

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1908 Session of  
2011

---

INTRODUCED BY MICOZZIE, DeLUCA, GODSHALL, KILLION, SCHRODER,  
BARBIN, FABRIZIO, KOTIK, MATZIE, PASHINSKI, M. SMITH,  
D. COSTA, BISHOP, BRENNAN, V. BROWN, BROWNLEE, CALTAGIRONE,  
CARROLL, COHEN, P. COSTA, CURRY, DEASY, DERMODY, DeWEESE,  
EVERETT, FRANKEL, GERGELY, HACKETT, HANNA, HARHAI, HORNAMAN,  
KAVULICH, KORTZ, KULA, MAHONEY, MALONEY, MARKOSEK, McGEEHAN,  
MILNE, MIRABITO, M. O'BRIEN, PRESTON, READSHAW, K. SMITH,  
STURLA, WATERS, WHEATLEY AND WILLIAMS, OCTOBER 20, 2011

---

REFERRED TO COMMITTEE ON INSURANCE, OCTOBER 20, 2011

---

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 and  
6 Towing Storage Facility 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 performing towing in this  
12 Commonwealth, including the owner or operator of towing  
13 equipment.

14 "Towing." The moving, removing or recovery of a motor

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

5 "Towing storage facility." The location where a motor  
6 vehicle has been towed as a result of a motor vehicle accident  
7 and is securely stored pursuant to an agreement with the tow  
8 truck operator who has towed the vehicle.

9 Section 3. Standards for tow truck operators and towing storage  
10 facilities.

11 (a) General requisites.--A tow truck operator and, where  
12 applicable, the operator of a towing storage facility, shall:

13 (1) maintain a physical street address;

14 (2) properly register the tow truck;

15 (3) display the name, address and telephone number of  
16 its tow truck business on the tow truck; and

17 (4) post the towing fees and the storage and related  
18 service fees and hours of operation at the towing storage  
19 facility.

20 (b) Time of notice.--At the scene of an accident, a tow  
21 truck operator shall provide the owner or operator of the  
22 vehicle with a notice containing the name, address and telephone  
23 number for a point of contact to be informed where the vehicle  
24 is to be stored.

25 (c) Accident.--A tow truck operator shall undertake towing  
26 at the scene of a motor vehicle accident only if summoned to the  
27 scene by the vehicle owner or vehicle operator, or law  
28 enforcement personnel or authorized municipal personnel, and is  
29 authorized to perform the towing.

30 (d) Repair and storage.--As a condition of towing a vehicle

1 at the scene of an accident and prior to the towing, a tow truck  
2 operator shall not:

3 (1) secure the signature of the vehicle owner or vehicle  
4 operator on a document that requires authorization to repair  
5 the vehicle; or

6 (2) secure the signature of the vehicle owner or vehicle  
7 operator to authorize storage of the vehicle for more than 24  
8 hours.

9 (e) Release of towed vehicle.--Upon a request from the  
10 vehicle owner or a person authorized by the owner to regain  
11 possession, a tow truck operator or operator of a towing storage  
12 facility shall not refuse during the posted hours of operation  
13 to release a towed motor vehicle unless law enforcement has  
14 requested that the vehicle be held. Release shall be conditioned  
15 on the payment for towing, storage and related services. All  
16 charges shall be itemized and in writing. Payment may be made  
17 with cash, credit card from a common issuer or a check from an  
18 insurance company or authorized tower or salvor acting on behalf  
19 of the motor vehicle owner or insurance company.

20 (f) Access to vehicle.--A tow truck operator or towing  
21 storage facility shall provide hours of operation that  
22 reasonably allow access to a towed vehicle and shall grant  
23 reasonable access to the towed vehicle during its posted hours  
24 of operation for the purpose of inspection and retrieval by law  
25 enforcement officials or authorized municipal personnel, the  
26 vehicle owner or a person authorized by the owner under this  
27 act.

28 (g) Storage fee prohibited.--A tow truck operator or towing  
29 storage facility shall not charge a storage fee for any period  
30 during which it has refused reasonable access during posted

1 normal business hours as required in subsection (e) or has  
2 refused to allow authorized inspection of the vehicle under  
3 inspection rights in 75 Pa.C.S. § 1799.4 (relating to  
4 examination of vehicle repairs) or section 11 of the act of  
5 December 29, 1972 (P.L.1713, No.367), known as the Motor Vehicle  
6 Physical Damage Appraiser Act.

7 Section 4. Violations.

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

11 Section 5. Coordination of laws.

12 (a) Local and municipal ordinances.--This act supersedes  
13 local or municipal ordinances only to the extent that those  
14 ordinances regulate towing and storage operations that are in  
15 conflict with this act.

16 (b) Criminal investigations.--This act shall not supersede  
17 or otherwise cause interference with any Federal or State  
18 criminal investigation or prosecution.

19 (c) Federal and State law.--If any portion of this act is  
20 preempted or superseded by Federal or State law or is declared  
21 invalid by any court of competent jurisdiction, the remainder of  
22 this act shall remain in effect.

23 Section 20. Effective date.

24 This act shall take effect in 60 days.