



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

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|---|-----------------|
| Subject Motor Vehicle Towing and Immobilization on Private Property. | Number 19-19 |
| Originating Department Office of Consumer Protection | Effective Date |

Montgomery County Regulation on:

MAXIMUM RATES FOR MOTOR VEHICLE TOWING FROM PRIVATE PROPERTY

OFFICE OF CONSUMER PROTECTION

Issued By: County Executive

Regulation No. 19-19

COMCOR 30C.02.01

Authority: Code Section: 30C-3

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

Register Vol. 36 Issue 5

Comment Deadline: May 31, 2019

Effective Date:

Supersedes: Executive Regulation 15-11

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

For the purposes of this subsection, a towing company does not have custody of



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the vehicle until the vehicle actually reaches the storage site. The receipt that must be furnished to the vehicle owner in accordance with Montgomery County Code Section 30C-9(e) must state the date and time when the vehicle reached the storage site, when the police were notified, and when the vehicle was redeemed by its owner.

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

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

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

Approved: _____
Marc Elrich, County Executive

Date: _____

Approved as to Form and Legality
Office of the County Attorney

By: _____

Date: _____

Elin Ashbury
4/22/19