



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 2041

PRINTER'S NO: 2824

PRIME SPONSOR: DeLuca

As amended by A05649

FISCAL IMPACT SUMMARY	FY 2009/10	FY 2010/11
Expenditure Increase/(Decrease):		
General Fund	\$0	\$0

OVERVIEW:

House Bill 2041 shall be known as the Towing Standards Act. This legislation provides definitions for "tow truck operator" and "towing." House Bill 2041 requires tow truck operators to:

- clearly disclose its fees for towing, storage, its hours of operation, street address and telephone number on preprinted contract or written schedules;
- provide the information above to a vehicle owner prior to towing;
- render towing at the scene of a motor vehicle accident or a disable motor vehicle only if summoned by the owner or the police or authorized local or municipal personnel;
- as a condition of towing a damaged or disabled vehicle, a tow truck operator shall *not* secure the signature of the owner of the motor vehicle that includes authorization to repair the vehicle or to authorize storage of the vehicle for more than 24 hours;
- *not* refuse during its posted hours of operation to release a towed vehicle upon request from the owner of the vehicle, a person authorized by the owner to regain possession, or with the owner's consent;
- notify the owner of a towed vehicle as soon as possible, but not longer than within 24 hours of completing a towing;
- grant reasonable access to the towed vehicle during its posted hours of operation for the purpose of inspection and retrieval by law enforcement, the owner, or a person authorized by the owner under this or any other act; and,
- *not* charge a storage fee for any period during which it has refused to allow authorized inspection of the vehicle under current statute.

A violation under this act is a violation of the Unfair Trade Practices and Consumer Protection Law, which is enforced by the Attorney General.

This act supersedes local or municipal ordinances only to the extent that those ordinances permit towing and storage activities or charges that are in conflict with this act.

If any portion of House Bill 2041 is preempted or superseded by Federal law or is declared invalid by any court of competent jurisdiction, the remainder of this act shall remain in effect.

This act shall take effect in 60 days.

ANALYSIS:

According to the Office of the Attorney General, although they are not sure of the number of complaints that they will receive, they do not anticipate any significant costs to perform the responsibilities of this legislation

PREPARED BY: Rayko Pacana, Budget Analyst
House Appropriations Committee, (D)

DATE: February 8, 2010

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*