

§§1-15,25,26 -
C.56:13-7 to
56:13-23
§§25,26 - Note to
§§16-24
§24 - Repealer

P.L. 2007, CHAPTER 193, *approved October 24, 2007*
Assembly, No. 4053 (*Second Reprint*)

- 1 AN ACT concerning towing and towing operators and
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.) and amending
3 various parts of statutory law.
4
- 5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7
- 8 1. (New section) This ²**[law]** act² shall be known and may be
9 cited as the “Predatory Towing Prevention Act .”
10
- 11 2. (New section) The Legislature finds and declares that:
12 a. While the majority of tow truck operators in New Jersey are
13 reputable service providers, some unscrupulous towers are engaged
14 in predatory practices victimizing consumers whose vehicles are
15 parked on public streets and private property;
16 b. Predatory towing practices include charging unwarranted or
17 excessive fees, particularly in connection with towing vehicles from
18 private parking lots which do not display any warnings to the
19 vehicle owners, or overcharging consumers for towing services
20 provided under circumstances where the consumer ²**[either]**² has
21 no meaningful opportunity to withhold consent;
22 c. The legitimate business interests of tow truck operators and
23 the needs of private property owners for relief from unauthorized
24 parking must be balanced with the interest in providing appropriate
25 protection to consumers;
26 d. Whatever authority exists in the law to regulate towing and
27 towing companies is fragmented among various State agencies and
28 local governments, so that inconsistent or inadequate regulation
29 often results, with insufficient recourse provided under the law; and
30 e. Therefore, it is in the public interest to create a coordinated,
31 comprehensive framework to establish and enforce minimum
32 standards for tow truck operators.
33
- 34 3. (New section) As used in this act:
35 ¹“Basic towing service” means towing as defined in this section
36 and other ancillary services as may be specified by the director by
37 regulation.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACO committee amendments adopted May 17, 2007.

²Senate floor amendments adopted June 21, 2007.

1 “Consumer” means a natural person.¹

2 “Contract rate” means fees for towing services established under
3 a contract between a towing company and a State agency or
4 political subdivision ¹, including, but not limited to, independent
5 authorities and instrumentalities thereof¹.

6 ¹“Decoupling fee” means a charge by a towing company for
7 releasing a motor vehicle to its owner or operator when the vehicle
8 has been, or is about to be, hooked or lifted by a tower, but prior to
9 the vehicle actually having been moved or removed from the
10 property.¹

11 “Division” means the Division of Consumer Affairs in the
12 Department of Law and Public Safety.

13 “Director” means the Director of the Division of Consumer
14 Affairs.

15 “Motor vehicle” includes all vehicles propelled otherwise than
16 by muscular power, excepting such vehicles as run only upon rails
17 or tracks and motorized bicycles, motorized scooters, motorized
18 wheelchairs and motorized skateboards.

19 ¹“Non-consensual towing” means the towing of a motor vehicle
20 from private or public property without the consent of the owner or
21 operator of the vehicle.¹

22 “Person” means an individual, a sole proprietorship, partnership,
23 corporation, limited liability company or any other business entity.

24 “Person with a substantial interest” means a director, officer or
25 partner of, or any other person having an economic interest of 10
26 percent or more in, an applicant for, or holder of, a registration as a
27 towing company, or any parent or subsidiary thereof.

28 “Towing” means the moving or removing from public or private
29 property ¹or from a storage facility¹ by a motor vehicle of
30 ¹‘[another] a consumer’s¹ motor vehicle that is damaged as a result
31 of an accident or otherwise disabled, recovered after being stolen,
32 or is parked illegally or otherwise without authorization, or the
33 immobilization of or preparation for moving or removing of such
34 motor vehicle, for which a service charge is made, either directly or
35 indirectly ¹‘[, including any dues] . Dues¹ or other charges of clubs
36 or associations which provide towing services ¹‘to club or
37 association members shall not be considered a service charge for
38 purposes of this definition¹ .

39 “Towing company” means a person offering or performing
40 towing services.

41 “Vehicle” means any device in, upon or by which a person or
42 property is or may be transported upon a highway.

43

44 4. (New section)

45 a. No person shall offer to perform, or engage, or attempt to
46 engage in the business of towing unless registered with the division.

1 b. An application for registration shall be made annually, or at
2 such other interval as the director may determine, in writing to the
3 director in the form prescribed by the director and shall be
4 accompanied by a fee, set by the director in a reasonable amount
5 sufficient to defray the division's expenses incurred in
6 administering and enforcing P.L. , c. (C.) (pending before
7 the Legislature as this bill).

8 c. The applicant shall state the complete street address of the
9 location or locations from which the business of towing shall be
10 conducted, indicating which is the principal location.

11 d. The applicant shall state the complete street address of the
12 location of each of its storage facilities and whether each is secured
13 or unsecured.

14 e. The applicant shall enumerate the types of towing services
15 that the applicant intends to provide and a description of the
16 vehicles, including vehicle registration number, weight, number of
17 wheels and purpose, with which the applicant intends to provide the
18 services.

19 f. The application shall include a valid original certificate of
20 insurance from an insurer authorized to do business in the State and
21 a schedule of insured motor vehicles that are to be utilized by the
22 applicant, including the amounts of the garage keeper's legal
23 liability coverage and any "on hook" coverage as an endorsement or
24 contained in a separate schedule, and liability insurance coverage
25 which meets or exceeds the requirements set forth in section 6 of
26 P.L. , c. (C.) (pending before the Legislature as this bill).

27 g. The applicant shall include a tariff listing the services that the
28 applicant provides and the fee charged for each service, which
29 meets the requirements of section 8 of P.L. , c. (C.)
30 (pending before the Legislature as this bill).

31 h. The applicant shall disclose whether the applicant or a person
32 with a substantial interest in the applicant, or any towing company
33 in which such person was a person with a substantial interest and
34 serving in that capacity at the time the conduct or conviction
35 required to be disclosed pursuant to this subsection occurred, has
36 engaged in any of the conduct, or was convicted of a crime,
37 specified in subsection a. of section 5 of P.L. , c. (C.)
38 (pending before the Legislature as this bill).

39 i. The applicant shall furnish any additional information as may
40 be required by the director.

41 j. If any of the information required to be included in the
42 application changes, or if additional information should be added
43 after the filing of the application, the applicant shall provide that
44 information to the director, in writing, within 30 calendar days of
45 the change or addition.

46 k. Upon issuance of the registration, the division shall provide
47 the registrant with decals and accompanying notices to be affixed to

1 each motor vehicle identified in the application as owned or leased
2 by the registrant to be used to perform towing services.

3
4 5. (New section)

5 a. The director may refuse to issue or may suspend or revoke,
6 any registration issued by him upon proof that the applicant or
7 holder of the registration or, if the applicant is an entity, a person
8 with a substantial interest in the applicant or holder of a
9 registration, or any towing company in which such person was a
10 person with a substantial interest and was serving in such capacity
11 at the time the conduct or conviction required to be disclosed
12 pursuant to this subsection occurred:

13 (1) has obtained a registration through fraud, deception or
14 misrepresentation;

15 (2) has engaged in the use or employment of dishonesty, fraud,
16 deception, misrepresentation, false promise or false pretense;

17 (3) has engaged in gross negligence or gross incompetence;

18 (4) has engaged in repeated acts of negligence or incompetence;

19 (5) has engaged in professional or occupational misconduct as
20 may be determined by the director;

21 (6) has had his authority to engage in the activity regulated by
22 the director revoked or suspended by any other state, agency or
23 authority for reasons consistent with this section;

24 (7) has violated or failed to comply on more than three occasions
25 with the provisions of section 8 of P.L. , c. (C.) (pending
26 before the Legislature as this bill) or violated or failed to comply
27 with the provisions of any other act or regulation administered by
28 the director; or

29 (8) has been convicted of:

30 (a) a crime under Chapter 11, 12, 13 14 or 15 under Title 2C of
31 the New Jersey Statutes;

32 (b) motor vehicle theft or any crime involving a motor vehicle
33 under Chapter 20 of Title 2C of the New Jersey Statutes; or

34 (c) any other crime under Title 2C of the New Jersey Statutes
35 relating adversely to the performance of towing services or the
36 storage of motor vehicles as determined by the director by
37 regulation.

38 b. A final refusal to register, or the suspension or revocation of a
39 registration shall not be made except upon reasonable notice to the
40 applicant or registrant, and an opportunity for the applicant or
41 registrant to be heard.

42
43 6. (New section) a. A towing company shall maintain liability
44 insurance which meets or exceeds the requirements of this section,
45 'or such other amounts as the director may determine by
46 regulation.'¹ including in the case of each light-medium duty tow
47 truck, motor vehicle liability insurance coverage for the death of, or
48 injury to, persons and damage to property for each accident or

1 occurrence in the amount of at least \$750,000 single limit, and in
2 the case of each heavy-duty tow truck, motor vehicle liability
3 insurance coverage for the death of or injury to persons and damage
4 to property for each accident or occurrence in the amount of at least
5 \$1,000,000 single limit.

6 b. The director shall be named as an additional insured under
7 each insurance policy required under subsection a. of this section
8 and each policy shall provide that the issuer give the director at
9 least 10 days written notice of its intention to cancel or not renew
10 the policy.

11 'c. Nothing in this section shall preclude a State agency or
12 political subdivision, or the independent authorities or
13 instrumentalities thereof, from requiring additional or higher
14 liability insurance coverages or amounts with respect to contracts
15 for towing and storage services awarded under the authority of such
16 agency, subdivision, authority or instrumentality.'
17

18 7. (New section) a. No person shall tow any motor vehicle
19 parked for an unauthorized purpose from any privately owned
20 parking lot, from other private property or from any common
21 driveway without the consent of the motor vehicle owner or
22 operator, unless the person is registered with the division 'pursuant
23 to section 4 of P.L. , c. (C.) (pending before the
24 Legislature as this bill)' and '[the parking lot or private property
25 has] there is' posted in a conspicuous place at all 'vehicular'
26 entrances to the property which can be easily be seen by the public,
27 a sign no smaller than 36 inches high and 36 inches wide stating:

28 (1) the purpose or purposes for which parking is authorized and
29 the times during which such parking is permitted;

30 (2) that unauthorized parking is prohibited and unauthorized
31 motor vehicles will be towed at the owner's expense;

32 (3) the name, address, and telephone number of the towing
33 company that will perform the towing;

34 (4) the charges, which shall not exceed the fee specified in the
35 tariff on file with the director, for the towing and storage of towed
36 motor vehicles; and

37 (5) the street address of the storage facility where the towed
38 vehicles can be redeemed after payment of the posted charges and
39 the times during which the vehicle may be redeemed.

40 b. A towing company shall not remove a motor vehicle from
41 private property 'without the consent of the owner or operator of
42 the vehicle,' without first obtaining the written authorization from
43 the property owner or lessee, or its employee or agent, who shall be
44 present at the time of removal and verify the alleged violation 'if it
45 occurs during normal business hours of any premises at the location
46 operated by the property owner or lessee authorizing the removal of
47 the vehicle' , except that general authorization in writing shall be

1 sufficient for the removal of a motor vehicle parked on private
2 property within 15 feet of a fire hydrant, standpipe or other water
3 source for fighting fires; in a fire lane; '[or]' in a manner that
4 interferes with the entrance to or exit from the property '; or if the
5 violation occurs at a time other than during normal business hours
6 of the premises of the property owner or lessee authorizing the
7 removal of the vehicle' .

8 c. Except as provided in subsection d. of this section, the owner
9 or person in lawful possession of private property may cause the
10 removal of the motor vehicle parked on the property to a storage
11 facility within a reasonable distance of the property if signs are
12 posted on the property as required under section a. of this section
13 and the towing company complies with the requirements of this act.

14 d. The provisions of subsection a. shall not apply to a motor
15 vehicle parked on a lot or parcel on which is situated a single-
16 family unit or an owner occupied multi-unit structure of not more
17 than six units or in front of any driveway where the motor vehicle is
18 blocking access to that driveway.

19
20 8. (New section) a. The director by regulation shall establish a
21 schedule of towing and storage services for which a towing
22 company may charge a service fee ', and shall specify services that
23 are ancillary to and included as part of basic towing services for
24 which no fees in addition to the basic towing service fee may be
25 charged' .

26 b. All towing companies shall file with the division a tariff
27 which lists the services the towing company provides and the fee
28 that the towing company charges for each service, which fees shall
29 be reasonable and not excessive.

30 (1) A towing company shall file its tariffs at least annually, in the
31 manner prescribed by the director, and may amend the services it
32 provides or the fees it charges for services provided by filing an
33 amended tariff with the division, provided however that a towing
34 company may not charge amended fees set forth in an amended
35 tariff until the division provides confirmation of receipt of the
36 amended tariff. A towing company may not modify its tariff more
37 than once during any three month period, except to add or delete a
38 service, reduce a fee or conform to the requirements of this section.

39 (2) A towing company's fee for a towing service shall be
40 presumed unreasonable and excessive if the fee exceeds 150%, or a
41 different percentage established by the director by regulation, of
42 the average fee for such service charged in the county of the towing
43 company's principal location, which figure shall be calculated
44 based upon the fees charged for such service as reported in the
45 tariffs filed by all towing companies with principal locations in the
46 same county and shall be published on an Internet website in
47 accordance with this subsection c. of this section.

1 (3) The presumption set forth in paragraph (2) of this subsection
2 shall not apply until the first day of the third month after the
3 Internet website authorized by subsection c. of this section becomes
4 operative.

5 c. The division shall collect and maintain the tariffs filed
6 pursuant to subsection a. of this section in an electronic system, and
7 the director shall cause the tariff data to be organized and made
8 available to the public on an Internet website in a format that
9 enables consumers to review the fees for towing services charged
10 by each registered towing company in the State. The electronic
11 system shall calculate annually and make available on the website
12 the average cost, broken down by towing service and county, of the
13 '[fee charged of] fees for' each towing service '[fee]' charged by
14 the towing companies operating in each county in the State.

15 'd. Nothing in this section shall be deemed to limit the authority
16 of a State agency or political subdivision, or the independent
17 authorities or instrumentalities thereof, to establish contract rates
18 for towing and storage services in accordance with a contract
19 awarded under the authority of such agency, subdivision, authority,
20 or instrumentality.'

21

22 9. (New section)

23 a. No person shall tow a motor vehicle pursuant to section 7 of
24 P.L. , c. (C.) (pending before the Legislature as this bill)
25 to a storage facility or store such vehicle at a storage facility unless
26 the storage facility:

27 (1) has a business office open to the public between 8 a.m. and 6
28 p.m. at least five (5) days a week, excluding holidays; and

29 (2) is secured and, if it is an outdoor storage facility, lighted
30 from dusk to dawn.

31 b. A towing company shall provide reasonable accommodations
32 for after-hours release of stored motor vehicles and shall not charge
33 a release fee or other charge for releasing motor vehicles to their
34 owners after normal business hours or on weekends.

35

36 10. (New section) It shall be an unlawful practice for any towing
37 company:

38 a. To fail to affix on a motor vehicle used to provide towing
39 services the proper decal issued by the division and a notice stating:

40 "This tow truck is registered with the New Jersey Division of
41 Consumer Affairs. The driver is required to provide you with a
42 written schedule of the fees charged for towing and storage services
43 before providing that service to you, including those services for
44 which there is no fee. If the fee charged is in excess of the fee listed
45 on the schedule, please notify the Division of Consumer Affairs at
46 ###-###-####."

47 b. (1) Except as otherwise provided in paragraph (2) of this
48 subsection, to fail to provide the person whose motor vehicle is to

1 be towed, prior to providing any towing services, a written schedule
2 of fees, the information contained in the notice required under
3 subsection a. above, the following legend, and such other
4 information as determined by the director:

5 “The fees set forth in the schedule may not exceed the tariff filed
6 with the Division of Consumer Affairs. You may review the tariff
7 on the Division’s website at XXXXX@dca.lps.state.nj.us. The
8 filing of a tariff with the Division of Consumer Affairs does not
9 imply endorsement of the fees and charges set forth in the tariff.”

10 (2) To fail to provide the schedule and information required
11 under paragraph (1) of this subsection immediately upon being
12 contacted by the person whose motor vehicle was towed, if that
13 person was not present at the time the towing services were
14 provided.

15 c. To make, give, or cause any undue or unreasonable preference
16 or advantage, or undue or unreasonable prejudice or disadvantage,
17 to any person in any particular locality, with respect to providing
18 towing services. ‘The provision of towing services by a club or
19 association to its members in exchange for the payment of dues or
20 similar membership charges, which club or association membership
21 is generally available to the public, shall not be deemed an undue or
22 unreasonable preference or advantage within the meaning of this
23 section.¹

24 d. To give any benefit or advantage, including a pecuniary
25 benefit, to any person for providing information about motor
26 vehicles parked for unauthorized purposes on privately owned
27 property or otherwise in connection with towing from privately
28 owned property motor vehicles parked without authorization.

29 e. ‘To fail, when so requested by the owner or operator of a
30 vehicle subject to non-consensual towing, to release a vehicle to the
31 owner or operator that has been, or is about to be, hooked or lifted
32 but has not actually been moved or removed from the property
33 when the vehicle owner or operator returns to the vehicle, or to
34 charge the owner or operator requesting release of the vehicle more
35 than the decoupling fee specified in the tariff.

36 f.¹ To charge any fee ‘[in excess of the lesser of] other than¹
37 any applicable contract rate or ‘[that] , in the absence of an
38 applicable contract rate, the ²lesser of the rate set forth in an
39 applicable schedule of fees or other charges established by
40 municipal ordinance adopted pursuant to section 1 of P.L. 1979,
41 c.101 (C. 40:48-2.49) or the² rate¹ specified in ²[its] the towing
42 company’s² tariff on file with the director, or to charge a fee ‘in an
43 amount or for a service¹ not listed on the tariff on file with the
44 director at the time ‘except as may be permitted by the director by
45 regulation¹. ²Nothing in this section shall preclude a towing
46 company, acting on behalf of a club or association, from charging
47 members of the club or association a fee at a rate established by

1 contract between the towing company and the club or association
2 which is lower than the rate specified in the towing company's tariff
3 on file with the director, provided that membership in such club or
4 association is generally available to the public and that such rates
5 are filed with the director pursuant to section 8 of this act.²

6 'f] g'. To refuse to accept for payment in lieu of cash or an
7 insurance company check for towing or storage services a debit
8 card, charge card or credit card if the operator ordinarily accepts
9 such card at his place of business, unless such refusal is authorized
10 in accordance with section 4 of P.L.2002, c.67, (C.56:13-4) as
11 amended by P.L. , c. (C.) (pending before the Legislature
12 as this bill).

13
14 11. (New section)

15 Every towing company shall retain and make available for
16 inspection by the division for a period of three years, invoices, job
17 orders, logs, claims for reimbursement from insurance companies
18 and other documentation relating to towing services performed and
19 rates charged for the services.

20
21 12. (New section)

22 There is created in the Department of the Treasury a special
23 dedicated, non-lapsing fund to be known as the "Towing and
24 Storage Administration and Enforcement Fund." The fund shall be
25 the depository for fees, cost recoveries and penalties collected under
26 P.L. , c. (C.) (pending before the Legislature as this bill).
27 Monies deposited in the fund and the interest earned thereon shall
28 be used for the administration of this act. The Legislature shall
29 annually appropriate from the fund monies to the division for the
30 administration of this act.

31
32 13. (New section) ²[Rules and regulations; contracting
33 authority.]²

34 a. The director, pursuant to the provisions of the
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.), may promulgate rules and regulations to effectuate the
37 purposes of this act.

38 b. The division may contract with a public or private entity for
39 the purpose of developing, administering and maintaining the
40 registration process and the electronic data base for tariffs provided
41 for in section 8 of P.L. , c. (C.) (pending before the
42 Legislature as this bill).

43
44 14. (New section) a. The provisions of this act shall preempt
45 any political subdivision from ²[regulating,]² requiring or issuing
46 any registration or license of any towing company ²in addition to
47 that which is required by section 4 of this act².

1 **'[b.]'** This section shall not limit the existing authority of a
2 political subdivision to:

3 (1) license and collect a general and nondiscriminatory tax upon
4 all businesses; or

5 (2) impose any additional requirements or conditions as part of
6 any contract to perform towing and recovery services for that
7 jurisdiction.

8 **'b. The provisions of this act shall not be deemed to limit the**
9 **authority of the ²[new] New² Jersey Turnpike Authority or the**
10 **²[south] South² Jersey Transportation Authority to establish rules**
11 **and regulations governing the provision of towing and storage**
12 **services on the roadways and properties under each entity's**
13 **respective control.¹**
14

15 15. (New section) **'[(a)] a.'** It is an unlawful practice and a
16 violation of P.L.1960, c.39 (C.56:8-1 et seq.) to violate any
17 provision of this act.

18 **'[(b)] b.'** In addition to any penalties or other remedies provided
19 in P.L.1960, c.39 (C.56:8-1 et seq.), the director may order a towing
20 company that has billed a consumer or insurer an amount in excess
21 of the fee specified in its filed tariff for the service provided to
22 reimburse the consumer or insurer for the excess cost with interest.
23

24 16. Section 2 of P.L. 2002, c. 77 (C.27:23-6.2) is amended to
25 read as follows:

26 2. a. An operator awarded a contract for towing and storage
27 services by the New Jersey Turnpike Authority shall register with
28 the authority. **'[The authority shall register any towing company]**
29 **In order to be eligible to bid for the award of such a contract, an**
30 **operator shall have¹ registered with the Division of Consumer**
31 **Affairs in the Department of Law and Public Safety ¹pursuant to**
32 **section 4 of P.L. , c. (C.) (pending before the Legislature**
33 **as this bill)¹ .** Upon issuance of the registration, the authority shall
34 provide the operator with two decals and accompanying notices for
35 each tow truck owned or leased by that operator and to be used
36 under the terms of the contract. The decals and the accompanying
37 notices, which shall be of a distinctive design and color, shall be
38 conspicuously displayed on the exterior of each such tow truck in a
39 manner and location prescribed by the authority.

40 The decals shall set forth a specific registration number for each
41 registered tow truck. The notices shall include a statement
42 indicating substantially the following: "This tow truck is registered
43 with the New Jersey Highway Authority. The driver is required to
44 provide you with a written schedule of the fees charged for towing
45 and storage services before providing that service to you, including
46 those services for which there is no fee. If the fee charged is in
47 excess of the fee listed on the schedule, please notify the authority

1 or the New Jersey Division of Consumer Affairs.” An operator shall
2 file a copy of the schedule of fees with the authority. Upon request
3 of the Division of Consumer Affairs in the Department of Law and
4 Public Safety, the authority shall provide a list of the registered tow
5 trucks to the division, in addition to a copy of the schedule of fees.

6 b. Prior to providing any towing services, a driver of a tow truck
7 shall provide the person whose vehicle is to be towed a written
8 schedule of fees and shall recite the information contained in the
9 notice.

10 c. An operator who fails to display the decals and notices
11 required by subsection a. of this section or the driver of a tow truck
12 who fails to provide a person to be towed the written schedule of
13 fees or recite the information contained in the notice prior to
14 providing a towing service as required by subsection b. of this
15 section shall be subject to a fine of \$300 for the first offense. For
16 the second and any subsequent offense the operator or the driver, as
17 the case may be, shall be subject to a fine of \$600.

18 d. It shall be an unlawful practice and a violation of P.L.1960,
19 c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of
20 the fee listed in the written schedule of fees provided pursuant to
21 subsection a. of this section.

22 e. If an operator or the driver of an operator’s tow truck is
23 convicted a third time for violation of any provisions of this section,
24 the authority may, in its discretion, terminate the operator’s contract
25 for towing and storage services with the authority.

26 (cf: P.L.2002, c.77, s.2)

27
28 17. Section 3 of P.L. 2002, c. 77 (C.27:25A-8.1) is amended to
29 read as follows:

30 3. a. An operator awarded a contract for towing and storage
31 services by the South Jersey Transportation Authority shall register
32 with the authority. ‘[The authority shall register any towing
33 company]. In order to be eligible to bid for the award of such a
34 contract, an operator shall have¹ registered with the Division of
35 Consumer Affairs in the Department of Law and Public Safety
36 ¹pursuant to section 4 of P.L. , c. (C.) (pending before the
37 Legislature as this bill)¹ . Upon issuance of the registration, the
38 authority shall provide the operator with two decals and
39 accompanying notices for each tow truck owned or leased by that
40 operator and to be used under the terms of the contract. The decals
41 and the accompanying notices, which shall be of a distinctive
42 design and color, shall be conspicuously displayed on the exterior
43 of each such tow truck in a manner and location prescribed by the
44 authority.

45 The decals shall set forth a specific registration number for each
46 registered tow truck. The notices shall include a statement
47 indicating substantially the following: “This tow truck is registered

1 with the New Jersey Highway Authority. The driver is required to
2 provide you with a written schedule of the fees charged for towing
3 and storage services before providing that service to you, including
4 those services for which there is no fee. If the fee charged is in
5 excess of the fee listed on the schedule, please notify the authority
6 or the New Jersey Division of Consumer Affairs.” An operator shall
7 file a copy of the schedule of fees with the authority. Upon request
8 of the Division of Consumer Affairs in the Department of Law and
9 Public Safety, the authority shall provide a list of the registered tow
10 trucks to the division, in addition to a copy of the schedule of fees.

11 b. Prior to providing any towing services, a driver of a tow truck
12 shall provide the person whose vehicle is to be towed a written
13 schedule of fees and shall recite the information contained in the
14 notice.

15 c. An operator who fails to display the decals and notices
16 required by subsection a. of this section or the driver of a tow truck
17 who fails to provide a person to be towed the written schedule of
18 fees or recite the information contained in the notice prior to
19 providing a towing service as required by subsection b. of this
20 section shall be subject to a fine of \$300 for the first offense. For
21 the second and any subsequent offense the operator or the driver, as
22 the case may be, shall be subject to a fine of \$600.

23 d. It shall be an unlawful practice and a violation of P.L.1960,
24 c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of
25 the fee listed in the written schedule of fees provided pursuant to
26 subsection a. of this section.

27 e. If an operator or the driver of an operator’s tow truck is found
28 to have convicted a third time for violation of any provisions of this
29 section, the authority may, in its discretion, terminate the operator’s
30 contract for towing and storage services with the authority.
31 (cf: P.L.2002, c.77, s.3)

32

33 18. Section 3 of P.L.1999, c. 396 (C.39:3-84.8) is amended to
34 read as follows:

35 3. a. An application for tow truck registration shall contain the
36 following information:

37 (1) The name and address of the towing company’s principal
38 owner or owners;

39 (2) The address of the principal business office of the towing
40 company;

41 (3) The location of any garage, parking lot, or other storage area,
42 where motor vehicles or other objects moved by the towing
43 company may be stored or placed;

44 (4) A valid certificate of insurance and a schedule of insured
45 vehicles that are to be utilized by the towing company from an
46 insurer authorized to do business in the state, including the amounts
47 of the garage keeper’s legal liability coverage and any “on hook”
48 coverage as an endorsement or contained in a separate schedule,

1 and liability insurance coverage, including in the case of each light-
2 medium duty tow truck, motor vehicle liability insurance coverage
3 for the death of, or injury to. persons and damage to property for
4 each accident or occurrence in the amount of at least \$750,000
5 single limit, and in the case of each heavy-duty tow truck, motor
6 vehicle liability insurance coverage for the death of, or injury to,
7 persons and damage to property for each accident or occurrence in
8 the amount of at least \$1,000,000 single limit; and

9 (5) Documentation of the manufacturer's gross vehicle weight
10 rating for each tow truck.

11 **【If a system for the licensure of towing companies has been**
12 **established pursuant to section 4 of P.L.1999, c.396 (C.39:3-84.9),**
13 **the】** The towing company shall include in the application a copy of
14 the 【license】 registration issued to it pursuant to 【that section】
15 section 2 of P.L. , c. (C.) (pending before the Legislature
16 as this bill).

17 Except as otherwise provided in this act, the registration for
18 these vehicles shall be issued and renewed pursuant to the
19 provisions of this Title.

20 (cf. P.L.1999, c.396, s.3)

21
22 19. Section 1 of P.L.2002, c.67 (C.56:13-1) is amended to read
23 as follows:

24 1. As used in this act:

25 "Charge card" means a credit card on an account for which no
26 periodic rate is used to compute a finance charge.

27 "Credit card" means any card, plate, coupon book, or other
28 single credit device that may be used from time to time to obtain
29 credit.

30 "Operator" means a person who engages in the business of
31 transporting **【inoperable】** motor vehicles that are inoperable or
32 parked illegally or otherwise without authorization from public or
33 private property to a site where repairs may be made or the vehicle
34 may be stored and who may also perform motor vehicle repairs.

35 (cf. P.L.2002, c.67, s.1)

36
37 20. Section 3 of P.L. 2002, c. 67 (C.56:13-3) is amended to read
38 as follows:

39 3. If the operator cannot repair the inoperable vehicle to the
40 satisfaction of the motorist he shall, with the motorist's consent,
41 subject to the provisions of P.L. , c. (C.) (pending before
42 the Legislature as this bill), transport the vehicle to the operator's
43 place of business or to another mutually agreed upon location. The
44 vehicle, once repaired, may be retained in the possession of the
45 operator or other repairer, as the case may be, pending payment,
46 pursuant to N.J.S.2A:44-20 et seq. The operator, if other than the
47 repairer, shall be eligible for reimbursement for transporting the
48 vehicle to the repair site. If the estimated cost of repairs exceeds

1 \$50, the motorist shall be given a written estimate of the repair
2 costs.

3 (cf. P.L.2002, c.67, s.3)
4

5 21. Section 4 of P.L. 2002, c. 67 (C.56:13-4) is amended to read
6 as follows:

7 For services rendered, or to redeem a motor vehicle from storage,
8 the operator shall accept in payment either cash, a check issued by
9 an insurance company, a valid debit card, or a valid major credit
10 card or charge card subject to the provisions of subsection b. of this
11 section.

12 b. **【If after examining the card, the operator is unable to**
13 **determine to his satisfaction the credit worthiness or financial**
14 **responsibility of the motorist, the】** The operator may request
15 additional identification, as determined by the Director of the
16 Division of Consumer Affairs, before proceeding with repairs or
17 towing. Unless the motorist is unable to produce such identification,
18 or the operator has a bona fide reason to believe the card or other
19 identification is fictitious, altered, stolen, expired or revoked or not
20 valid for any other cause or is clearly offered with intent to defraud
21 the issuer, the debit card, charge card or credit card shall be deemed
22 an acceptable form of payment in lieu of cash if the operator
23 ordinarily accepts the card at his place of business. Nothing in this
24 act shall preclude payment by a motorist in the form of check or
25 money order, if this form of payment is acceptable to the operator.

26 (cf. P.L.2002, c.67, s.4)
27

28 ²22. Section 1 of P.L.1973, c.137 (C.39:4-56.6) is amended to
29 read as follows:

30 1. No person shall park or leave unattended a vehicle on private
31 property without the consent of the owner or other person in control
32 or possession of the property or for a period in excess of that for
33 which consent was given, except in the case of emergency or
34 disablement of the vehicle in which case the owner or operator
35 thereof shall arrange for the expeditious removal of the vehicle.
36 This section shall not apply to manufactured or mobile homes left
37 unattended and for which there exists or existed a rental agreement
38 to occupy a space on the property.

39 **【The】** Subject to the requirements of section 7 of P.L. _____,
40 c. (C.) (pending before the Legislature as this bill), the owner or
41 other person in control or possession of the property on which a
42 vehicle is parked or left unattended in violation of this section may
43 remove or hire another person to remove and store the vehicle. It
44 shall be the obligation of the owner of the vehicle to pay the
45 reasonable costs for the removal and for any storage which may
46 result from such removal before he shall be entitled to recover the
47 possession of the vehicle. If the owner of the vehicle refuses to pay
48 such costs or fails to make any claim for the return of the vehicle

1 within 90 days after such removal, the vehicle may be sold at public
 2 auction in accordance with the provisions of N.J.S.2A:44-20
 3 through N.J.S.2A:44-31.²
 4 (cf. P.L. 1999, c.340, s.10.)
 5

6 ²23. Section 1 of P.L.1979, c.101 (C.40:48-2.49) is amended to
 7 read as follows:

8 1. Notwithstanding the provisions of section 1 of P.L.1973,
 9 c.137 (C.39:4-56.6) or any other law, a municipality may regulate,
 10 by ordinance, the removal of motor vehicles from private or public
 11 property by operators engaged in such practice, including, but not
 12 limited to, the fees charged for storage following removal in
 13 accordance with section 3 of P.L.1987, c.127 (C.40:48-2.50), fees
 14 charged for such removal, notice requirements therefore, and the
 15 mercantile licensing of such operators.

16 The ordinance shall set forth non-discriminatory and non-
 17 exclusionary regulations governing operators engaged in the
 18 business of removing and storing motor vehicles. The regulations
 19 shall include, but not be limited to:

20 a. A schedule of fees or other charges which an operator may
 21 charge vehicle owners for towing services, storage services or both;

22 b. Minimum standards of operator performance, including but
 23 not limited to standards concerning the adequacy of equipment and
 24 facilities, availability and response time, and the security of
 25 vehicles towed or stored;

26 c. The designation of a municipal officer or agency to enforce
 27 the provisions of the ordinance in accordance with due process of
 28 law;

29 d. The requirement that such regulations and fee schedules of
 30 individual towers shall be made available to the public during
 31 normal business hours of the municipality.

32 Nothing in this section shall be construed to authorize a
 33 municipality to establish charges for services that are not included
 34 in the schedule of towing and storage services for which a towing
 35 company may charge a service fee established by the Director of
 36 Consumer Affairs pursuant to section 8 of P.L. , c. (C.)
 37 (pending before the Legislature as this bill). Nothing in this section
 38 shall be construed to exempt an operator from complying with the
 39 requirements of P.L. , c. (C.) (pending before the Legislature
 40 as this bill).²

41 (cf: P.L.1997, c.387. s.1)
 42

43 ²[22.] 24.² The following sections are repealed:

44 Section 4 of P.L.1999, c.396 (C. 39:3-84.9);

45 Section ²[1 of P.L. 1973, c. 137 (C.39:4-56.6);

46 Section 1 of P.L. 1979, c.101 (C.40:48-2.49);

1 Sections 3 and] ² 4 of P.L. 1997, c. 387 ²[(C.40:48-2.54 and
2 2.55)] (C.40:48-2.55) ²; and

3 Section 5 of P.L. 1997, c.387 (C.56:8-2.26)
4

5 ²[23.] 25. ² If any section, subsection, clause or provision of this
6 act shall be adjudged unconstitutional or to be ineffective in whole
7 or in part, to the extent that it is not adjudged unconstitutional or is
8 not ineffective it shall be valid and effective and no other section,
9 subsection clause or provision of this act shall on account thereof be
10 deemed invalid or ineffective, and the applicability or invalidity of
11 any section, subsection, clause or provision of this act in any one or
12 more instances or under any one or more circumstances shall not be
13 taken to affect or prejudice in any way its applicability or validity in
14 any other instance or under any other circumstances.
15

16 ²[24.] 26. ² This act shall take effect on the 360th day following
17 enactment, except that section 4 shall remain inoperative for 180
18 days following ²[enactment] the effective date ², but the director
19 may take such anticipatory action as may be necessary to effectuate
20 that provision of this act.
21
22
23

24
25 Regulates certain tows and requires licensure of towing
26 companies.