

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2041 Session of 2009

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

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 8, 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, INCLUDING THE OWNER OR OPERATOR OF TOWING ←
13 EQUIPMENT.

14 "Towing." The moving ~~or~~, removing OR RECOVERY of a motor ←
15 vehicle upon the direction of a police officer or of a damaged
16 or disabled motor vehicle from public or private property,

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

5 Section 3. Towing standards.

6 (a) Fees.--A tow truck operator shall clearly and
7 conspicuously disclose its fees for towing, storage and other
8 related services and its hours of operation, STREET ADDRESS AND ←
9 TELEPHONE NUMBER on preprinted contracts or written schedules
10 and shall post its fees and hours of operation at its storage
11 facility.

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

19 (c) Accident or disabled motor vehicle.--A tow truck
20 operator shall render towing at the scene of a motor vehicle
21 accident or a disabled motor vehicle only if summoned to the
22 scene by the owner or operator of the motor vehicle or a police
23 officer OR AUTHORIZED LOCAL OR MUNICIPAL PERSONNEL. ←

24 (d) Repair and storage.--As a condition of towing a damaged
25 or disabled vehicle, a tow truck operator shall not secure the
26 signature of the owner or operator of the motor vehicle on a
27 document that includes authorization to repair the vehicle or to
28 authorize storage of the vehicle for more than 24 hours.

29 (e) Release of towed vehicle.--A tow truck operator shall
30 not refuse during its posted hours of operation to release a

1 towed motor vehicle upon request from the owner of the vehicle,
2 a person authorized by the owner to regain possession, OR WITH
3 THE OWNER'S CONSENT the insurer of the vehicle or a tower or
4 salvor acting on behalf of such an insurer accompanied by tender
5 of 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 for towing and
8 storage charges ITEMIZED IN WRITING.

9 (f) Notice of vehicle location.--A tow truck operator ~~within~~
10 AS SOON AS POSSIBLE, BUT NOT TO EXCEED 24 hours of completing a
11 tow, shall, IF KNOWN TO THE TOW TRUCK OPERATOR, notify the owner
12 of the vehicle and, if known to the tow truck operator, the
13 insurer of the vehicle of the address and telephone number of
14 the location to which the vehicle was taken.

15 (g) Access to vehicle.--A tow truck operator shall provide
16 hours of operation that reasonably allow access to a towed
17 vehicle and shall grant reasonable access to the towed vehicle
18 during its posted hours of operation for the purpose of
19 inspection and retrieval BY LAW ENFORCEMENT, THE OWNER OR A
20 PERSON AUTHORIZED BY THE OWNER UNDER THIS OR ANY OTHER ACT.

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

28 Section 4. Violations.

29 A violation of this act is also a violation of the act of
30 December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade

1 Practices and Consumer Protection Law.

2 Section 5. Coordination of laws.

3 (a) Local and municipal ordinances.--This act supersedes
4 local or municipal ordinances only to the extent that those
5 ordinances permit towing and storage activities or charges that
6 are in conflict with this act.

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

11 Section 6. Effective date.

12 This act shall take effect in 60 days.