

Legislation Text

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Amending Section 9-605 of The Philadelphia Code, entitled "Towing," to provide a private right of action for persons aggrieved by certain violations of that Section, including, but not limited to, the provisions establishing maximum charges for towing services, 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.

* * *

(16) Private Rights of Action.

(a) Any person who is charged fees by a towing company in excess of the fees set forth in the fee schedule filed pursuant to subsection (3)(c)(.1), or in excess of the maximum fees set forth in subsections (6), (11)(b) or (15), shall have a right of action against such towing company in a court of competent jurisdiction, and may recover for each such violation:

- (i) Actual damages;*
- (ii) Exemplary damages of \$2,000;*
- (iii) Reasonable attorney's fees and court costs;*
- (iv) Such other relief, including injunctive relief, as the court may deem appropriate.*

(b) The right of action provided in subsection 9-605(16)(a) shall not apply to fees regulated by subsections (3)(c)(.1) or (6)(a) to the extent that those subsections provide for limits on towing charges to persons who contract for towing of a vehicle that they own or otherwise legally control, to be towed with their consent.

(c) Nothing in this subsection shall limit the right of an aggrieved person to recover damages under any other applicable law or legal theory, nor shall it limit the right of the City to seek license suspension, penalties, or other remedies for violations of this Section 9-605, except that any penalty imposed by the City for

a violation of this Section shall be reduced by the amount of exemplary damages, if any, finally awarded pursuant to subsection (16)(a)(ii) for the same violation.

Explanation:

Italics indicate new matter added.