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District 20 (Union)
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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)
AN ACT concerning non-consensual towing services and amending P.L.2007, c.193.

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

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

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

   (1) the person shall have entered into a contract for private property towing with the owner of the property;
   (2) there is posted in a conspicuous place at all vehicular entrances to the property which can easily be seen by the public, a sign no smaller than 36 inches high and 36 inches wide stating:
      (a) the purpose or purposes for which parking is authorized and the times during which such parking is permitted;
      (b) that unauthorized parking is prohibited and unauthorized motor vehicles will be towed at the owner's expense;
      (c) the name, address, and telephone number of the towing company that will perform the towing;
      (d) the charges for the towing and storage of towed motor vehicles;
      (e) the street address of the storage facility where the towed vehicles can be redeemed after payment of the posted charges and the times during which the vehicle may be redeemed; and
      (f) such contact information for the Division of Consumer Affairs as may be required by regulation;

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

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

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

   (1) the private property owner has contracted with a private property towing company for removal of vehicles parked on the 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.
(2) a sign that conforms to the requirements of paragraph (2) of subsection a. of this section is posted on the property.

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

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

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

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

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

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

The exemption in this subsection shall not apply to any private parking lot or parcel owned or assigned to a commercial or other nonresidential entity located in such residential communities. (cf: P.L.2009, c.39, s.3)

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

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

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

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

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

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

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

f. (1) To charge a fee for a private property or other non-
consensual towing or related storage service not listed on the
schedule of services for which a fee may be charged as established
by the director except as may be permitted by the director by
regulation; or
(2) To charge an unreasonable or excessive fee;
g. To refuse to accept for payment in lieu of cash or an
insurance company check for towing or storage services a debit
card, charge card or credit card if the operator ordinarily accepts
such card at his place of business, unless such refusal is authorized
in accordance with section 4 of P.L.2002, c.67 (C.56:13-4) as
amended by section 21 of P.L.2007, c.193; or

h. To monitor, patrol, or otherwise surveil a private property
for the purposes of identifying vehicles parked for unauthorized
purposes and towing a motor vehicle parked for an unauthorized
purpose from such private property without having been specifically
requested to tow such vehicle by the owner of the property.
(cf: P.L.2009, c.39, s.6)

3. Section 14 of P.L.2007, c.193 (C.56:13-20) is amended to
read as follows:
not preempt any political subdivision from requiring or issuing any
registration or license of any towing company.
(1) (Deleted by amendment, P.L.2009, c.39)
(2) (Deleted by amendment, P.L.2009, c.39)
al.) shall not be deemed to limit the authority of the New Jersey
Turnpike Authority or the South Jersey Transportation Authority to
establish rules and regulations governing the provision of towing
and storage services on the roadways and properties under each
entity's respective control.

be deemed to limit the authority of any law enforcement agency of
this State, or political subdivision of the State, from authorizing the
towing of a vehicle, at the owner’s expense, as deemed appropriate
for public safety.
(cf: P.L.2009, c.39, s.9)

4. This act shall take effect immediately.

STATEMENT

This bill amends the “Predatory Towing Prevention Act” to
permit any law enforcement agency of this State, or political
subdivision of the State, to authorize the towing of a vehicle, at the
owner’s expense, as deemed appropriate for public safety. The bill
exempts any law enforcement officer of the State, or political
subdivision of the State, who authorizes the towing of a vehicle
while the officer is in the actual performance of the officer’s duties
and as deemed appropriate for public safety, from requiring consent
of motor vehicle owner prior to towing a motor vehicle from private
property. The bill also exempts private property towing companies,
who have been authorized to perform nonconsensual tow services
by any law enforcement office of this State, or political subdivision
of the State, while in the actual performance of the officer’s duties
and as deemed appropriate for public safety, from being required to
release a vehicle subject to non-consensual towing when so
requested by the owner or operator of the vehicle.