

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1143 Session of
2009

INTRODUCED BY GREENLEAF, O'PAKE, COSTA, FERLO, WASHINGTON,
BROWNE AND FARNESE, NOVEMBER 10, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
NOVEMBER 10, 2009

AN ACT

1 Establishing certain standards for tow truck operators.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Towing
6 Standards Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Towing." The moving or removing of:

12 (1) a motor vehicle at the direction of a police
13 officer; or

14 (2) a damaged or disabled motor vehicle from public or
15 private property, including a storage facility,
16 regardless of whether the owner or vehicle operator consents,
17 and for which a fee is charged, not including dues paid to a

club or association that provides services for such moving or removing of a motor vehicle.

"Tow truck operator." A person or entity that performs towing in this Commonwealth.

Section 3. Towing standards.

A tow truck operator in this Commonwealth shall:

(1) Clearly and conspicuously disclose its fees for towing, storage and other related services and its hours of operation on preprinted contracts or written schedules and shall post its fees and hours of operation at its storage facility.

(2) (i) Provide the information in paragraph (1) to the owner of a motor vehicle prior to towing the motor vehicle.

(ii) If the owner of a motor vehicle is not present or is incapacitated when the motor vehicle is towed, provide the information upon being contacted by the owner or at the time the owner or the owner's representative is presented with a bill for towing.

(3) Render towing at the scene of a motor vehicle accident or a disabled motor vehicle only if summoned to the scene by the owner or operator of the motor vehicle or a police officer.

(4) Not require, as a condition of towing a damaged or disabled motor vehicle, the signature of the owner or operator of the motor vehicle on a document that authorizes repairs to the motor vehicle or to authorize storage of the motor vehicle for more than 24 hours.

(5) Not refuse during its posted hours of operation to release a towed motor vehicle upon request from the owner of

1 the motor vehicle, a person authorized by the owner to regain
2 possession, the insurer of the motor vehicle or a tow or
3 salvor acting on behalf of such insurer accompanied by tender
4 of cash, credit card from a common issuer or a check from an
5 insurance company or authorized tow or salvor acting on
6 behalf of the motor vehicle owner or insurance company for
7 towing and storage charges.

8 (6) Notify, within 24 hours after completion of towing a
9 motor vehicle, the owner of the motor vehicle and, if known
10 to the tow truck operator, the insurer of the motor vehicle
11 of the address and telephone number of the location to which
12 the motor vehicle was taken.

13 (7) Provide reasonable access to a towed motor vehicle
14 during its posted hours of operation for the purpose of
15 inspection and retrieval of the motor vehicle and provide
16 hours of operation that reasonably allow access to a towed
17 motor vehicle.

18 (8) Not charge a storage fee for any period during which
19 the tow truck operator refuses to allow authorized inspection
20 of a motor vehicle under the inspection rights specified in
21 75 Pa.C.S. § 1799.4 (relating to examination of vehicle
22 repairs) and section 11 of the act of December 29, 1972
23 (P.L.1713, No.367), known as the Motor Vehicle Physical
24 Damage Appraiser Act.

25 Section 4. Violations.

26 A violation of this act shall also be a violation of the act
27 of December 17, 1968 (P.L.1224, No.387), known as the Unfair
28 Trade Practices and Consumer Protection Law.

29 Section 5. Construction.

30 This act shall be construed as follows:

1 (1) This act supersedes any municipal ordinance to the
2 extent that a municipal ordinance permits towing and storage
3 activities or charges which conflict with this act.

4 (2) If any portion of this act is preempted or
5 superseded by Federal law or is declared invalid by any court
6 of competent jurisdiction, the remainder of this act shall
7 remain in effect.

8 Section 6. Effective date.

9 This act shall take effect in 60 days.