

## **New CA Towing Fees and Access Notice Law AB 519 (Effective January 1, 2011)**

The new law (Vehicle Code Section 22651.07) essentially requires a person that charges for towing and/or related storage to do the following:

- 1) Post in office area of storage facility, in plain view of the Public the Towing Fees and Access Notice.
- 2) Have copies of the Towing Fees and Access Notice (See below) readily available to the public and to provide, upon request, to any owner or operator of a towed or stored vehicle
- 3) Provide an itemized invoice for any towing and storage charges as specified under the law.

### **Must all Towing Companies comply with the new law?**

Yes. This new law is intended for all towing companies that provide and charge for towing services and/or related storage costs. Auto repair shops should check with towing companies to make sure they are aware of the law and comply.

### **Does the law apply to an auto repair shop, that does not provide towing services, but charges a customer for a sublet tow?**

Yes. The law applies to auto repair shops that charge customers for towing and/or related storage costs incurred by the auto repair shop. However, an automotive repair dealer registered with the BAR that does not provide towing services is exempt from requirements to post the Towing Fees and Access Notice in the office area.

### **Can an auto repair shop charge a markup fee for costs/expenses associated with the sublet tow charges?**

Yes. Nothing in the new law prohibits the auto repair shop from charging a markup fee for handling and paying the towing cost for customer's vehicle as long as the requirements of the law are satisfied.

### **Must an auto repair shop have copies of the Towing Fees and Access Notice available for customers?**

Yes. If the auto repair shop charges the customer for towing and related storage (i.e. sublet), the repair shop must have available and provide, upon request, a copy to the customer.

## **What must be included the Towing Fees and Access Notice?**

The Towing Fees and Access Notice is specified under the law and must be a standardized document plainly printed in no less than 10-point type.

The repair shop may distribute the form using its own letterhead, but the language of the Towing Fees and Access Notice shall read as follows:

### **Towing Fees and Access Notice**

Note: The following information is intended to serve as a general summary of some of the laws that provide vehicle owners certain rights when their vehicle is towed. It is not intended to summarize all of the laws that may be applicable nor is it intended to fully and completely state the entire law in any area listed. Please review the applicable California code for a definitive statement of the law in your particular situation.

**How much can a towing company charge?** Rates for public tows and storage are generally established by an agreement between the law enforcement agency requesting the tow and the towing company (to confirm the approved rates, you may contact the law enforcement agency that initiated the tow; additionally, these rates are required to be posted at the storage facility).

Rates for private property tows and storage cannot exceed the approved rates for the law enforcement agency that has primary jurisdiction for the property from which the vehicle was removed or the towing company's approved CHP rate. Rates for owner's request tows and storage are generally established by mutual agreement between the requestor and the towing company, but may be dictated by agreements established between the requestor's motor club and motor club service provider.

**Where can you complain about a towing company?** For public tows: Contact the law enforcement agency initiating the tow.

**Your rights if your vehicle is towed:** Generally, prior to paying any towing and storage-related fees you have the right to: Receive an itemized invoice of actual charges. Receive your personal property, at no charge, during normal business hours. Retrieve your vehicle during the first 72 hours of storage and not pay a lien fee. Request a copy of the Towing Fees and Access Notice.

Pay by cash or valid bank credit card. Inspect your vehicle or have your insurance carrier inspect your vehicle at the storage facility, at no charge, during normal business hours. You have the right to have the vehicle released to you upon (1) payment of all towing and storage-related fees, (2) presentation of a valid photo identification, (3) presentation of reliable documentation showing that you are the owner of the vehicle or that the owner has authorized you to take possession of the vehicle, and (4), if applicable, presentation of any required police or law enforcement release documents. Prior to your vehicle being repaired: You have the right to choose the repair facility and to have no repairs made to your vehicle unless you authorize them in writing. Any authorization you sign for towing and any authorization you sign for repair must be on separate forms.

**What if I do not pay the towing and storage-related fees or abandon my vehicle at the towing company?** Pursuant to Sections 3068.1 to 3074, inclusive, of the Civil Code, a towing company may sell your vehicle and any moneys received will be applied to towing and storage-related fees that have accumulated against your vehicle. You are responsible for paying the towing company any outstanding balance due on any of these fees once the sale is complete.

**Who is liable if my vehicle was damaged during towing or storage?** Generally the owner of a vehicle may recover for any damage to the vehicle resulting from any intentional or negligent act of a person causing the removal of, or removing, the vehicle.

**What happens if a towing company violates the law?** If a tow company does not satisfactorily meet certain requirements detailed in this notice, you may bring a lawsuit in court, generally in small claims court. The tower may be civilly liable for damages up to two times the amount charged, not to exceed \$500, and possibly more for certain violations.

### **What must be included in the Itemized invoice to customer?**

Under the law, itemized invoice," means a written document that contains the following information:

- (1) The name, address, telephone number, and carrier identification number of the person that is charging for towing and storage.
- (2) If ascertainable, the registered owner or operator's name, address, and telephone number.
- (3) The date service was initiated.
- (4) The location of the vehicle at the time service was initiated including either the address or nearest intersecting roadways.
- (5) A vehicle description that includes, if ascertainable, the vehicle year, make, model, odometer reading, license plate number, or if a license plate number is unavailable, the vehicle identification number (VIN).
- (6) The service dispatch time, the service arrival time of the tow truck, and the service completion time.
- (7) A clear, itemized, and detailed explanation of any additional services that caused the total towing-related service time to exceed one hour between service dispatch time and service completion time.
- (8) The hourly rate or per item rate used to calculate the total towing and recovery-related fees. These fees shall be listed as separate line items.
- (9) If subject to storage fees, the daily storage rate and the total number of days stored. The storage fees shall be listed as a separate line item.
- (10) If subject to a gate fee, the date and time the vehicle was either accessed, for the purposes of returning personal property, or was released after normal business hours. Normal business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m., inclusive, except state holidays. A gate fee shall be listed as a separate line item.
- (11) A description of the method of towing.
- (12) If the tow was not requested by the vehicle's owner or driver, the identity of the person or governmental agency that directed the tow. This paragraph shall not apply to information otherwise required to be redacted under vehicle code section 22658.
- (13) A clear, itemized, and detailed explanation of any additional services or fees.

To comply with the law, the auto repair shop must provide the above information customer. Most, if not all, of the information will be on the Towing operator's itemized invoice that the auto repair shop received when it agreed to pay for sublet towing. This information can be transferred to the auto repair shop invoice.

### **Can an auto repair shop comply with the itemization requirements of the law by simply passing along the information received from tower?**

Yes. If an automotive repair dealer did not provide the tow, and passes along, from the tower to the consumer, any of the information required on the itemized invoice, the automotive repair dealer shall not be responsible for the accuracy of those items of

information that remain unaltered. *However, the auto repair shop must make sure that the invoice itemization received from the tower includes all the specified requirements.* The auto repair shop must still document and line item the towing sublet on the final repair invoice.

**What is the penalty for failing to comply with the new law?**

A person who violates this section is civilly liable to a registered or legal owner of the vehicle, or a registered owner's insurer, for up to two times the amount charged. For any action brought under this section, liability shall not exceed five hundred dollars (\$500) per vehicle.