

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 418 Session of  
2011

INTRODUCED BY GREENLEAF, STACK, FONTANA AND FERLO,  
FEBRUARY 4, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
FEBRUARY 4, 2011

AN ACT

1 Providing for standards for towing and for violations.

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 and  
6 Towing Storage Facility 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 "Tow truck operator." A person performing towing in this  
12 Commonwealth, including the owner or operator of towing  
13 equipment.

14 "Towing." The moving, removing or recovery of a motor  
15 vehicle at the scene of a motor vehicle accident, regardless of  
16 whether the vehicle owner or operator consents and for which a  
17 fee, not including dues to a club or association which provides

1 such services, is charged.

2 "Towing storage facility." The location where a motor  
3 vehicle has been towed as a result of a motor vehicle accident  
4 and is securely stored pursuant to an agreement with the tow  
5 truck operator who has towed the vehicle.

6 Section 3. Standards for tow truck operators and towing storage  
7 facilities.

8 (a) General requisites.--A tow truck operator and, where  
9 applicable, the operator of a towing storage facility, shall:

10 (1) maintain a physical street address;

11 (2) properly register the tow truck;

12 (3) display the name, address and telephone number of  
13 its tow truck business on the tow truck; and

14 (4) post the towing fees and the storage and related  
15 service fees and hours of operation at the towing storage  
16 facility.

17 (b) Time of notice.--At the scene of an accident, a tow  
18 truck operator shall provide the owner or operator of the  
19 vehicle with a notice containing the name, address and telephone  
20 number for a point of contact to be informed where the vehicle  
21 is to be stored.

22 (c) Accident.--A tow truck operator shall undertake towing  
23 at the scene of a motor vehicle accident only if summoned to the  
24 scene by the vehicle owner or vehicle operator, or law  
25 enforcement personnel or authorized municipal personnel, and is  
26 authorized to perform the towing.

27 (d) Repair and storage.--As a condition of towing a vehicle  
28 at the scene of an accident and prior to the towing, a tow truck  
29 operator shall not:

30 (1) secure the signature of the vehicle owner or vehicle

operator on a document that requires authorization to repair the vehicle; or

(2) secure the signature of the vehicle owner or vehicle operator to authorize storage of the vehicle for more than 24 hours.

(e) Release of towed vehicle.--Upon a request from the vehicle owner or a person authorized by the owner to regain possession, a tow truck operator or operator of a towing storage facility shall not refuse during the posted hours of operation to release a towed motor vehicle unless law enforcement has requested that the vehicle be held. Release shall be conditioned on the payment for towing, storage and related services. All charges shall be itemized and in writing. Payment may be made with cash, credit card from a common issuer or a check from an insurance company or authorized tower or salvor acting on behalf of the motor vehicle owner or insurance company.

(f) Access to vehicle.--A tow truck operator or towing storage facility shall provide hours of operation that reasonably allow access to a towed vehicle and shall grant reasonable access to the towed vehicle during its posted hours of operation for the purpose of inspection and retrieval by law enforcement officials or authorized municipal personnel, the vehicle owner or a person authorized by the owner under this act.

(g) Storage fee prohibited.--A tow truck operator or towing storage facility shall not charge a storage fee for any period during which it has refused reasonable access during posted normal business hours as required in subsection (e) or has refused to allow authorized inspection of the vehicle under inspection rights in 75 Pa.C.S. § 1799.4 (relating to

1 examination of vehicle repairs) or section 11 of the act of  
2 December 29, 1972 (P.L.1713, No.367), known as the Motor Vehicle  
3 Physical Damage Appraiser Act.

4 Section 4. Violations.

5 A violation of this act is also a violation of the act of  
6 December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade  
7 Practices and Consumer Protection Law.

8 Section 5. Coordination of laws.

9 (a) Local and municipal ordinances.--This act supersedes  
10 local or municipal ordinances only to the extent that those  
11 ordinances regulate towing and storage operations that are in  
12 conflict with this act.

13 (b) Criminal investigations.--This act shall not supersede  
14 or otherwise cause interference with any Federal or State  
15 criminal investigation or prosecution.

16 (c) Federal and State law.--If any portion of this act is  
17 preempted or superseded by Federal or State law or is declared  
18 invalid by any court of competent jurisdiction, the remainder of  
19 this act shall remain in effect.

20 Section 6. Effective date.

21 This act shall take effect in 60 days.