
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1908 Session of
2011

INTRODUCED BY MICOZZIE, DeLUCA, GODSHALL, KILLION, 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, HANNA, HARHAI, HORNAMAN, KAVULICH, KORTZ,
KULA, MAHONEY, MALONEY, MARKOSEK, McGEEHAN, MILNE, MIRABITO,
M. O'BRIEN, PRESTON, READSHAW, K. SMITH, STURLA, WATERS,
WHEATLEY, WILLIAMS, HEFFLEY AND MUNDY, OCTOBER 20, 2011

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, IN SENATE, AS AMENDED, JUNE 12, 2012

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.

1 "Towing." The moving, removing or recovery of a motor
2 vehicle at the scene of a motor vehicle accident, regardless of
3 whether the vehicle owner or operator consents TO THE MOVING, ←
4 REMOVAL OR RECOVERY OF A MOTOR VEHICLE and for which a fee, not
5 including dues to a club or association which provides such
6 services, is charged.

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

11 Section 3. Standards for tow truck operators and towing storage
12 facilities.

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

15 (1) maintain a physical street address;

16 (2) properly register the tow truck WITH THE DEPARTMENT ←
17 OF TRANSPORTATION;

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

20 (4) post the towing fees and the storage and related
21 service fees and hours of operation at the towing storage
22 facility.

23 (b) Time of notice.--At the scene of an accident, a tow
24 truck operator shall provide the owner or operator of the
25 vehicle IF THE OWNER OR OPERATOR IS AT THE SCENE with a notice ←
26 containing the name, address and telephone number for a point of
27 contact to be informed where the vehicle is to be stored.

28 (c) Accident.--

29 (1) A tow truck operator shall undertake towing at the
30 scene of a motor vehicle accident only if summoned to the

1 scene by the vehicle owner or vehicle operator, or law
2 enforcement personnel or authorized municipal personnel, and
3 is authorized to perform the towing.

4 (2) Except as set forth in paragraph (3), the owner of
5 the vehicle being towed has the right to designate:

- 6 (i) the tow truck operator under paragraph (1); and
- 7 (ii) the location where the vehicle is to be towed.

8 (3) Paragraph (2) shall not apply if:

9 (i) the owner is incapable of making the
10 designation; or

11 (ii) a law enforcement officer OR AUTHORIZED ←
12 MUNICIPAL PERSONNEL prohibits the designation because the
13 vehicle is a hazard ~~or~~, impedes the flow of traffic. ←
14 ~~A law enforcement officer acting under this subparagraph~~
15 ~~shall make every reasonable effort to ensure that the~~
16 ~~owner of the vehicle has the right to make the~~
17 ~~designation under paragraph (2) when the vehicle is no~~
18 ~~longer a hazard or impediment to the flow of traffic and~~
19 ~~is safely removed to the side of the highway. OR MAY NOT ←~~
20 LEGALLY REMAIN IN ITS LOCATION.

21 (d) Repair and storage.--As a condition of towing a vehicle
22 at the scene of an accident and prior to the towing, a tow truck
23 operator shall not:

24 (1) secure the signature of the vehicle owner or vehicle
25 operator on a document that requires authorization to repair
26 the vehicle; or

27 (2) secure the signature of the vehicle owner or vehicle
28 operator to authorize storage of the vehicle for more than 24
29 hours.

30 (e) Release of towed vehicle.--Upon a request from the

1 vehicle owner or a person authorized by the owner to regain
2 possession, a tow truck operator or operator of a towing storage
3 facility shall not refuse during the posted hours of operation
4 to release a towed motor vehicle unless law enforcement has
5 requested that the vehicle be held. Release shall be conditioned
6 on the payment for towing, storage and related services. All
7 charges shall be itemized and in writing. Payment may be made
8 with cash, credit card from a common issuer or a check from an
9 insurance company or authorized tower or salvor acting on behalf
10 of the ~~motor vehicle owner or~~ insurance company. ←

11 (f) Access to vehicle.--A tow truck operator or towing
12 storage facility shall provide hours of operation that
13 reasonably allow access to a towed vehicle and shall grant
14 reasonable access to the towed vehicle during its posted hours
15 of operation for the purpose of inspection and retrieval by law
16 enforcement officials or authorized municipal personnel, the
17 vehicle owner or a person authorized by the owner under this
18 act.

19 (g) Storage fee prohibited.--~~A UNLESS LAW ENFORCEMENT HAS~~ ←
20 REQUESTED THAT A VEHICLE BE HELD, A tow truck operator or towing
21 storage facility shall not charge a storage fee for any period
22 during which it has refused reasonable access during posted
23 normal business hours as required in subsection (e) or has
24 refused to allow authorized inspection of the vehicle under
25 inspection rights in 75 Pa.C.S. § 1799.4 (relating to
26 examination of vehicle repairs) or section 11 of the act of
27 December 29, 1972 (P.L.1713, No.367), known as the Motor Vehicle
28 Physical Damage Appraiser Act.

29 Section 4. Violations.

30 A violation of this act is also a violation of the act of

1 December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade
2 Practices and Consumer Protection Law.

3 Section 5. Coordination of laws.

4 (a) Local and municipal ordinances.--This act supersedes
5 local or municipal ordinances only to the extent that those
6 ordinances regulate towing and storage operations that are in
7 conflict with and less stringent than this act.

8 (b) Criminal investigations.--This act shall not supersede
9 or otherwise cause interference with any Federal or State
10 criminal investigation or prosecution.

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

15 Section 20. Effective date.

16 This act shall take effect in 60 days.