

City of Philadelphia



(Bill No. 130135)

AN ORDINANCE

Amending Chapter 9-600 of The Philadelphia Code, entitled “Service and Other Businesses,” by amending Section 9-605, entitled “Towing,” to provide for certain exceptions to licensing requirements for towing companies located outside of the City; and by making further adjustments to the requirements for conducting the business of towing; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES

* * *

§ 9-605. Towing.

* * *

(2) Definitions. In this Section the following definitions apply:

* * *

(k) *Consensual Towing.* Towing of a vehicle by a towing company with the prior consent or authorization of the person who owns or otherwise legally controls the vehicle to be towed. Such prior consent or authorization shall be deemed to have been obtained if the owner or operator of the towed vehicle is present and affirms his or her consent; or the tow truck operator possesses (.a) a consent form or agreement for towing, signed by the owner or operator of the towed vehicle; (.b) a current registration card for the towed vehicle; or (.c) electronic verification that the owner or driver of the towed vehicle requested the tow truck’s assistance.

(l) *Non-City Towing Company.* A towing company that does not maintain a physical office or place of business within the City of Philadelphia.

* * *

(3) Towing Company Licenses.

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(a) *Except as provided in subsection 9-605(3)(b), [No] no person shall engage in the business of towing vehicles unless that person possesses a current license issued by the Enforcement Agency and, for each towing vehicle used in the business, a certificate issued by the Enforcement Agency. Such license and certificates must be renewed annually.*

(b) *[Reserved.] A Non-City Towing Company is not required to possess a Philadelphia towing license or certificate, provided that such company possesses a license for towing from the jurisdiction in which it maintains its principal place of business, if such jurisdiction requires such license; and provided it engages only in Consensual Towing within the City, and such towing consists of:*

(.1) Towing a vehicle through the City, from a location outside the City to another location outside the City;

(.2) Towing a vehicle from a location outside the City to a location within the City; or

(.3) Towing a vehicle from a location within the City to a location outside of the City.

This exemption shall not apply to any Non-City Towing Company that participates in the rotation list for tow truck selection pursuant to Section 9-605(4).

For purposes of obtaining this exemption, a tow truck operator who is towing a vehicle within the City may be required to produce, upon request of an agent of the Enforcement Agency or the Police Department, proof that the tow truck is owned by a Non-City Towing Company, that it is licensed by its home jurisdiction, if required; that the tow is consensual; and paper or electronic documentation of the origin and destination point for the vehicle being towed.

* * *

(e) Every towing company shall, as a condition to the retention of the license:

* * *

(.6) conform at all times to the charges for *nonconsensual* towing and for services incident to towing as filed in accordance with Section 9-605(3)(c)(.6), or as subsequently amended, refiled with and re-certified by the Enforcement Agency.

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(3.1) Towing Operator's License.

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(a) No person shall drive or otherwise operate a tow truck engaged in the business of towing unless that person possesses a current towing operator's license issued by the Enforcement Agency. Such license must be renewed annually. *A driver operating a Non-City Towing Company truck in conformance with Section 9-605(3)(b) shall be exempt from the requirements of this Section.*

* * *

(6) Charges.

(a) Charges listed in the fee schedule certified under Section 9-605(3) may be calculated by mileage, time and type of service and shall be clearly stated on the towing agreement. The maximum fee a towing company may charge for towing a disabled vehicle is sixty dollars (\$60) and three dollars (\$3) per mile. The maximum storage fee for a vehicle towed under this Section cannot exceed twenty-five (25) dollars per day. A day for the purposes of this Section shall be calculated on a twenty-four (24) hour basis. The limitations and requirements of this subsection 6(a) shall not apply to tows pursuant to a rotational [system.] *system, or to fees for consensual towing.*

* * *

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 18, 2013. The Bill was Signed by the Mayor on April 30, 2013.



Michael A. Decker
Chief Clerk of the City Council