

Resolution No.: 16-711  
Introduced: September 16, 2008  
Adopted: September 16, 2008

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Approval of Executive Regulation No. 2-08, Maximum Rates for Motor Vehicle Towing from Private Property

**Background**

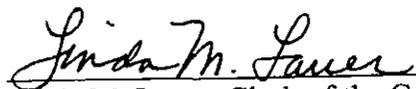
1. On July 25, 2008, the County Council received Executive Regulation 2-08, *Maximum Rates for Motor Vehicle Towing from Private Property* from the County Executive.
2. Regulation 2-08 is processed under Method 2, and will take effect on September 23, 2008 unless the Council takes action.
3. Regulation 2-08 increases several "maximum rates" that tow companies may charge to remove vehicles from private property.
4. The Transportation, Infrastructure, Energy, and Environment Committee reviewed the proposed regulation on September 8, 2008, and recommended approval (3-0).

**Action**

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

Executive Regulation 2-08, *Maximum Rates for Motor Vehicle Towing from Private Property*, is approved.

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

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| <b>Subject</b><br>Maximum Rates For Motor Vehicle Towing From Private Property | <b>Number</b><br>2-08                       |
| <b>Originating Department</b><br>Office of Consumer Protection                 | <b>Effective Date</b><br>September 16, 2008 |

Montgomery County Regulation on:

## MAXIMUM RATES FOR MOTOR VEHICLE TOWING FROM PRIVATE PROPERTY

### OFFICE OF CONSUMER PROTECTION

Issued By: County Executive  
Regulation No. 2-08

Authority: Code Section: 30C-2  
Council Review: Method 2 under Code Section 2A-15  
Register Vol. 25 Issue 4

Comment Deadline: April 30, 2008  
Sunset Date: None  
Supersedes: Executive Regulation 4-03

**SUMMARY:** This regulation revises the maximum rates that a trespass towing service 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:** Investigator Douglas Numbers, telephone number 240-777-3636

**BACKGROUND INFORMATION:** Chapter 30C of the Montgomery County Code regulates the towing of vehicles from private property. Section 30C-2 requires that the County Executive establish by regulation the maximum rates that a towing service may charge when towing a motor vehicle from private property without the consent of the owner. This regulation revises those rates.



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| <b>Originating Department</b><br>Office of Consumer Protection                 | <b>Effective Date</b> |

**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 service tows both pieces.

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

- (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 service 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; 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) - \$100.00.
  - (2) for towing the vehicle to a storage site - \$4.00 per mile for the distance the vehicle is actually and reasonably towed to the nearest storage site available to the towing service in Montgomery County. Fractions of one-half mile or less must not be charged. Fractions greater than one-half mile may be charged as one mile. The mileage charges must not exceed twelve miles. The receipt that must be furnished the vehicle owner in accordance with Montgomery County Code Section 30C-8(f) must list the tow truck's odometer readings when the vehicle is attached and when it reaches the storage site.



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- (3) for storing the vehicle until it is redeemed - \$10.00 for the first 24-hour time period, or portion thereof, the vehicle remains in the custody of the towing service, and \$25.00 for each additional 24-hour time period, or portion thereof.

For the purposes of this subsection, a towing service does not have custody of the vehicle until the vehicle actually reaches the storage site or the property owner or owner's agent notifies the police department of the towing of the vehicle and provides the information required by Montgomery County Code Section 30C-5(a), whichever is later. The receipt that must be furnished the vehicle owner in accordance with Montgomery County Code Section 30C-8(f) 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.

- (4) for releasing a vehicle in an incomplete tow – if a vehicle owner returns to an unauthorized vehicle at any time after the vehicle is attached to the tow truck and lifted at least six inches off the ground but before it is towed from private property - \$50.00 or one-half the rate the towing service has filed under Montgomery County Code Section 30C-3(c) for attaching and towing the vehicle to the nearest storage area, whichever is lower. If the vehicle has not been lifted at least six inches off the ground, the service must release the vehicle without charging the owner any fee.
- (b) for vehicles 8,001 to 20,000 pounds gross vehicle weight rating:
- (1) for attaching the vehicle to be towed to the tow truck, including any other service needed to safely remove the vehicle - \$160.00;
- (2) for towing the vehicle to a storage site - \$5.00 per mile for the distance the vehicle is actually and reasonably towed to the nearest storage site available to the towing service in Montgomery County.



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| <b>Originating Department</b><br>Office of Consumer Protection                 | <b>Effective Date</b> |

Fractions of one-half mile or less must not be charged. Fractions greater than one-half mile may be charged as one mile. The mileage charged must not exceed twelve miles. The receipt that must be furnished the vehicle owner in accordance with Montgomery County Code Section 30C-8(f) 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 - \$15.00 for the first 24-hour time period, or portion thereof, the vehicle remains in the custody of the towing service, and \$40.00 for each additional 24-hour time period, or portion there of.

For the purposes of this subsection, a towing service does not have custody of the vehicle until the vehicle actually reaches the storage site or the property owner or owner's agent notifies the police department of the towing of the vehicle and provides the information required by Montgomery County Code Section 30C-5(a), whichever is later. The receipt that must be furnished the vehicle owner in accordance with Montgomery County Code Section 30C-8(f) 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.

- (4) for releasing a vehicle in an incomplete tow – if a vehicle owner returns to an unauthorized vehicle at any time after the vehicle is attached to the tow truck and lifted at least six inches off the ground but before it is towed from private property - \$80.00 or one-half the rate the towing service has filed under Montgomery County Code Section 30C-3(c) for attaching and towing the vehicle to the nearest storage area, whichever is lower. If the vehicle has not been lifted at least six inches off the ground, the service must release the vehicle without charging the owner any fee.
- (c) for vehicles over 20,000 pounds gross vehicle weight rating:



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| <b>Originating Department</b><br>Office of Consumer Protection                 | <b>Effective Date</b> |

- (1) for attaching the vehicle to be towed to the tow truck, including any other service needed to safely remove the vehicle - \$320.00;
- (2) for towing the vehicle to a storage site - \$10.00 per mile for the distance the vehicle is actually and reasonably towed to the nearest storage site available to the towing service in Montgomery County. Fractions of one-half mile or less must not be charged. Fractions greater than one-half mile may be charged as one mile. The mileage charged must not exceed twelve miles. The receipt that must be furnished the vehicle owner in accordance with Montgomery County Code Section 30C-8(f) 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 the first 24-hour time period, or portion thereof, the vehicle remains in the custody of the towing service, and \$80.00 for each additional 24-hour time period, or portion thereof.

For the purposes of this subsection, a towing service does not have custody of the vehicle until the vehicle actually reaches the storage site or the property owner or owner's agent notifies the police department of the towing of the vehicle and provides the information required by Montgomery County Code Section 30C-5(a), whichever is later. The receipt that must be furnished the vehicle owner in accordance with Montgomery County Code Section 30C-8(f) 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.

- (4) for releasing a vehicle in an incomplete tow – if a vehicle owner returns to an unauthorized vehicle at any time after the vehicle is attached to the tow truck and lifted at least six inches off the ground but before it is towed from private property - \$160.00 or one-half the rate the towing service has filed under Montgomery County Code Section 30C-3(c) for attaching and towing the vehicle to the nearest storage area, whichever is lower.



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If the vehicle has not been lifted at least six inches off the ground, the service must release the vehicle without charging the owner any fee.

A towing service 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:   
Isiah Leggett  
County Executive

Date: July 23, 2008

Approved as to Form and Legality  
Office of the County Attorney

By:   
Date: 7/17/08



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Montgomery County Regulation on:

## MAXIMUM RATES FOR MOTOR VEHICLE TOWING FROM PRIVATE PROPERTY

### OFFICE OF CONSUMER PROTECTION

Issued By: County Executive  
Regulation No. 2-08

Authority: Code Section: 30C-2  
Council Review: Method 2 under Code Section 2A-15  
Register Vol. Issue

Comment Deadline:  
Sunset Date: None  
Supersedes: Executive Regulation 4-03

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

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SECTION 3. MAXIMUM TOWING RATES. When towing a motor vehicle from private property without the consent of the owner, a towing service 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; 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) - \$[95.00] 100.00.
  - (2) for towing the vehicle to a storage site - \$[3.00] 4.00 per mile for the distance the vehicle is actually and reasonably towed to the nearest storage site available to the towing service in Montgomery County. Fractions of one-half mile or less must not be charged. Fractions greater than one-half mile may be charged as one mile. The mileage charges must not exceed twelve miles. The receipt that must be furnished the vehicle owner in accordance with Montgomery County Code Section 30C-8(f) must list the tow truck's odometer readings when the vehicle is attached and when it reaches the storage site.



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- (3) for storing the vehicle until it is redeemed - \$10.00 for the first 24-hour time period, or portion thereof, the vehicle remains in the custody of the towing service, and \$[20.00] 25.00 for each additional 24-hour time period, or portion thereof.

For the purposes of this subsection, a towing service does not have custody of the vehicle until the vehicle actually reaches the storage site or the property owner or owner's agent notifies the police department of the towing of the vehicle and provides the information required by Montgomery County Code Section 30C-5(a), whichever is later. The receipt that must be furnished the vehicle owner in accordance with Montgomery County Code Section 30C-8(f) 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.

- (4) for releasing a vehicle in an incomplete tow – if a vehicle owner returns to an unauthorized vehicle at any time after the vehicle is attached to the tow truck and lifted at least six inches off the ground but before it is towed from private property - \$[47.50] 50.00 or one-half the rate the towing service has filed under Montgomery County Code Section 30C-3(c) for attaching and towing the vehicle to the nearest storage area, whichever is lower. If the vehicle has not been lifted at least six inches off the ground, the service must release the vehicle without charging the owner any fee.

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

- (1) for attaching the vehicle to be towed to the tow truck, including any other service needed to safely remove the vehicle - \$[150.00] 160.00;
- (2) for towing the vehicle to a storage site - \$[4.00] 5.00 per mile for the distance the vehicle is actually and reasonably towed to the nearest storage site available to the towing service in Montgomery County. Fractions of one-half mile or less must not be charged.



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Fractions greater than one-half mile may be charged as one mile.  
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- (4) for releasing a vehicle in an incomplete tow – if a vehicle owner returns to an unauthorized vehicle at any time after the vehicle is attached to the tow truck and lifted at least six inches off the ground but before it is towed from private property - \$[75.00] 80.00 or one-half the rate the towing service has filed under Montgomery County Code Section 30C-3(c) for attaching and towing the vehicle to the nearest storage area, whichever is lower. If the vehicle has not been lifted at least six inches off the ground, the service must release the vehicle without charging the owner any fee.

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Approved: Isiah Leggett  
Isiah Leggett  
County Executive

Date: July 23, 2008

Approved as to Form and Legality  
Office of the County Attorney

By: [Signature]  
Date: 7/17/08