

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 16

Bill No. 67-07

Mr. Kenneth N. Oliver, Councilman

By the County Council, September 4, 2007

A BILL
ENTITLED

AN ACT concerning

Towing Licenses

FOR the purpose of authorizing the county to provide for police-initiated towing by contracting with a single contractor to supply the service; providing certain requirements for the contractor; requiring the county to issue a police-initiated towing license under certain circumstances; defining and limiting a “person who is aggrieved”; authorizing the county to establish certain standards for police-initiated towing licensee; clarifying the roles and responsibilities of the Police Department, the vehicle owner, and the towing licensee at the scene of a police-initiated tow; providing for the recovery of vehicles on weekends and holidays; requiring police-initiated towing licensees to accept payment by credit card; authorizing the Department of Permits and Development Management to enforce the police-initiated towing provisions under code enforcement; defining certain terms; grandfathering certain licensees; altering a certain penalty; providing for the application of this Act; and generally relating to towing licenses.

By repealing and reenacting, with amendments

Sections 21-16-101, 21-16-102, 21-16-103, 21-16-104(b)(1) and (2), 21-16-105(b),
21-16-107(c), 21-16-108(a), 21-16-109, 21-16-110(a), 21-16-112, 21-16-113,
21-16-115(b), 21-16-123, 21-16-124, and 21-16-125~~(a)~~ and (c)(1)

Title 16. Towing Businesses

Article 21. Permits, Licenses, and Business Regulation

Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

By adding

1 PUBLIC OR PRIVATE PROPERTY OR THE ENVIRONMENT DUE TO LEAKING FLUIDS
2 OR OTHER HAZARDOUS CONDITIONS AS DETERMINED BY THE POLICE
3 DEPARTMENT.

4 (2) "Disabled vehicle" does not include a motor vehicle that has been damaged or
5 rendered inoperative as a result of wear and tear or mechanical failure.

6 [(e)] (D) "License" means a license to engage in the towing of vehicles within Baltimore
7 County.

8 [(f)] (E)(1) "Owner" means the owner of a motor vehicle.

9 (2) "Owner" includes the operator of the vehicle or the owner's agent.

10 [(g)] (F) "Parking lot or garage" means a facility consisting of 3 or more spaces for
11 motor vehicle parking that is accessible to the general public and is intended by the owner or
12 lessee of the facility to be used primarily by the owner's or lessee's customers, clientele,
13 residents, invitees, licensees or guests.

14 (G) (1) "POLICE-INITIATED TOWING" MEANS THE TOWING OF A VEHICLE
15 BY A TOWING LICENSEE UNDER CONTRACT WITH THE CONTRACTOR AT THE
16 REQUEST OF THE POLICE DEPARTMENT.

17 (2) "POLICE-INITIATED TOWING" DOES NOT INCLUDE TOWING
18 AUTHORIZED UNDER § 25-203 OF THE TRANSPORTATION ARTICLE OF THE
19 ANNOTATED CODE OF MARYLAND.

20 (H) "POLICE-INITIATED TOWING LICENSE" MEANS A LICENSE TO ENGAGE
21 IN POLICE-INITIATED TOWING.

22 [(h)] (I) "Towing" means the moving, removing, or preparation for moving or removing
23 of a motor vehicle by another motor vehicle for which a service charge is made, which charge
24 may include the dues or other charges of bona fide clubs or associations that provide towing
25 services.

26 [(i)] (J) "Trespass towing" means the moving, removing, or preparation for moving or
27 removing of a vehicle from a parking lot or garage for which a service charge is made.

28 [(j)] (K) "Trespass towing license" means a license to engage in trespass towing.

1 § 21-16-102.

2 [The] POLICE-INITIATED towing [of a disabled vehicle] and [the] TRESPASS towing
3 [of a vehicle from a parking lot or garage is] ARE subject to supervision and administrative
4 control in the county in order to:

- 5 (1) Protect the general welfare and public interests of the community;
- 6 (2) Safeguard the public interests against fraud, discrimination, deception, and similar
7 abuses; and
- 8 (3) Eliminate the retarding of traffic, unnecessary street congestion, unnecessary delays,
9 and traffic hazards.

10 § 21-16-103.

11 A person shall obtain the appropriate license from the Department before the person may
12 engage in the business of [towing]:

- 13 (1) [A disabled vehicle from the scene of a motor vehicle accident occurring within the
14 county] POLICE-INITIATED TOWING; or
- 15 (2) [A] TRESPASS TOWING OF A motor vehicle from a parking lot or garage.

16 § 21-16-104.

- 17 (b) (1) An applicant for [an accident] A POLICE-INITIATED towing license shall:
 - 18 (i) Apply to the Department for a license on a form provided by the
19 Department; and
 - 20 (ii) Pay to the Department a license fee of \$125 when submitting the
21 application.
- 22 (2) The annual renewal fee for [an accident] A POLICE-INITIATED towing
23 license is \$50.

24 § 21-16-105.

- 25 (b) The applicant or licensee shall:
 - 26 (1) Provide secure fenced-in storage facilities [for 10 or more vehicles] either on

1 the premises shown on the license or within sight of the premises shown on the [license]
2 LICENSE, INCLUDING :

3 (I) CAPACITY FOR 10 OR MORE VEHICLES FOR A TRESPASS
4 TOWING LICENSEE; and

5 (II) CAPACITY FOR 30 OR MORE VEHICLES FOR A POLICE-
6 INITIATED TOWING LICENSEE; AND

7 (2) Dispatch towing vehicles either from the premises shown on the license or
8 from the fenced-in storage facilities.

9 § 21-16-107.

10 (c) All records maintained by licensed towing companies AND THE CONTRACTOR
11 shall be open to inspection by authorized police agencies AND THE DEPARTMENT during
12 normal business hours.

13 § 21-16-108.

14 (a) [(1)] The Department shall [approve new accident towing licenses based on the
15 need for additional service.

16 (2) If the need does not exist, the Department may not approve an application]
17 ISSUE A POLICE-INITIATED TOWING LICENCE TO AN APPLICANT WHO COMPLIES
18 WITH THE REQUIREMENTS OF THIS TITLE AND ANY REGULATIONS ADOPTED IN
19 ACCORDANCE WITH THIS TITLE.

20 § 21-16-109.

21 (a) (1) When applying for a license, the applicant FOR A TRESPASS TOWING
22 LICENSE shall file with the Department a schedule that includes:

23 [(1)] (I) Maximum fees that the applicant will charge for the use of the tow
24 truck in connection with providing various kinds of towing service;

25 [(2)] (II) A full and detailed statement of the service to be rendered for each
26 stated amount of fee; and

1 [(3)] (III) The maximum daily fees that the applicant will charge for the
2 storage of a vehicle.

3 (2) (I) THE DEPARTMENT SHALL ESTABLISH A FEE SCHEDULE FOR
4 POLICE-INITIATED TOWERS.

5 (II) THE DEPARTMENT SHALL REVIEW THE FEE SCHEDULE
6 AND CONSIDER CHANGES TO IT AT LEAST ONE TIME EACH YEAR.

7 (b) A licensee may [not change] NOT:

8 (1) CHANGE the [charges] TRESPASS TOWING FEES without filing with the
9 Department an amended schedule showing the changes [proposed] PROPOSED;

10 (2) CHARGE AN OWNER MORE THAN THE FEE APPROVED OR
11 ESTABLISHED BY THE DEPARTMENT, AS APPLICABLE, FOR THE SERVICE
12 PROVIDED; OR

13 (3) CHARGE AN OWNER A FEE FOR A SERVICE NOT APPROVED OR
14 ESTABLISHED BY THE DEPARTMENT, AS APPLICABLE.

15 (c) (1) The Department may reject the proposed TRESPASS TOWING charges
16 when the charges proposed are, in its opinion, excessive for the service to be performed.

17 (2) If the Department rejects the proposed schedule of charges, the Department
18 shall return the proposed schedule to the person engaged in the TRESPASS towing business,
19 with suitable notification of its reasons for rejecting it.

20 [(d) Rejection of a schedule of charges for accident towing is appealable as provided in §
21 21-16-110 of this title.]

22 § 21-16-110.

23 (a) [This section applies only to accident towing.] IN THIS SECTION, “PERSON WHO
24 IS AGGRIEVED” MEANS A PERSON:

25 (1) WHO WAS DENIED A LICENSE UNDER § 21-16-108 OF THIS TITLE;
26 OR

27 (2) WHOSE LICENSE WAS DENIED, REVOKED, SUSPENDED, OR
28 REFUSED RENEWAL UNDER § 21-16-125 OF THIS TITLE.

1 § 21-16-112.

2 (a) The Chief of Police AND THE CONTRACTOR shall retain a current list of all
3 [licensed accident] POLICE-INITIATED towing [operators] LICENSEES.

4 (b) (1) The owner of a [disabled] vehicle REQUIRING POLICE-INITIATED
5 TOWING may request that a specific licensed [accident] POLICE-INITIATED towing company
6 respond to a call to tow the [disabled] vehicle if the towing company can respond within a
7 reasonable time.

8 (2) If the [disabled] vehicle is a traffic hazard or is obstructing traffic and the
9 company requested by the owner of the [disabled] vehicle cannot respond within [20] 15
10 minutes, the [Police Department] CONTRACTOR shall call the [closest] ASSIGNED licensed
11 [accident] POLICE-INITIATED towing company and the owner of the [disabled] vehicle shall
12 be subject to the fees authorized under this title.

13 (c) [(1)] Subject to subsection (b) of this section, [if] IF, IN THE JUDGMENT OF
14 THE RESPONDING POLICE OFFICER, [the services of a towing vehicle are required and a
15 request is made to the Police Department to provide accident towing services,] POLICE-
16 INITIATED TOWING IS REQUIRED, the Police Department SHALL CONTACT THE
17 CONTRACTOR WHO shall [call] CONTACT the licensed [accident] POLICE-INITIATED
18 towing operator whose place of business is [closest] ASSIGNED to the [scene of the accident]
19 LOCATION FROM WHICH A VEHICLE IS TO BE TOWED.

20 [(2) If the accident towing operator who is closest to the scene of the accident
21 does not then have a towing vehicle available for service, the Police Department shall call the
22 next closest accident towing operator and so on until a towing vehicle has been secured.

23 (d) (1) (I) If a towing vehicle does not arrive at the scene of a collision or
24 accident within 20 minutes after the request is made, the officer at the scene shall notify the
25 Police Department of the delay.

26 (ii) The Police Department shall then contact the accident towing
27 company to ascertain the cause of the delay.

28 (iii) If the Police Department is not reasonably satisfied that the towing
29 vehicle will arrive at the scene within 5 minutes after the second call, it shall contact the next

1 closest accident towing company and so on as if the first towing company had not been
2 contacted.

3 (2) In considering the delay, the Police Department shall give consideration to
4 abnormal traffic patterns that result from adverse weather conditions, emergencies, or other
5 cause.]

6 (D) EXCEPT AS OTHERWISE PROVIDED BY LAW, AT ALL TIMES, THE SCENE
7 AND ANY POLICE-INITIATED TOWING OPERATOR AT THE SCENE SHALL BE
8 UNDER THE COMMAND OF THE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE OR
9 THE HIGHEST RANKING POLICE OFFICER AT THE SCENE.

10 § 21-16-113.

11 (a) On arriving at the scene of [an accident] A REQUESTED POLICE-INITIATED
12 TOWING, the [accident] towing operator immediately shall remove the [disabled] vehicle to the
13 operator's storage lot, unless authorized by the owner or operator of the vehicle to remove the
14 [disabled] vehicle to a place of the owner's or operator's choosing.

15 (b) If a [disabled] vehicle cannot promptly and efficiently be removed from the scene [of
16 an accident], the [police] CONTRACTOR may call the next [closest accident] ASSIGNED
17 POLICE-INITIATED towing licensee to assist in the removal.

18 (c) (1) (I) [An accident] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND
19 (3) OF THIS SUBSECTION, A POLICE-INITIATED towing [company] LICENSEE [is
20 required to] SHALL release a [disabled] vehicle to the owner [only] during the regular business
21 day.

22 (II) FOR PURPOSES OF THIS PARAGRAPH AND SUBJECT TO
23 PARAGRAPH (3) OF THIS SUBSECTION, THE REGULAR BUSINESS DAY MEANS
24 BEING OPEN MONDAY THROUGH FRIDAY FOR A MINIMUM OF EIGHT
25 CONSECUTIVE HOURS EACH DAY COUNTING FROM NO EARLIER THAN 8:00 AM.

26 (2) [An accident] A POLICE-INITIATED towing [company] LICENSEE may
27 release a [disabled] vehicle to the owner at other times.

28 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS

1 PARAGRAPH, A POLICE-INITIATED TOWING LICENSEE SHALL RELEASE A
2 VEHICLE BETWEEN 9 AM AND 12 NOON ON SATURDAYS, SUNDAYS, AND SUBJECT
3 TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, HOLIDAYS.

4 (II) A POLICE-INITIATED TOWING LICENSEE MAY DECIDE TO
5 REMAIN CLOSED ON SUNDAYS AND HOLIDAYS AND NOT RETURN VEHICLES BUT
6 MAY NOT CHARGE STORAGE FEES FOR THOSE DAYS IF CLOSED.

7 (III) FOR PURPOSES OF THIS PARAGRAPH, A HOLIDAY IS A DAY
8 OF THE WORK WEEK (MONDAY THROUGH FRIDAY) ON WHICH BALTIMORE
9 COUNTY GENERAL GOVERNMENT OFFICES ARE CLOSED IN HONOR OF A
10 HOLIDAY AS ESTABLISHED EACH YEAR BY THE COUNTY ADMINISTRATIVE
11 OFFICER.

12 (D) A POLICE-INITIATED TOWING LICENSEE SHALL ACCEPT THE
13 FOLLOWING AS PAYMENT FOR APPROVED FEES:

14 (1) CASH; OR

15 (2) IF ACCOMPANIED BY REASONABLE IDENTIFICATION,
16 TRAVELER'S CHECKS OR CREDIT CARDS, AS DETERMINED BY THE DIRECTOR.

17 § 21-16-115.

18 (b) A [person] POLICE-INITIATED towing [a disabled vehicle] LICENSEE may not
19 offer to secure or provide bail or enter into any agreement, oral or written, to secure or provide
20 bail or arrange for the providing of bail for any person [involved in a motor] WHOSE vehicle
21 [collision or accident in the county] HAS BEEN TOWED.

22 § 21-16-123.

23 (A) The Department may adopt and enforce regulations necessary to effectuate the
24 purposes of this title.

25 (B) THE REGULATIONS FOR POLICE-INITIATED TOWING MAY INCLUDE
26 PROVISIONS FOR:

27 (1) LICENSE APPLICATIONS;

- 1 (2) TOWING FACILITY REQUIREMENTS;
2 (3) EQUIPMENT REQUIREMENTS;
3 (4) REQUIREMENTS AND QUALIFICATIONS FOR TOW TRUCK DRIVERS
4 AND THE OWNERS OF TOWING COMPANIES;
5 (5) MAXIMUM CHARGES FOR TOWING SERVICES;
6 (6) DISPATCH AND RESPONSE STANDARDS;
7 (7) COMPLAINTS ABOUT SERVICE;
8 (8) INSURANCE REQUIREMENTS;
9 (9) DISCIPLINARY STANDARDS AND PENALTIES;
10 (10) ANY OTHER MATTERS CONSIDERED NECESSARY BY THE
11 DEPARTMENT.

12 § 21-16-124.

13 A person may not engage in the business of POLICE-INITIATED towing [disabled
14 vehicles from the scene of a motor vehicle accident occurring within the county] or TRESPASS
15 towing [motor vehicles from parking lots or garages]:

- 16 (1) Unless the person is licensed by the Department; or
17 (2) When the person's license is suspended or revoked.

18 § 21-16-125.

19 ~~(a) A person who violates any provision of this title is guilty of a misdemeanor and~~
20 ~~on conviction is subject to a fine not exceeding [\$100] \$1,000 for each offense, recoverable with~~
21 ~~costs.~~

22 (c) (1) In addition to any other remedy provided by law, the provisions of [§§
23 21-16-116 though 21-16-121 (as the latter section relates to trespass towing only) of] this title
24 shall be enforced by the code official in accordance with the notice and hearing requirements in
25 Article 3, Title 6 of the Code.

26 SECTION 2. AND BE IT FURTHER ENACTED, that Section 21-16-111.1 is hereby

1 added to Title 16. Towing Businesses of Article 21. Permits, Licenses, and Business Regulation
2 of the Baltimore County Code, 2003, as amended, to read as follows:

3 § 21-16-111.1

4 (A) THE COUNTY SHALL PROCURE POLICE-INITIATED TOWING SERVICES
5 FROM A SINGLE CONTRACTOR IN ACCORDANCE WITH ARTICLE 10, TITLE 2 OF
6 THE CODE.

7 (B) (I) A REQUEST FOR PROPOSALS ISSUED UNDER THIS SECTION SHALL
8 INCLUDE PERFORMANCE STANDARDS THAT MUST BE MET BY THE CONTRACTOR
9 DURING THE TERM OF ANY CONTRACT.

10 (II) FAILURE TO MEET THE PERFORMANCE STANDARDS SHALL BE
11 GROUNDS FOR TERMINATION OF THE CONTRACT.

12 (C) (1) THE CONTRACTOR PROCURED UNDER THIS SECTION SHALL BE
13 RESPONSIBLE FOR CONTRACTING WITH TOWING LICENSEES TO PROVIDE
14 POLICE-INITIATED TOWING ON A ROTATIONAL BASIS TO BE DETERMINED BY
15 THE CHIEF OF POLICE AND THE CONTRACTOR.

16 (2) ~~(I)~~ THE CONTRACTOR MAY ONLY CONTRACT FOR POLICE-
17 INITIATED TOWING SERVICES WITH POLICE-INITIATED TOWING LICENSEES.

18 (II) THE CONTRACTOR MAY NOT AUTHORIZE A LICENSEE TO
19 DISPATCH A TOWING VEHICLE FROM, OR PARK A TOWING VEHICLE AT ANY
20 LOCATION OTHER THAN THE PREMISES INDICATED ON THE LICENSE OR FROM
21 FENCED-IN STORAGE FACILITIES WITHIN VIEW OF THE PREMISES SHOWN ON
22 LICENSE.

23 (3) THE CONTRACTOR IS NOT REQUIRED TO OFFER A POLICE-
24 INITIATED TOWING CONTRACT TO EVERY POLICE-INITIATED TOWING LICENSEE.

25 (4) THE CONTRACTOR SHALL OFFER EACH POLICE-INITIATED
26 TOWING LICENSEE WHOM THE CONTRACTOR INTENDS TO PLACE IN THE
27 ROTATION A STANDARD CONTRACT APPROVED BY THE DIRECTOR OF PERMITS
28 AND DEVELOPMENT MANAGEMENT.

1 (5) THE STANDARD CONTRACT REQUIRED UNDER THIS SUBSECTION
2 SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:

3 (I) THE CONTRACT SHALL INCORPORATE BY REFERENCE THE
4 REQUEST FOR PROPOSALS PUBLISHED BY THE COUNTY, THE CONTRACT
5 EXECUTED BY THE COUNTY WITH THE CONTRACTOR, THIS TITLE, AND ANY
6 REGULATIONS ADOPTED UNDER THE AUTHORITY OF THIS TITLE;

7 (II) THE CONTRACT SHALL PROHIBIT THE CONTRACTOR FROM
8 TAKING OR DEMANDING THE RECEIPT OF ANYTHING OF VALUE FROM ANY
9 POLICE-INITIATED TOWING LICENSEE OTHER THAN THE DISPATCH FEE PAID BY
10 THE TOWER TO THE CONTRACTOR; AND

11 (III) THE CONTRACT SHALL PROHIBIT THE CONTRACTOR
12 FROM MAKING, GUARANTEEING OR CO-SIGNING ANY LOAN TO A POLICE-
13 INITIATED TOWING LICENSEE.

14 (D) (1) IN THIS SUBSECTION "INTEREST" MEANS A LEGAL OR
15 EQUITABLE INTEREST, WHETHER OR NOT SUBJECT TO AN ENCUMBRANCE OR A
16 CONDITION, WHICH IS OWNED OR HELD BY A PERSON SUBJECT TO THIS TITLE IN
17 ANY WAY, IN WHOLE OR IN PART, JOINTLY OR SEVERALLY, DIRECTLY OR
18 INDIRECTLY.

19 (2) (I) THE REQUEST FOR PROPOSAL ISSUED UNDER THIS
20 SECTION SHALL REQUIRE EACH BIDDER TO DISCLOSE WHETHER THE BIDDER
21 HAS AN INTEREST IN ANY POLICE-INITIATED TOWING LICENSEE OR MOTOR
22 VEHICLE REPAIR FACILITY:

23 1. IN THE RESPONSE TO THE REQUEST; AND
24 2. IF THE BIDDER IS SELECTED TO BE THE
25 CONTRACTOR, WITHIN 30 DAYS AFTER HAVING ACQUIRED AN INTEREST IN ANY
26 POLICE-INITIATED TOWING LICENSEE OR MOTOR VEHICLE REPAIR FACILITY.

27 (II) THE DISCLOSURE SHALL INCLUDE, AT A MINIMUM, THE
28 NAME AND THE ADDRESS OF THE LICENSEE OR THE FACILITY, AS APPLICABLE,
29 AND ANY OTHER INFORMATION REQUIRED BY THE COUNTY.

1 (3) ANY VEHICLE TOWED AS A RESULT OF A POLICE-INITIATED
2 TOWING MAY NOT BE TOWED BY ANY TOWING LICENSEE IN WHICH THE
3 CONTRACTOR HAS AN INTEREST OR REPAIRED BY ANY REPAIR BUSINESS IN
4 WHICH THE CONTRACTOR HAS AN INTEREST.

5 (4) A VIOLATION OF THIS SUBSECTION SHALL BE GROUNDS FOR
6 IMMEDIATE TERMINATION OF THE CONTRACT BETWEEN THE CONTRACTOR AND
7 THE COUNTY.

8 (5) THIS SUBSECTION SHALL BE LIBERALLY CONSTRUED TO
9 ACCOMPLISH THE PURPOSE OF GUARDING AGAINST IMPROPER INFLUENCE IN
10 THE PROVISION OF POLICE-INITIATED TOWING SERVICES.

11 (E) THE REQUEST FOR PROPOSALS ISSUED UNDER THIS SECTION SHALL
12 REQUIRE EACH BIDDER TO PROPOSE A SYSTEM OF ALTERNATIVE DISPUTE
13 RESOLUTION, INCLUDING ARBITRATION OR MEDIATION, BINDING OR NON-
14 BINDING, FOR THE RESOLUTION OF DISPUTES BETWEEN THE CONTRACTOR AND
15 A TOWING LICENSEE, WITH THE FOLLOWING CONDITIONS:

16 (I) THE EXECUTION OF A CONTRACT BETWEEN THE
17 CONTRACTOR AND AN ADDITIONAL TOWER MAY NOT BE SUBJECT TO DISPUTE;
18 AND

19 (II) COUNTY PERSONNEL MAY NOT SERVE AS A MEMBER OF
20 ANY PANEL;~~AND.~~

21 ~~(III) COUNTY PERSONNEL MAY NOT BE CALLED TO TESTIFY~~
22 ~~AS AN EYEWITNESS IN ANY DISPUTE.~~

23 SECTION 3. AND BE IT FURTHER ENACTED, that Section 21-16-106(d) of Title 16.
24 Towing Businesses of Article 21. Permits, Licenses, and Business Regulation of the Baltimore
25 County Code, 2003, as amended, is hereby repealed.

26 SECTION 4. AND BE IT FURTHER ENACTED, that every person who possesses a
27 Baltimore County accident towing license on the introduction date of this Act shall be deemed a

1 police-initiated towing licensee from the introduction date of this Act. After December 31,
2 2008, the Director of Permits and Development Management may not issue a police-initiated
3 towing license for heavy duty towing to any person subject to this section who does not comply
4 with the Director's heavy duty towing qualification regulations for police-initiated towing
5 licensees. This section does not apply to a license that is revoked, denied or refused renewal
6 under § 21-16-125 of the Baltimore County Code, 2003 after the introduction date of this Act.

7 ~~SECTION 5. AND BE IT FURTHER ENACTED, that upon execution of a contract with~~
8 ~~the county, the contractor shall offer a place in the rotation required under Section 7 of this Act~~
9 ~~to each person who is a Baltimore County Accident Towing licensee on the introduction date of~~
10 ~~this Act. The Department of Permits and Development Management shall provide a list of~~
11 ~~licensees to the contractor. The contractor may not remove a licensee from the rotation unless~~
12 ~~the licensee's license is revoked by the County or, in case of a licensee whose license was not~~
13 ~~revoked, unless the contractor informs the licensee and offers the licensee an opportunity to~~
14 ~~resolve the dispute under the alternative dispute resolution system required under § 21-16-~~
15 ~~111.1(e) of the Baltimore County Code, 2003. Removal from the rotation shall be deemed an act~~
16 ~~of the contractor and not the County. The contractor may not add a new police-initiated towing~~
17 ~~licensee to the rotation in any geographic designation required under Section 7 of this Act until~~
18 ~~not less than 90 days after the contractor has executed a contract with each licensee serving the~~
19 ~~geographic designation.~~

20 SECTION 5. AND BE IT FURTHER ENACTED, that upon execution of the contract
21 with the county, the contractor shall offer a standard form contract to each person who is a
22 Baltimore County accident towing licensee or who is performing accident towing services for
23 Baltimore County on the introduction date of this Act. The Baltimore County Police Department
24 shall provide a list of licensees and those performing accident towing services on the
25 introduction date of this Act to the contractor. The contractor may not cancel an executed
26 contract with a licensee unless the licensee's license has been revoked by the County or in the
27 case of a licensee whose license was not revoked by the County, unless the contractor informs
28 the licensee and offers the licensee an opportunity to resolve the dispute under the arbitration
29 system required under §21-16-111.1(e) of the Baltimore County Code, 2003. Cancellation of a
30 contract shall be considered an act of the contractor and not the county. The contractor may not
31 add a new police initiated towing licensee in any geographic area designated in accordance with
32 Section 7 of this Act until not less than 180 days after the contractor has executed a contract with

1 each licensee and with each person who is performing accident towing services within that
2 geographic area on the introduction date of this Act.

3 SECTION 6. AND BE IT FURTHER ENACTED, that the county shall endeavor to have
4 the contractor who will provide police-initiated towing services in place and operational by
5 March 1, 2008. Notwithstanding Section 8 9 of this Act, until the contractor is in place and
6 operational, the county shall continue to use the accident towing services and procedures in
7 effect before the effective date of the Act.

8 SECTION 7. AND BE IT FURTHER ENACTED, that, subject to Section 6 of this Act,
9 the Police Department shall may develop a system under which it will combine current reporting
10 areas creating new geographic designations in such a way that not less than 2 police-initiated
11 towing licensees serve the area so that the contractor shall dispatch responses to requests for
12 police-initiated towing on a fair and consistent rotational basis. The new system shall take into
13 account the provisions of Sections 4 and 5 of this Act and shall take into account the dispatch
14 distribution that was in effect before the effective date of this Act. The combined reporting areas
15 authorized under this section may not take effect before the expiration of the 180-day period
16 required under Section 5 of this Act.

17 SECTION 8. AND BE IT FURTHER ENACTED that, subject to Sections 4, 5, and 6, of
18 this Act, when the contractor adds new towers to the rotation required under Section 7 of this
19 Act, in adding new towers, the contractor shall make every effort to comply with the
20 requirements of the Executive Order entitled “Utilization of Minority Business Enterprises and
21 Women’s Business Enterprises in County Contracts” as placed into effect and amended on and
22 after March 5, 2004.

23 SECTION 8 9. AND BE IT FURTHER ENACTED, that this Act, having been passed by
24 the affirmative vote of five members of the county council, shall take effect October 14, 2007.

