

Board of County Commissioners

Proposed Amendments to Chapter 35

Trespass Towing | Nonconsensual Towing | Vehicle Mobilization

Public Hearing | Tuesday, March 7, 2023

Prepared By: County Administrator's Office



Presentation Outline

- 1. Purpose**
- 2. Background**
- 3. Overview of Proposed Changes**
- 4. Outstanding Issues**
- 5. Action Requested**



Purpose

- **To consider amending Chapter 35, Article II of the Orange County Code relating to Trespass Towing, Nonconsensual Towing & Vehicle Immobilization.**
 - **Address Towing Industry Cost Increases.**
 - **Ensure Consumer Protections.**



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Ordinance Revisions 1998 - 2014

1998 – Chapter 35 was Established.

2001 – **Rates** updated for both Trespass & Nonconsensual Tows

2005 – A rate increase was requested but the need was not substantiated.

2008 – Comprehensive Review & Revisions to certain Nonconsensual Tow Rates.

2014 – Small Adjustments to the rates for certain Nonconsensual Tows & when the Wrecker must wait longer than 30 minutes



Key Industry Cost Increases

- **Increased Cost of Specialty Insurance Premiums**
- **Increased Cost Of Trucks & Maintenance**
- **Increased Cost for Mandated Third Party Certified Mailings**
- **New Methods & Equipment Required To Tow Newer Vehicles**
- **Increased Cost for Training For Truck Operators**
- **Increased Cost for Fuel**



Summary of Work Session | September 24, 2022

- **Background on Latest Revisions**
- **Private Property Trespass Tow Benchmarking**
- **Nonconsensual Trespass Tow Benchmarking**
- **Consumer Price Index (CPI) Benchmarking**
- **Analysis & Evaluation Increasing Expenses**



Summary of Work Session | January 24, 2023

- **Review of Chapter 35 Consumer Protection Provisions**
- **Towing Industry Market Research | National | State | Local**
- **Benchmarking & Comparison Analysis | County | Jurisdiction**
- **Towing Industry Proposals | Staff Analysis & Recommendations**



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Overview of Proposed Changes | Class A Vehicles

ORANGE COUNTY	CLASS A CURRENT RATE	BCC UPDATED RATE
Trespass Tow (Flat Rate)	\$125.00	\$135.00
Nonconsensual Tow	\$125.00	\$135.00
Nonconsensual Tow Per Mile	\$3.00	\$4.00
Nonconsensual Tow, Time Beyond Initial (30) minutes at scene, per fifteen (15) minute block	\$31.25	\$39.00
Trespass or Nonconsensual Tow Storage Per Day (after initial non-fee period)	\$25.00	\$32.00
Immobilization per day (includes installation and removal of device)	\$22.00	\$22.00
Research Fee (actual cost, up to the maximum, for research on vehicle ownership - to be charged if vehicle registration is expired)	\$5.00	\$7.00



Overview of Proposed Changes | Class B Vehicles

ORANGE COUNTY	CLASS B CURRENT RATE	BCC UPDATED RATE
Trespass Tow (Flat Rate)	\$250.00	\$250.00
Nonconsensual Tow	\$250.00	\$315.00
Nonconsensual Tow Per Mile	\$4.00	\$5.00
Nonconsensual Tow, Time Beyond Initial (30) minutes at scene, per fifteen (15) minute block	\$62.50	\$79.00
Trespass or Nonconsensual Tow Storage Per Day (after initial non-fee period)	\$35.00	\$44.00
Immobilization per day (includes installation and removal of device)	\$22.00	\$22.00
Research Fee (actual cost, up to the maximum, for research on vehicle ownership - to be charged if vehicle registration is expired)	\$5.00	\$7.00



Overview of Proposed Changes | Class C Vehicles

ORANGE COUNTY	CLASS C CURRENT RATE	BCC UPDATED RATE
Trespass Tow (Flat Rate)	\$375.00	\$375.00
Nonconsensual Tow	\$375.00	\$400.00
Nonconsensual Tow Per Mile	\$5.00	\$7.00
Nonconsensual Tow, Time Beyond Initial (30) minutes at scene, per fifteen (15) minute block	\$93.75	\$116.00
Trespass or Nonconsensual Tow Storage Per Day (after initial non-fee period)	\$60.00	\$76.00
Immobilization per day (includes installation and removal of device)	\$22.00	\$22.00
Research Fee (actual cost, up to the maximum, for research on vehicle ownership - to be charged if vehicle registration is expired)	\$5.00	\$7.00



Overview of Proposed Changes | Class D Vehicles

ORANGE COUNTY	CLASS D CURRENT RATE	BCC UPDATED RATE
Trespass Tow (Flat Rate)	\$500.00	\$500.00
Nonconsensual Tow	\$500.00	\$550.00
Nonconsensual Tow Per Mile	\$6.00	\$8.00
Nonconsensual Tow, Time Beyond Initial (30) minutes at scene, per fifteen (15) minute block	\$125.00	\$153.00
Trespass or Nonconsensual Tow Storage Per Day (after initial non-fee period)	\$60.00	\$76.00
Immobilization per day (includes installation and removal of device)	\$22.00	\$22.00
Research Fee (actual cost, up to the maximum, for research on vehicle ownership - to be charged if vehicle registration is expired)	\$5.00	\$7.00



Overview of Proposed Changes | Dollies & Admin Fees

Dollies

- Current ordinance prohibits fees for dollies
 - **Proposed change: \$40.00 | Class A Nonconsensual Tows Only**

Administrative Fees

- Current ordinance allows an administrative fee
 - Existing fee: \$45
 - Proposed updated fee: **\$50**



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Outstanding Issues | Merchant Fees

AVERAGE CREDIT CARD PROCESSING FEES FOR MERCHANTS	
Payment Network	Processing Finance Fees
Visa	1.29% - 3.29%
Mastercard	1.39% - 3.29%
Discover	1.58% - 3.28%
American Express	1.5% - 3.15%
Cash App Instant Deposits	0.5% - 1.75%
Cash App Send Money Via Credit Card	3%
Cash App Instant Transfer	0.5% - 1.75%
Cash App ATM Withdrawals	\$2.00 - \$2.50
Venmo Sending Money Via Credit Card	3%
Venmo Instant Transfer	1.5%
Venmo ATM Withdrawals	\$2.50
Square	3%



Outstanding Issues | Debit Card Fees

STANDARD ATM WITHDRAWAL FEES CHARGED BY BANKS	
Payment Network	Processing Finance Fees
Bank of America	\$2.50
BB&T	\$2.50
BBVA Compass	\$2.50
BMO Harris	\$2.50
Capital One	\$2.00
Chase Bank	\$2.50
Citibank	\$2.50
Comerica Bank	\$2.50
Fifth Third Bank	\$2.75
HSBC Bank	\$2.50
Keybank	\$2.50



Constitutional Offices | Processing Fee Benchmarking

CONSTITUTIONAL OFFICES	PROCESSING FINANCE FEE	CHARGED TO CONSUMERS
Orange County Supervisor of Elections	0%	No
Orange County Tax Collector	2.39%	Yes
Orange County Property Appraiser	0%	No
Orange County Sheriff's Office	\$1.75	Yes For Public Records Requests
Orange County Comptroller	0%	No
Orange County Clerk of Circuit Courts	\$3.50	Yes



County Departments | Processing Fee Benchmarking

ORANGE COUNTY DEPARTMENTS	PROCESSING FINANCE FEE	CHARGED TO CONSUMERS
Convention Center	0%	No
Corrections	0%	No
Fire Rescue	0%	No
Health Services	0%	No
Community & Family Services	0%	No
Human Resources	0%	No
Information System Services	0%	No
Public Works	0%	No
PEDS	0%	No
Office of Professional Standards	0%	No
Utilities	0%	No



County Municipalities | Processing Fee Benchmarking

ORANGE COUNTY MUNICIPALITIES	PROCESSING FINANCE FEE	CHARGED TO CONSUMERS
Apopka	No Response	Unkown
Bay Lake	0%	No
Belle Isle	\$1.50 For every \$50.00	Yes
City of Orlando	0%	No
Eatonville	0%	No
Edgewood	\$5.00 For Use of Square for City Services \$12.50 for Lien Searches	Yes
Lake Buena Vista	0%	No
Maitland	2.5%	Yes
Town of Oakland	2% for Utility Bills .25 Cents for Planning/Zoning Fee	Yes
Ocoee	No Response	Unknown
Orlando	0%	No
Town of Windermere	0%	No
Winter Garden	\$1.50	Yes Only for Credit Card
Winter Park	0%	No



Credit or Debit Card Vs. Cash or Check Transactions

RESPONSE RATES	
Companies Contacted	196
Declined	137
Responded	59
Decline Rate	70%
Response Rate	30%

CREDIT OR DEBIT CARD VS. CASH OR CHECK TRANSACTION RATES		
Categories	#	%
Tow Truck Companies	59	
Cash or Check Transactions	34	58%
Credit or Debit Card Transactions	25	42%



Revised Recommendation | Finance & Process Fees

Revised Recommendation:

- Apply **Flat Fee** Instead of a 3% Finance | Processing Fee **To Each Transaction.**

Industry Proposal:

- \$5.00 Flat Fee on all Transactions up to \$500.
- 2% on any Transaction over \$500.

Staff Recommendation:

- Flat Fee of **\$2.00** on all Transactions up to \$500.
- 0% Fee for any Transaction over \$500.



Flat Fee Analysis of Staff Recommendation

FLAT FEE ANALYSIS | INDUSTRY PROPOSAL & STAFF RECOMMENDED COURSE OF ACTION

Vehicle Class	Class A	Class B	Class C	Class D
BCC Updated Rate	\$135	\$315	\$400	\$550
Industry Proposal	\$140	\$320	\$405	\$561
Staff Recommendation	\$137	\$317	\$402	\$550
Difference	\$3	\$3	\$3	\$11



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Action Requested

Adopt an Ordinance amending the Orange County Code, Chapter 35, Traffic; Article II. Administration and Enforcement; allow staff to correct any non-substantial grammatical errors; and approve the proposed ordinance, including any changes made by the Board, and provide an effective date. All Districts