

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1908 Session of
2011

INTRODUCED BY MICOZZIE, DeLUCA, GODSHALL, KILLION, BARBIN,
FABRIZIO, KOTIK, MATZIE, PASHINSKI, M. SMITH, D. COSTA,
BISHOP, BRENNAN, V. BROWN, BROWNLEE, CALTAGIRONE, CARROLL,
COHEN, P. COSTA, CURRY, DEASY, DERMODY, DeWEESE, EVERETT,
FRANKEL, GERGELY, HANNA, HARHAI, HORNAMAN, KAVULICH, KORTZ,
KULA, MAHONEY, MALONEY, MARKOSEK, McGEEHAN, MILNE, MIRABITO,
M. O'BRIEN, PRESTON, READSHAW, K. SMITH, STURLA, WATERS,
WHEATLEY, WILLIAMS, HEFFLEY AND MUNDY, OCTOBER 20, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 1, 2012

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

1 vehicle at the scene of a motor vehicle accident, regardless of
2 whether the vehicle owner or operator consents and for which a
3 fee, not including dues to a club or association which provides
4 such services, is charged.

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

9 Section 3. Standards for tow truck operators and towing storage
10 facilities.

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

13 (1) maintain a physical street address;

14 (2) properly register the tow truck;

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

17 (4) post the towing fees and the storage and related
18 service fees and hours of operation at the towing storage
19 facility.

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

25 ~~(c) Accident.--A tow truck operator shall undertake towing~~ ←

26 (C) ACCIDENT.-- ←

27 (1) A TOW TRUCK OPERATOR SHALL UNDERTAKE TOWING at the
28 scene of a motor vehicle accident only if summoned to the
29 scene by the vehicle owner or vehicle operator, or law
30 enforcement personnel or authorized municipal personnel, and

1 is authorized to perform the towing.

2 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), THE OWNER OF ←
3 THE VEHICLE BEING TOWED HAS THE RIGHT TO DESIGNATE:

4 (I) THE TOW TRUCK OPERATOR UNDER PARAGRAPH (1); AND

5 (II) THE LOCATION WHERE THE VEHICLE IS TO BE TOWED.

6 (3) PARAGRAPH (2) SHALL NOT APPLY IF:

7 (I) THE OWNER IS INCAPABLE OF MAKING THE
8 DESIGNATION; OR

9 (II) A LAW ENFORCEMENT OFFICER PROHIBITS THE
10 DESIGNATION BECAUSE THE VEHICLE IS A HAZARD OR IMPEDES
11 THE FLOW OF TRAFFIC. A LAW ENFORCEMENT OFFICER ACTING
12 UNDER THIS SUBPARAGRAPH SHALL MAKE EVERY REASONABLE
13 EFFORT TO ENSURE THAT THE OWNER OF THE VEHICLE HAS THE
14 RIGHT TO MAKE THE DESIGNATION UNDER PARAGRAPH (2) WHEN
15 THE VEHICLE IS NO LONGER A HAZARD OR IMPEDIMENT TO THE
16 FLOW OF TRAFFIC AND IS SAFELY REMOVED TO THE SIDE OF THE
17 HIGHWAY.

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

21 (1) secure the signature of the vehicle owner or vehicle
22 operator on a document that requires authorization to repair
23 the vehicle; or

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

27 (e) Release of towed vehicle.--Upon a request from the
28 vehicle owner or a person authorized by the owner to regain
29 possession, a tow truck operator or operator of a towing storage
30 facility shall not refuse during the posted hours of operation

1 to release a towed motor vehicle unless law enforcement has
2 requested that the vehicle be held. Release shall be conditioned
3 on the payment for towing, storage and related services. All
4 charges shall be itemized and in writing. Payment may be made
5 with cash, credit card from a common issuer or a check from an
6 insurance company or authorized tower or salvor acting on behalf
7 of the motor vehicle owner or insurance company.

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

16 (g) Storage fee prohibited.--A tow truck operator or towing
17 storage facility shall not charge a storage fee for any period
18 during which it has refused reasonable access during posted
19 normal business hours as required in subsection (e) or has
20 refused to allow authorized inspection of the vehicle under
21 inspection rights in 75 Pa.C.S. § 1799.4 (relating to
22 examination of vehicle repairs) or section 11 of the act of
23 December 29, 1972 (P.L.1713, No.367), known as the Motor Vehicle
24 Physical Damage Appraiser Act.

25 Section 4. Violations.

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

29 Section 5. Coordination of laws.

30 (a) Local and municipal ordinances.--This act supersedes

1 local or municipal ordinances only to the extent that those
2 ordinances regulate towing and storage operations that are in
3 conflict with AND LESS STRINGENT THAN this act. ←

4 (b) Criminal investigations.--This act shall not supersede
5 or otherwise cause interference with any Federal or State
6 criminal investigation or prosecution.

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

11 Section 20. Effective date.

12 This act shall take effect in 60 days.