

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, KORTZ AND CALTAGIRONE, OCTOBER 16, 2009

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, IN SENATE, AS AMENDED, SEPTEMBER 21, 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, 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 tow 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 tow 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 as~~
10 ~~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.~~

13 SECTION 1. SHORT TITLE.

14 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE TOWING AND
15 TOWING STORAGE FACILITY STANDARDS ACT.

16 SECTION 2. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
18 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "TOW TRUCK OPERATOR." A PERSON PERFORMING TOWING IN THIS
21 COMMONWEALTH, INCLUDING THE OWNER OR OPERATOR OF TOWING
22 EQUIPMENT.

23 "TOWING." THE MOVING, REMOVING OR RECOVERY OF A MOTOR
24 VEHICLE AT THE SCENE OF A MOTOR VEHICLE ACCIDENT, REGARDLESS OF
25 WHETHER THE VEHICLE OWNER OR OPERATOR CONSENTS AND FOR WHICH A
26 FEE, NOT INCLUDING DUES TO A CLUB OR ASSOCIATION WHICH PROVIDES
27 SUCH SERVICES, IS CHARGED.

28 "TOWING STORAGE FACILITY." THE LOCATION WHERE A MOTOR
29 VEHICLE HAS BEEN TOWED AS A RESULT OF A MOTOR VEHICLE ACCIDENT
30 AND IS SECURELY STORED PURSUANT TO AN AGREEMENT WITH THE TOW



1 TRUCK OPERATOR WHO HAS TOWED THE VEHICLE.

2 SECTION 3. STANDARDS FOR TOW TRUCK OPERATORS AND TOWING STORAGE
3 FACILITIES.

4 (A) GENERAL REQUISITES.--A TOW TRUCK OPERATOR AND, WHERE
5 APPLICABLE, THE OPERATOR OF A TOWING STORAGE FACILITY, SHALL:

6 (1) MAINTAIN A PHYSICAL STREET ADDRESS;

7 (2) PROPERLY REGISTER THE TOW TRUCK;

8 (3) DISPLAY THE NAME, ADDRESS AND TELEPHONE NUMBER OF
9 ITS TOW TRUCK BUSINESS ON THE TOW TRUCK; AND

10 (4) POST THE TOWING FEES AND THE STORAGE AND RELATED
11 SERVICE FEES AND HOURS OF OPERATION AT THE TOWING STORAGE
12 FACILITY.

13 (B) TIME OF NOTICE.--AT THE SCENE OF AN ACCIDENT, A TOW
14 TRUCK OPERATOR SHALL PROVIDE THE OWNER OR OPERATOR OF THE
15 VEHICLE WITH A NOTICE CONTAINING THE NAME, ADDRESS AND TELEPHONE
16 NUMBER FOR A POINT OF CONTACT TO BE INFORMED WHERE THE VEHICLE
17 IS TO BE STORED.

18 (C) ACCIDENT.--A TOW TRUCK OPERATOR SHALL UNDERTAKE TOWING
19 AT THE SCENE OF A MOTOR VEHICLE ACCIDENT ONLY IF SUMMONED TO THE
20 SCENE BY THE VEHICLE OWNER OR VEHICLE OPERATOR, OR LAW
21 ENFORCEMENT PERSONNEL OR AUTHORIZED MUNICIPAL PERSONNEL, AND IS
22 AUTHORIZED TO PERFORM THE TOWING.

23 (D) REPAIR AND STORAGE.--AS A CONDITION OF TOWING A VEHICLE
24 AT THE SCENE OF AN ACCIDENT AND PRIOR TO THE TOWING, A TOW TRUCK
25 OPERATOR SHALL NOT:

26 (1) SECURE THE SIGNATURE OF THE VEHICLE OWNER OR VEHICLE
27 OPERATOR ON A DOCUMENT THAT REQUIRES AUTHORIZATION TO REPAIR
28 THE VEHICLE; OR

29 (2) SECURE THE SIGNATURE OF THE VEHICLE OWNER OR VEHICLE
30 OPERATOR TO AUTHORIZE STORAGE OF THE VEHICLE FOR MORE THAN 24

1 HOURS.

2 (E) RELEASE OF TOWED VEHICLE.--UPON A REQUEST FROM THE
3 VEHICLE OWNER OR A PERSON AUTHORIZED BY THE OWNER TO REGAIN
4 POSSESSION, A TOW TRUCK OPERATOR OR OPERATOR OF A TOWING STORAGE
5 FACILITY SHALL NOT REFUSE DURING THE POSTED HOURS OF OPERATION
6 TO RELEASE A TOWED MOTOR VEHICLE UNLESS LAW ENFORCEMENT HAS
7 REQUESTED THAT THE VEHICLE BE HELD. RELEASE SHALL BE CONDITIONED
8 ON THE PAYMENT FOR TOWING, STORAGE AND RELATED SERVICES. ALL
9 CHARGES SHALL BE ITEMIZED AND IN WRITING. PAYMENT MAY BE MADE
10 WITH CASH, CREDIT CARD FROM A COMMON ISSUER OR A CHECK FROM AN
11 INSURANCE COMPANY OR AUTHORIZED TOWER OR SALVOR ACTING ON BEHALF
12 OF THE MOTOR VEHICLE OWNER OR INSURANCE COMPANY.

13 (F) ACCESS TO VEHICLE.--A TOW TRUCK OPERATOR OR TOWING
14 STORAGE FACILITY SHALL PROVIDE HOURS OF OPERATION THAT
15 REASONABLY ALLOW ACCESS TO A TOWED VEHICLE AND SHALL GRANT
16 REASONABLE ACCESS TO THE TOWED VEHICLE DURING ITS POSTED HOURS
17 OF OPERATION FOR THE PURPOSE OF INSPECTION AND RETRIEVAL BY LAW
18 ENFORCEMENT OFFICIALS OR AUTHORIZED MUNICIPAL PERSONNEL, THE
19 VEHICLE OWNER OR A PERSON AUTHORIZED BY THE OWNER UNDER THIS
20 ACT.

21 (G) STORAGE FEE PROHIBITED.--A TOW TRUCK OPERATOR OR TOWING
22 STORAGE FACILITY SHALL NOT CHARGE A STORAGE FEE FOR ANY PERIOD
23 DURING WHICH IT HAS REFUSED REASONABLE ACCESS DURING POSTED
24 NORMAL BUSINESS HOURS AS REQUIRED IN SUBSECTION (E) OR HAS
25 REFUSED TO ALLOW AUTHORIZED INSPECTION OF THE VEHICLE UNDER
26 INSPECTION RIGHTS IN 75 PA.C.S. § 1799.4 (RELATING TO
27 EXAMINATION OF VEHICLE REPAIRS) OR SECTION 11 OF THE ACT OF
28 DECEMBER 29, 1972 (P.L.1713, NO.367), KNOWN AS THE MOTOR VEHICLE
29 PHYSICAL DAMAGE APPRAISER ACT.

30 SECTION 4. VIOLATIONS.

1 A VIOLATION OF THIS ACT IS ALSO A VIOLATION OF THE ACT OF
2 DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR TRADE
3 PRACTICES AND CONSUMER PROTECTION LAW.

4 SECTION 5. COORDINATION OF LAWS.

5 (A) LOCAL AND MUNICIPAL ORDINANCES.--THIS ACT SUPERSEDES
6 LOCAL OR MUNICIPAL ORDINANCES ONLY TO THE EXTENT THAT THOSE
7 ORDINANCES REGULATE TOWING AND STORAGE OPERATIONS THAT ARE IN
8 CONFLICT WITH THIS ACT.

9 (B) CRIMINAL INVESTIGATIONS.--THIS ACT SHALL NOT SUPERSEDE
10 OR OTHERWISE CAUSE INTERFERENCE WITH ANY FEDERAL OR STATE
11 CRIMINAL INVESTIGATION OR PROSECUTION.

12 (C) FEDERAL AND STATE LAW.--IF ANY PORTION OF THIS ACT IS
13 PREEMPTED OR SUPERSEDED BY FEDERAL OR STATE LAW OR IS DECLARED
14 INVALID BY ANY COURT OF COMPETENT JURISDICTION, THE REMAINDER OF
15 THIS ACT SHALL REMAIN IN EFFECT.

16 SECTION 6. EFFECTIVE DATE.

17 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.