

SENATE, No. 3459

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED NOVEMBER 9, 2017

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

SYNOPSIS

Exempts law enforcement officers and certain private property towing companies from certain provisions of “Predatory Towing Prevention Act.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/9/2018)

1 AN ACT concerning non-consensual towing services and amending
2 P.L.2007, c.193.

3

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

6

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

9 7. a. No person shall tow any motor vehicle parked for an
10 unauthorized purpose or during a time at which such parking is not
11 permitted from any privately owned parking lot, from other private
12 property or from any common driveway without the consent of the
13 motor vehicle owner or operator, unless:

14 (1) the person shall have entered into a contract for private
15 property towing with the owner of the property;

16 (2) there is posted in a conspicuous place at all vehicular
17 entrances to the property which can easily be seen by the public, a
18 sign no smaller than 36 inches high and 36 inches wide stating:

19 (a) the purpose or purposes for which parking is authorized and
20 the times during which such parking is permitted;

21 (b) that unauthorized parking is prohibited and unauthorized
22 motor vehicles will be towed at the owner's expense;

23 (c) the name, address, and telephone number of the towing
24 company that will perform the towing;

25 (d) the charges for the towing and storage of towed motor
26 vehicles;

27 (e) the street address of the storage facility where the towed
28 vehicles can be redeemed after payment of the posted charges and
29 the times during which the vehicle may be redeemed; and

30 (f) such contact information for the Division of Consumer
31 Affairs as may be required by regulation;

32 (3) the property owner has authorized the person to remove the
33 particular motor vehicle; and

34 (4) the person tows the motor vehicle to a secure storage facility
35 that is located within a reasonable distance of the property from
36 which the vehicle was towed.

37 b. No private property owner shall authorize the towing of any
38 motor vehicle parked for an unauthorized purpose or during a time
39 at which such parking is not permitted from the private property
40 owner's property without the consent of the motor vehicle owner or
41 operator, unless:

42 (1) the private property owner has contracted with a private
43 property towing company for removal of vehicles parked on the
44 property without authorization; and

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) a sign that conforms to the requirements of paragraph (2) of
2 subsection a. of this section is posted on the property.

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

4 d. This section shall not apply to a motor vehicle parked on a
5 lot or parcel on which is situated a single-family unit or an owner
6 occupied multi-unit structure of not more than six units **[or]** , a
7 motor vehicle parked in front of any driveway or garage entrance
8 where the motor vehicle is blocking access to that driveway or
9 garage entrance, or a motor vehicle in which the towing is
10 authorized by a law enforcement officer of this State, or any
11 political subdivision of the State, while in the actual performance of
12 the officer's duties and as deemed appropriate for public safety.

13 e. The requirements of paragraph (2) of subsection a. of this
14 section shall not apply to a residential community in which parking
15 spaces are specifically assigned to community residents, provided
16 that:

17 (1) the assigned spaces are clearly marked as such;

18 (2) there is specific documented approval by the property owner
19 authorizing the removal of the particular vehicle; and

20 (3) a sign, which can easily be seen by the public, is posted in a
21 conspicuous place at all vehicular entrances to the residential
22 community property, stating that unauthorized parking in an
23 assigned space is prohibited and unauthorized motor vehicles will
24 be towed at the owner's expense, and providing information or a
25 telephone number enabling the vehicle owner or operator to
26 immediately obtain information as to the location of the towed
27 vehicle.

28 The exemption in this subsection shall not apply to any private
29 parking lot or parcel owned or assigned to a commercial or other
30 nonresidential entity located in such residential communities.

31 (cf: P.L.2009, c.39, s.3)

32

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

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

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

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

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

41 d. To give any benefit or advantage, including a pecuniary
42 benefit, to any person for providing information about motor
43 vehicles parked for unauthorized purposes on privately owned
44 property or otherwise in connection with private property towing of
45 motor vehicles parked without authorization or during a time at
46 which such parking is not permitted;

47 e. To fail, when so requested by the owner or operator of a
48 vehicle subject to non-consensual towing, to release a vehicle to the

1 owner or operator that has been, or is about to be, hooked or lifted
2 but has not actually been moved or removed from the property
3 when the vehicle owner or operator returns to the vehicle, unless the
4 vehicle subject to non-consensual towing has been authorized to be
5 towed by a law enforcement officer of this State, or any political
6 subdivision of the State, while in the actual performance of the
7 officer's duties and as deemed appropriate for public safety, or to
8 charge the owner or operator requesting release of the vehicle an
9 unreasonable or excessive decoupling fee. Such a fee shall be
10 presumptively unreasonable and excessive if it exceeds by more
11 than 25 percent, or a different percentage established by the director
12 by regulation, the usual and customary decoupling fee charged by
13 the towing company for a vehicle subject to consensual towing, or
14 if it exceeds by more than **[50%]** 50 percent, or a different
15 percentage established by the director by regulation, the usual and
16 customary decoupling fee charged for vehicles subject to non-
17 consensual towing by other private property towing companies
18 operating in the municipality in which the vehicle was subjected to
19 non-consensual towing;

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

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

26 g. To refuse to accept for payment in lieu of cash or an
27 insurance company check for towing or storage services a debit
28 card, charge card or credit card if the operator ordinarily accepts
29 such card at his place of business, unless such refusal is authorized
30 in accordance with section 4 of P.L.2002, c.67 (C.56:13-4) as
31 amended by section 21 of P.L.2007, c.193; or

32 h. To monitor, patrol, or otherwise surveil a private property
33 for the purposes of identifying vehicles parked for unauthorized
34 purposes and towing a motor vehicle parked for an unauthorized
35 purpose from such private property without having been specifically
36 requested to tow such vehicle by the owner of the property.

37 (cf: P.L.2009, c.39, s.6)

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39 3. Section 14 of P.L.2007, c.193 (C.56:13-20) is amended to
40 read as follows:

41 14. a. The provisions of P.L.2007, c.193 (C.56:13-7 et al.) shall
42 not preempt any political subdivision from requiring or issuing any
43 registration or license of any towing company.

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

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

46 b. The provisions of **[this act]** P.L.2007, c.193 (C.56:13-7 et
47 al.) shall not be deemed to limit the authority of the New Jersey
48 Turnpike Authority or the South Jersey Transportation Authority to

1 establish rules and regulations governing the provision of towing
2 and storage services on the roadways and properties under each
3 entity's respective control.

4 c. The provisions of P.L.2007, c.193 (C.56:13-7 et al.) shall not
5 be deemed to limit the authority of any law enforcement agency of
6 this State, or political subdivision of the State, from authorizing the
7 towing of a vehicle, at the owner's expense, as deemed appropriate
8 for public safety.

9 (cf: P.L.2009, c.39, s.9)

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11 4. This act shall take effect immediately.

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STATEMENT

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16 This bill amends the "Predatory Towing Prevention Act" to
17 permit any law enforcement agency of this State, or political
18 subdivision of the State, to authorize the towing of a vehicle, at the
19 owner's expense, as deemed appropriate for public safety. The bill
20 exempts any law enforcement officer of the State, or political
21 subdivision of the State, who authorizes the towing of a vehicle
22 while the officer is in the actual performance of the officer's duties
23 and as deemed appropriate for public safety, from requiring consent
24 of motor vehicle owner prior to towing a motor vehicle from private
25 property. The bill also exempts private property towing companies,
26 who have been authorized to perform nonconsensual tow services
27 by any law enforcement office of this State, or political subdivision
28 of the State, while in the actual performance of the officer's duties
29 and as deemed appropriate for public safety, from being required to
30 release a vehicle subject to non-consensual towing when so
31 requested by the owner or operator of the vehicle.