

Harford County Police Initiated Towing Regulations



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1. INTRODUCTION

Pursuant to Harford County Code §237-3, the Department of Inspections, Licenses and Permits hereby adopts the following rules and regulations which shall be applicable to all police initiated licensed Harford County towing companies. These rules and regulations shall not be construed to relieve any person of any duty imposed by the Harford County Code.

Police initiated Licensed Harford County towing companies are reminded that the purpose for having licensed towing companies is to protect the general welfare and public interests of the community, to safeguard the public interests against fraud, discrimination and deception, to protect property from theft and additional damage, and for the expedient removal of disabled motor vehicles and debris from roadways and impact areas. In addition, all licensed Harford County towing companies and their staff members should make every effort to be courteous to persons with whom they are conducting business.

These regulations do not prohibit the Harford County Sheriff's Office or any law enforcement agency from contacting or utilizing specialized equipment for the removal of a disabled vehicle when, in the opinion of the law enforcement agency representative, the specialized equipment is necessary for a safe recovery.

2. DEFINITIONS

BUSINESS LOCATION: A location in which a Police initiated Towing Company can transact business, store records and store towed vehicles and is in compliance with all applicable Zoning, Building and Fire Codes.

DEBRIS: Injurious substances including, but not limited to, glass, oil, antifreeze, etc. but not to include hazmat related materials.

DEPARTMENT: Harford County Department of Inspections, Licenses and Permits.

DIRECTOR: The Director of the Department or his/her designee.

DISABLED VEHICLE: A motor vehicle which has been damaged or rendered permanently or temporarily inoperative as the result of a collision or accident, as a result of wear and tear or mechanical failure, or as a result of any other cause, and of which a law enforcement agency has requested the removal.

LICENSE: A license issued pursuant to the Harford County Code and the Harford County Police Initiated Towing Regulations to engage in towing of Disabled Vehicles from the roadways within the boundaries of Harford County at the request of a law enforcement agency.

MAY: Options are available for the method of meeting the regulation.

PERSON: A natural person, partnership, corporation, association, or other entity.

RECOVERY: Preparation for removing a disabled vehicle by a licensed tow vehicle for which a fee is charged.

REGULATIONS: Harford County Police Initiated Towing Regulations.

REGULAR BUSINESS DAY: That period between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. For the purpose of this regulation the term "Holiday" shall mean the following public holidays as established for Federal employees; New Years Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

ROLLBACK: Means a vehicle that is designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow an additional vehicle.

ROTATION LIST: A list of licensed towing companies assigned to a specific geographical area (Towing Area).

SHALL: The regulation is mandatory and compliance is required.

STORAGE FACILITY: A fenced-in area for ten (10) or more motor vehicles on the premises described on the license. Heavy duty towing companies (as defined in Section 5.3) shall have additional room for one (1) complete tractor trailer rig.

TOWING: The moving or removing or the preparation thereof of a disabled vehicle by another vehicle for which service charge is made, either directly or indirectly. A charge made indirectly includes dues or other charges of bona fide clubs or associations which provide towing services.

POLICE INITIATED TOWING AREA: A geographical area, defined in Section 8 of the Regulations, to which a designated list of licensed towing companies is assigned.

TOWING COMPANY: A natural person, partnership, corporation, association, or other entity owning, operating or conducting the business of disentangling, recovering, removing or towing disabled vehicles.

POLICE INITIATED TOWING SERVICE: Towing provided in response to a request from a law enforcement agency to remove a disabled vehicle.

TOWING VEHICLE: A vehicle used by a towing company and registered under a license pursuant to these regulations that tows, carries or removes a disabled vehicle.

3. GENERAL PROVISIONS OF SERVICE

3.1. General Requirements

- 3.1.1. Any towing company meeting the qualifications outlined in the adopted rules and regulations and §237 of the Harford County Code, may apply for and obtain a license from the Department.
- 3.1.1.1. Licensed Harford County towing companies shall be assigned to a towing area defined in Section 8 of these regulations based upon their business service area. A licensed towing company may be placed on the call rotation list for each towing area only once regardless of the number of business locations maintained by that towing company within a particular towing area.
- 3.1.1.2. Towing companies who can provide timely police initiated towing response times, will be allowed, upon request by the licensed company, to be listed on more than one police initiated rotation list. (Towing Companies electing to operate in more than one Police Initiated Towing Area, are cautioned to give consideration to operating in areas where response times could be affected by factors such as, but not limited to, geographical areas of the county, environmental conditions, traffic patterns, and potential traffic conditions.)
- 3.1.2. ***The business location of a towing company shall include an office area in which business can be conducted and records maintained. The business location shall be at the same location as the towing company's storage lot designated for that towing area.***
- 3.1.2.1. Each registered business location operated by a licensed towing company shall be open and staffed during any "Regular Business Day", as defined in §237-1 of the Harford County Code. Unreasonable delays in providing service at the business location shall be prohibited.
- 3.1.2.2. ***No more than one licensed towing company may operate at a single business address.***
- 3.1.2.3. ***The business location shall be identified by a minimum of one sign indicating the business name as registered with the Department of Inspections, Licenses and Permits. All signs shall be clearly visible from within 500 feet from the road and in each direction of travel. All business signs must be in compliance with applicable local zoning codes.***
- 3.1.2.4. ***Proper identification of the towing service and hours of operations must be posted on the building.***
- 3.1.3. ***A licensed Harford County towing company shall not subcontract any portion of towing service provided under these regulations. This includes but is not limited to towing of vehicles, storage of vehicles, transaction of payment for services and releasing of vehicles to the appropriate owner or owner's representative.***
- 3.1.3.1.1. A towing company receiving a call for service may contact another licensed Harford County towing company to assist in the removal of a disabled motor vehicle as long as the Towing Company receiving the call for service responds to the scene with a licensed towing vehicle.
- 3.1.3.1.2. In the event that a towing company utilizes the subcontracting exception provided for in Section 3.1.3.1.1 of these regulations, all of the vehicles towed from the incident shall be taken to the storage facility of the towing company originally requested by the law enforcement agency.

- 3.1.3.2. If a towing company receiving a call for towing service cannot perform the towing service requested in a timely manner, it shall decline the call and the next towing company on the rotation list shall be notified.
- 3.1.4. Towing services shall be provided by the towing company twenty-four (24) hours per day unless a towing vehicle is unavailable. If a towing vehicle is unavailable, the towing company shall notify the law enforcement agency at the time the request is received.
 - 3.1.4.1. A towing company shall submit a request to the Department if it wishes to be temporarily removed from the active rotation list. Calls made to the Harford County Emergency Operations Center will not constitute a valid request and may subject the towing company to disciplinary action as outlined in Section 9 of these regulations.
- 3.1.5. The use of an answering service or pager for notification under these regulations shall not be allowed.
 - 3.1.5.1. If the towing company elects to install or utilize a telephone call switching device or service, the towing company shall be solely responsible for the reliability of the device or service.
- 3.1.6. If the towing company's storage facility is at the maximum capacity of motor vehicles, the towing company shall not accept a request for towing service from a law enforcement agency. At the time of the request, the towing company shall advise the calling officer that the storage facility is at capacity and the next towing company on the rotation list should be called. This action will not constitute a "no response."
- 3.1.7. The towing company shall respond with one (1) towing vehicle for each disabled vehicle towed, unless the responding towing vehicle is capable of removing more than one (1) disabled vehicle at the same time (e. g., a rollback truck, etc.) or the towing company has requested assistance as provided for in Section 3.1.3.1.1.
- 3.1.8. No licensed towing company may charge in excess of the maximum allowable towing rates established pursuant to Harford County Code § 237-12 for towing services unless there is a written agreement between the towing company and the owner of the vehicle for services different from or in addition to those provided for under these regulations. The maximum allowable towing rates shall apply to all towing services requested by a law enforcement agency regardless of the disabled vehicle's location and/or physical condition. Charges for subsequent towing of the vehicle after the initial towing service requested by a law enforcement agency are not limited to the maximum allowable towing rates described above unless the subsequent towing request is by a law enforcement agency to have the vehicle moved between a law enforcement agency facility and the towing company storage facility.
 - 3.1.8.1. Method of Payment – A towing company shall accept a minimum of two regularly accepted methods of payment, including but not be limited to cash, credit cards or travelers checks.
 - 3.1.8.2. A copy of the towing rates adopted pursuant to law shall be posted in a conspicuous location within the business office of the towing company that is accessible to the general public. Copies of the adopted rates shall be available upon request.

3.2. Storage Facilities

- 3.2.1. The licensed towing company shall maintain a secure, fenced-in storage facility for at least ten (10) automobiles at each business location shown on its license.
- 3.2.2. Heavy duty towing companies shall have additional room for one (1) complete tractor trailer rig.

- 3.2.3. Fencing shall have a minimal height of eight (8) feet and completely encompass the storage facility except where the fencing is securely connected to a permanent structure which meets the minimum height requirements.
- 3.2.4. The storage facility shall be paved with permanent all-weather materials over suitably compounded and compacted base materials. Weatherproof, dustless material (i.e., blacktop, stone, rock, etc.) shall be suitable paving material.
- 3.2.5. The storage facility shall have proper drainage.
- 3.2.6. The storage facility shall meet applicable local laws including zoning requirements.
- 3.2.7. The storage facility shall meet all applicable state and federal laws and regulations.
- 3.2.8. The storage facility shall be properly maintained in a neat and orderly manner and shall be free of miscellaneous debris.
- 3.2.9. ***The storage facility shall not serve more than one licensed Harford County towing company nor shall it be shared by any entity that is not under common ownership with the licensed towing company.***

3.3. Drivers

- 3.3.1. Anyone employed by a licensed towing company engaged in the act of towing under these Rules and Regulations shall maintain a current valid driver's license, appropriate to the class of vehicle that the driver is operating, and a valid DOT medical card. The licensed driver must obey and be in compliance with all applicable state and federal regulations covering the operation of the towing vehicle.
- 3.3.2. A licensed towing company shall insure that its towing vehicles are operated only by drivers licensed in accordance with Section 3.3.1 of this regulation.

3.4. Response Time

- 3.4.1. The towing company shall respond to a law enforcement light, medium or heavy duty tow request within the time frame provided for in §237-10 of the Harford County Code.

3.5. Removal and Storage of Towed Motor Vehicle

- 3.5.1. Upon arrival at the scene, the towing vehicle operator shall contact the investigating officer prior to moving any disabled vehicle(s) to determine if the officer is ready to have the disabled vehicle(s) removed and to obtain required information for the towing company's records.
- 3.5.2. The accident scene shall be cleaned up by the towing vehicle operator. The road surface shall be swept and the debris shall be picked up and removed by the towing vehicle operator, including antifreeze or oil. Absorbent shall be used to remove any spillage and disposed of in plastic trash bags in accordance with applicable local, state and federal regulations.
- 3.5.3. The towing company shall take the towed vehicle immediately to the licensed towing company storage facility, unless the tow vehicle operator enters into a signed agreement with the owner or operator of the disabled vehicle to remove the disabled vehicle to another location.
 - 3.5.3.1. The towed disabled vehicle shall be secured inside the storage facility and at no time shall a towed disabled vehicle be left unattended outside the storage facility. The disabled vehicle shall remain secured within the storage facility until the owner or owner's authorized agent secures possession of the vehicle.

- 3.5.3.2. If any disabled vehicle is damaged or stolen from a storage facility, the towing company shall notify the appropriate law enforcement agency immediately upon discovery and shall file a report.
- 3.5.3.3. For security purposes motorcycles, mopeds, all terrain vehicles and disabled vehicles of a similar nature may be secured within a building owned or leased by the police initiated licensed towing company at the registered business address.
- 3.5.4. A towing company shall be required to release a disabled vehicle upon payment of authorized charges during normal business hours, but may release a motor vehicle to the owner or owner's authorized agent at other times without additional charges being applied.
- 3.5.5. Disabled vehicles designated as law enforcement storages shall only be released upon authorization of the appropriate law enforcement agency and only after presentation of an authorized vehicle release provided by the law enforcement agency to the towing company.
 - 3.5.5.1. The law enforcement officer requesting the storage shall complete the *Motor Vehicle Storage form* (SO-004) or other appropriate form as designated by the law enforcement agency, and require the towing vehicle operator to sign in the designated area at the time the disabled vehicle is initially towed.
 - 3.5.5.2. Towing vehicle operators shall not sign a blank *Motor Vehicle Storage form* (SO-004) or other appropriate form as designated by the law enforcement agency.

3.6. Towing Records

- 3.6.1. Record Retention.
 - 3.6.1.1. The towing company shall maintain a hard copy of the following documentation for a period of three (3) years:
 - a) One (1) copy of the tow invoice for each vehicle towed, including the charges for each service performed.
 - b) One (1) copy of each of the law enforcement vehicle release forms for motor vehicles released by authorization of a law enforcement agency.
 - 3.6.1.2. The towing company tow invoice shall at a minimum include the following information:
 - a) Date and time the disabled vehicle was towed;
 - b) Make, tag number and serial number of the motor vehicle;
 - c) Location the disabled vehicle was towed from;
 - d) Date the disabled vehicle was released; and
 - e) The name of the person taking possession of the towed vehicle.
 - f) For heavy duty recoveries, an explanation of charges shall be attached to the invoice, describing in detail the charges for specialized equipment which shall be charged at established and customary station rates.
 - 3.6.1.3. All records pertaining to police initiated towing shall be updated on a daily basis as required.
 - 3.6.1.4. The towing company shall make all records of towing services available for inspection upon demand by any member of the Harford County Sheriff's Office or representative of the Department at the licensed business location.

4. CERTIFICATION AND LICENSURE

4.1. Application Requirements

- 4.1.1. The *Towing Service Application* (SO-144) for a Harford County towing license is available from the Department. Completed applications, including the application fees, shall be returned to the Department.
- 4.1.2. Renewal towing applications shall be mailed on an annual basis and must be returned by the applicant between November 1 and December 15 of each year. Any towing company failing to return the application to the Department by the stipulated date will be required to reapply as a new applicant and will be removed from the active rotation list at midnight, December 31.
- 4.1.3. A request for the transfer of business location shall be made by the towing company owner in writing to the Department no fewer than (60) days in advance of the proposed relocation. Relocation of the business shall not occur unless approved by the Department.
- 4.1.4. A Harford County police initiated towing license sticker shall be prominently displayed on each towing vehicle. Only a Harford County police initiated licensed tow company shall be used for a law enforcement requested tow, except when specialized equipment is needed or when in the opinion of the law enforcement agency deviation from the list is necessary to protect the integrity of an active criminal investigation.
- 4.1.5. The certified copy of the Harford County towing license for each towing vehicle shall be carried in the towing vehicle and shall be exhibited on demand to any Harford County law enforcement officer or Maryland State Trooper.
- 4.1.6. The towing company must acquire and maintain, for the duration of the licensing period without lapse, insurance coverage in accordance with §237-7 of the Harford County Code and these regulations. Additional coverage to include on-hook and cargo insurance with a minimum coverage of \$75,000 each shall be provided to cover vehicles while either being loaded or transported in the event of damage to the vehicle.
- 4.1.7. ***The towing company shall provide, for each truck to be registered, a certified copy of a Department of Transportation (DOT) inspection completed no more than 12 months prior to the date of application for an initial or renewal license with the Department. Licensed towing vehicles shall be subject to random inspections by the Harford County Sheriff's Office.***
- 4.1.8. Towing vehicle operators shall be identified on all new and renewal applications with the following information;
 - a) Driver's full name to include middle and surnames.
 - b) Driver's address, city, state and postal zip code
 - c) Driver's Soundex number (License Number)/issuing state
 - d) Driver's date of birth
- 4.1.9. The Department may not issue a new license or renew an existing license until the applicant has provided sufficient documentation that the Business location is in compliance with all applicable Zoning, Building and Fire Codes.
- 4.1.10. Each driver should be able to be identified at the scene as an employee of the tow company.

4.2. Application, License and Renewal Fees

- 4.2.1. The following fees shall be applicable to the initial licensing by the Department and yearly renewals.

a) Initial Application Licensing to Department	\$100.00 non-refundable
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b) Towing Vehicle registration/per vehicle \$ 50.00 per year

4.3. Inspection of Towing Company

- 4.3.1. Each towing company shall be inspected upon initial application and at a minimum on an annual basis at time of licensing renewal for the following:
- a) Storage facility and business location - Inspected by the Department. The inspector shall document the inspection on the *Storage Facility form* (DILP-143).
 - b) Towing Vehicles - Inspected by the Harford County Sheriff's Office or the towing company shall submit a certified copy of a Department of Transportation (DOT) Level 1 inspection completed by one of the qualified law enforcement agencies listed below. The certified inspection must have been completed between October 1st and November 30th of each year.
 - (1) Maryland State Police
 - (2) Maryland Transportation Authority
 - (3) Baltimore County Police Department
 - c) Records – Inspected by the Harford County Sheriff's Office or the Department.
- 4.3.2. The inspector of the towing vehicles and business records shall document the inspection on the *Towing Service Inspection form* (SO-143). Once completed, the inspector shall distribute the *form* as follows:
- a) Original: Harford County Sheriff's Office
 - b) Copy: Owner/Agent
 - c) Copy: Department
- 4.3.3. If a storage facility is found to be deficient, the Department will immediately issue a written notice of correction stating necessary corrective action(s) required and a deadline not to exceed 15 days for completion of the corrections. The towing company shall be solely responsible for making all corrections within the time specified.
- 4.3.4. If a towing vehicle or its equipment is found to be deficient, the Harford County Sheriff's Office shall notify the towing company which shall remove the vehicle from service until such time as any and all deficiencies are corrected. The inspecting Deputy shall complete a *Notice of Deficiency form* (SO-114) which shall be signed and dated by the issuing Deputy. The issuing Deputy shall immediately distribute the completed *Notice of Deficiency form* (SO-114) as follows:
- a) Original: Harford County Sheriff's Office
 - b) Copy: Owner/Agent
 - c) Copy: Department

5. TOWING VEHICLE.

5.1. General

- 5.1.1. Each licensed towing company shall have a minimum of one towing vehicle capable of meeting the requirements of this section. A licensed towing company shall only use a licensed towing vehicle for a law enforcement agency request except when the law enforcement agency request is for specialized equipment necessary for the safe recovery of a disabled vehicle involved in a unique situation.
- 5.1.2. The towing vehicle(s) shall have a tonnage rating of minimally a one ton chassis equipped with dual rear wheels.

- 5.1.3. The towing vehicle(s) shall be registered as a commercial vehicle with the Maryland State Motor Vehicle Administration and must display tow vehicle license plates.

5.2. Types of Towing Vehicles

- 5.2.1. The towing vehicle(s) shall be one (1) of the following:
 - a) A standard tow truck with a standard towing sling.
 - b) A standard tow truck with a wheel-lift attachment.
 - c) A standard tow truck with a cradle snatcher attachment.
 - d) A roll-back truck.
 - e) A trailer used for removing debris and/or motorcycles.

5.3. Tow Truck Classes

- 5.3.1. Heavy Duty. A tow truck shall have a minimum lift rating of twenty-five (25) tons and capable of towing 80,000 lbs. gross vehicle weight equipped with a boom and winch cable minimally one-half (1/2) inch in diameter and one hundred (100) feet in length.
- 5.3.2. Medium Duty. A tow truck or roll-back that has a manufacturer's gross vehicle weight rating of 17,500 to 26,001 pounds.
- 5.3.3. Light Duty. A tow truck or roll-back that has a manufacturer's gross vehicle weight rating minimally of 10,001 pounds gross.

5.4. Identification of Towing Vehicle

- 5.4.1. The name, address of the main licensed business location and telephone number of the towing company shall be legibly inscribed or permanently printed on the left and right side of the towing vehicle.
- 5.4.2. Letters and numerals in the towing company name shall not be less than three (3) inches in height.
- 5.4.3. Letters and numerals in the towing company address and telephone number may be smaller than three (3) inches, but must be clearly visible at a minimum distance of fifty (50) feet.
- 5.4.4. Magnetic and/or detachable signs shall not be used or authorized to identify the towing vehicle, the location of the towing office or storage yard.

5.5. Towing Vehicle Equipment

- 5.5.1. General Equipment Requirements
 - 5.5.1.1. Each towing vehicle shall be equipped with the following:
 - a) Broom.
 - b) Shovel.
 - c) Eight (8) Foot Pick-up Chain.
 - d) Four (4) Ton Minimum Rated Snatch Block.
 - e) Fire Extinguisher.
 - f) Proper Chocking Materials.
 - g) Absorbent.
 - h) Disposable Plastic Bags.
 - 5.5.1.2. The towing vehicle shall be equipped with dual rear-view mirrors positioned (one on right side and one on left side) as to be usable by the driver at all times while the towing vehicle is in operation, whether engaged in towing or not.
- 5.5.2. Trucks Equipped with Sling and Other Attachments

- 5.5.2.1. Towing vehicles equipped with slings shall be equipped with the following:
 - A) Minimally two (2) "J" hooks with an eight (8) foot length of chain attached.
 - b) Minimally one (1) four-inch by four-inch by five-foot (4"x4"x5') board which will be used as a blocking board when towing.
- 5.5.2.2. Trucks equipped with a wheel-lift attachment or a cradle snatcher attachment shall have the equipment necessary to properly operate these types of attachments.
- 5.5.3. Roll-Back Trucks
 - 5.5.3.1. Roll-back trucks shall have sufficient chain or tie-down straps to secure the towed vehicle to the bed of the roll-back. Roll Back trucks shall be operated in accordance with the manufacturer's operating instructions.
 - 5.5.3.2. Roll-back trucks shall be equipped and, when in combination with a vehicle being towed, utilize remote signaling devices as required by Title 22 of the Transportation Article, Annotated Code of Maryland.
- 5.5.4. Heavy Duty Tow Truck Equipment
 - 5.5.4.1. In addition to the standard equipment listed above a heavy duty tow truck must be equipped with the following items:
 - a) One (1) snatch block per winch with minimally an eight (8) ton rating.
 - b) Two eight-inch by eight-inch by two-feet (8"x8"x2') wooden blocks to be used for chocking when necessary or other proper blocking mechanism.
 - c) A minimum of two (2) binders.
 - d) One (1) truck-type, four-way lug wrench.
 - e) One (1) eight (8) pound minimum maul.
 - f) Air brake connections with a minimum of two (2) twenty-five (25) foot air hoses.
 - 5.5.4.1.1. Chains shall meet or exceed the following specifications:
 - a) Towing chains shall be a minimum of one-half (1/2) inch in diameter with a C-7 rating.
 - b) Winching chains shall be a minimum of one-half (1/2) inch in diameter and transport grade.
 - c) Two tie-down chains are required, with each chain a minimum of three-eighths (3/8) inch in diameter and twenty (20) feet in length.
- 5.5.5. Vehicle Dolly (Location Optional)
 - 5.5.5.1. If the towing company elects to have a vehicle dolly, one (1) vehicle dolly must be available at the following:
 - a) The business location; or
 - b) On the towing vehicle responding to the law enforcement requested tow call.
- 5.5.6. Equipment Condition
 - 5.5.6.1. All tow vehicles and towing equipment used in the towing and recovery of a disabled vehicle shall be kept in good sound condition and maintained in accordance with manufacturer's recommendations.
- 5.5.7. Towing Vehicle Lighting Equipment
 - 5.5.7.1. Emergency Lighting. The licensed towing vehicle shall be equipped with one (1) or more amber (yellow) oscillating or strobe-type flashing light. The amber light shall be plainly visible from a distance of one thousand (1,000) feet and shall remain illuminated at the scene of a law enforcement-requested tow and while towing a disabled vehicle. Emergency Lighting Equipment shall be functional at all times.
 - 5.5.7.2. Work Lighting. The licensed towing vehicle shall be equipped with at least one (1) work light affixed to the towing vehicle so that the work area to the rear of the towing vehicle is illuminated.

- 5.5.7.2.1. The licensed towing vehicle shall be equipped with one (1) of the following lighting options:
 - a) At least two (2) head lamps with high beam/low beam capability; or
 - b) Two (2) low beam and two (2) high beam head lamps.
- 5.5.7.2.2. The licensed towing vehicle shall be equipped with the following which shall be plainly visible from a distance of one thousand (1,000) feet, whether or not the vehicle is engaged in towing:
 - a) Two brake lights; and
 - b) Front and rear signal lights.
- 5.5.7.2.3. The lighting equipment shall be used as required by "The Maryland Motor Vehicle Law."
- 5.5.7.2.4. The lighting equipment shall be functional at all times.

6. THEFT, ALTERATION OR UNAUTHORIZED USE OF VEHICLES

- 6.1. If a towing company is found to be committing thefts from, changing or altering serial number of, and/or unauthorized use of vehicles coming into their control, the towing license may be suspended or revoked subject to Section 9 of this regulation.

7. DISPATCHING

7.1. Towing Company Rotation List

- 7.1.1. When the services to tow a disabled vehicle are required and requested by a law enforcement agency, the law enforcement agency shall call the next licensed towing company (for the geographically assigned area) on the rotation list. If an owner requests a specific licensed towing company and the requested towing company can respond within the required time limit, the requested company shall be permitted to respond and the rotation list will not be activated. The police agency will record the call as "owner's specific".
- 7.1.2. If the disabled vehicle is a traffic hazard or obstructing traffic and the specifically requested towing company cannot respond within the specified time, the next towing company on the rotation list for that geographically assigned area shall be contacted and the owner of the motor vehicle shall be subject to the prescribed fees.
- 7.1.3. If the towing company does not have a towing vehicle available for service, the law enforcement agency shall contact the next towing company on the rotation list until a towing vehicle is secured.

7.2. Towing Vehicle Non-arrival at Scene

- 7.2.1. If a towing vehicle does not arrive at the scene within twenty (20) minutes after a request is made, the officer at the scene shall notify the law enforcement agency.
- 7.2.2. The law enforcement agency shall contact the towing company to ascertain the cause for the delay. Consideration shall be given to abnormal traffic patterns resulting from adverse weather, emergencies, etc.
- 7.2.3. If the law enforcement agency is not reasonably satisfied that the towing vehicle will arrive at the scene within five (5) minutes after the second call, the agency shall contact the next towing company on the rotation list for the geographically-assigned area.

7.3. Non-responsive

- 7.3.1. A towing company shall be considered non-responsive and, therefore, in violation of these regulations, if:
- a) A licensed towing company fails to accept or answer five or more calls for towing service from a law enforcement agency within a calendar month. The total is to be calculated by combining all of the tow areas in which that towing company is registered; or
 - b) A licensed towing company fails to arrive at a scene as requested by a law enforcement agency within the stipulated time frame as provided for in §7.2 of this regulation; or
 - c) A licensed towing company fails to respond to more than 50% of the requested calls within a calendar month.

8. TOWING AREAS

- 8.1. Harford County shall be divided into five geographical areas as designated.
- 8.1.1. **Tow Area One (1)** Bordered by, but excluding from Baltimore County line, State Route 165, Baldwin Mill Road, to Morse Road, to Federal Hill Road, to Rigdon Road, to Sharon Road to Deer Creek, including Walters Mill from Deer Creek to, but not including, Kalmia Road, to Thomas Run Road to Shucks Road to Wheel Road to Stockton Road, to Jerusalem Road to Baltimore County line.
 - 8.1.2. **Tow Area Two (2)** Bordered by, but not including Graceton Road, Route 624, from the Pennsylvania line to Grier Nursery Road to Deer Creek. From Deer Creek to and including Kalmia Road to Thomas Run Road to Cool Spring Road to Harmony Church Road to Wilkenson Road to the Susquehanna River.
 - 8.1.3. **Tow Area Three (3)** Bordered by and including Jerusalem Road from the Baltimore County line to Stockton Road to Wheel Road to Bynum Run to James Run to Bush Point (Bush River) to the Baltimore County line.
 - 8.1.4. **Tow Area Four (4)** Bush Point (Bush River) to James Run to Bynum Run, including Wheel Road from Bynum Run to Shucks Road to Thomas Run Road to Cool Spring Road. Bordered by, but not including, Cool Spring Road to State Route 136 to Harmony Church Road to Wilkenson Road to Susquehanna River.
 - 8.1.5. **Tow Area Five (5)** From the Baltimore County line, bordered by, and including Baldwin Mill Road (Route 165) to Morse Road to Rigdon Road to Cherry Hill Road to Grier Nursery Road to Graceton Road (Route 624) to the Pennsylvania line.

9. SUSPENSION AND REVOCATION OF TOWING LICENSE

9.1. License Suspension and Revocation in General

- 9.1.1. A towing license may be suspended or revoked by the Director for a violation of any of the provisions of the Harford County Code or any of the rules and regulations contained herein.
- 9.1.2. A Notice of Deficiency will be issued by the Harford County Sheriff's Office or any law enforcement agency for any infraction of the Harford County Code or any of the rules and regulations contained herein and may recommend the suspension or revocation of a towing license.

- 9.1.2.1. Upon receipt of the Notice of Deficiency the Department shall initiate a hearing in accordance with Harford County Code Section 1-22 to determine if remedial action would be appropriate. Notification of the hearing shall be sent via certified US Mail return receipt requested a minimum of 10 days prior to the hearing date.
- 9.1.2.2. The towing company may request no more than one continuance of the hearing for just cause. The request shall be in writing and received by the Department no fewer than 24 hours prior to the commencement of the hearing.
- 9.1.2.3. Failure of the towing company to appear at the hearing, when acknowledgement of receipt of the notification has been received, shall not be grounds for a continuance.
- 9.1.2.4. At the hearing, both parties shall be given the opportunity to present relevant evidence in reference to the Notice of Deficiency. The Director shall then determine any remedial action to be taken, up to and including suspension or revocation of a towing company license, and will serve a copy of the written determination upon the licensed tow company via certified US mail, return receipt requested within thirty (30) working days from the date of the hearing. If applicable, the decision letter shall specify the exact dates of any suspension of license with the commencement date being not fewer than 10 days from the date of the decision letter.
- 9.1.2.5. Any towing company aggrieved by a decision of the Department shall have the right to file an appeal with the Towing Appeals Board within thirty (30) days of the receipt of the suspension or revocation of license. The Department will provide the appeal form.
- 9.1.2.6. A revocation or suspension imposed as described herein shall not be stayed pending an appeal.
- 9.1.3. The time period for the number of infractions accumulated, for purposes of applying the terms of §9.2, shall be two (2) years prior to the date of the infraction at issue. All violations shall remain in the towing company's file for future reference.
- 9.1.4. The Director may at any time immediately remove a licensed towing company from the active rotation list when, in the opinion of the Director, such action is necessary to protect the general welfare and public interests of the community as described in Section 1 of this regulation. When such action is taken a hearing shall be set in accordance with Section 9.1.2 of this regulation. Actions which may trigger immediate removal from the active rotation shall include but not be limited to relocation of a towing business without proper notification and approval by the Department, forfeiture or lapse of required insurance coverage, the conviction of any of the principal owners or officers of the licensed towing company of a crime which would have a reasonable degree of relation to the towing license

9.2. Penalty Assessment

9.2.1. A Licensed Towing Company found to have committed an infraction of the Harford County Code or these adopted regulations shall be subject to the following maximum disciplinary action. At the discretion of the Director, the sanction imposed may be reduced based upon consideration of the violation and the towing company's violation history. If the Director deviates from the applicable maximum disciplinary action, the Director shall provide reasons for the deviation in writing to the towing company.

- First Infraction – letter of reprimand up to 7 day suspension.
- Second Infraction – 15 to 30 day suspension.
- Third Infraction – 3 to 6 month suspension.
- Fourth Infraction – 12 month suspension to forfeiture of license.

10. Applicability of Adopted Rules and Regulations

10.1. Effective Date

- 10.1.1. The Rules and Regulations shall be effective January 1, 2010. The adopted Rules and Regulations shall be enforceable in full for all licensed towing companies making application for licensure after the effective date of these regulations.
- 10.1.2. The effective date for Sections 3.1.2, 3.1.2.2, 3.1.2.3, 3.1.2.4, 3.1.8.2 and 4.1.6 for all licensed towing companies maintaining a valid license with the Department prior to the effective date specified in 10.1.1 of these regulations shall be July 1, 2010.