

SENATE, No. 1370

STATE OF NEW JERSEY

INTRODUCED JUNE 24, 1996

By Senator CODEY

1 AN ACT concerning the registration and regulation of tow truck
2 operators, supplementing Title 56 of the Revised Statutes and
3 making an appropriation.

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

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8 1. This act shall be known and may be cited as the "Tow Truck
9 Operators Registration Act."

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11 2. As used in this act:

12 "Director" means the Director of the Division of Consumer Affairs
13 in the Department of Law and Public Safety.

14 "Tow Truck" means a vehicle that is either:

15 a. Equipped with a crane, winch, or similar device designed and
16 used to raise either the front or rear of a motor vehicle, including
17 trucks and truck tractors, for the purpose of moving that motor
18 vehicle, truck or truck tractor when it is disabled or inoperable; or

19 b. Equipped to transport, upon a specially designed, flatbed rear
20 compartment, a disabled or inoperable motor vehicle in a horizontal
21 position.

22 "Tow truck operator" means a person engaged in the business of
23 moving or transporting disabled or inoperable motor vehicles,
24 including trucks and truck tractors, for a fee or other consideration.

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26 3. The director shall establish a system for the registration of tow
27 truck operators. No person may engage in the business of a tow truck
28 operator in this State unless registered by the director upon submission
29 of an application and payment of a reasonable application fee sufficient
30 to cover the cost of implementing the provisions of this act.

31 All moneys collected as fees pursuant to the provisions of this
32 section shall be paid to the Division of Consumer Affairs in the
33 Department of Law and Public Safety and shall be used exclusively by
34 the division for the purposes of administering the provisions of this
35 act.

36 The fee, which shall be prescribed by the director, shall be based
37 upon the class and number of tow trucks owned and leased by the

1 applicant. The fee shall not exceed \$200 per tow truck, and, if more
2 than one tow truck is registered by the same owner during a single
3 registration period, the fee for each tow truck registered after the
4 initial registration shall not exceed \$25. For the purposes of this
5 paragraph, tow trucks shall be categorized into three classes:

- 6 a. "Heavy Duty Class" shall include tow trucks having a gross
7 vehicle weight of 10,000 pounds or more;
- 8 b. "Light Duty Class" shall include tow trucks having a gross
9 vehicle weight of less than 10,000 pounds; and
- 10 c. "Service Class" shall include tow trucks that respond to service
11 calls.

12 The director may require the annual renewal of applications for
13 registration and may stagger the renewal dates and adjust the
14 application fees accordingly.

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16 4. The application for registration shall include, but not be limited
17 to:

- 18 a. The applicant's business address and telephone number;
- 19 b. The class, make, model, model year, license plate number and
20 full vehicle identification number of each tow truck owned or leased
21 by the applicant;
- 22 c. Certification that the applicant has in effect and will maintain in
23 effect insurance and that the coverage afforded by that insurance meets
24 or exceeds any State or federal requirements or standards which are
25 in effect at the time the application is made;
- 26 d. Certification that each tow truck owned or leased by the
27 applicant is equipped in conformance with the rules and regulations
28 promulgated by the director, after consultation with the
29 Superintendent of State Police and the Director of the Division of
30 Motor Vehicles, pursuant to the provisions of section 9 of this act;
- 31 e. A schedule of the applicant's towing and service fees; and
- 32 f. Any other information the director deems appropriate and
33 necessary.

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35 5. Upon approval of an application for registration, the director
36 shall provide the tow truck operator with two decals for each tow
37 truck owned or leased by that operator. The decals, which shall be of
38 a distinctive design and color, shall be conspicuously displayed on each
39 tow truck in a manner and place prescribed by the director.

40 The decal may, if so determined by the director, set forth a specific
41 registration number for each registered tow truck and include a
42 statement indicating substantially the following: "This tow truck is
43 registered with the Division of Consumer Affairs. The operator is
44 required to provide you with a written schedule of the fees charged for
45 his towing services before providing that service to you. If the fee
46 charged does not conform with the fee on the schedule, please notify

1 the division."
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3 6. The director shall maintain a file of the schedules of fees for
4 towing services submitted by each registered tow truck operator.

5 Any registered tow truck operator may change, alter or amend his
6 schedule of fees, but no such change, alteration or amendment shall
7 take effect until the fifth business day following the date the new
8 schedule was mailed, by certified mail, to the director.
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10 7. The Attorney General, in consultation with the Superintendent
11 of State Police and the director of the Division of Consumer Affairs,
12 shall establish a schedule of maximum fees for towing services offered
13 by tow truck operators. The schedule of fees submitted by each
14 registered tow truck operator pursuant to section 6 of this act shall not
15 exceed these fees nor shall any change, alteration or amendment
16 thereto.
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18 8. Any tow truck operator who violates any of the provisions of
19 this act shall, for a first offense, be subject to a fine of not less than
20 \$200, nor more than \$1,000. For the second and subsequent offenses,
21 the tow truck operator shall be subject to a fine of not less than \$500,
22 nor more than \$2,000 or suspension of his registration as a tow truck
23 operator for a period not exceeding 60 days, or both. The penalties
24 shall be collected and enforced by summary proceedings pursuant to
25 "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). All moneys
26 collected as fines imposed pursuant to the provisions this section shall
27 be paid to the Division of Consumer Affairs and shall be used
28 exclusively by the division for the purposes of administering the
29 provisions of this act.

30 The director may suspend the registration of a tow truck operator
31 pursuant to this section only after notice to the registrant at least 30
32 days before the suspension is to take effect. The director may, after
33 review, reduce or withdraw the suspension if, in his judgment, such
34 action serves the interest of the Division of Consumer Affairs and the
35 State.
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37 9. The director, after consultation with the Superintendent of State
38 Police and the Director of the Division of Motor Vehicles, shall,
39 pursuant to the provisions of the "Administrative Procedure Act,"
40 P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and
41 regulations to effectuate the provisions of this act.
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43 10. There is appropriated from the General Fund \$90,000 to the
44 Division of Consumer Affairs in the Department of Law and Public
45 Safety to implement the provisions of this act.

1 11. This act shall take effect on the 120th day following enactment.

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STATEMENT

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6 This bill, the "Tow Truck Operators Registration Act," requires a
7 person engaged in the tow truck business to register with the Division
8 of Consumer Affairs and to abide by a schedule of maximum fees.

9 To register, a tow truck operator would apply to the Director of the
10 Division of Consumer Affairs and pay an application fee based upon
11 the number and class of tow trucks the operator owns or leases. For
12 the purposes of establishing the required application fees, the bill sets
13 forth three classes of tow trucks, each based upon the tow truck's
14 gross vehicle weight.

15 A tow truck operator would be required to provide on the
16 application for registration: (1) his business address and telephone
17 number, (2) the class, make, model year, license plate number and full
18 vehicle identification number of each tow truck owned or leased, (3)
19 certification that the operator has and will maintain insurance, (4)
20 certification that each tow truck owned or leased is equipped in
21 conformance with any rules or regulations, (5) a schedule of towing
22 fees, and (6) any other information which the director may deem
23 appropriate and necessary.

24 A registered tow truck must display a decal provided by the
25 director.

26 The director is to maintain a file of the schedule of fees submitted
27 by each operator which fees shall not exceed a schedule of maximum
28 fees established by the Attorney General, after consultation with the
29 Superintendent of State Police and the director of the Division of
30 Consumer Affairs..

31 A tow truck operator who violates the provisions of this bill when
32 enacted into law will be fined between \$200 and \$1,000 for a first
33 offense. For the second and subsequent offenses, the operator will be
34 fined between \$500 and \$2,000, or will have his registration
35 suspended for up to 60 days, or both. All fines collected are to be
36 paid to the Division of Consumer Affairs and used exclusively for the
37 purposes of administering the registration program.

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42 Requires tow truck operators to be registered by the Division of
43 Consumer Affairs and provides for establishment of maximum fees for
44 towing services.