

Legislation Text

File #: 120719, **Version:** 1

Amending Section 9-605 of The Philadelphia Code, entitled "Towing," by eliminating the requirement that an illegally parked vehicle be ticketed prior to its towing from a private lot, private property, or driveway; and by requiring that the towing company photograph the violation for which such vehicle is being towed; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-605 of The Philadelphia Code is hereby amended to read as follows:

§ 9-605. Towing.

* * *

(11) Towing From Private Lots, Private Property and Driveways. Only towing companies licensed under paragraph (3) of this Section shall be permitted to tow any illegally parked vehicle from any licensed or unlicensed parking lot, from private property, from any common driveway and from in front of any driveway where the vehicle is blocking access to that driveway, and provided that such towing companies must have the prior written permission of the owner or other person in lawful possession of the property, or of a designated agent of such person, prior to towing from or in front of such property. A towing company shall retain on file all written permissions required by this Section.

(a) No such tow is permitted unless the parking lot or private property has posted in a conspicuous place near its entry which can be easily seen by the public a sign no smaller than thirty-six (36) inches high and thirty-six (36) inches across or, for single-family residential properties, no smaller than eighteen (18) inches high and eighteen (18) inches across, with text of sufficient size to ensure that the sign can be easily read. No such sign shall be posted unless the towing company has reported the location of the sign to the Enforcement Agency. The Enforcement Agency may by regulation detail the manner in which such reports must be filed, and may require a towing company to file an annual or other regularly updated list of all signs posted by the towing company. The towing company is responsible for the information on the sign, which shall give notice:

- (.1) That unauthorized parking is prohibited and unauthorized vehicles will be towed.
- (.2) That vehicles whose authorized parking time has elapsed will be towed.
- (.3) Of the name, address, and telephone number of the towing company.
- (.4) Of the charges for the towing and storage of towed vehicles.

(.5) Of the place where the towed vehicle can be redeemed after paying the allowable charges and the hours of operation.

(.6) That payment shall be made by cash, credit card or debit card.

(.7) That towing related complaints shall be reported to 3-1-1.

(b) No towing company may charge more than the amounts set forth in subsections 9-605(11)(b)(.1) through (.3) for towing and storage of a vehicle pursuant to this subsection 9-605(11). Neither the towing company, owner of the property from where the vehicle was towed nor any other person may charge the vehicle owner or operator any other charges, amounts or fees in connection with the towing and storage of the vehicle. The towing company or person storing such towed vehicle may not refuse to release the vehicle based on a claim to any charges in excess of the permitted amounts.

(.1) One hundred and seventy-five (\$175.00) dollars for the towing of vehicles or combinations under 11,000 pounds (i.e. passenger vehicles, cars, pickup trucks, SUVs, and light duty vans) and twenty-five (\$25.00) dollars for the storage of these vehicles for each twenty-four hour period or fraction thereof;

(.2) Two hundred and fifty (\$250.00) dollars for the towing of vehicles or combinations at or over 11,000 pounds up to 17,000 pounds and forty (\$40.00) dollars for the storage of these vehicles for each twenty-four- hour period or fraction thereof;

(.3) Three hundred and sixty (\$360.00) dollars for the towing of vehicles or combinations at or over 17,000 pounds and seventy-five (\$75.00) dollars for the storage of these vehicles for each twenty-four-hour period or fraction thereof.

(c) Reserved.

(d) No vehicle shall be hooked, towed, or handled in any manner under this subsection [unless the vehicle has been ticketed for a violation at the location where the vehicle is to be towed, except as provided in § 9-605(11)(d)(i),] *until the towing company has notified the Police Department that the vehicle is to be towed, and has received confirmation from the Police Department as to the vehicle's status*, except that in a licensed parking lot, a vehicle may be moved to another location in the parking lot prior to [ticketing] *being towed*. [Before issuing such a ticket,] *Upon such notice*, the Police Department shall determine whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, and except in the case of an immediate threat to public safety as determined by the Police, or a case where a vehicle is blocking access to a public or private driveway, no such vehicle shall be towed unless the Police have either notified, or attempted to notify, the owner of the vehicle of its recovery by calling the contact number provided to the Police at the time it was reported stolen and, unless the Police are unable to contact the owner or leave a message for the owner, or the owner elects to have the Police tow the vehicle, the owner has been given 24 hours from the time of such notification or attempted notification to recover the vehicle in lieu of the tow. *The towing company shall not tow the vehicle until the Police confirm to it that contact with the owner has been made, or attempted and concluded, and any further instructions are conveyed*. If the vehicle is towed, the towing company must comply with all of the requirements of § 9-605(15). Within one hour following the towing of the vehicle the towing company must, in writing, or in such other manner as the Enforcement Agency may permit or require, notify the Police Department of the vehicle's removal.

(e) *Prior to towing a vehicle under this subsection, the towing company shall take digital photographs that clearly show the following:*

(.1) The vehicle's license plate;

(.2) The violation for which the vehicle is being towed; and

(.3) The posted sign identifying that unauthorized parking is prohibited where the vehicle is parked, and that unauthorized vehicles will be towed.

Prior to accepting payment for the towing and storage, the towing company shall provide, without charge, a printed copy of the photographs to the owner or agent of the owner, when that person claims the vehicle. Photographs shall be retained by the towing company for at least sixty (60) days or until the vehicle is claimed, whichever is later.

(f) Prior to towing a vehicle under this subsection, the towing company shall obtain the signature of the owner of the property or the owner's agent, certifying the owner's or agent's knowledge of the violation, and including on the certification form the vehicle's license plate number, the nature of the violation, and the date and time. A copy of the signed certification shall be provided to the owner or agent prior to the towing of the vehicle. The towing company shall retain a copy of the certification for at least sixty (60) days, or until the vehicle is claimed, whichever is later. If the towing company has an agreement with a property owner to tow vehicles in violation of posted rules without notice from the property owner and is unable to obtain a signature from the owner or agent for each tow, such company shall, in lieu of the signed certificate, place a letter from each such property owner in each of its tow trucks, stating the terms of the towing company's authority for the location, and the violations and hours for which the authority is effective, and signed by the owner or owner's agent. Such letters must be produced on request of the Enforcement Agency or the Police Department.

(g) The Enforcement Agency or the Police Department may at any time during normal business hours, consistent with applicable law, inspect the towing company's office or vehicle storage lot, in order to obtain information concerning any vehicles towed pursuant to this subsection, including photographs and certifications for vehicles currently on the storage lot.

(h) The Police Department, upon a reasonable belief that a tow truck traveling with a hooked vehicle has towed the vehicle from private property, may stop the tow truck and request review of the photographs and property owner's certification for the vehicle. Failure or refusal by the tow truck driver to produce such documents for a vehicle towed under this subsection shall constitute a violation subject to the penalties in Subsection 9-605(14).

[(i) An authorized tow company may temporarily move a vehicle that is illegally parked on the premises of a hospital without first being ticketed for a violation, provided:

(.a) Prior to the tow to relocate the vehicle, an employee designated by the hospital completes a form that includes a description, including license number, of the vehicle to be towed, its location, and the date and time the hospital requested the tow. A copy of the completed form shall be affixed to the vehicle in a conspicuous place and shall not be removed except by the vehicle owner, and the original shall be kept on file by the hospital and made available to the vehicle owner upon request; and

(b) The tow company stays at the temporary location with the vehicle and awaits the arrival of an enforcement officer who will determine if the vehicle should be ticketed. If an enforcement officer issues a ticket, the tow company may then tow the vehicle to the location listed on the towing sign posted at the original location from where the vehicle was towed; and

(c) There is compliance with all other requirements of § 9-605(11)(d) with respect to notification of the Police Department prior to the tow.]

* * *

(14) Enforcement.

* * *

(b) Fines, Civil Penalties, and License Suspension.

(.1) Violations of this Section and any regulations promulgated under this Section shall be subject to the following civil penalties and license suspensions:

Violation Civil Penalty - License Suspension

* * *

Towing from private lot, private property or driveway [without required ticketing of vehicle] in violation of [(§ 9-605(11)(d)-(f))]

First offense [\$500] \$1000 and Release of vehicle towed without charge and reimbursement for any damages caused to the vehicle;

Second offense \$1,000 and all other First offense penalties, and six months towing company license suspension

Third offense \$1,000 [and six months] and all other First offense penalties, and towing company one year license suspension

[Fourth offense] [\$1,000 and one year license suspension]

* * *

Explanation:

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