

No. 2012-110

AN ACT

HB 1908

Providing for standards for towing and for violations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Towing and Towing Storage Facility Standards Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Tow truck operator." A person performing towing in this Commonwealth, including the owner or operator of towing equipment.

"Towing." The moving, removing or recovery of a motor vehicle at the scene of a motor vehicle accident, regardless of whether the vehicle owner or operator consents to the moving, removal or recovery of a motor vehicle and for which a fee, not including dues to a club or association which provides such services, is charged.

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

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

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

- (1) maintain a physical street address;
- (2) properly register the tow truck with the Department of Transportation;
- (3) display the name, address and telephone number of its tow truck business on the tow truck; and
- (4) post the towing fees and the storage and related service fees and hours of operation at the towing storage facility.

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

(c) Accident.—A tow truck operator shall undertake towing at the scene of a motor vehicle accident only if summoned to the scene by the vehicle owner or vehicle operator, or law enforcement personnel or authorized municipal personnel, and is authorized to perform the towing as follows:

- (1) The owner or operator of the vehicle being towed shall summon to the scene the tow truck operator of the owner's or operator's choice in

consultation with law enforcement or authorized municipal personnel and designate the location where the vehicle is to be towed.

(2) The provisions of paragraph (1) shall not apply when the owner or operator is incapacitated, otherwise unable to summon a tow truck operator or defers to law enforcement or authorized municipal personnel.

(3) The authority provided to the owner or operator in paragraph (1) may be superseded by the law enforcement officer or authorized municipal personnel if the tow truck operator of choice cannot respond to the scene in a timely fashion and the vehicle is a hazard, impedes the flow of traffic or may not legally remain in its location in the opinion of law enforcement or authorized municipal personnel.

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

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

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

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

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

(g) Storage fee prohibited.—Unless law enforcement has requested that a vehicle be held, a tow truck operator or towing storage facility shall not charge a storage fee for any period during which it has refused reasonable access during posted normal business hours as required in subsection (e) or has refused to allow authorized inspection of the vehicle under inspection rights in 75 Pa.C.S. § 1799.4 (relating to examination of vehicle repairs) or section 11 of the act of December 29, 1972 (P.L.1713, No.367), known as the Motor Vehicle Physical Damage Appraiser Act.

Section 4. Violations.

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

Section 5. Coordination of laws.

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

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

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

Section 20. Effective date.

This act shall take effect in 60 days.

APPROVED—The 5th day of July, A.D. 2012

TOM CORBETT