

# **CHARLES COUNTY TOW PROGRAM**

## **INTRODUCTION**

The purpose of this document is to serve as the standard operating procedures for the implementation and administration of the Charles County Sheriff's Office towing registration and enforcement program. This program, codified by the Charles County Government, is designed to promote fairness, ethical behavior, and safety among the many towing companies in Charles County.

In most cases, each commercial business operating a tow truck within Charles County is subject to the rules and regulations contained herein. Exceptions to the law are found in section IV-C of this document.

Registration with the Charles County Sheriff's Office and application for the required permits will begin on July 1, 2018. Affected towing companies will have a 6 month grace period to register with the Sheriff's Office and obtain a permit to conduct towing operations within Charles County. After December 31, 2018, permit regulations will be strictly enforced.

I. TYPES OF TOW SERVICES IN CHARLES COUNTY

Any tow service that holds a USDOT number and operates the tow service from an address within Charles County is required to have a permit unless they meet the exemption criteria. There are three types of towing services:

- A. CONSENSUAL – The vehicle is towed by a towing company contracted by the owner, driver, other secured party, or their agent.
- B. NON-CONSENSUAL –The vehicle is being towed by a towing company without the consent of the owner, operator, secured party, or their agent.
- C. EXEMPT - government owned tow services, private /non-commercial. Any tow service where USDOT registration is not required by 49 CFR.

II. NOTIFICATION AND PUBLICATION PROCESS

The Charles County Sheriff's Office shall make every effort to identify and contact each towing company operating within the boundaries of Charles County, in order to inform towing companies of the new law, specifically the permit requirement to operate a commercial tow service in Charles County.

Notifications may be made, but not limited to the following:

- A. SOCIAL MEDIA
- B. MAILERS
- C. CABLE ACCESS CHANNEL
- D. RADIO
- E. NEWS PAPER AD
- F. COURT HOUSE POSTING

III. RULES AND REGULATIONS

Charles County Code

Chapter 287 : Vehicles and Parking

Article V TOWING REGULATIONS

287-19 Legislative Intent

*It is the intent of this county code to protect the general welfare and public interests of the residents of the community, and to safeguard the public interests against predatory towing.*

## 287-20 Definitions

- (a) For the purpose of this county code the following words and phrases shall have the meanings respectively ascribed to them by this Section.
- (1) **TOU** means the Traffic Operations Unit of the Charles County Sheriff's Office.
  - (2) **Supervisor** means the Supervisor of the Traffic Operations Unit.
  - (3) **Coordinator** means Charles County Sheriff's Office Tow Program Coordinator or his/her designee.
  - (4) **Permit** means the permit to engage in the business of towing vehicles within the boundaries of Charles County, Maryland, and issued pursuant to this county code.
  - (5) **Permit Number** means the number of the permit issued by the Charles County Sheriff's Office.
  - (6) **Motor Vehicle** means a motor vehicle as defined in Title 11, Subtitle 1 of the Transportation Article: a vehicle that is self-propelled or propelled by electric power obtained from overhead wires and that is not operated on rails. "Motor vehicle" includes a low speed vehicle. "Motor vehicle" does not include a moped, motor scooter, or electric bicycle.
  - (7) **Person** means a natural person or a firm, partnership, association or corporation.
  - (8) **Storage** means the holding, accommodation and protection of all towed motor vehicles.
  - (9) **Towing** means the moving or removing of a vehicle by a tow truck.
  - (10) **Towing Company** means a person or entity that provides towing services.
  - (11) **Towing Service** means the operation of removing or towing motor vehicles.
  - (12) **Tow Truck** has the same meaning as Md. TRANSPORTATION Code Ann. § 13-920: a vehicle that is a Class E (truck) vehicle that is designed to lift, pull, or carry a vehicle by a hoist or mechanical apparatus, has a manufacturer's gross vehicle weight rating of 10,000 pounds or more, and is equipped as a tow truck or designed as a rollback. A rollback is a vehicle that is designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow an additional vehicle.
  - (13) **Tow Truck Medallion Number** means the number assigned by the Coordinator to each tow truck operating under a permit.
  - (14) **Tow Truck Operator** means any person who is the operator of a tow truck.

## 287-21 Authorization

- (a) The Charles County Sheriff's Office is authorized to maintain the towing service permit program in Charles County.

- (b) *The Charles County Sheriff's Office may enforce the rules and regulations for the licensing, maintenance and operation of towing companies in Charles County.*
- (c) *The Coordinator is hereby authorized to promulgate and issue regulations regarding licensing which are necessary to implement the express provisions of this Chapter and its purpose and intent. Before the implementation of these regulations, the County Commissioners shall hold a public hearing on the regulations providing that all interested persons have an opportunity to be heard. The County Commissioners shall publish notice of the time and place of the public hearing in a newspaper of general circulation in the county at least once a week for not less than four successive weeks. Any substantive changes to the regulations after adoption by the County Commissioners shall require the Coordinator to provide written notice to all permitted tow companies along with notice to the Towing and Recovery Professionals of Maryland. Every January, the Coordinator shall cause a meeting to be held with the Towing and Recovery Professionals of Maryland to share thoughts and ideas on ways to improve the process.*

287-22 Permit required; Penalty

- (a) *Except as provided in this code, it shall be unlawful for any person to provide towing services in Charles County, Maryland, without a permit issued in accordance with this title.*
- (b) *Each permit shall be renewed on an annual basis.*
- (c) *A person who provides a towing service in Charles County without a permit is guilty of a misdemeanor and on conviction is subject to a fine of not less than five hundred dollars (\$500) or imprisonment not exceeding two months (2) or both.*
- (d) *Any tow company or tow company owner providing towing services without a permit shall result in the tow truck being impounded in accordance with regulations issued by the Coordinator and may only be retrieved upon presentation to the Charles County Sheriff's Office of proof of permit and/or payment of a fine of Five Hundred Dollars (\$500.00).*

287-23 Exemptions

- (a) *The provision of this code shall not apply to the following:*
- (1) *Persons towing their own motor vehicles;*
  - (2) *A towing company that tows a motor vehicle without any charge, fees, or dues connected therewith and with permission of the owner or operator of a motor vehicle.*
  - (3) *A towing company that tows a motor vehicle into or through Charles County, Maryland, from a point outside the County.*
  - (4) *The transportation of motor vehicles for sale to and from permitted automobile dealers.*

- (5) *A towing company operating from a jurisdiction outside of Charles County, MD, responding to a call from the owner or operator for the removal of a motor vehicle from the County into such other jurisdiction.*
- (6) *A towing company owned or operated by the government of the United States, State of Maryland, Charles County, or any municipality within Charles County.*

287-24 Application; Information Required; Signature Required

- (a) *Application for a towing service permit shall be made upon a form prescribed by a Coordinator.*
- (b) *In addition to such other information as the Coordinator may reasonably deem necessary for purposes of the implementation, administration, and enforcement of this Subtitle, the application shall state the following:*
  - (1) *The name, address and telephone number of the applicant; and if the applicant is a partnership, the name, address and telephone number of each partner, or if the applicant is a corporation, the names, addresses and telephone numbers of the principal officers of the corporation and the state in which incorporated; the name and address of the authorized designated representative in the State of Maryland and the state in which incorporated; the tow truck's Vehicle Identification Number (VIN); proof of state registration and tag number; United States or Maryland Department of Transportation identification number and proof of insurance; and*
  - (2) *The business location from which towing services shall be provided and the location of any storage facilities. It shall be the duty of every permitted tow company to inform the Coordinator of any changed in business location or storage facility prior to the relocation from the business location listed on the application.*
- (c) *Every application shall be signed and certified that the information given thereon is true and correct. The signature shall be that of the applicant if the applicant is an individual; or if the applicant is a firm, partnership or corporation, the signature shall be that of an officer or designated agent thereof.*

287-25 Issuance of permit; Categories of permit

- (a) *The Coordinator shall issue regulations specifying the prerequisites, qualifications and procedure for the issuance of two categories of permit to provide towing services in the County.*
  - (1) *Level 1: Consensual Towing, the towing of a motor vehicle at the request of the owner or the owner's agent, insurer, primary lienholder or law enforcement officer;*
  - (2) *Level 2: Non-Consensual towing, the towing of a motor vehicle from private property at the request of the owner of the property; the owner's designee, or law enforcement officer, and Consensual Towing.*
- (b) *The annual permit fee for each category of permit shall be as follows:*
  - (1) *Level 1: Consensual Towing: \$250.00;*

(2) *Level 2: Non-Consensual Towing: \$500.00.*

- (c) *Each permitted tow company shall be assigned a permit number which shall be displayed on each permitted tow truck in accordance with subsection (g) of this section or the regulations issued by the Coordinator.*
- (d) *Each tow truck operating under a permit shall be assigned a tow truck medallion number, which must be displayed on the tow truck in accordance with subsection (g) of this section or the regulations issued by the Coordinator. A permitted tow company shall be subject to a truck fee of twenty-five dollars (\$25.00) per tow truck medallion issued by the Coordinator.*
- (e) *The Charles County Sheriff's Office is authorized to conduct an investigation prior to issuing a towing permit as it deems necessary to determine the applicant's qualifications for each permit, ability to engage in the permitted tow company's activity without detriment to the public and compliance with the regulations issued by the Coordinator. The investigation shall include a determination of whether there is adequate storage and/or repair facilities at the locations specified on the application. Each storage facility listed on the application shall be in a place that is properly zoned for that use, allow entry and exit in a fashion not to jeopardize the safety of any operator or vehicle, and be readily available for the recovery of towed motor vehicles in a safe manner. The Coordinator shall also provide for the inspection of permitted tow trucks to determine whether the towing apparatus is safe and capable of providing towing services.*
- (f) *The permit issued under this title shall be prominently displayed at the permitted tow company's established place of business. In case of loss, mutilation or destruction of a permit, a duplicate may be issued at a cost of twenty-five dollars (\$25.00) per permit.*
- (g) *Each tow truck shall have permanent signs or markings on both sides of the vehicle which comply with Code of Federal Regulations Title 49, Part 390.21. In addition to other markings required of self-propelled commercial motor vehicles, each tow truck shall:*
  - (1) *Appear on both sides of the self-propelled CMV;*
  - (2) *Be in letters that contrast sharply in color with the background on which the letters are placed;*
  - (3) *Be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and*
  - (4) *Be kept and maintained in a color that contrasts with the color of the body paint and are visible at a minimum distance of 50 feet.*
  - (5) *Each tow truck shall also display a permit issued by the Coordinator that contains the permit number of the permitted tow company for that tow truck. The permit will be displayed in a location determined by the Coordinator.*

- (h) *The permitted tow company shall file with the Coordinator a towing service price list. The permitted tow company shall not make any changes in the towing service price list without first submitting revised price lists with the Coordinator.*
- (i) *Before providing any consensual towing service, each tow truck operator shall inform the owner or operator of the motor vehicle or the owner's representative of the towing service charges.*
- (j) *Upon payment of any fees for towing services, the tow truck operator shall sign and deliver a receipt for any payment to the owner and/or operator of the motor vehicle. The receipt shall be signed in a legible manner and be accompanied with a printed signature or a tow company issued employee identification number, as well as the permit number of the towing company and the tow truck medallion number of the tow truck providing the towing service.*
- (k) *The motor vehicle shall be moved to the permitted tow company's storage or repair facility within Charles County unless directed otherwise by the Sheriff's Office or the owner of the vehicle, or the owner's authorized agent. The storage or repair facility shall not under any circumstances be any area other than the company's established place of business as designated in the permit issued by the Coordinator. Supplementary or overflow storage shall require separate offices, must be within Charles County and comply with all applicable zoning requirements. Any motor vehicle so moved shall only be stored and no work shall be done on such motor vehicle without the consent of the owner or operator.*
- (l) *Each towing company permitted under the provisions of this code shall be required to maintain a daily towing log. Such daily towing log shall be maintained by the permitted tow company for one (1) year. The daily towing log shall include the following:*
- (1) The license plate number and Vehicle Identification Number (VIN) of the motor vehicle towed;*
  - (2) The location the motor vehicle was towed to and from;*
  - (3) The reasons for towing;*
  - (4) The name and telephone number of the person authorizing the towing of the motor vehicle;*
  - (6) The year, make and model of the vehicle towed;*
  - (7) Copy of each notification letter and return receipt.*
- (m) *Each towing company permitted under the provisions of this code shall be required to make available for inspection by the Charles County Sheriff's Office, such as daily towing logs as provided for in Subsection (l), above, and shall make available for inspection by the Sheriff's Office, during normal business hours, those motor vehicles so listed in the daily towing log which have been impounded or stored upon the storage or repair facility of the towing company*
- (n) *Each towing company permitted under the provisions of this code which provides non-consensual towing services shall have personnel present at its storage yard at all times when*

*towing services are available for the purpose of releasing vehicles impounded pursuant to State or County law.*

- (o) Any monies collected by the towing services permit program will be deposited with the County Treasurer and designated as for the use of the towing services permit program.*
- (p) A permit issued under this Chapter is not transferrable and becomes void upon the sale or transfer of ownership of the permitted tow company. Any change in the persons required to be listed under 287-24(b) of this Chapter must be reported to the Coordinator within thirty (30) days of the change.*

287-26 Insurance requirement

- (a) Each person obtaining a towing permit under the provisions of this Article shall forthwith file with the Coordinator a copy of his insurance policy or a certificate of insurance demonstrating coverage for losses sustained by the owner of any motor vehicle due to negligence occurring during the time that the vehicle is in the custody of the towing service.*
- (b) Each person who registers a tow truck under Section 13-920 of the Transportation Article of the Maryland Annotated Code shall obtain commercial liability insurance in the amount of at least One Million Dollars (\$1,000,000.00) per person, Three Hundred Thousand Dollars (\$300,000.00) per occurrence of bodily injury liability, and One Hundred Thousand Dollars (\$100,000.00) per occurrence property damage liability. In addition, each person shall provide proof of insurance for cargo of at least One Hundred Thousand Dollars (\$100,000.00) and garage keepers liability operations as required by State law of at least One Hundred Thousand Dollars (\$100,000.00). Each person obtaining a towing permit under the provisions of this Division shall also list The Charles County Sheriff's Office as a certificate holder and additional insured.*
- (c) Each permitted tow company shall also maintain worker's compensation coverage for the operators of ~~it~~ its tow truck.*



287-27 Continuing obligations

*The licensing requirement as to adequate storage and/or repair facilities within Charles County and capability of towing apparatus, insurance and maintenance of daily towing log shall be a continuing obligation of the permitted tow company.*

287-28 Prohibited Acts

- (a) It shall be unlawful for any towing company or tow truck operator permitted under the provisions of this Chapter to move, tow, or store any motor vehicle to a place more than fifteen (15) miles from the place of removal or to a location outside of Charles County without the consent of the owner, operator, insurer or primary lienholder.*
- (b) It shall be unlawful for any towing company or tow truck operator that operates for organizations that provide emergency road service for motor vehicles to falsely represent themselves by statement or action, either by identity or otherwise.*
- (c) It shall be unlawful for any towing company or tow truck operator at the scene of an accident or breakdown to require the execution of an agreement to have repair work performed as a condition to providing towing service.*
- (d) It shall be unlawful for any towing company or tow truck operator to use any public space for the accommodation of a motor vehicle removed from the scene of an accident or breakdown, or impoundment, except under the direction of a member of the Sheriff's Office.*
- (e) It shall be unlawful for any tow truck operator to furnish any towing service at the scene of an accident or breakdown unless he has been authorized or called to such scene by the owner or operator of the motor vehicle or by a member of the Sheriff's Office. The Sheriff's Office shall only contract and use towing companies permitted by the Agency. If the tow is at the request of the Sheriff's Office, the motor vehicle shall be removed by the towing company so called by the Sheriff's Office. Any violation of this Section by the towing company or tow truck operator shall be guilty of a misdemeanor and on conviction is subject to a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment not to exceed two (2) months, or both for each offense.*

287-29 Denial, Revocation, Suspension, Refusal to renew permit

- (a) The Coordinator is hereby authorized to deny, suspend, revoke, or refuse to renew any permits issued under this Chapter if the Coordinator finds that:*
  - (1) The applicant or permitted tow company has failed to comply with any provision contained in the Charles County Code.*
  - (2) The applicant or permitted tow company furnished or made misleading or false statements on reports, certifications and written documents required by this Chapter.*
  - (3) A court of competent jurisdiction has found an applicant for a permit or a permitted tow company guilty of criminal activity during the preceding three (3) years directly relating to the operation or business of towing or for a crime involving theft or dishonesty, including but not limited to the receiving or sale of stolen motor vehicles. A finding of guilt includes a verdict, a plea of guilty, a plea of nolo contendere, and the*

*granting of probation before judgement.*

- (4) A court of competent jurisdiction has found any tow truck operator guilty of a criminal act authorized by the permitted tow company.*
  - (5) A motor vehicle has been towed by a company without the consent of the owner or operator of the motor vehicle or without the direction of the Sheriff's Office or authorized under some authority of law.*
  - (6) A tow truck operator has knowingly failed to comply with the specific requirement of any laws regulation the towing of motor vehicles.*
  - (7) The permitted tow company has failed to make the towing log available for inspection, as required by this Article, to the Coordinator or the Sheriff's Office*
  - (8) The permitted tow company has failed to allow the Sheriff's Office reasonable access to inspect any motor vehicle listed in the daily log that has been impounded or stored upon the storage facility of the towing company.*
  - (9) The permitted tow company has willfully and deliberately engaged in a course of conduct which is in violation of any provision of Section 287 Article 5 of the Charles County Code or the consumer protection laws of the State, or has repeatedly demonstrated a disregard for compliance with any provision or provisions of Section 287 Article 5 of the Charles County Code or the consumer protection laws of the State.*
  - (10)The permitted tow company has failed to comply with an order to reimburse the owner of a motor vehicle that was deemed improperly towed within (15) days of the order or failed to comply with any other order of a hearing officer resulting from a proceeding under this Code or such regulations s the Coordinator my issue.*
  - (11)The permitted tow company has failed to accept a credit card for payment at its business location or storage facility more than five (5) times in a year.*
  - (12) The permitted tow company has failed to appear at a hearing three (3) times in a three (3) month period.*
- (b) In determining whether to suspend or revoke a permit, the Coordinator shall consider the nature of the violation(s), the permitted tow company's history of compliance or non-compliance, and any other factors the Coordinator determines to be relevant. The Coordinator shall not revoke a permit except for violations that pose a danger to public safety or that demonstrate repeated failures to comply with this Chapter.*
- (c) If the Coordinator has reasonable grounds to believe that a permitted tow company is in violation of this Chapter, the Coordinator shall notify the permitted tow company and its resident agent in writing by electronic mail and either registered or certified mail:*
- (1) The nature of the violation;*
  - (2) The sanction the Coordinator intends to impose;*

- (3) *The remedy, if any, the permitted tow company may effect to avoid the imposition of the sanction; and*
- (4) *The date by which the permitted tow company must either remedy the violation and/or provide notice of its intent to contest the imposition of a sanction. The date may not be earlier than seven (7) days from the date the notice is sent to the permitted company and its resident agent if the notice is sent electronically, ten (10) days if the notice is sent solely by mail.*

*If the permitted tow company wishes to contest the imposition of sanctions, the permitted tow company must provide written notice to the Coordinator at least one (1) day before the effective date of the sanction. The Coordinator will schedule a meeting with the permitted tow company to occur within fifteen (15) days. The meeting will be conducted in an informal manner. Within five (5) days of the meeting the Coordinator shall prepare a written memorandum documenting the results of the meeting. If the Coordinator still intends to impose a sanction, the Coordinator will document the sanction and the information supporting the Coordinator's decision. The Coordinator may not impose a sanction more severe than that described in the notification provided under 287-29(c) unless the reasons therefor are particularly described. The memorandum will specify the date the sanction is to go into effect. The decision of the Coordinator is final and may be appealed only pursuant to the procedures outlined in 287-30.*

- (e) *If the Coordinator denies or refuses to renew a permit application, the Coordinator shall provide a written explanation for the action. If the application is deficient, the Coordinator shall specify the deficiencies and allow the applicant thirty (30) days to correct the deficiencies. An application may be denied or a permit not renewed if the applicant or a person required to be listed under 287-24 (b) is an owner or partner of another tow company whose permit is suspended or revoked. The decision of the Coordinator is final and may be appealed only pursuant to the procedures outlined in 287-30.*

### 287-30 Appeals

- (a) *A permitted tow company or an applicant aggrieved by a final decision of the Coordinator may appeal the decision of the Coordinator to the Charles County Sheriff's Office's Commander of Special Operations Division ("the Commander"). The notice of appeal must be in writing and delivered to the Coordinator within ten (10) calendar days of the Coordinator's final decision. Upon receipt of the notice of appeal, the Coordinator shall forward a copy of all material related to the decision to the Commander.*
- (b) *The Commander shall schedule a hearing to take place within thirty (30) days of the receipt of the notice of appeal. The hearing shall be recorded. The aggrieved party may be represented by counsel and may present evidence and argument including testimony under oath to the Commander. The Coordinator, through the Charles County Sheriff's Office Traffic Operations Supervisor, may present evidence and argument including testimony under oath. The Commander may consider all evidence of probative value that is commonly accepted by individuals in the conduct of their affairs but may not consider evidence that is incompetent,*

*irrelevant, immaterial, or unduly repetitious. The Commander may consult with attorneys of the Charles County Sheriff's Office's Office of General Counsel.*

*(c) The Commander, after consultation with the Charles County Sheriff's Office Assistant Sheriff of Operations, has the authority to affirm, modify, or vacate the Coordinator's decision and may direct further action by the Coordinator or the permitted tow company or applicant. The Commander may state his decision on the record or may reserve his decision. Within thirty (30) days of the hearing, the Commander shall issue a written decision. The Commander's written decision will include a finding of facts.*

*(d) A permitted tow company or applicant aggrieved by the Commander's decision may appeal to the Circuit Court for Charles County. An appeal to the Circuit Court is governed by Title 7, Subtitle 200 of the Maryland Rules. The Coordinator may not appeal the decision of the Commander. The Sheriff's Office shall be represented in the Circuit Court by its Office of General Counsel or by the County Attorney's Office.*

*(e) A final decision of the Coordinator suspending a permit is stayed pending resolution of any appeal to the Commander unless the Commander, for good cause, directs otherwise. A final decision of the Coordinator revoking a permit is not stayed pending resolution of any appeal to the Commander unless the Commander, for good cause, directs otherwise. The decision of the Commander may be stayed by the Circuit Court only pursuant to Maryland Rule 7-205.*

#### 287-31 Penalties

*Except as provided otherwise in this code, a violation by a person of any of the provisions of this Division is guilty of a misdemeanor and on conviction is subject to a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment not to exceed two (2) months, or both.*

#### 287-32 Preemption

*In the event of a conflict, federal law, State law, or written program guidance issued by a unit of the federal or State government shall preempt a rule or regulation adopted or any other action taken under this Chapter.*

- A. CCSO PREFERRED TOW LIST – SEE CCSO FORMS
- B. EXEMPTIONS AND EXCEPTIONS

#### IV. PERMIT

- A. APPLICATION INFO – TYPE (CONSENTUAL/NON-CONSENTUAL)
  - 1. Owner name/address/phone
  - 2. Company Name/address/phone
  - 3. USDOT numbers and status (interstate/intrastate)
  - 4. Location of tow lot/storage area

5. Phone number for lot/phone # to retrieve vehicles
6. Insurance Info (Notarized copies)
7. Zoning application/approval/certified copy (Notarized copy)
8. Vehicle/tow truck registrations for each truck used to tow

#### B. APPLICATION / PERMITTING FEES

Application and permitting fees will be paid at the Charles County Treasurer's Office prior to submission of the application. Proof of payment will be provided to the Charles County Sheriff's Office with the submission of the application.

#### C. APPROVAL/DENIAL/HOLD FOR INVESTIGATION

Permits may be approved, denied, or held for further investigation. If the permit application contains all the necessary information and the tow company meets the criteria set forth under the law, a permit shall be issued. The type of permit (consensual / non-consensual ) issued shall be at the discretion of the Tow Coordinator based on all information contained in the application

A permit can only be denied for cause. If a permit is denied, the applicant will receive an explanation and a list of corrective measures necessary to facilitate future eligibility and approval.

Under ideal circumstances, the process to apply for, and subsequently receive a permit should take 14-21 working days. This will allow the Tow Coordinator or other Traffic Operations officers the time to examine documents submitted, verify zoning and insurance, and check into any violation history for the towing company or its owners.

In the event an applicant fails to adequately complete the application, fails to submit an application fee, or other circumstances arise which cause the Tow Coordinator to seek further information about the applicant, the application may be placed in a 'hold' status. If the criteria to continue the application process are not met in 45 days, the application shall be denied and an explanation mailed to the applicant.

#### D. CANCELLATION/SUSPENSION/REVOCAION

1. Cancellation – the administrative cancellation of the permit may occur when requested by the permit holder, the business moves outside the boundaries of Charles County and is no longer required to maintain a permit, or at the discretion

of the Sheriff when in the best interest of the Sheriff's Office. A prorated refund of the permit fee may be applicable.

2. Suspension – a suspension of a permit may occur when unplanned or accidental changes occur to the business operations of the permit holder which render the permit holder in temporary violation of the law, USDOT regulations, or the CCSO rules and regulations. Suspension is non-disciplinary in nature and is more of a means to allow a permit holder to come into compliance and rejoin the program once problems are addressed and corrected. In some instances, suspension of a permit may occur as a permit holder is being investigated for a violation that may result in revocation. Suspensions are at the discretion of the Tow Coordinator. The process of appealing of the suspension is covered in section VII of this document.
3. Revocation - a permit can be revoked under any of the following conditions:
  - a. Repeated, flagrant violations of any law, regulation, or rule pertaining to tow operations.
  - b. Repeated, documented FMCSA safety violations
  - c. Fraud or theft scheme
  - d. Possession of stolen property
  - e. Allowing unauthorized drivers to operate tow trucks (suspended, revoked)

#### E. PERMIT NUMBER DECAL DESIGN

1. Permit Number – A Permit Number will be assigned to each tow truck a company owns. The permit is unique to the specific tow truck it is placed on which is referenced by year, make, model, VIN, registration plate etc.
2. Placement on Tow Truck – The Permit will be displayed in a conspicuous manner on the tow truck in a location determined by the Coordinator.

#### F. ANNUAL RENEWAL

- a. Audit option for CCSO – Audits may be periodically conducted on businesses. During the annual renewal process, all documents with an expiration date will be resubmitted along with an updated driver list. CCSO may take steps to verify the information being submitted is accurate.

- b. Required submission – Along with your renewal application the following documents will be required to be submitted:
- Current Maryland MVA registrations for all tow trucks
  - Current insurance for all Tow Trucks
  - Current insurance for business and lot
  - Current list of approved drivers to include Soundex Number
- c. Deadline – Renewal applications will be submitted no less than 30 days prior to your expiration to ensure there is no lapse in renewal. Applications submitted inside the 30 day request will be approved as soon as practical, with no guarantee it will be completed prior to your expiration.

V. ENFORCEMENT

- A. INSPECTIONS – Inspections will be completed on all tow trucks upon initial application. The Coordinator may complete inspections on tow trucks upon renewal randomly. This is in addition to and separate from roadside inspections that are completed during normal Commercial Vehicle Enforcement efforts.
- B. AUDITS – Audits may be randomly conducted to ensure businesses are complying with the rules and regulations set forth by Maryland Law, the Charles County Code and the Charles County Sheriff's Office Tow Program documents. Businesses will make their records available for inspection upon request during normal business hours to the Coordinator or his/her designee. Audits will not be used to obtain documentation to criminal or traffic investigations where charges may arise.
- C. SUBPOENAS – Subpoena's will not be needed for random audits to ensure compliance with rules and regulations. Subpoenas will be obtained when information is being sought as it relates to Criminal and Traffic investigations.
- D. SEARCH WARRANT – Search Warrants will be obtained when there is reasonable belief that evidence of a Criminal or Traffic Investigation is present at the business or contained in the business files.

VI. ADMINISTRATIVE APPEALS

- A. Administrative appeals of any suspension, revocation or denial must be made in writing. Notification must be made to the Tow Program Coordinator within 10 business days from the date of notification.
  
- B. Upon receipt of written appeals, the Coordinator will notify the Tow Coordinators Supervisor of the request for appeal. The Tow Supervisor will review the grounds on which the request was made and determine if an appeal is justified. Once justified, the Supervisor will notify the requestor within 5 business days of a time and location for the appeal.