

**Pennsylvania Towing Association**  
**PO Box 69**  
**Turtle Creek, PA 15145**

The Pennsylvania Towing Association strongly opposes House Bill 2041 and urges its defeat. Without getting into the text of the bill, our first concern is that this "Towing Standards Act" is being railroaded through without input from the industry that it is designed to regulate. Efforts from the Pennsylvania Towing Association to participate in discussions relative to this bill have not been fully addressed, phone calls not returned, and much done under a cloak of secrecy. As a matter of general policy, this is not how good legislation should be developed.

It is our understanding that the purpose of the bill is to eliminate "wreck chasing". There appears to be nothing in the bill, however, to prevent such "wreck chasing" by a surrogate working for a referral commission. The bill does prevent legitimate tow operators from offering assistance to motorists with problems that they may come across in the course of their travels. One member stated, "I can personally recall many instances, for example, where I have stopped at disabled vehicles to offer assistance. In a snow storm, sub-freezing weather, fog, late at night, stopped on the shoulder of a high speed highway, many motorists have been thankful that I stopped to offer assistance. Sometimes they accepted my offer of assistance and other times they decided to continue waiting, but I have never had a motorist displeased that I had stopped to offer assistance. I have seen disabled vehicles with people in them along the side of a road in hazardous conditions for several hours while awaiting service from a motor club or even an insurance company who requested the tow but was unable to provide timely service." While statistics involving occupied vehicles involved in shoulder crashes is not easily obtained, such statistics involving abandoned vehicles show that in a 7 year period in Washington State, there were 3165 such accidents involving 1774 injuries and 40 deaths.

Starting with the definitions in the bill, the definition of a tow operator includes both a tow company or a company that does some towing, and the driver (operator) of the tow truck. Thus, a driver employee of a towing company can be held in violation of this law for the actions or inactions of his employer. Likewise, towing company can be held in violation of this law for the actions of an employee.

The definition of towing does not include vehicles that may be towed from private property without the consent of the vehicle owner or operator. This private property towing creates a large percentage of complaints that we receive at the PTA office. While this type of towing should be governed by the PUC, our association has never heard of the PUC being involved.

Releasing a towed vehicle to an insurance company without the authorization of the owner constitutes "steering" and removes the owner's right to select a repair shop of his choosing.

Forcing a towing company to accept a check from an insurance company opens an opportunity for the insurance company to stop payment on the check if there is disagreement between the parties. Likewise the requirement to accept credit cards opens the opportunity for a vehicle owner to effectively stop payment on the credit card by initiating a spurious complaint. In a time with ready access to MAC machines, the ability to pay in cash should not be an issue. Cash payment keeps all parties on equal ground whenever a controversy occurs.

Section 3F "Notice of Vehicle Location" provision is obviously written by someone with good intentions who has never worked in the towing industry. Companies that tow vehicles have no access to vehicle ownership information or insurance information. While the vehicle code grants the right to this information for vehicles towed by police order, as a matter of practice, the information often cannot be obtained for many days from police agencies.

Section 3H "Storage fee prohibited" does not allow storage charges to accrue if a business is closed outside of normal business hours for a holiday or weekend if it does not permit vehicle inspection or even if the vehicle has been impounded for police investigation and is therefore not available for inspection by owners or insurance companies. While the towing company still provides space, security, and other services and still pays taxes on the property, it is not permitted to charge for these unless it permits inspection at these off times.

In summary, although this bill was no doubt conceived with good intentions, it clearly strayed from its original target. Furthermore, any legislation branded "towing standards" should be certain to come from the Transportation Department as towing is, in essence, transportation.

For further information on this issue, please contact Cathy Tennis (President) at 814 2349700 or [ctennisblue@aol.com](mailto:ctennisblue@aol.com) or Mike King (Executive Director) at 412 334-7386 or [patowing@verizon.net](mailto:patowing@verizon.net)