

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 226 Session of  
1991

INTRODUCED BY HERSHEY, ITKIN, PITTS, D. R. WRIGHT, CESSAR,  
BARLEY, TRELLO, STEELMAN, CIVERA, SCHULER, RAYMOND AND  
ARMSTRONG, FEBRUARY 4, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 4, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, adding provisions relating to the removal of  
3 certain vehicles and the licensing of tow trucks; and making  
4 editorial changes.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 3353(c) of Title 75 of the Pennsylvania  
8 Consolidated Statutes is repealed.

9 Section 2. Chapter 33 of Title 75 is amended by adding a  
10 subchapter to read:

11 CHAPTER 33

12 RULES OF THE ROAD IN GENERAL

13 \* \* \*

14 SUBCHAPTER G

15 VEHICLES WRONGFULLY PARKED OR ABANDONED

16 ON PRIVATE PROPERTY

17 Sec.

18 3371. Towing authorized.

1 3372. Duties of tow operator; rebates prohibited.  
2 3373. Notice by posting of signs required.  
3 3374. Towing rates filed with local law enforcement;  
4 contracts maintained.  
5 3375. Towing at direction of property owner; no standing  
6 authority.  
7 3376. Vehicle break-in allowed.  
8 3377. Release upon demand and payment of charges; receipt  
9 required.  
10 3378. Improper removal; property owner liable.  
11 3379. Lien in favor of towing firm.  
12 3380. Sale and disposal of unclaimed vehicles.  
13 3381. Local ordinances.  
14 § 3371. Towing authorized.

15 The owner or lessee of privately owned real property, or any  
16 person duly authorized by such owner or lessee, may cause any  
17 motor vehicle parked or abandoned on such property without  
18 permission to be removed by a person or firm properly licensed  
19 under Subchapter B of Chapter 73 (relating to licensing of  
20 operators of tow trucks). This section shall not apply to law  
21 enforcement, firefighting, rescue squad, emergency vehicles or  
22 ambulances which are marked as such, or to property owned or  
23 leased by any governmental entity.

24 § 3372. Duties of tow operator; rebates prohibited.

25 (a) Conditions and restrictions.--The towing or removal of  
26 any vehicle from private property without consent of the  
27 registered owner or other legally authorized person in control  
28 of the vehicle is subject to the following conditions and  
29 restrictions:

30 (1) Any towed or removed vehicle must be stored at the

1 site of the towing company's business in an enclosed and  
2 secured storage lot. The site must be open during the hours  
3 of 8:00 a.m. to 5:00 p.m. for the purpose of vehicle  
4 redemption.

5 (2) The person or firm towing or removing the vehicle  
6 shall, within one hour of completion of such towing or  
7 removal, notify the municipal police department, or, in a  
8 municipality not having a police department, the sheriff  
9 having jurisdiction in such municipality, of such towing or  
10 removal, the storage site and time of such removal, and the  
11 make, model, color and license plate number of the vehicle.

12 (3) If the registered owner or person in control of the  
13 vehicle arrives at the scene of the towing prior to removal  
14 or towing of the vehicle, the vehicle shall be disconnected  
15 from the towing or removing apparatus, and that person shall  
16 be allowed to recover and remove the vehicle without  
17 interference, upon the payment of a reasonable service fee of  
18 not more than one-half of the posted rate of such towing  
19 service as provided in section 3374 (relating to towing rates  
20 filed with local law enforcement; contracts maintained), for  
21 which a receipt shall be given, unless the person refuses to  
22 remove the vehicle which is otherwise unlawfully parked.

23 (b) Rebates prohibited.--It shall be unlawful for any person  
24 who tows vehicles to make a rebate or payment of money or give  
25 any other valuable consideration to the owners or operators of  
26 the premises from which a vehicle is towed or removed, for the  
27 privilege of removing or towing the vehicle.

28 (c) Penalty.--A person who violates the provisions of  
29 subsection (b) commits a misdemeanor of the third degree.

30 § 3373. Notice by posting of signs required.

1 (a) Signs.--Except for property appurtenant to and obviously  
2 a part of a single-family residence and except for instances  
3 where notice is personally given to the owner or other person in  
4 control of the vehicle that the area in which that vehicle is  
5 parked is reserved or otherwise unavailable for unauthorized  
6 vehicles and subject to being removed at the owner's or  
7 operator's expense, any property owner or lessee, or person duly  
8 authorized by the property owner or lessee, prior to towing or  
9 removing any vehicle from private property without consent of  
10 the owner or other legally authorized person in control of that  
11 vehicle, must post a notice meeting the following requirements:

12 (1) The notice must be prominently placed at each  
13 driveway access or curb cut allowing vehicular access to the  
14 property within five feet from the public right-of-way line.  
15 If there are no curbs or access barriers, the sign must be  
16 posted not less than one sign each 25 feet of lot frontage.

17 (2) The notice must indicate clearly, in not less than  
18 two-inch-high light-reflective letters on a contrasting  
19 background that unauthorized vehicles will be towed away at  
20 the owner's expense. The words "TOW AWAY ZONE" must be  
21 included on the sign in not less than two-inch letters.

22 (3) The notice must also provide the name and current  
23 telephone number of the person or firm authorized to tow the  
24 vehicle or the name and phone number of the property owner,  
25 lessee or agent in control of the property.

26 (4) The sign structure containing the required notices  
27 must be permanently installed with the bottom of the sign not  
28 less than four feet above ground level and must be  
29 continuously maintained on the property for not less than 24  
30 hours prior to the towing or removal of any vehicle.

1 (b) Inspection of signs.--Any municipality may require  
2 permitting and inspection of these signs prior to any towing or  
3 removal of vehicles within the municipality.

4 § 3374. Towing rates filed with local law enforcement;  
5 contracts maintained.

6 Any person or firm that tows or removes vehicles and proposes  
7 to require the owner, operator or person in lawful possession of  
8 the vehicle to pay the costs of towing and storage prior to  
9 redemption of the vehicle must file and keep on record with the  
10 applicable local law enforcement agency a complete copy of the  
11 current rates to be charged for such services, and shall  
12 maintain at their place of business any written contracts with  
13 property owners, lessors or persons in control of property which  
14 authorized them to remove vehicles as provided in this  
15 subchapter, and shall make such contracts available to vehicle  
16 owners upon request.

17 § 3375. Towing at direction of property owner; no standing  
18 authority.

19 No vehicle shall be towed from private property except upon  
20 express instruction of the owner or person in charge of the  
21 private property upon which the vehicle is trespassing. Such  
22 instruction for removal shall not be given in advance of the  
23 trespass or by standing or general authorization.

24 § 3376. Vehicle break-in allowed.

25 Vehicle entry or break-in for the purpose of removal shall be  
26 allowed with reasonable care on the part of the person or firm  
27 towing the vehicle and such entry shall not constitute a crime  
28 on the part of the person towing or removing the vehicle.

29 § 3377. Release upon demand and payment of charges; receipt  
30 required.

1       When a vehicle has been towed or removed pursuant to this  
2 subchapter, it must be released to its owner, or person in  
3 lawful possession, upon demand, provided that the vehicle owner  
4 pays all accrued towing and storage charges consistent with  
5 section 3374 (relating to towing rates filed with local law  
6 enforcement; contracts maintained) and that such demand is made  
7 between the hours of 8:00 a.m. and 5:00 p.m. Any vehicle owner  
8 or person in lawful possession shall have the right to inspect  
9 the vehicle before accepting its return, and no release waiver  
10 of any kind which would release the person or firm towing the  
11 vehicle from liability for damages may be required from any  
12 vehicle owner or person in lawful possession as a condition of  
13 release of the vehicle. A receipt showing the name of the  
14 company or person towing or removing the vehicle and an  
15 itemization of charges shall be provided to the person paying  
16 towing and/or storage charges at the time of payment.

17 § 3378. Improper removal; property owner liable.

18       Wherever a person improperly causes a motor vehicle to be  
19 removed, such person shall be liable to the owner or person in  
20 lawful possession of the vehicle for the cost of removal,  
21 transportation or storage of the vehicle, and attorney fees and  
22 court costs, if applicable.

23 § 3379. Lien in favor of towing firm.

24       A person regularly engaged in the business of transporting  
25 vehicles by tow truck and licensed pursuant to Subchapter B of  
26 Chapter 73 (relating to licensing of operators of tow trucks),  
27 and storing them in an impoundment lot, shall have a lien on the  
28 vehicle and the contents thereof for services performed in  
29 compliance with this subchapter.

30 § 3380. Sale and disposal of unclaimed vehicles.

1 Disposal of any vehicle in possession of the towing-storage  
2 company, not claimed within 30 days after possession, may be  
3 effectuated by compliance with Subchapter A of Chapter 73  
4 (relating to general provisions).

5 § 3381. Local ordinances.

6 Nothing in this subchapter shall prohibit any municipality  
7 from adopting and enforcing local ordinances or regulations to  
8 supervise and regulate removal of trespassing vehicles from  
9 private property. The requirements of this subchapter shall be  
10 the minimum standards and shall not preclude enactment of  
11 additional regulations by any municipality, including the  
12 regulation of compensatory fees for towing and storage.

13 Section 3. The heading of Chapter 73 of Title 75 is amended  
14 and the chapter is amended by adding a subchapter heading and a  
15 subchapter to read:

16 CHAPTER 73

17 [ABANDONED VEHICLES AND CARGOS]

18 ILLEGALLY PARKED AND ABANDONED VEHICLES

19 SUBCHAPTER A

20 GENERAL PROVISIONS

21 \* \* \*

22 SUBCHAPTER B

23 LICENSING OF OPERATORS OF TOW TRUCKS

24 Sec.

25 7321. Definitions.

26 7322. License required for business of towing.

27 7323. Application for tow truck license; fees.

28 7324. License fees expiration; renewal.

29 7325. Grounds for denial, suspension, revocation or refusal  
30 to issue or renew license.

1 7326. Distinctive registration plates and stickers for  
2 vehicles under license.

3 7327. Identification of tow trucks.

4 7328. Penalty for violation.

5 7329. Application to local government.

6 § 7321. Definitions.

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

10 "Tow truck." Any motor vehicle equipped with a boom or  
11 booms, winches, slings, wheel lift unit, tilt beds or similar  
12 equipment designed for the towing or recovery of vehicles and  
13 other objects which cannot operate under their own power or for  
14 some reason must be transported by means of towing.

15 "Tow or towing operator." Any person or entity owning or  
16 operating a tow truck service.

17 § 7322. License required for business of towing.

18 No person shall use or offer to use a tow truck to tow, winch  
19 or otherwise move a motor vehicle for any direct or indirect  
20 compensation unless such person possesses a valid license issued  
21 by the department pursuant to this subchapter.

22 § 7323. Application for tow truck license; fees.

23 (a) Issuance of licenses.--Upon receipt of the payment of a  
24 fee of \$100 and the department's determination that the  
25 applicant is in compliance with the requirements of this  
26 subchapter and the regulations adequate for the department, the  
27 department shall issue licenses to tow truck operators.

28 (b) Application for license.--The department shall provide  
29 to applicants forms for licenses which shall contain the  
30 following:



1           (1) The name and address of the tow operators.

2           (2) The address of the principal business office of the  
3           towing operation.

4           (3) The address of any garage, parking lot or other  
5           storage area, other than the business office, where motor  
6           vehicles moved by the tow operator may be stored or placed.

7           (4) A certificate of insurance, or an acknowledgment  
8           thereof, by an insurance carrier authorized to do business in  
9           this Commonwealth, of garage keeper's legal liability in an  
10          amount not less than \$100,000, of general liability in an  
11          amount not less than \$15,000 and of cargo insurance in an  
12          amount not less than \$15,000.

13          (5) A statement that the applicant has not been  
14          convicted of any violation of the laws relating to theft of  
15          motor vehicles of this or any other state within three years  
16          immediately preceding the date of application for a tow truck  
17          license.

18          (6) A notarized statement by the tow truck operator that  
19          all information placed on the application is true to the best  
20          of his knowledge.

21 § 7324. License fees expiration; renewal.

22          (a) Expiration date.--Licenses shall be issued for one-year  
23          periods and shall expire on December 31 each year.

24          (b) Renewal fee.--Licenses may be renewed through payment of  
25          a license renewal fee of \$100 and filing proof of continued  
26          insurance pursuant to section 7323(b)(4) (relating to  
27          application for tow truck license; fees) prior to the expiration  
28          date of the license.

29          (c) Expired license.--A tow operator whose license has  
30          expired under this subchapter must qualify for a license in the

1 same manner as a tow operator who has not previously acquired a  
2 license pursuant to section 7323(b).

3 § 7325. Grounds for denial, suspension, revocation or refusal  
4 to issue or renew license.

5 The department may deny, suspend, revoke or refuse to issue  
6 or to renew any license issued under this subchapter upon proof  
7 that the person:

8 (1) used fraud or deception in securing a license;

9 (2) violated any provision of this subchapter; or

10 (3) has been convicted of a violation of the laws  
11 relating to the theft of motor vehicles on this or any other  
12 state.

13 § 7326. Distinctive registration plates and stickers for  
14 vehicles under license.

15 (a) Registration plate.--The department shall provide for  
16 distinctive tow truck registration plates and stickers for tow  
17 trucks used by tow truck operators required to be licensed under  
18 the provisions of this subchapter.

19 (b) Multiple plates.--Registration plates and stickers shall  
20 be issued to tow operators for all vehicles with certificates of  
21 title in the name of the tow operator upon proof of possession  
22 of a valid license issued pursuant to this subchapter and upon  
23 payment of all registration fees.

24 (c) Expiration of plates and stickers.--Registration plates  
25 and stickers shall be issued for one-year periods and shall  
26 expire on December 31 each year.

27 (d) Display of plates and stickers.--Tow operators licensed  
28 under this subchapter shall display plates and stickers issued  
29 under this subchapter upon each vehicle used to tow or recover  
30 vehicles.

1 § 7327. Identification of tow trucks.

2 (a) Identification information.--A person who engages in the  
3 business of towing wrecked or disabled vehicles shall identify  
4 each tow truck used in the business by painting on both vehicle  
5 doors:

6 (1) The name of the towing company, in letters at least  
7 three inches high and not less than three-eighths of an inch  
8 wide.

9 (2) The city and state where the tow truck is domiciled,  
10 in letters not less than two inches high and three-eighths of  
11 an inch wide.

12 (3) The telephone number of the business, in numbers not  
13 less than two inches high and three-eighths of an inch wide.

14 (b) Color of lettering.--The identifying information shall  
15 be painted in a color that contrasts with the background upon  
16 which it is placed.

17 § 7328. Penalty for violation.

18 Any person who operates a tow truck without a license or  
19 otherwise violates any provisions of this subchapter shall be  
20 guilty of a misdemeanor of the third degree.

21 § 7329. Application to local government.

22 (a) Local requirements.--The provisions of this subchapter  
23 are minimum requirements. A municipality may regulate, require  
24 or issue additional registration, license, permit or surety bond  
25 requirements, including compensatory administrative fees, to tow  
26 operators located within its geographical boundaries; provided  
27 that such local registration, license, permit or bond shall be  
28 in addition to or more stringent than, and not otherwise  
29 incompatible with, the provisions of this subchapter.

30 (b) Construction of subchapter.--This subchapter shall not

1 be construed to:

2 (1) Limit the authority of a municipality to license or  
3 collect a general and nondiscriminatory tax upon all  
4 business.

5 (2) Limit any authority of a municipality to license and  
6 collect a tax upon towing operations located or domiciled  
7 within its jurisdiction.

8 (3) Limit any authority of the Public Utility Commission  
9 to regulate motor carriers.

10 (4) Limit the authority of any municipality to impose  
11 any additional requirements or conditions as part of any  
12 contract to perform towing or removal services for the  
13 municipality.

14 (c) Limitation on municipal regulations.--No municipality  
15 may license, tax, regulate or otherwise prohibit the operation  
16 of a tow operator who does not maintain a storage facility,  
17 dispatch or administrative office, or other permanent presence  
18 within that municipality or county.

19 Section 4. This act shall take effect in 180 days.