

**Public Safety Advisory Committee (PSAC)**  
**Report to the Mayor and City Council of Greenbelt**

Report #2005-001  
January 13, 2005

**Committee members**

Silke Pope, Chair  
Edward Hickey, Vice Chair  
Mary Crawford, Secretary  
Sheree Washington  
Bill Holland  
Veronica Hemrich

**Greenbelt City Liaison:**

Connie Harris

**Greenbelt City Council Liaison:**

Hon. Ed Putens

**Greenbelt City Police Liaison**

Capt. Michael Craddock

**EXECUTIVE SUMMARY**

The Greenbelt City Council referred the issue of towing problems to the Committee to conduct forums to ascertain the concerns and complaints of residents regarding the towing of vehicles in the city. Approximately 75 citizens attended the forums.

The PSAC held 4 Public Forums on the following days and at the indicated locations:

May 27 2004 at Springhill Lake Apartments  
September 9 2004 at Springhill Lake Apartments  
September 16 2004 at Greenbriar  
December 16 2004 at the Greenbelt Community Center

The concerns of the citizens covered three general areas:

- (1) The lack of knowledge of citizens regarding their rights;
- (2) The parking rules and regulations regarding towing; and,
- (3) Citizen perception of dishonest dealings by the towing companies.

**ISSUES, COMPLAINTS AND RECOMMENDATIONS**

**Issue 1:**      **Notice to the Vehicle Operator the Vehicle May be Towed if Parked at the Location.**

**Complaint:** Concerns regarding notice included a citizen who received numerous citations for parking a commercial vehicle on a public street, cars with expired tags that were towed, and cars whose tags were stolen while parked, resulting in the vehicle being towed.

**Recommendation:** The PSAC recommends that signs clearly posting towing company phone numbers, hours of operation and violations allowing towing, be posted in well-lit public areas.

**Issue 2:      **Vehicle Owners Right to Sue the Tow Company.****

**Complaints:** Citizens who felt aggrieved about their car being towed stated repeatedly they did not know what to do and had no knowledge of governmental agencies that may regulate towing companies or their rights to sue the towing company

**Recommendation:** The PSAC recommends the city prepare a pamphlet detailing city/county ordinances regarding towing, including parking of commercial vehicles and informing citizens of their rights when towed and distribute to citizens upon request.

**Issue 3:      **Greenbelt City Police Use a Towing Policy that Differs from Private Companies.****

**Complaint:** Citizens advised that when they called the police after their car was towed they discovered that the Greenbelt police use one standard, the private companies another. Towing companies will tow a car immediately if they believe they have cause, Greenbelt City in many cases will place a sticker on a car and if it is not moved in 48 hours it will be towed. This different treatment between private and public agencies adds to a perception that the tow companies are acting illegally.

**Recommendation:** The PSAC recommends the city adopt an ordinance standardizing the guidelines for towing to codify the current standards used by the Greenbelt City Police. (e.g. before towing the company should place a “48 Hours to Tow” sticker on any disabled vehicles, 48 hours before towing the vehicles (flat tires, expired tags, etc.)

**Issue 4:      **No Notice as to Why a Vehicle was Towed.****

**Complaint:** Owners whose cars were towed were not notified why vehicle was towed

**Recommendation:** The PSAC recommends that the city adopt an ordinance requiring the towing company to:

- (1) Clearly photograph the position of each vehicle prior to towing and showing adequate proof of the parking violation that permitted the vehicle to be towed; and,
- (2) Provide the picture documentation to the vehicle owner upon request.

**Issue 5:      **Allegation that Property Owners Received Kickbacks of Money for Each Vehicle Towed.****

**Complaint:** Several citizens expressed the opinion that the towing was so aggressively conducted that the apartment complex or condominium property owner must be receiving kickbacks from the towing company.

**Recommendation:** The PSAC recommends that the city adopt an ordinance prohibiting any reimbursement to the property owner, both private and public entities, from the towing company for said towing services.

**Issue 6:        Claims that Towing Company was Salvaging Vehicles too Quickly and Vehicle Owners Never Regained their Vehicles**

**Complaint:** Towing companies salvage vehicles too quickly and fail to timely notify owners. One citizen advised she bought a car the same day she was leaving out of state. Upon her return the next month she discovered the car had been towed and salvaged (sold). A second citizen related that his car had been towed and sold to Upper Marlboro Auto Parts after only eight days. When he regained possession of the car the hood was missing, property stolen and the car was severely damaged. He received notice of the salvage proceedings *after* the car was already salvaged.

**Recommendation:** The PSAC recommends that the city or county (as appropriate) adopt an ordinance that any vehicle towed in the city *not* be salvaged until the following criteria have been met *by the towing company*:

- (1) The towing company has sent a notice or summons, via registered mail, to the owner/registant's last known address, notifying the owner/registant that the vehicle will be salvaged *no less than 15 days before salvaging the vehicle*; and,
- (2) The towing company verifies that the vehicle has remained unclaimed for a period of 60 days or more.

**Issue 7:        Complaint Of Excessive Fees.**

**Complaint:** Citizens complained regarding the fact their car can be redeemed from the towing company only during the company's business hours which are approximately 9-5 p.m. This requires owners to miss work or leave the car longer at the towing company—thus incurring additional hourly and/or daily fees. There were complaints of being charged a storage fee for a 24-hour period when the towing company was only open to the vehicle owner for 8 hours.

**Recommendation:** The PSAC recommends that the city adopt an ordinance regulating towing companies' fees. The fee regulations should include but not be limited to:

- (1) The amount of money that towing companies can charge for the initial hook up fee; and,
- (2) The amount of money that towing companies can charge for the hourly storage fee.

**Recommendation:** The PSAC further recommends that the ordinance include a requirement that the storage fees charged to the vehicle owner reflect the hours of operation of the tow company. For example, if the towing company is open 24 hours per day, 7 days a week, citizens can be charged for 24 hour storage 7 days a week. But if the towing company is open 12 hours per day, 5 days a week, citizens can only be charged for 12 hour storage, 5 days a week.

**Recommendation:** Finally, the PSAC recommends that the city regulation shadow the regulations on towing fees set forth in Montgomery County Code Section 30C-2.01 “Maximum rates for motor vehicle towing from private property” which is attached to this report and incorporated herein.

### **Issue 8:      Legally Parked Vehicles Being Towed.**

**Complaint:** A citizen complained that they had a valid parking permit that had been hanging from the mirror but had fallen onto the seat and a handicapped permit that was not seen. Another citizen alleged he witnessed a car parked at a curb. He then saw a child with a can of spray paint, paint the curb yellow and the car was towed. Another citizen claimed that he heard that cars were “bounced” until the car tire was on the white parking line and the car was towed.

**Recommendation:** The PSAC recommends that the city adopt an ordinance reducing any initial towing fee by one-half and negate all storage fees when the vehicle owner can produce either of the following within 48 hours of the towing:

- (1) A valid parking permit; or,
- (2) A valid handicapped permit.

**Recommendation:** In the event the vehicle in question has been reported stolen, the police department must respond to the stolen vehicle and the stolen vehicle shall only be towed by a towing company approved by the Greenbelt City Police department.

### **Issue 9:      Disputes between Vehicle Owners and Tow Operators at The Scene of the Towing.**

**Complaint:** The complaint was that the owner arrived at the scene of the tow after or during the hook up but before the vehicle and tow truck were in motion. The tow truck driver did not want to release the vehicle without payment and the Owner did not want to pay. Greenbelt City Police advised if they respond to the scene they follow the following policy—based on a written opinion from the Prince George's County State’s Attorney’s Office—they require the tow truck driver to unload the vehicle and advise the tow company it can sue the owner if desired.

**Recommendation:** The PSAC recommends that the city adopt an ordinance clarifying that in such instances as above, the vehicle owner has the right to have the vehicle unhooked from the tow truck and returned to the owner’s custody at any time prior to the tow truck and vehicle

being in motion. We also advise the Council to refer to the previously noted Montgomery County statute which establishes a reasonable hook up fee charged in such cases.

**Issue 10: Requirement that the Tow Fee be Paid in Cash.**

**Complaint:** Citizens complained that when they arrived with a charge card or check to redeem their vehicle but without sufficient cash, they could not get their vehicle that day and incurred additional storage fees. For many people obtaining the entire fee in cash was difficult if not impossible.

**Recommendation:** The PSAC recommends that the city adopt an ordinance requiring that towing companies accept credit cards and money orders in addition to cash as a form of payment.

**Issue 11: Sometimes the Tow Companies will not Give a Receipt for the Car.**

**Complaint:** The complaint was that the citizen demanded a receipt for payment of the fee and the tow company refused to give one.

**Recommendation:** The PSAC recommends that the city adopt an ordinance that any towing company operating in Greenbelt City be required to issue a receipt for every vehicle towed, recovered and salvaged and that the towing company quarterly file with the Greenbelt City Police Department copies of all receipts for cars towed in the city.

**FINAL RECOMMENDATIONS**

That the Greenbelt City council adopt the preceding towing recommendations as part of a municipal ordinance or in the alternative, petition the Prince George's County Council to adopt a county law that incorporates the above recommendations.