 Licensee must accept as payment cash or at least two major, nationally recognized credits cards. If the licensee only accepts cash, an ATM must be available and in proper working order at all times on the premises where persons seeking to reclaim their vehicles will be required to pay the tower. If the ATM is in need of repair, Licensee must make a good faith effort to repair it as soon as possible. If the ATM and/or credit card machines are not working, Licensee must accept personal checks, except where neither machine works because the card is declined.
- 5.22 Licensee must have an office building or sound structure approved by the Board on the premises of the storage facility where persons seeking to reclaim their vehicles can pay the Licensee for the retrieval of their automobile. The storage facility and office must be available twenty-four (24) hours a day, seven (7) days a week. Licensee must accept all calls, including the calls of unknown numbers or blocked IDs. The vehicle's owner or owner's agent is not required to call or make an appointment prior to picking up the vehicle

- 5.23 When a vehicle has been towed from private property, Licensee must provide the owner of the vehicle or the owner's agent the opportunity to retake possession of the vehicle at any time, twenty-four (24) hours a day, seven (7) days a week. The vehicle's owner or owner's agent must be allowed to inspect the vehicle and retrieve all personal property not attached to the vehicle.
- 5.24 Licensee may not require the vehicle's owner or owner's agent to sign a damage waiver as a condition of release before being allowed an opportunity to inspect the vehicle.
- 5.25 Licensee shall notify the Board of the arrest, probation before judgment, conviction or plea of *nolo contendere* for any offense (other than a minor traffic offense not involving the use of alcohol or drugs) of any owner, officer, partner, tow truck operator, or other employees involved in the operation and/or management of the business, whether paid or unpaid, within 72 hours of the arrest, probation before judgment, conviction or plea of *nolo contendere*.

RULE NO. 6 - DENIAL, REVOCATION, SUSPENSION, REFUSAL TO RENEW LICENSE

- 6.01 The Board is hereby authorized to deny, suspend, revoke, or refuse to renew any license for a period of time just and reasonable in relation to the severity of the violation if the Board finds:
- i. The applicant or Licensee has furnished or made misleading or false statements on reports, certifications, or written documents required by the subtitle "Towing Services."
 - ii. A court of competent jurisdiction has found an applicant for a license or a Licensee guilty of criminal activity during the preceding five (5) years directly related to the operation of the business of towing. A plea of *nolo contendere* shall be deemed to be the equivalent of a conviction or a guilty plea.
 - iii. A court of competent jurisdiction has found a tow truck operator, employed by the Licensee, guilty of a criminal act authorized by the Licensee.
 - iv. A motor vehicle has been towed by a licensee without the consent of the property owner or its agent without complying with local, state, or federal law.

- v. A tow truck operator has failed to comply with any law regulating the towing of motor vehicles.
- b) The Licensee has failed to make available for inspection by the Board or its representative its daily towing log kept in the ordinary course of its business as required.
- c) The Licensee has failed to allow the Police Department reasonable access to inspect any motor vehicle listed in the Licensee's records that is stored at the storage facility of the licensee.
- d) The applicant or Licensee has failed to comply with or has violated the provisions of the subtitle of the Baltimore City Code entitled "Towing Services," the Annotated Code of Maryland (Exhibit II), the rules or regulations adopted by the Board or any applicable federal, state, or local law.
- e) The Licensee has towed an automobile from a lot the Licensee has no current contract or authorization from which to tow.
- f) Licensee refuses to respond to the Board's request for information within the requested time.
- g) The Licensee has employed Spotting or Predatory practices as part of their towing policy as determined by the Board.
- h) Licensee or its representatives has engaged in public behavior that consists of the use of wanton and offensive profanity, physical violence or threat thereof, or being disrespectful in any manner to the public, authorities, other towers or city personnel
- i) When a contract is terminated, the new Licensee must allow old Licensee 30 days to remove the old Licensee signs.
- j) The Licensee has offered or paid any remuneration (e.g., cash, snowplowing, striping, free towing) to any owner, agent, employee or users of the parking lot.
- k) The Board has the right to periodically review the status of licenses as warranted if the Board has determined that the Licensee has more than three (3) customer complaints regarding the same issue, whether heard before the Board or settled prior to coming to the Board. Any complaint received by the Department of Transportation and resolved prior to being heard by the Board will become a matter of record for the Board.
- l) The Licensee's refusal or failure to remit automobile owner's refund within two (2) weeks as ordered by the Board.

- m) The Licensee has failed on site investigations conducted by the Board or has been implicated in a sting operation conducted by the Board in conjunction with the Baltimore Police Department.
 - n) Should the licensee's license be suspended, revoked, or denied, or should the Board refuse to renew the licensee's license, the Board will notify the Special Operations Section of the Baltimore Police Department of the licensee's status, if applicable.
- 6.02 If the Board denies, revokes, or refuses to renew a license, the applicant shall not be eligible to apply for another license for a period of twelve (12) months after the date on which the Board rendered its decision relating to a license denial, revocation, or refusal to renew.
- 6.03 The Board has the authority to suspend a license for a period of time just and reasonable in relation to the severity of the violation if the Board finds reasonable cause for doing so.

RULE NO. 7 – HEARINGS

- 7.01 Hearings regarding Licensees
- (a) No license shall be denied, suspended, revoked, or not renewed without the Board first affording the Licensee an opportunity for a hearing.
 - (b) The applicant or Licensee shall be informed in writing by certified or registered mail fifteen (15) calendar days prior to the date set for the hearing of the date, time, place, of the specific reason for refusal, denial, suspension, revocation, or failure to renew the application or license. Failure to appear at the scheduled hearing may result in suspension or revocation of Towing Services License.
- 7.02 Hearings regarding complaints:
- (a) All parties will be given the opportunity to be heard in person and by counsel.
 - (b) The Board shall render a decision within ten (10) business days following the hearing and shall state its reasons in writing and forward a copy of said decision to all parties by certified or registered mail.
 - (c) The Board may hear claims regarding damage to vehicles on the record but will not make a determination of liability regarding the matter. At the time that a court judgment has been rendered in favor of a complainant, the Board may submit a claim against Licensee's insurance and/or bond on behalf of the complainant should the Licensee refuse or fail to honor the judgment.

- (d) All parties must be present for a hearing before the Board. No written communication or electronic transmission communication will be heard.
- 7.03 Any person aggrieved by a decision of the Board may seek judicial review of the decision by petitioning to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure. The person appealing the decision of the Board shall pay all expenses related to the transcription of the record.
- 7.04 The procedure for appeal shall be as provided by the Maryland Rules of Procedure for appeals from an administrative agency.

RULE NO. 8 - SEVERABILITY AND SAVINGS CLAUSES

- 8.01 If any provision of these Rules and Regulations or its application is held to be invalid, the remainder of these Rules and Regulations or the application of their provisions shall not be affected. The provisions of these Rules and Regulations are declared to be severable. If any provision of these Rules and Regulations shall be determined to be in conflict with the Code or other applicable law, or with superior or controlling regulation, the Code, other law, or other superior or controlling regulation shall prevail and these regulations shall be enforced in accordance therewith.

RULE NO. 9 - GENERAL PROVISIONS

- 9.01 The standard for determining the ten (10) mile towing limits will be straight-line air miles.
- 9.02 The Board is authorized to hear and/or decide any matter that may not be specifically enumerated in these Rules and Regulations so long as it is within the Boards scope to do so.
- 9.03 Licensees must comply with all relevant federal, state, and city laws and regulations.

APPENDIX I

APPENDIX II

APPENDIX III

[Name of towing company]

[Address]

[Phone number]

[License number]

PRIVATE PARTY CONTRACT

[Name of Towing Company] is hereby authorized to remove unauthorized parked vehicles from the property described below:

Name of Property: _____

Name of Property Owner and Phone #: _____

Property located at: _____

Patrol Hours: Between _____ to _____ on the following days

Will Call Hours: Between _____ to _____ on the following days

Additional Instructions: _____

Location(s) of property for tows: _____

Number of spaces #: _____

The term of this Contract is one year from the date of execution. This Contract may be renewed at the option of both parties as evidenced by the owner/agent initialing and dating below.

Termination of this Contract must be in writing thirty (30) calendar days before cancellation.

Key Contact: _____

Phone #: _____

Title: _____

Email: _____

Contact: _____

Phone #: _____

Title: _____

Email: _____

Business Address other than lot address:

Code# _____

I solemnly swear and affirm under the penalties of perjury that I am the owner of record and/or an authorized representative with the authority to act on behalf of the legal owner of the aforementioned real estate.

Printed Name: _____

Signature: _____

Date: _____

Initial _____

Date _____

Initial _____

Date _____

Initial _____

Date _____