

SENATE, No. 3222

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 27, 2022

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Bramnick, O'Scanlon and Madden

SYNOPSIS

Prohibits towing companies from requiring owners of stolen motor vehicles to pay fee to release vehicles from storage facilities under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2023)

1 AN ACT concerning the release of stolen motor vehicles by towing
2 companies and amending P.L.2007, c.193.

3

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

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 by the director except as may be permitted by the director by
2 regulation; or

3 (2) To charge an unreasonable or excessive fee;

4 g. To refuse to accept for payment in lieu of cash or an
5 insurance company check for towing or storage services a debit
6 card, charge card or credit card if the operator ordinarily accepts
7 such card at his place of business, unless such refusal is authorized
8 in accordance with section 4 of P.L.2002, c.67 (C.56:13-4); **[or]**

9 h. To monitor, patrol, or otherwise surveil a private property
10 for the purposes of identifying vehicles parked for unauthorized
11 purposes and towing a motor vehicle parked for an unauthorized
12 purpose from such private property without having been specifically
13 requested to tow such vehicle by the owner of the property; or

14 i. To directly charge the owner of a stolen motor vehicle a fee
15 to release the recovered vehicle from a storage facility if the owner
16 of the recovered vehicle provides a copy of the stolen vehicle police
17 report to the towing company.

18 (1) If the owner of a stolen motor vehicle has been contacted by
19 law enforcement regarding the recovery of the owner's vehicle, the
20 owner of the recovered vehicle shall have 72 hours to retrieve the
21 vehicle from a storage facility without incurring a direct fee. If 72
22 hours have passed and the owner of the recovered vehicle has not
23 retrieved the vehicle, the towing company may charge the owner a
24 fee for the days the vehicle has been kept at the storage facility
25 beyond the 72-hour period.

26 (2) Notwithstanding paragraph (1) of this subsection, any fee to
27 release the recovered vehicle from a storage facility shall be paid by
28 the insurance carrier insuring the vehicle or, if the vehicle is not
29 insured, by the New Jersey Motor Vehicle Commission. The
30 insurance carrier of the recovered vehicle may pay the fee to release
31 the recovered vehicle directly to the towing company or may
32 reimburse the vehicle owner for the cost.

33 **[i.]** j. Nothing contained in any provision of the "Predatory
34 Towing Prevention Act," P.L.2007, c.193 (C.56:13-7 et seq.) shall
35 be construed to prevent a towing company from charging a
36 reasonable fee for storage of a vehicle that has been subject to non-
37 consensual towing authorized by a law enforcement officer of this
38 State or by any political subdivision of this State. Nothing
39 contained in any provision of the "Predatory Towing Prevention
40 Act," P.L.2007, c.193 (C.56:13-7 et seq.) shall be construed to
41 prevent a towing company from charging fees for non-consensual
42 towing or related storage services in accordance with a duly-
43 authorized fee schedule established by a municipality or other
44 political subdivision of this State with respect to a vehicle that has
45 been subject to non-consensual towing authorized by a law
46 enforcement officer of this State or the political subdivision, and
47 there shall be a rebuttable presumption that fees charged in
48 accordance with a fee schedule are not unreasonable or excessive.

1 For the purposes of this subsection, non-consensual towing shall
2 be considered to be authorized by a law enforcement officer of this
3 State or a political subdivision if the law enforcement officer or an
4 agent or employee of the political subdivision initiates, directs,
5 orders, or requests the non-consensual towing of the vehicle; and a
6 municipal fee schedule shall be considered duly authorized if it has
7 been established by municipal ordinance or resolution or by
8 contract between the municipality and the towing company which
9 conforms to the requirements of the "Local Public Contracts Law,"
10 P.L.1971, c.198 (C.40A:11-1 et seq.) and any related regulations.
11 (cf: P.L.2018, c.165, s.3)

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13 2. This act shall take effect immediately.

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STATEMENT

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18 This bill prohibits towing companies from requiring the owner of
19 a stolen motor vehicle to pay a fee to release the vehicle from a
20 storage facility.

21 With the rise of motor vehicle thefts in the State, every effort
22 should be made to assist owners in recovering their stolen vehicles.
23 Unfortunately, owners facing a financial hardship cannot pay for
24 the release of a recovered vehicle from a towing company's storage
25 facility because they cannot afford the fee charged by the towing
26 company. Under this bill, the "Predatory Towing Prevention Act"
27 is amended to prohibit a towing company from charging this fee to
28 the owner of a stolen motor vehicle so long as the owner provides a
29 copy of the stolen vehicle police report to the towing company. If
30 the owner of a stolen motor vehicle has been contacted by law
31 enforcement regarding the recovery of the owner's vehicle, the
32 owner of the recovered vehicle will have 72 hours to retrieve the
33 vehicle from a storage facility without incurring a direct fee. If 72
34 hours have passed and the owner of the recovered vehicle has not
35 retrieved the vehicle, the towing company may charge the owner a
36 fee for the days the vehicle has been kept at the storage facility
37 beyond the 72-hour period.

38 Notwithstanding any fee incurred by the 72-hour requirement,
39 any fee to release the recovered vehicle from a storage facility will
40 be paid by the insurance carrier insuring the vehicle or, if the
41 vehicle is not insured, by the State Motor Vehicle Commission.
42 The insurance carrier of the recovered vehicle may pay the fee to
43 release the recovered vehicle directly to the towing company or may
44 reimburse the vehicle owner for the cost.