Changes to Montgomery County Code Chapter 30C - Motor Vehicle Towing & Immobilization on Private Property effective November 30, 2015

This document is intended to highlight the changes to Chapter 30C. Please refer to the county code for the complete law. Please be aware that sections of Chapter 30C have been renumbered to reflect the changes and additions.

Definitions:

- Added definitions for commercial and residential property, GVWR, vehicle and vehicle owner.

Administration and Maximum Rates:

- Mileage charge has been removed and allows County Executive to set a flat rate for towing the vehicle and first day of storage. (**Current rate regulation remains in effect until new regulations are approved.**)
- Incomplete tow fee at $25 across all weight classes (**Effective 11/30/2015**)
- Requires all **new** towing contracts to have statements notifying property owners of their responsibilities under 30C.
- Commercial parking lot owners (<u>excluding garages</u>) engaging in trespass towing must electronically register with Office of Consumer Protection and provide annual reports on towing activity. Link to online registration: www.montgomerycountymd.gov/ocp/licensing/lot_registration.html. Commercial parking lots must be registered by January 1, 2016 and the first annual report will be due by January 1, 2017.

Signs:

- Must be at least 24 inches high and 30 inches wide.
- At least one sign must be readable from each parking area and entrance.
- In a parking lot with more than 45 parking spaces must have at least 1 sign for every 45 parking spaces and be readable from all affected spaces.
- Must state:
    - Location to which vehicle will be towed, the name and telephone of the towing company
    - That County and State law require that towed vehicles be available for redemption 24 hours per day, 7 days per week (This language must be on signs.)
    - The maximum amount the vehicle owner may be charged for the tow. Current County maximum is $440 for towing and mileage and $80 per day storage.

Towing by Notice Placed on Vehicle:

- If a violation notice is conspicuously placed on an unauthorized vehicle and the vehicle is not towed for at least 24hrs (commercial property) or 48hrs (residential property) a property owner may post signs only at the entrances to a property.

Tow Procedures:

- Tows must be authorized by property owner or agent **in writing** via tow authorization form in person, by fax or email. **Exceptions**:
    - Between the hours of 2 a.m. to 9 a.m.
    - If the vehicle is blocking a clearly marked fire lane, or access to another vehicle, the property or a building on the property.
    - Vehicle is in a handicapped space without valid registration plate or permit.
- Must obtain photographic evidence of violation and provide copy of photo to vehicle owner along with tow receipt. A tow company employee **cannot** take the photographs on commercial property. Photographs must be available for inspection by interested parties for at least one year.
- Except between 2 a.m. and 9 a.m., a towing company must **not** monitor, patrol, or otherwise surveil commercial property for the purposes of identifying unauthorized vehicles to be towed.
- May not tow solely for failure to display a valid current registration until 72 hours after violation notice is placed on vehicle.

Notice:

- Must provide VIN when notifying police.
- For vehicles towed without a tow authorization form, tow company must keep a record of information furnished to police.
- Within 7 days after towing a vehicle the tow company must notify the owner, any secured party, and the insurer of record by certified mail, return receipt requested and first class mail the same information provided to the police.
- Tow company must provide itemized actual cost of providing notice to the owner, any secured party, and the insurer of record.

Incomplete Tows

- **Release fee cannot exceed $25.00 for all vehicles.**
- Tow company must not charge for releasing vehicle unless it is physically attached to the tow truck and it is lifted 6 inches off the ground.
- Must provide a receipt with reference to Montgomery County Code 30C-3(c) and state that drop fee cannot exceed $25.00 and complies with all requirements for receipts under section 20C-9(e).

Redemption, Storage and Payment:

- Storage site cannot be more than 15 miles from origin of tow, unless nearest site is within 1 mile of county line.
- Tow company must immediately deliver vehicle directly to storage site.
- Storage site must have a sign at the entrance with the name and telephone number of tow company.
- Must remain open, be brightly lit, and have personnel on-site 24 hours per day, 7 days a week for redemption of vehicles
- Must make vehicle available, without charge, to owner/owner's agent, insurer, or secured party for:
    - Inspection
    - Retrieval of personal property not attached to the vehicle.
- Must accept payment in cash, traveler's check (accompanied by reasonable ID) and the two most widely used major credit cards (Visa and MasterCard) and a tow company **cannot** charge a checkout fee on credit card transactions.
- Must provide receipt that complies with the requirements of 30C-9(e).

Enforcement, Police Power, Subpoena Authority

- Police officers and Office of Consumer Protection Investigators may order a tow company to release a vehicle or stop attaching a vehicle at any time to prevent breach of the peace or if they believe the tow would be or was unlawful.
- The Office of Consumer Protection may issue subpoenas to compel production of documents, papers, books, records and other evidence relevant to the investigation of complaints.

Immobilization (Booting)

- Prohibited on private property without the consent of the vehicle owner.

Violations of County Law

Consumers still have private right of action for violations and the Office of Consumer Protection will continue to enforce provisions of Montgomery County Code 30C.

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