

# ASSEMBLY, No. 5038

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 10, 2023

**Sponsored by:**  
**Assemblyman P. CHRISTOPHER TULLY**  
**District 38 (Bergen and Passaic)**

### **SYNOPSIS**

Provides that operator, owner, lessor, or lienholder of vehicle may be responsible for fees charged for non-consensual towing and storage of vehicles; applies retroactively.

### **CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning fees charged for non-consensual towing of  
2 motor vehicles and amending P.L.2007, c.193.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 10 of P.L.2007, c.193 (C.56:13-16) is amended to  
8 read as follows:

9 10. It shall be an unlawful practice for any private property  
10 towing company or for any other towing company that provides  
11 non-consensual towing services:

12 a. (Deleted by amendment, P.L.2009, c.39)

13 b. (Deleted by amendment, P.L.2009, c.39)

14 c. (Deleted by amendment, P.L.2009, c.39)

15 d. To give any benefit or advantage, including a pecuniary  
16 benefit, to any person for providing information about motor  
17 vehicles parked for unauthorized purposes on privately owned  
18 property or otherwise in connection with private property towing of  
19 motor vehicles parked without authorization or during a time at  
20 which such parking is not permitted;

21 e. To fail, when so requested by the owner or operator of a  
22 vehicle subject to non-consensual towing, to release a vehicle to the  
23 owner or operator that has been, or is about to be, hooked or lifted  
24 but has not actually been moved or removed from the property  
25 when the vehicle owner or operator returns to the vehicle, unless the  
26 vehicle subject to non-consensual towing has been authorized to be  
27 towed by a law enforcement officer of this State, or any political  
28 subdivision of the State, while in the actual performance of the  
29 officer's duties and as deemed appropriate for public safety, or to  
30 charge the owner or operator requesting release of the vehicle an  
31 unreasonable or excessive decoupling fee. Such a fee shall be  
32 presumptively unreasonable and excessive if it exceeds by more  
33 than 25 percent, or a different percentage established by the director  
34 by regulation, the usual and customary decoupling fee charged by  
35 the towing company for a vehicle subject to consensual towing, or  
36 if it exceeds by more than 50 percent, or a different percentage  
37 established by the director by regulation, the usual and customary  
38 decoupling fee charged for vehicles subject to non-consensual  
39 towing by other private property towing companies operating in the  
40 municipality in which the vehicle was subjected to non-consensual  
41 towing;

42 f. (1) To charge a fee for a private property or other non-  
43 consensual towing or related storage service not listed on the  
44 schedule of services for which a fee may be charged as established  
45 by the director except as may be permitted by the director by  
46 regulation; or

**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.

- 1 (2) To charge an unreasonable or excessive fee;
- 2 g. To refuse to accept for payment in lieu of cash or an  
3 insurance company check for towing or storage services a debit  
4 card, charge card or credit card if the operator ordinarily accepts  
5 such card at his place of business, unless such refusal is authorized  
6 in accordance with section 4 of P.L.2002, c.67 (C.56:13-4); or
- 7 h. To monitor, patrol, or otherwise surveil a private property  
8 for the purposes of identifying vehicles parked for unauthorized  
9 purposes and towing a motor vehicle parked for an unauthorized  
10 purpose from such private property without having been specifically  
11 requested to tow such vehicle by the owner of the property.
- 12 i. Nothing contained in any provision of the "Predatory  
13 Towing Prevention Act," P.L.2007, c.193 (C.56:13-7 et seq.) shall  
14 be construed to prevent a towing company from charging a  
15 reasonable fee for storage of a vehicle that has been subject to non-  
16 consensual towing authorized by a law enforcement officer of this  
17 State or by any political subdivision of this State. Nothing  
18 contained in any provision of the "Predatory Towing Prevention  
19 Act," P.L.2007, c.193 (C.56:13-7 et seq.) shall be construed to  
20 prevent a towing company from charging fees for non-consensual  
21 towing or related storage services in accordance with a duly-  
22 authorized fee schedule established by a municipality or other  
23 political subdivision of this State with respect to a vehicle that has  
24 been subject to non-consensual towing authorized by a law  
25 enforcement officer of this State or the political subdivision, and  
26 there shall be a rebuttable presumption that fees charged in  
27 accordance with a fee schedule are not unreasonable or excessive. A  
28 towing company may require that reasonable fees charged for such  
29 towing or related storage services be paid by the operator, owner,  
30 lessor, or lienholder of the vehicle prior to the towing company's  
31 release of the vehicle. In the event the owner or operator of the  
32 vehicle defaults on payments to the lessor or lienholder of the  
33 vehicle, the lessor or lienholder shall be responsible for these  
34 reasonable towing and related storage fees.
- 35 For the purposes of this subsection, non-consensual towing shall  
36 be considered to be authorized by a law enforcement officer of this  
37 State or a political subdivision if the law enforcement officer or an  
38 agent or employee of the political subdivision initiates, directs,  
39 orders, or requests the non-consensual towing of the vehicle; and a  
40 municipal fee schedule shall be considered duly authorized if it has  
41 been established by municipal ordinance or resolution or by  
42 contract between the municipality and the towing company which  
43 conforms to the requirements of the "Local Public Contracts Law,"  
44 P.L.1971, c.198 (C.40A:11-1 et seq.) and any related regulations.  
45 (cf: P.L.2018, c.165, s.3)
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- 47 2. This act shall take effect immediately but shall be retroactive  
48 to October 18, 2008.

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STATEMENT

This bill allows a towing company to require the operator, owner, lessor, or lienholder of a vehicle to pay for reasonable fees charged for the non-consensual towing or related storage services of the vehicle before the towing company releases the vehicle. The bill further provides that, in the event the owner or operator of the vehicle defaults on payments to the lessor or lienholder, the lessor or lienholder is responsible for these reasonable towing and storage fees. The provisions of the bill are retroactive to October 18, 2008.