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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2041 Session of  
2009

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INTRODUCED BY DeLUCA, MICOZZIE, BELFANTI, COHEN, D. COSTA,  
DEASY, GILLESPIE, JOSEPHS, MURT, SABATINA, SIPTROTH, THOMAS  
AND WATERS, OCTOBER 16, 2009

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REFERRED TO COMMITTEE ON INSURANCE, OCTOBER 16, 2009

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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  
6 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 or entity performing towing  
12 in this Commonwealth.

13 "Towing." The moving or removing of a motor vehicle upon the  
14 direction of a police officer or of a damaged or disabled motor  
15 vehicle from public or private property, including a storage  
16 facility, regardless of whether the owner or vehicle operator  
17 consents and for which a fee, not including dues to a club or

1 association which provides such services, is charged.

2 Section 3. Towing standards.

3 (a) Fees.--A tow truck operator shall clearly and  
4 conspicuously disclose its fees for towing, storage and other  
5 related services and its hours of operation on preprinted  
6 contracts or written schedules and shall post its fees and hours  
7 of operation at its storage facility.

8 (b) Time of notice.--A tow truck operator shall provide the  
9 information required under subsection (a) to a vehicle owner  
10 prior to towing. If the vehicle owner is not present or is  
11 incapacitated when the vehicle is towed, a tow truck operator  
12 shall provide such information upon being contacted by the owner  
13 or at the time the owner or his representative is presented with  
14 a bill for towing.

15 (c) Accident or disabled motor vehicle.--A tow truck  
16 operator shall render towing at the scene of a motor vehicle  
17 accident or a disabled motor vehicle only if summoned to the  
18 scene by the owner or operator of the motor vehicle or a police  
19 officer.

20 (d) Repair and storage.--A tow truck operator shall not  
21 secure the signature of the owner or operator of the motor  
22 vehicle on a document that includes authorization to repair the  
23 vehicle or to authorize storage of the vehicle for more than 24  
24 hours.

25 (e) Release of towed vehicle.--A tow truck operator shall  
26 not refuse during its posted hours of operation to release a  
27 towed motor vehicle upon request from the owner of the vehicle,  
28 the insurer of the vehicle or a salvor acting on behalf of such  
29 an insurer accompanied by tender of cash, credit card from a  
30 common issuer or insurance company check for towing and storage

1 charges.

2 (f) Notice of vehicle location.--A tow truck operator within  
3 24 hours of completing a tow shall notify the owner of the  
4 vehicle and, if known to the tow truck operator, the insurer of  
5 the vehicle of the address and telephone number of the location  
6 to which the vehicle was taken.

7 (g) Access to vehicle.--A tow truck operator shall grant  
8 reasonable access to the towed vehicle during its posted hours  
9 of operation for the purpose of inspection and retrieval.

10 (h) Storage fee prohibited.--A tow truck operator shall not  
11 charge a storage fee for any period during which it has refused  
12 to allow authorized inspection of the vehicle under inspection  
13 rights in 75 Pa.C.S. § 1799.4 (relating to examination of  
14 vehicle repairs) or section 11 of the act of December 29, 1972  
15 (P.L.1713, No.367), known as the Motor Vehicle Physical Damage  
16 Appraiser Act.

17 Section 4. Violations.

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

21 Section 5. Coordination of laws.

22 (a) Local and municipal ordinances.--This act supersedes  
23 local or municipal ordinances only to the extent that those  
24 ordinances permit towing and storage activities or charges that  
25 are in conflict with this act.

26 (b) Federal law.--If any portion of this act is preempted or  
27 superseded by Federal law or is declared invalid by any court of  
28 competent jurisdiction, the remainder of this act shall remain  
29 in effect.

30 Section 6. Effective date.

1        This act shall take effect in 60 days.