

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 540 Session of
2007

INTRODUCED BY GREENLEAF, M. WHITE, LAVALLE, RAFFERTY, WOZNIAK,
RHOADES, COSTA, LOGAN, KITCHEN, WASHINGTON AND FONTANA,
MARCH 19, 2007

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 19, 2007

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," further defining "unfair or deceptive acts or
7 practices"; and further providing for unlawful acts or
8 practices.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 2(4) of the act of December 17, 1968
12 (P.L.1224, No.387), known as the Unfair Trade Practices and
13 Consumer Protection Law, reenacted and amended November 24, 1976
14 (P.L.1166, No.260) and amended December 4, 1996 (P.L.906,
15 No.146), is amended by adding a subclause to read:

16 Section 2. Definitions.--As used in this act.

17 * * *

18 (4) "Unfair methods of competition" and "unfair or deceptive
19 acts or practices" mean any one or more of the following:

20 * * *

1 (xxi.1) Soliciting or providing towing services and, if
2 applicable, storage services, for a motor vehicle by a tow truck
3 owner or operator:

4 (A) at the scene of a motor vehicle accident or near a
5 disabled motor vehicle, unless the tow truck owner or operator
6 is summoned to the scene by the owner or operator of the motor
7 vehicle or a law enforcement officer;

8 (B) while failing to disclose to the owner or operator of
9 the motor vehicle, prior to providing the services, all of the
10 rates or fees for the services; or

11 (C) while charging rates or fees for the services that are
12 unreasonable and not based on the prevailing rate or fees for
13 comparable services charged by other tow truck owners or
14 operators in the vicinity.

15 Section 2. Section 3 of the act, amended November 29, 2006
16 (P.L.1624, No.185), is amended to read:

17 Section 3. Unlawful Acts or Practices; Exclusions.--Unfair
18 methods of competition and unfair or deceptive acts or practices
19 in the conduct of any trade or commerce as defined by
20 [subclauses (i) through (xxi) of] clause (4) of section 2 of
21 this act and regulations promulgated under section 3.1 of this
22 act are hereby declared unlawful. The provisions of this act
23 shall not apply to any owner, agent or employe of any radio or
24 television station, or to any owner, publisher, printer, agent
25 or employe of an Internet service provider or a newspaper or
26 other publication, periodical or circular, who, in good faith
27 and without knowledge of the falsity or deceptive character
28 thereof, publishes, causes to be published or takes part in the
29 publication of such advertisement.

30 Section 3. This act shall take effect in 60 days.