

CHAPTER 30C. MOTOR VEHICLE TOWING AND IMMOBILIZATION ON PRIVATE PROPERTY — REGULATIONS

COMCOR [30C.00.01](#) Motor Vehicle Towing from Private Property

COMCOR [30C.00.02](#) Executive Towing Rules and Regulations

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COMCOR 30C.00.01 Motor Vehicle Towing from Private Property

30C.00.01.01 Definitions

The terms in this regulation have the same meaning as in Chapter 30C, Montgomery County Code.

30C.00.01.02 Credit Cards

The two most widely used major credit cards, which must be accepted by trespass towing services opting under Montgomery County Code Section 30C-8(c)(2) to accept credit cards, are MasterCard and Visa.

30C.00.01.03 Effective Date

This regulation takes effect 30 days after the date of adoption by the County Council.

(Administrative History: Reg. No. 48-90 (Method 2); Orig. Dept.: Housing and Community Affairs)

COMCOR 30C.00.02 Executive Towing Rules and Regulations

30C.00.02.01 Purpose

The Montgomery County Police Department Tow-Service Program is administered by the Montgomery County Police Department, Abandoned-Vehicle Section (AVS). Participation in the program is voluntary. Tow companies participating in the program must meet all requirements set forth in these regulations and otherwise maintain compliance with all county, state, federal, and other applicable laws.

The Police Department will establish one tow list for the entire county with a maximum of forty (40) towing companies. If the number of towing companies exceeds forty (40) at the time these regulations are implemented, this maximum number will be achieved through attrition. Any new company meeting the minimum requirements will be placed on a list of qualified companies and will be utilized in the order in which their application was received. Appointment to the tow list will be made at the discretion of the Chief of Police. Appointment to the tow list is for a period of (2) years. A tow company may apply for appointment if it meets the minimum requirements set forth in these regulations. Additional requirements for reapplication are listed in

30C.00.02.08J. All participants in the police tow rotation are subject to Montgomery County ethics laws. See Chapters 11B and 19A of the Montgomery County Code. Questions regarding ethical issues should be directed to the Montgomery County Ethics Commission or the Office of the County Attorney.

The Police Department will divide the county into specific tow districts established by the size and density of each geographical area. Each tow company will be assigned to a tow district based on its ability to respond within 30 minutes to a police call for service in that district, with allowance made for traffic, road and weather conditions. Tows must observe all rules of the road, including the Maryland Vehicle Law, at all times. Tow companies may be assigned to the police districts based on the number of tow trucks in their fleet. A firm's two-year appointment will commence when it is approved and assigned to one or more tow districts.

Each Police towing district or participating agency will have a district-rotation list from which calls for towing service will be made. The rotation system established within a specific tow district will provide records, maintenance, and a systematic method of tow-company notifications. Exceptions to the rotation system will be made only in an emergency and with the approval of a police supervisor.

These regulations apply to any tow company responding to a police tow request for any participating police department, police employee, or authorized agency in Montgomery County when the officer/employee is acting within an official capacity.

30C.00.02.02 Definitions

A. Public Storage Facility - The Abandoned Vehicle Section (AVS) lot or any designated police facility.

B. Towers' Storage Lots - Lots designated by individual towing companies as storage lots for vehicles towed at the request of Montgomery County Police and that meet the criteria set forth in 30C.00.02.08 H of these regulations.

C. Impounded Vehicle - A vehicle towed and stored at the direction of a Montgomery County Police Officer, Police Employee, or Code Enforcement Specialist from the Abandoned Vehicle Section.

D. Disabled Vehicle - A vehicle that has been disabled or rendered inoperable as a result of mechanical failure.

E. Towing Company or Tower - Any individual, partnership, corporation, association or other entity that has been authorized by the Chief of Police to tow and store vehicles at the direction of a Police Officer/Police Employee.

F. Response Time - The time period starting from the time the tow company receives the call from the Police and ending with the time the tow truck arrives on the scene.

G. Credit Cards - The two most widely used credit cards are MasterCard and VISA.

H. Owner/Operator/Agent

1. Owner: The person who has vested ownership, dominion or title of property.

2 Operator: One who operates a machine, *i.e.*, vehicle, truck or motorcycle.

3. Agent: One who acts for or in the place of another with authority from the principal. This includes but is not limited to insurance companies, lien holders, and rental-car companies and their employees/representatives.

I. Police Towing Supervisor - That officer, the rank of Corporal or above, who at the direction of the Chief of Police is responsible for administrating and enforcing the Montgomery County Police Towing Regulations.

J. Police Tow - A Police tow is a non-consensual tow. This tow is constituted when a Montgomery County Police Officer, Police Employee or a police officer/employee from a participating agency requests a tow truck and directs the tow.

K. Private Tow - At the discretion of the police officer on the scene, an owner/operator/agent may arrange for a private tow, which is a civil contract between the owner/operator of the vehicle and the tow company.

L. Heavy-Duty Recovery - The recovery of a heavy-duty vehicle (over 20,000 GVWR) requiring additional manpower and/or specialized equipment such as cranes, loaders, roll- offs, air cushions, *etc.*

M. Completed Tow - All attachments to the towed vehicle are complete and the tow-truck driver is ready to leave the scene.

N. Incomplete Tow - If a tow company has begun to attach the vehicle to the tow truck but has not completed the attachment, the tow company will release the vehicle, charging the fee as set forth in 30C.00.02.04, Schedule of Towing Fees.

O. Winching - The laying out of cable to remove a vehicle from a ravine/ditch or other off-road areas and use of other towing equipment, such as hydraulics, chains, *etc.* The vehicle must be wedged, obstructed, impaled, or overturned. It is not considered winching due to the fact that additional cable must be used if the conditions above are not met.

P. Unavailable (U) - Code used in Police tow log when a tow company is called to respond for a Police tow or incident and the tow company is busy, the telephone line is busy, there is no answer or the company accepts the call but calls the station back and advises that it refuses to respond or cannot respond (*e.g.*, due to staffing problems or equipment failure).

Q. Officer Canceled (OC) - Code used in Police tow log when a tow company is called to respond to a Police tow or incident and the officer on the scene has reason to cancel the company prior to its arrival.

R. Suspension - The removal of a tow firm from the Police tow list for the time period determined by the Chief of Police.

S. Rotation - The Police-requested use of all tow firms, one at a time in order, assigned to a specific Police district tow list.

T. Chief - The Chief of Police or designee (including the Police Towing Supervisor).

U. Police Tow List - County-wide list of all tow companies participating in the Montgomery County Police Department Tow-Service Program.

V. Tow District - Geographical portion of the county. Each tower participating in the tow-service program is assigned to one or more tow districts.

W. District Rotation List – List of all towers assigned to a particular tow district. Police calls for service within each district will be made based upon this list.

X. Participating Agency - A county, federal, state, or city agency or municipality in Montgomery County that has entered into a Memorandum of Understanding with the Montgomery County Police Department, agreeing to abide by the Executive Towing Rules and Regulations.

30C.00.02.03 Applicability

These regulations apply only to the towing and recovery of any vehicle, conveyance or part thereof, as provided for in these regulations.

A. Duties and Responsibilities. Tow companies requesting positions on the Montgomery County Police tow list will adhere to the following requirements:

1. A tow company is not permitted to respond to the scene of a Montgomery County Police and/or participating agencies incident unless requested to do so by a representative of the Department of Police or the owner/operator/agent of the vehicle being towed.

2. A tow company will not sub-contract calls for Police tow or recovery services to any other towing company.

3. If the tow company receiving the call cannot perform the towing/recovery service requested utilizing its own equipment/staff, the company must decline the call and consequently the next company on the list will be called.

4. A tow company will respond within 30 minutes, with allowance made for traffic, road and weather conditions.

5. Tow companies may be dispatched to tow a maximum of two vehicles per police call. Both vehicles must be removed at the same time.

6. Repeated failure to respond in a timely manner may be grounds for administrative action as noted in 30C.00.02.10.

7. A pattern of being unavailable may lead to administrative action, as noted in 30C.00.02.10. If a tow company is unavailable for a Police tow call, the station Police Services Aide will place, for record-keeping purposes, a “U” next to the tow company’s name in the column marked “Tow Code.” The tow company will lose its turn in the rotation for that call only.

8. If a tow company is canceled by an officer on the scene (OC), the canceled tow firm will then be placed back on the top of the tow list for the next available tow, provided the officer did not cancel the tow firm for a violation of the tow regulations (such as being unable to respond with a reasonable period of time).

9. All towed vehicles will be towed to the tower's storage lot unless directed by the officer on the scene who gives instructions to tow to a Police storage facility. The owner/operator/agent may elect to have their vehicle towed to a location of their choice at a rate not to exceed the per loaded mile rate included in 30C.00.02.04. The officer on the scene may honor a citizen's request to arrange for a private tow from an auto club/private tow company if this request is made by the officer, via the Police Services Assistant (PSA), and the company's response time conforms to the requirements set forth in this regulation. This will be permitted only if the responding tow company can provide a rapid response, with consideration given to the flow of traffic.

10. The Police rotation list will not be utilized for private tows and the tow information will not be recorded in the tow log.

11. Vehicles involved in very serious or fatal personal-injury collisions, or which have been used/involved in a crime, are subject to mandatory Police tow. These vehicles are considered evidentiary and will be released only by law-enforcement officers. As a rule, these vehicles should immediately be towed directly to the Abandoned Vehicle Section or a police facility, as directed.

12. A Police tow terminates once the tow company releases the vehicle to a Police storage facility, an alternate location as directed by the police, or the owner/operator/agent or representative responds to the tower's lot and pays the current towing/storage fees. When an alternative location is directed, the owner/operator/agent must pay the towing charge at the time of the service.

13. Police officers and police employees are prohibited from recommending a towing firm to a citizen requesting a private tow as indicated in Function Code 300 Department Rules, Rule 27.

14. A tow company must arrange for the release of vehicles towed and/or stored pursuant to the towing regulations within a reasonable time not to exceed sixty (60) minutes from the time of the call requesting the release of the vehicle, except the towing company must not release any vehicle ordered held by the officer authorizing the tow. (*See*, 30C.00.02.06, Storage of Vehicles, 120-hour time limit.)

15. All impounded vehicles that have been ordered by an officer to be held and not released will be stored only at Police facilities or at the Abandoned Vehicle Section lot, with no exceptions.

16. Tow companies will accept a U.S. or state-government-issued photo ID or a consular registration card from any country approved pursuant to County law and a current registration or current temporary registration card issued to a permanent (metal) registration plate for the release of a vehicle to the owner.

17. In the event the owner has a non Maryland temporary registration card issued to a temporary registration tag (non-metal), the owner must provide a bill of sale or a title to the vehicle. If these conditions are not met, the towing company will contact an employee of the Abandoned Vehicle Section for further instruction prior to the release of the vehicle.

18. If the owner of the vehicle is not present, the person requesting release of the vehicle must have a notarized letter from the owner authorizing that particular individual to take custody of the vehicle.

19. Tow companies will accept, as proof of ownership/control, letters or faxes from insurance companies, lien holders, and rental-car companies.

20. A tow company on the Montgomery County Police tow list must notify the Montgomery County Police Towing Supervisor, within ten days, of any change in status of the tow company's business operations that involve its towing service provided in Montgomery County. This includes sale and/or purchase of equipment, company-name changes, insurance lapses/changes in policy numbers, employee changes, lot-location changes, and any other alteration that affects the way the tow company will do business with the Montgomery County Police Department.

21. Tow companies will send an updated employee list to the Police Towing Supervisor semi-annually in January and July.

22. A tow company must employ competent, trained drivers {as established in 30C.00.02.08} capable of responding within the specified time limits and safely performing the towing operations without unnecessary delay. These drivers must be approved by the Police Towing Supervisor prior to their responding to a police tow.

23. Tow-truck drivers are responsible for the removal of debris not only from the roadway but also from the entire scene, with the exception of hazardous material. No debris will be swept to the curb by any tow-truck drivers. All tow-truck drivers will be responsible for cooperating in the clean-up process {Maryland Vehicle Law, Transportation Article § 21-1111(c)}.

24. Authorized tow-company service personnel and their equipment may not leave the scene of the incident until released by the officer in charge of the scene.

25. Solicitation of any officer, Police Service Aide, or police employee for preferential treatment or consideration by any towing company employee is prohibited.

26. Citizens and Police Department employees will be treated in a courteous and respectful manner. Use of profanity, abusive behavior, or harassment is prohibited. Racial, sexual, religious, ethnic or similar comments, jokes or remarks are prohibited and may lead to administrative action and/or removal from the Police tow-rotation list(s).

27. All complaints regarding tow operations will be referred to the Police Towing Supervisor to discuss such complaints. Tow-company personnel are not expected to simply endure verbal abuse or harassment from citizens. They should refer the citizen to the Police Towing Supervisor for resolution of the complaint. Towing employees who feel they have been treated unfairly by Police personnel must report such treatment to the offending officer's immediate supervisor.

28. Every tow company participating in this program is required to cooperate in investigations of complaints and will provide written documentation upon request from the Police Towing Supervisor. The maximum time for response from a tow company on a written investigative inquiry will be five (5) working days.

29. Tow companies and their employees seeking to participate in this program are subject to a criminal- and traffic-record check. All tow-company employees will sign a consent form authorizing Montgomery County Department of Police to obtain their criminal- and traffic-history information. This information will be handled in a confidential manner and used only for the purpose of considering eligibility of tow-truck owners/operators for the Montgomery County Department of Police. Driving- and criminal-history checks may be monitored periodically by the Police Towing Supervisor.

30. All approved towing companies will answer their listed 24-hour business telephone by using their business name listed in their towing application. No answering service, answering machines or beepers will be utilized.

31. All tow companies arriving at or reporting to a collision prior to the arrival of a Montgomery County Police Officer or participating agency will not solicit any party involved, to tow that individual's vehicle.

32. If a towing company arrives upon a motor-vehicle-collision scene with no police present, the company will notify the Montgomery County Police of the collision. If a request is made by the owner/operator to tow any vehicle(s), towing companies will not complete this tow without authorization from a Montgomery County Police Officer. This tow will be authorized only if the officer determines that a private tow is permitted and the citizen agrees to a private tow.

33. Towing companies will not release a vehicle if the operator has been charged within the past twelve (12) hours for driving under the influence of drugs/alcohol, without permission from the arresting officer or a police supervisor.

34. Tow companies will not use Post Office boxes as business addresses.

35. No tow company on the Police tow list will contact any Police Services Aide, Police Officer or any other member of the Police Department and request that a change be made concerning its name, phone number or position on the tow logs. All requests will be made only through the Police Towing Supervisor.

36. In the event a tow bill exceeds 100 percent of the regular tow cost for a vehicle of the same size, all additional charges assessed by the towing firm will be fully explained on the invoice/receipt that will accompany the vehicle when sent to the Abandoned Vehicle Section for disposition.

37. All tow companies will indicate on their invoice the original tow date and time, the reason the vehicle is being towed, *i.e.*, DWI, collision, arrest, abandoned, stolen, *etc.*, and will likewise reflect the ID number of the requesting officer/employee.

38. Tow companies that travel outside the state of Maryland into another jurisdiction to recover vehicles are required to meet the minimum insurance regulations of that jurisdiction. Tow companies must also comply with federal laws and the local jurisdiction's rules, regulations, motor vehicle and state laws.

39. Tow firms will use only numbered tow invoices, as required by Montgomery County Department of Finance, Accounts-Payable Section.

40. Vehicles towed under the Department of Public Works and Transportation (DPWT) contract that are not picked up within seventy-two (72) hours will be considered abandoned vehicles. These vehicles will be towed to the AVS storage lot with an invoice attached for an abandoned-vehicle tow. The towing company will attach its original invoice reflecting the DPWT fees and any outstanding parking violations.

41. The AVS will dispose of vehicles received from DPWT in accordance with Maryland Transportation law and the Executive Towing Rules and Regulations.

42. Before a vehicle can be released to the owner/agent, all outstanding parking, towing or other fees must be paid in full.

43. License plates are the property of the respective states and must be returned to the registered owner if requested regardless of the outstanding towing/storage charges.

44. Towing companies must release personal property from the towed vehicle to the registered owners if requested.

45. All tow trucks authorized to tow on the Montgomery County or participating agencies rotation list will be inspected annually at a location to be determined by the Police Towing Supervisor.

B. The officer assigned to the position of Police Towing Supervisor will have the following responsibilities:

1. Administer the Montgomery County towing list to include the investigation of tow companies requesting appointment to the Montgomery County tow list.

2. Establish a system that will accommodate tow companies and provide a procedure for the police districts within the Montgomery County Department of Police and participating agencies to call for tow trucks.

3. Assign tow companies to areas within the police districts of Montgomery County based on the needs of the department.

4. Provide routine/scheduled inspections of tow companies (including facilities, trucks and other equipment) to ensure that they are in compliance with federal, state and local laws, as well as the Montgomery County Police Towing Regulations.

5. Investigate possible violations of the Montgomery County Police Towing Regulations and report to the Chief of Police, via the Chief of the Management Services Bureau, with recommendations for administrative action, where appropriate.

6. Act as arbitrator in citizen complaints regarding police-generated tow services and/or fees charged by towing companies permitted to tow for the Montgomery County Police.

7. Communicate with the Montgomery County Office of Consumer Affairs regarding towing complaints by forwarding copies of all verified investigations including all administrative action.

30C.00.02.04 Schedule of Towing Fees

The following maximum fees are established for police tows. By establishing these maximum towing fees, the Department of Police is not attempting to regulate the right of private enterprise to assess an equitable fee for services. This maximum fee will assure all requests for Police towing are uniform throughout the County and equitable to the public in general. If a situation arises during a police tow where additional compensation may be necessary, the towing company may contact the police towing supervisor or the AVS Sergeant who may, at their discretion, authorize additional compensation. The schedule of towing fees/storage fees in these regulations does not apply to private tows. All fees for private tows must be presented to the owner/operator of the vehicle, in writing, prior to a private tow being completed.

***Editor's note**—The following schedule of towing fees are effective on August 1, 2005.

1. Complete tow (ordinary tow, no complications) \$113.00
(no extra charges for roll-back operation or dollies)
2. Tows GVWR of 10,001-20,000 lbs.
(ordinary tow, no complications) \$195.00
3. Tows GVWR over 20,000 lbs. (ordinary tow, no complications) \$308.00
4. Incomplete tow - will be paid at a rate of 50% of the completed tow price above.
5. Vehicles that are winched and not towed - Paid at the towed rate plus the pro-rated winching rate based on the vehicle's GVWR. Winching does not include removal from against a guardrail or off curbs.
6. Winching per hour (pro-rated per minute) vehicles under 10,001
GVWR (Thirty minute minimum for winching) \$ 62.00
7. Winch per hour (pro-rated per minute). Vehicles with a GVWR
of 10,001 to 20,000 lbs. (Thirty minute minimum for winching) \$ 93.00
8. Winch per hour (pro-rated per minute). Vehicle with a GVWR
exceeding 20,000 lbs. (Thirty minute minimum for winching) \$123.00
9. Transfer to AVS lot from tower's storage lot \$ 51.00
10. Transfer of vehicles 10,001 to 20,000 GVWR to AVS \$103.00
11. Transfer of vehicles 20,000 GVWR to AVS \$154.00
12. Transfer from district-station lots to AVS lot \$ 51.00
13. All fatal collisions and serious Personal Injury Collision (PIC) —
direct tow to AVS, as ordered \$149.00
14. Fatal and serious PIC — 10,001 - 20,000 GVWR — direct tow
to AVS, as ordered \$298.00

- 15. Fatal and serious PIC — over 20,000 GVWR — direct transfer to AVS, as ordered \$463.00
- 16. Direct tow of an abandoned/stolen vehicle to the AVS \$ 77.00
- 17. Direct tow of an abandoned/stolen vehicle 10,001-20,000 GVWR to AVS \$154.00
- 18. Direct tow of an abandoned/stolen vehicle over 20,000 GVWR to AVS \$231.00
- 19. Mileage (per loaded mile) for towing outside of Montgomery County (from M.C. line) or towing to an owner/operator/agents destination \$ 3.00
 Vehicles 10,001-20,000 GVWR \$3.75/mi.
 Vehicles over 20,000 GVWR \$4.50/mi.

In the event the County Executive/Governor/President of the United States declares a state of emergency or upon the implementation of the Montgomery County snow emergency plan authorized by the County Executive or Chief Administrative Officer, the fees for towing, winching, and road service will double. The fees pertaining to transfers and storage will not be affected by the implementation of the state-of-emergency plan or the Montgomery County snow emergency plan. This state-of-emergency plan does not include the implementation of the Maryland State snow-emergency plan.

The above fees are inclusive and no other fees will be assessed for any extra services provided by the towing firm beyond those stated in this section. To do so is in violation of these regulations. No fees are to be charged if the responding tow company cannot remove a vehicle with the equipment on the scene.

All tow companies holding positions on the Montgomery County Police tow list agree to abide by the above schedule of towing fees for all services rendered in response to Police calls for their services. These rates are the maximum charges allowed for all tow companies participating in this voluntary towing program. This does not restrict the right of any tow company to charge less than the scheduled amount.

Payment of tow bills for unclaimed vehicles will be made via Montgomery County Department of Finance, Division of Treasury, to the requesting tow company after the vehicle is auctioned.

No fees will be assessed to the Abandoned Vehicle Section in the event a title to a towed vehicle is accepted as payment of service by the towing firm. The towing firm will then provide the titled owner a bill of sale on company letterhead as proof in order to hold harmless the titled owner under provisions of the Maryland Vehicle Law entitled Liability for Cost of Preservation and Storage for a Vehicle (Maryland Vehicle Law, Transportation Article, Section 25.206.1).

The Chief Administrative Officer must adjust the wage rate required under this subsection, effective July 1 of each year, by the annual average increase, if any, in the Consumer Price Index

for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the previous calendar year. The Chief Administrative Officer must calculate the adjustment to the nearest dollar, and must publish the amount of the adjustment not later than March 1 of each year.

30C.00.02.05 Method of Payment

A towing company must accept payment by (1) cash, (2) travelers check accompanied by reasonable identification, and (3) the two most widely used credit cards, *i.e.*, MasterCard and VISA. The tow company may also accept a personal check with reasonable identification if the vehicle is registered in the state of Maryland.

Tow companies must accept company checks from other towing companies on the police rotation list, insurance companies, and lien holders and the employees/agents.

If the towing company accepts another credit card for any other purpose, it must accept that card for the police-requested tow. The two most widely used major credit cards that must be accepted for Police towing services operating under 30C.00.02.02 G of this regulation are MasterCard and VISA.

Tow-truck operators must be capable of accepting credit-card payments at the tow scene.

30C.00.02.06 Storage of Vehicles

Vehicles towed pursuant to these regulations will be towed to the responding tow company's approved district-storage facilities. Vehicles will not be stored on a tow company's lot for more than one hundred twenty (120) hours unless otherwise authorized by the AVS or upon the owner/operator/agent's paying the current towing/storage fees, thus terminating the Police tow. Towers will be permitted to charge the owner/operator/agent for up to five days of storage for vehicles released from their lot. Upon transfer of the vehicle to the AVS, towing companies will only be reimbursed for three days of storage at the AVS rate. Towers may elect to transfer a vehicle to the AVS at any time within this one hundred twenty hour time period. The Police Towing Supervisor or the AVS Sergeant may, at any time, order a vehicle transferred to the AVS. Storage fees are based on 24-hour increments as indicated below and are not to be charged per calendar day.

***Editor's note**—The following schedule of towing fees are effective on August 1, 2005.

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| Upon arrival, parked and stored and | 24 hours | \$ 21.00 |
| subsequently released from the AVS. | 25-48 hours | \$ 42.00 |
| | 49-72 hours | \$ 63.00 |
| Upon arrival, parked and stored and | 24 hours | \$ 46.00 |
| released from the towers lot. | 25-48 hours | \$ 92.00 |
| | 49-72 hours | \$138.00 |
| | 73-96 hours | \$184.00 |
| | 97-120 hours | \$230.00 |

Storage of large vehicles (over 10,001 GVWR) — per-space charge

The maximum storage fee for all Police tows released from the AVS will be \$63.00, excluding the storage of large vehicles. The maximum storage fee for all vehicles released from the tower's storage lot will be \$230.00, excluding the storage of large vehicles.

The fact that an owner/operator/agent requested a private tow does not exclude the Montgomery County Police Department and/or the Office of Consumer Affairs section from investigating complaints against participating tow firms.

30C.00.02.07 Tow List Operator's Log

All tow companies will maintain a record of any vehicle towed at the request of the Montgomery County Department of Police or participating agency in addition to any other records required to be kept for insurance or any other purposes. A copy of the towed vehicle's record will be given to the owner of the vehicle or the individual to whom the vehicle is released. A second copy will be made available to the Police Officer who requested the tow. The tow companies will maintain a master log of all vehicles towed at the Department's request, which will be available for inspection by the Police Towing Supervisor or his/her designee. Such records will be kept for one year from the date of the release of the vehicle. The tow/storage record for a vehicle will include the following:

- A. Date, time and location of the requested tow.
- B. Identification number of the officer/employee requesting the tow.
- C. Tow vehicle used.
- D. Tow driver's name.
- E. Manner of tow, *i.e.*, hook-up, dolly, winching, *etc.*
- F. Description of vehicle towed, including VIN and tag number, year, make, and color.
- G. Reason for tow, *i.e.*, accident, breakdown, *etc.*
- H. Statement of vehicle condition at the time of tow.
- I. Itemization of fee charged.
- J. Time vehicle was delivered to storage lot.
- K. Address of storage lot.
- L. Name and address of person to whom vehicle was released (including manner of identification, *i.e.*, driver's license, *etc.*)
- M. Name of person releasing vehicle.

30C.00.02.08 Tow-List Eligibility Criteria

All tow companies applying for tow-list approval will provide the Montgomery County Department of Police with the information listed below. The towing company must have been licensed and in operation for a minimum of two years, trading under the same name as submitted

on the police towing application. Towing companies must comply with all requirements of the Maryland Vehicle Law, Transportation Article, § 13-920, entitled "Tow Trucks." The Police Towing Supervisor must be apprised of any change in the information provided by the towing company.

A tow company with one registered truck may be listed in two district towing rotation lists. A tow company with two registered trucks may be listed in three district towing rotation lists. A tow company with three registered trucks may be listed in four district towing rotation lists. A tow company with four registered trucks may be listed in five district towing rotation lists. A tow company with five registered trucks may be listed in six district towing rotation lists.

When two or more towing companies or corporations are owned by the same individual, partnership or Parent Corporation, each may have a separate listing only when each has a separate office and storage location and different corporate officers. Each company must have separate license, permits, and insurance policies for each company. It is prohibited for two or more towing companies owned/operated in whole or part by the same individual, partnership or corporation to be on the same Police rotation list in the same police district.

A. The towing-company applicant must submit the following information and meet the following minimum requirements:

1. Submit a police-towing application with a Twenty-Five and 00/100 Dollars (\$25.00) application fee for each tow truck that will be utilized.
2. A copy of the driver's license for each driver. A certified driver's record will be provided for out-of-state drivers.
3. Name, sex, race, date of birth, and Social Security number of all employees.
4. Business locations within the geographic boundaries of Montgomery County and a business license for each company and all storage lots, including a use-and-occupancy permit.
5. Addresses of all storage lots. The storage lot must be located in the geographic boundaries of Montgomery County, Maryland, or, within two miles of the Montgomery County border as measured by a public road travel route.
6. The 24-hour company telephone number with immediate confirmation of response (no answering services or answering machines will be utilized).
7. The towing company's Federal Tax ID number or Social Security number for payroll/tax purposes.
8. A copy of the Montgomery County Motor Vehicle Repair and/or Certificate of Towing Registration Form displaying a current date. This form is issued by the Montgomery County Office of Consumer Affairs.
9. A copy of a Certificate of Use and Occupancy for each office and storage lot.
10. A completed/signed zoning form for each storage lot.
11. Verification that the towing company accepts VISA and MasterCard.
12. An Application Check Sheet.

13. A list of all company vehicles, including the year, make, tag number, VIN, type and GVWR.

14. A copy of a lease agreement or deed for each storage lot.

B. All tow companies will provide a certificate of insurance coverage at the time of the initial application process and at all annual re-inspections. This certificate will name all equipment for towing and all storage sites used for vehicles towed at the request of the Montgomery County Department of Police. The towing company must ensure that all insurance policies, permits, and required documentation remain current while on the rotation list. This coverage must include the following:

1. The minimum insurance requirements in Title 13, § 920, entitled “Vehicle Laws - Tow Trucks.” Title 13, § 920 in part specifies that “A person who registers a tow truck under this section or operates a tow truck in this state that is registered under the laws of another state must: obtain commercial liability insurance of at least \$100,000 per person, \$300,000 per occurrence bodily injury liability, and \$100,000 per occurrence property- damage liability.”

2. In addition to the state minimum insurance requirements, towing companies must comply with the Federal Motor Carrier Safety Administration regulation and carry “for hire, property” (non-hazardous) insurance coverage at a minimum of \$750,000.00.

3. In addition to the state vehicle requirements, two companies will maintain a minimum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) of garage-keepers insurance for each towing storage lot. This requirement extends to towing contracts/agreements with each participating agency within Montgomery County.

4. Tow companies will also maintain a minimum of Sixty Thousand and 00/100 Dollars (\$60,000.00) of on-hook/cargo insurance for each vehicle towed.

5. All tow firms will provide proof of compliance of the State of Maryland Worker’s Compensation Law or proof of legal exemption from the Worker’s Compensation Law. Towing companies must submit an annual certificate of compliance to the Police Towing Supervisor. Firms towing for Montgomery County will not act as independent contractors nor will they employ drivers as subcontractors.

6. The Montgomery County Police Abandoned Vehicle Section, located at 580 Metropolitan Grove Road, Gaithersburg, Maryland 20878, will be named as an insurance-certificate holder.

C. All tow drivers will meet the following criteria:

1. Licensed drivers must be at least 18 years old.

2. Must have sufficient ability and knowledge to competently conduct towing operations.

3. Must be courteous and not use abusive or offensive language when dealing with the public.

4. Any member of the towing firm who has a history of criminal activity or a driving record such that it raises a reasonable concern for the safety of the public will not tow for the Montgomery County Department of Police.

5. Felony convictions will be reviewed to determine the nature of the crime and the amount of time that has elapsed since the conviction. Applicants with convictions for violent crimes or drug related crimes will not be considered.

6. Drivers must possess a commercial driver's License (CDL) if the tow truck has a GVWR of 26,001 pounds or a combined vehicle weight (tow truck and towed vehicle) of 26,001 GVWR or if the vehicle is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulation (49 CFR part 172, subpart F).

7. Effective October 1, 2003 all Maryland non commercial drivers operating a commercial motor vehicle in intrastate commerce and the vehicle weighs 10,001 and 26,000 pounds, are required to hold a valid Federal Motor Carrier (DOT) physical card in their possession.

D. All tow trucks must meet the following minimum criteria and requirements. Tow companies on the Police Towing List on October 31, 2004, may continue to use equipment that is approved and registered with the Montgomery County Police Department for police-ordered towing as long as it does not change ownership, is continually registered and inspected, and meets all federal and state registration and safety requirements.

1. All tow trucks must be manufactured body and boom with hydraulic elevation and hydraulic extension.

2. All tow trucks must have a hydraulic under-reach/wheel-lift with hydraulic elevation and hydraulic extension.

3. Towing companies must possess the capability to flatbed transport vehicles within the light duty class.

4. All wreckers/rollbacks must have a 2 ½-pound fire extinguisher (charged and operational), shovel, broom, bucket/trash bags, twenty (20) pounds of oil-dry absorbent, tow lights, and a first-aid kit.

5. Medium-duty vehicles can be used for light duty but not *vice-versa*.

6. All rollbacks must be equipped with four-point tie-down capabilities.

7. Towers will comply with federal, state and county laws concerning display of tow-firm name and other required information on their vehicles.

8. Adequate vehicle lights so as not to create a hazard (Maryland Vehicle Law, Transportation Article § 22-218.2).

9. Vehicles will comply with the general safety requirements of the equipment section of the Maryland Transportation Article.

E. Light-Duty Specifications:

1. Minimum boom rating of eight (8) tons.

2. Minimum chassis GVWR of 11,000 lbs.

3. Hydraulic winch on each vehicle, with a minimum rating of 8,000 lbs. each.
4. Minimum of 50 feet of 3/8 cable on each winch. Swigged thimbles are required (no clamps).
5. Minimum of four (4) chains ten (10) feet in length, with a maximum Working Load Limit (WLL) of 3,900 lbs.
6. Minimum of one (1) snatch block per winch with a minimum rating of two (2) tons.

F. Medium-Duty Specifications:

1. Minimum boom rating of twelve (12) tons.
2. Minimum chassis GVWR of 25,000 lbs.
3. Two (2) hydraulic winches on each wrecker, with a minimum rating of 12,000 lbs. each.
4. Minimum of 100 feet of 7/16 cable on each winch. Swigged thimbles are required (no clamps).
5. Minimum of four (4) chains, ten (10) feet in length, with a minimum WLL of 5,400 lbs.
6. Minimum of two snatch blocks with a minimum rating of four (4) tons.
7. Minimum of two (2) recovery straps six (6) inches wide and at least twenty (20) feet in length.
8. Minimum of two (2) recovery straps, with a minimum basket capacity of 8,400 lbs.

G. Heavy-Duty Requirements:

1. Air brakes.
2. Minimum boom rating of twenty (20) tons.
3. Minimum chassis GVWR of 33,000 lbs.
4. Two Hydraulic spades.
5. Two (2) winches on each wrecker, with a minimum rating of 20,000 lbs. each.
6. Minimum of 200 feet of 9/16 on each winch. Swigged thimbles are required (no clamps).
7. Minimum of four (4) chains, ten (10) feet in length, with a minimum WLL of 12,000 lbs.
8. Minimum of two snatch blocks with a minimum rating of eight (8) tons.
9. Minimum of two (2) recovery straps, twelve (12) inches wide and at least twenty (20) feet in length.

Because of the complexity of truck-collision recoveries over 20,000 GVWR and the additional staff and specialized equipment that may be required (*i.e.*, cranes, loaders, roll- offs, air cushions,

etc.), these recoveries will not be regulated by the schedule of towing fees in the Executive Towing Rules and Regulations and the vehicles will not be transferred to the AVS unless the vehicle is involved in a serious collision, fatal collision, or is evidentiary in nature. Under these circumstances, the vehicle will be transported directly to a Police storage lot as instructed by the officer on the scene. This does not pertain to the normal towing or minor winching of heavy-duty vehicles when additional equipment or manpower is not utilized. After reviewing all facts and consulting with officers on the scene, the Police Towing Supervisor has the authority to make a final determination whether a heavy-duty towing request will be classified as a “heavy-duty tow” or a “heavy-duty recovery.” The Police Towing Supervisor will review all recovery invoices to ensure they comply with the towing regulations. The AVS will not be responsible for any fees pertaining to heavy duty recoveries. These vehicles will be released from the AVS upon verification that the towing invoice has been paid in full.

H. The following minimum-operations criteria will be observed for towers’ storage lots:

1. Twenty-four hour (24) availability for police personnel.
2. Every lot will be securely fenced (example: six-foot chain-link fence with full gate) unless it is an “on-site” 24-hour operation. The lot will have adequate lighting for night operations and provide a safe environment for conducting business. Lot size will be eight (8) or more dedicated parking spaced per towing firm per Police district.
3. Storage lots will be open for the release of vehicles between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, and noon to 4:00 p.m. on Saturday. Storage lots will be opened for vehicle inspection during these same hours Monday through Saturday by any interested party. The term “interested party” includes the driver, owner, attorney/private investigators, or insurance-company agents representing either party involved in a collision. A tow firm may elect not to release vehicles on any Montgomery County Government holiday (county government closed) unless the vehicle was impounded/towed on that Sunday or holiday. These rules of releasing vehicles do not preclude tow firms from releasing vehicles at other times. A towing company may elect to release a vehicle any time other than the required hours of operation and may charge the owner/operator/agent a fee not to exceed fifty dollars (\$50.00) for this service.
4. Each tow company will provide to the person to whom the vehicle is released the name and address of the tow company’s insurance carrier at the time of the release, if so requested.
5. Approved storage lots will be used only by tow companies authorized to tow for the Montgomery County Department of Police. Sub-leasing property for storage-lot use will be approved by the AVS upon proof of issuance of a use-and-occupancy permit, zoning authorization, and a copy of the lease agreement.
6. All storage lots will have posted on the lot, visible from the street when possible, a street address and the names of the tow companies that store vehicles there. No signage will contain the word “POLICE” or indicate that any lot is under the control of the Montgomery County Government.

I. If a towing company towing on the Montgomery County Police towing-rotation list fails to meet the minimum requirements in these regulations, the towing company may be given a suspense date to comply with the regulations. If the towing company fails to comply by the

suspense date or if the violation is of a serious nature, the towing company will be removed from all Police towing lists. This applies to removal of drivers, vehicles, and/or towing companies.

J. A towing company with a history of sustained violations of these regulations will not be considered for reappointment to the tow list. If there is a pending investigation concerning a violation of these towing regulations, the application for reappointment will be considered upon the completion of the investigation.

Other factors that will be considered for reappointment to the police towing list are as follows:

1. The ability, capacity, organization, facility, and skill of the towing company to perform the services required.
2. The ability of the towing company to perform the required services without delay, interruption, or interference.
3. The integrity, reputation and experience of the towing company and its key personnel.
4. The quality of past performance while towing on the police rotation list. Past unsatisfactory performance, for any reason, is sufficient to justify non-renewal to the police rotation list.
5. The previous and existing compliance by the towing company with laws and regulations relating to the police rotation list.
6. The current needs of the Abandoned Vehicle Section.

30C.00.02.09 Tow-List Selection

A. Applicants will be evaluated by the Montgomery County Department of Police Towing Supervisor. The Department reserves the right to inspect a tow company's facilities, trucks and equipment during the evaluation process to determine if the lot conforms to the Tow- Truck Rules and Regulations requirements. The Department will then notify each applicant whether the tow company has been found eligible (or not) to be placed on the tow list. The Department also reserves the right to reject any tow company that does not meet the minimum requirements listed above. Each applicant rejected will be advised of the basis for non-eligibility and will be permitted to re-apply for the tow list after all deficiencies have been corrected. Selection to the Police towing-rotation lists is at the sole discretion of the Chief of Police.

B. Approved towing companies will be issued a reflective decal with sequential numbers for each of the tow trucks in their fleet. This decal will remain the property of the Montgomery County Department of Police and must be returned to the Police Towing Supervisor upon termination, suspension, or removal from the Police rotation lists or if the tow truck is sold, transferred or destroyed. This decal will be placed on the left-front fender of the tow truck.

30C.00.02.10 Administrative Procedures

The following, while not all-inclusive, may be cause for administrative action. The Chief reserves the right to determine administrative actions for violations not identified below.

A. The following violations may cause a tow company to be subject to a 10-rotation suspension from all assigned rotation lists:

1. Five (5) responses in excess of 30 minutes with allowance made for traffic, road or weather conditions, within a two-month period of time.
2. Being unavailable thirty percent (30%) of the time or more in a one-month period.
3. Use of abusive language or being discourteous to any citizen or Police personnel in conjunction with a Police call/tow.
4. Unexcused overcharging of the scheduled fees within a one-year period of time.
5. Failure to release a vehicle upon demand of owner/operator/agent in the time frame specified in 30C.00.02.03A.14.
6. Failure to transfer a vehicle to the AVS within one hundred twenty (120) hours.

B. The following violations are subject to a 20-rotation suspension from all assigned rotation lists:

1. Ten (10) responses in excess of 30 minutes, with allowance made for traffic, road or weather conditions, within a four-month period of time.
2. Two failures to release vehicle upon demand of owner/operator/agent in the time frame specified in 30C.00.02.03 A.14.
3. Two uses of verbal abuse or being discourteous to any citizen or Police personnel in conjunction with a Police call/tow within a one-year period of time.
4. Two unexcused overcharging of the schedule fees within a one-year period of time.
5. Utilizing an unauthorized/unapproved driver or vehicle on a Police tow.
6. Two incidents involving the failure to transfer a vehicle to the AVS within one hundred twenty (120) hours.

C. The following violations may constitute grounds for immediate removal from the County Police tow list:

1. A pattern of inability to respond to Police calls for service in 30 minutes, with allowance made for traffic, road or weather conditions, in excess of B(2) above.
2. A pattern of being discourteous or verbally abusive to either the owner/operator/agent of vehicle or Police personnel, by either the owner or employees of a tow company on the Police tow list, in excess of B(4) above.
3. Any use of profanity or racial-, gender-bias, ethnic-, religious-, sexual-orientation and/or age-discriminatory comments, jokes, or remarks made to or directed toward any citizen or police personnel in conjunction with a Police call/tow.
4. A pattern of failures to comply with the schedule fees of these Executive regulations in excess of B(5) above.
5. Solicitation of any officer, Police Service Aide (PSA), or any other employee of a participating public-safety agency and/or Montgomery County Department of Police, for

preferential treatment or consideration or the offer of any gift, gratuity or any other item of value by any tow-company owner, employee or agent to any member of the Department of Police.

6. Any violation of the Maryland Vehicle Law while responding to or completing any portion of a Police tow.

7. Any violation of criminal law while responding to or completing any portion of a Police tow.

8. Submission of a towing invoice with fraudulent information.

9. Two or more instances of utilizing an unauthorized/unapproved driver or vehicle.

10. Performing police tows without the required permits or insurance.

D. If a tower is unavailable for thirty percent (30%) of the requests for a Police tow within a specific district within a two-month period, the tower may be removed from the rotation list for that district. The tower may request reassignment to that district one year after removal. The Chief of Police in his/her discretion may reassign the tower to that district.

E. Prior to issuing a notice of administrative action, the Chief of Police must provide the tow company with a statement of charges (including the proposed administrative action) and allow a reasonable opportunity to respond, which must be not less than five (5) working days. Following receipt of any response, the Chief may impose administrative action.

F. In instances where it has been determined that the towing company overcharged an owner/agent for a Police tow/storage, the towing company must reimburse the owner/agent for the amount exceeding the guidelines in 30C.00.02.04 (Scheduling of Tow Fees) and/or 30C.00.02.06 (Storage of Vehicles). Failure to comply with this regulation may result in the removal of the towing company from the Police rotation lists.

G. If a towing company fails to submit their vehicle(s) to annual tow truck inspections or submits to the inspection and is placed out of service for equipment/mechanical violations, the vehicle(s) will be removed immediately from the assigned towing district(s). Once the vehicle(s) in question has been inspected/re-inspected and passes the inspection, the vehicle(s) will be placed back on the police rotation list(s).

H. If a towing company issues a check to another towing company on the police rotation list as payment for police towing/storage charges and the check is returned for insufficient funds or the account is closed, the company issuing the check will be removed from the rotation lists until the invoice is paid in full.

Any administrative action is subject to an appeal process. The appeal must be filed within fifteen (15) days of the date the notification letter was mailed. This appeal must be in writing to the Chief of Police stating all grounds for the appeal. Failure to appeal any administrative action within the time permitted will result in imposition of the administrative action.

All appeals must be mailed by certified mail, return receipt requested, to: Chief of Police, Montgomery County Department of Police, 2350 Research Boulevard, Rockville, MD 20850. A second copy of the appeal letter must be sent via U.S. mail or hand-carried to the Police Towing Supervisor at 580 Metropolitan Grove Road, Gaithersburg, MD 20878. And in case of removal,

an additional copy of the appeal must be provided to the Chief Administrative Officer (CAO), Executive Office Building, 101 Monroe Street, Rockville, MD 20850.

In all cases, except removal actions, the Chief will convene a prompt hearing to be conducted by a hearing officer designated by the Chief. In cases where removal from a tow list is being appealed, the CAO, or his designee, will convene a prompt hearing to determine whether the proposed action is reasonable. The hearing officer or the CAO, or his designee, must conduct an informal hearing on the proposed action. The hearing officer or the CAO, or his designee, must, within 45 days, issue written findings of fact and conclusions of law, which are binding on the Chief.

30C.00.02.11 Emergency Suspension or Removal from Police Tow-Log Rotation

A. The Chief of Police may immediately suspend or remove a tower from the tow list in serious cases of violations of policy or procedure, or violations of criminal law. In such cases, the Chief must provide the tower with a statement of charges within five (5) working days following suspension. The Chief must either return the tower to active status or issue a notice of administrative action within five (5) working days of either receipt of the tower's response to the statement of charges or the expiration of the time period for the tower to respond to the statement of charges, whichever is shorter. If the Chief does not take final action within the above time limits, the tower may appeal as provided above.

B. The Chief of Police may suspend the use of the Police tow-log rotation system in the event of an emergency. If such an emergency occurs, district stations will be responsible for an effective procedure to maintain the tracking of all vehicles towed during the emergency.

30C.00.02.12 Severability

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts of this regulation.

30C.00.02.13 Effective Date

This regulation becomes effective December 1, 2004.

(Administrative History: Reg. No. 34-03 AMIV (Method 2) (fee updates effective 8/1/2005 per sec. 4 of Reg. No. 34-03 AMIV); Orig. Dept.: Police; Supersedes: Regulation No. 9-97, which superseded Regulation No. 23-93)

SEC. 30C-2 MAXIMUM RATES — REGULATIONS

COMCOR 30C.02.01 Maximum Rates for Motor Vehicle Towing from Private Property

30C.02.01.01 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.

30C.02.01.02 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.

30C.02.01.03 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 charged must not exceed twelve miles. The receipt that must be furnished the vehicle owner in accordance with Montgomery County Code Section 30C-8(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 - \$20.00 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(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.

- (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. 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(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 - \$25.00 for the first 24-hour time period, or portion thereof, the vehicle remains in the custody of the towing service, \$40.00 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(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.

(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:

(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(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 - \$40.00 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(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.

(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. 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.

30C.02.01.04 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.

30C.02.01.05 Effective Date

This regulation takes effect immediately after adoption by the County Council.

(Administrative History: Reg. No. 15-11 (Method 2); Orig. Dept.: Office of Consumer Protection (previously Dept. of Housing and Community Affairs); supersedes Reg. No. 2-08, which superseded Reg. No. 4-03, which superseded Reg. No. 110-92)

SEC. 30C-11 IMMOBILIZATION RESTRICTIONS — REGULATIONS

COMCOR 30C.11.01 Maximum Rate for Motor Vehicle Immobilization on Private Property

30C.11.01.01 Definitions

1.1 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.

30C.11.01.02 Maximum Immobilization Rate Release

2.1 A person must not charge more to release an immobilized vehicle than \$50.

30C.11.01.03 Severability

3.1 The provisions of this regulation are severable and if any provision, clause, sentence, section, word, or part is held illegal, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts of this regulation or its application to other persons or circumstances.

(Administrative History: Reg. No. 29-96 (Method 2); Orig. Dept.: Housing and Community Affairs)

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