

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1908 Session of  
2011

INTRODUCED BY MICOZZIE, DeLUCA, GODSHALL, KILLION, BARBIN,  
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M. O'BRIEN, PRESTON, READSHAW, K. SMITH, STURLA, WATERS,  
WHEATLEY, WILLIAMS, HEFFLEY AND MUNDY, OCTOBER 20, 2011

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 26, 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.

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 TO THE MOVING,  
3 REMOVAL OR RECOVERY OF A MOTOR VEHICLE and for which a fee, not  
4 including dues to a club or association which provides such  
5 services, is charged.

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

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

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

14 (1) maintain a physical street address;

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

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

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

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

27 ~~(c) Accident.--~~

28 ~~(1) A tow truck operator shall undertake towing at the~~

29 (C) ACCIDENT.--A TOW TRUCK OPERATOR SHALL UNDERTAKE TOWING

30 AT THE 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 is  
3 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. A~~ ←  
14 ~~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 AS FOLLOWS: ←

22 (1) THE OWNER OR OPERATOR OF THE VEHICLE BEING TOWED  
23 SHALL SUMMON TO THE SCENE THE TOW TRUCK OPERATOR OF THE  
24 OWNER'S OR OPERATOR'S CHOICE IN CONSULTATION WITH LAW  
25 ENFORCEMENT OR AUTHORIZED MUNICIPAL PERSONNEL AND DESIGNATE  
26 THE LOCATION WHERE THE VEHICLE IS TO BE TOWED.

27 (2) THE PROVISIONS OF PARAGRAPH (1) SHALL NOT APPLY WHEN  
28 THE OWNER OR OPERATOR IS INCAPACITATED, OTHERWISE UNABLE TO  
29 SUMMON A TOW TRUCK OPERATOR OR DEFERS TO LAW ENFORCEMENT OR  
30 AUTHORIZED MUNICIPAL PERSONNEL.

1           (3) THE AUTHORITY PROVIDED TO THE OWNER OR OPERATOR IN  
2 PARAGRAPH (1) MAY BE SUPERSEDED BY THE LAW ENFORCEMENT  
3 OFFICER OR AUTHORIZED MUNICIPAL PERSONNEL IF THE TOW TRUCK  
4 OPERATOR OF CHOICE CANNOT RESPOND TO THE SCENE IN A TIMELY  
5 FASHION AND THE VEHICLE IS A HAZARD, IMPEDES THE FLOW OF  
6 TRAFFIC OR MAY NOT LEGALLY REMAIN IN ITS LOCATION IN THE  
7 OPINION OF LAW ENFORCEMENT OR AUTHORIZED MUNICIPAL PERSONNEL.

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

11           (1) secure the signature of the vehicle owner or vehicle  
12 operator on a document that requires authorization to repair  
13 the vehicle; or

14           (2) secure the signature of the vehicle owner or vehicle  
15 operator to authorize storage of the vehicle for more than 24  
16 hours.

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

28           (f) Access to vehicle.--A tow truck operator or towing  
29 storage facility shall provide hours of operation that  
30 reasonably allow access to a towed vehicle and shall grant

1 reasonable access to the towed vehicle during its posted hours  
2 of operation for the purpose of inspection and retrieval by law  
3 enforcement officials or authorized municipal personnel, the  
4 vehicle owner or a person authorized by the owner under this  
5 act.

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

16 Section 4. Violations.

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

20 Section 5. Coordination of laws.

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

25 (b) Criminal investigations.--This act shall not supersede  
26 or otherwise cause interference with any Federal or State  
27 criminal investigation or prosecution.

28 (c) Federal and State law.--If any portion of this act is  
29 preempted or superseded by Federal or State law or is declared  
30 invalid by any court of competent jurisdiction, the remainder of

- 1 this act shall remain in effect.
- 2 Section 20. Effective date.
- 3 This act shall take effect in 60 days.