

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2041 Session of  
2009

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

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JANUARY 25, 2010

## 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

1 consents and for which a fee, not including dues to a club or  
2 association which provides such services, is charged.

3 Section 3. Towing standards.

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

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

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

21 (d) Repair and storage.--~~A~~ AS A CONDITION OF TOWING A ←  
22 DAMAGED OR DISABLED VEHICLE, A tow truck operator shall not  
23 secure the signature of the owner or operator of the motor  
24 vehicle on a document that includes authorization to repair the  
25 vehicle or to authorize storage of the vehicle for more than 24  
26 hours.

27 (e) Release of towed vehicle.--A tow truck operator shall  
28 not refuse during its posted hours of operation to release a  
29 towed motor vehicle upon request from the owner of the vehicle,  
30 A PERSON AUTHORIZED BY THE OWNER TO REGAIN POSSESSION, the ←

1 insurer of the vehicle or a TOWER OR salvor acting on behalf of ←  
2 such an insurer accompanied by tender of cash, credit card from  
3 a common issuer or A CHECK FROM AN INSURANCE COMPANY OR ←  
4 AUTHORIZED TOWER OR SALVOR ACTING ON BEHALF OF THE MOTOR VEHICLE  
5 OWNER OR insurance company ~~check~~ for towing and storage charges. ←

6 (f) Notice of vehicle location.--A tow truck operator within  
7 24 hours of completing a tow shall notify the owner of the  
8 vehicle and, if known to the tow truck operator, the insurer of  
9 the vehicle of the address and telephone number of the location  
10 to which the vehicle was taken.

11 (g) Access to vehicle.--A tow truck operator SHALL PROVIDE ←  
12 HOURS OF OPERATION THAT REASONABLY ALLOW ACCESS TO A TOWED  
13 VEHICLE AND shall grant reasonable access to the towed vehicle  
14 during its posted hours of operation for the purpose of  
15 inspection and retrieval.

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

23 Section 4. Violations.

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

27 Section 5. Coordination of laws.

28 (a) Local and municipal ordinances.--This act supersedes  
29 local or municipal ordinances only to the extent that those  
30 ordinances permit towing and storage activities or charges that

1 are in conflict with this act.

2 (b) Federal law.--If any portion of this act is preempted or  
3 superseded by Federal law or is declared invalid by any court of  
4 competent jurisdiction, the remainder of this act shall remain  
5 in effect.

6 Section 6. Effective date.

7 This act shall take effect in 60 days.