

# Towing Bill of Rights

## Overall Purpose of Towing Bill of Rights:

- Balancing legitimate interests of tow truck operators/companies and the needs of private property owners must be balanced with the interest in providing appropriate protection to consumers who own or operate vehicles.
- Looking at the variety of agencies that have an impact on Vermont's towing (Public Safety, Dept. Of Transportation, ANR to ensure that the rules and regulations are consistent.

## Consumer Related Issues:

- Consumers receive:
  - Itemized statement of actual charges
  - Name and account number of tower's insurance company.
  - receipt,
  - Copy of the ticket or legal authority to tow the car, and
  - Copy of the Towing bill of rights (including where to make a complaint).
  - Courteous and respectful services, no matter what your car's condition
- The towing company is responsible for damages for any damage from a tow.
- Consumer is able to inspect their vehicle at the storage facility.
- Consumer is able to get access to the contents to their car immediately, without picking up or paying for services.
- No repairs made to vehicle unless owner authorizes them in writing.
- All rates posted at tower's storage facility.
- Permanent signs must be posted in the lot(s) with specific details about towing from that location.
- A towed vehicle must be available for retrieval within \_\_\_ minutes of the beginning of the tow.
- Tow yard must be open for \_\_\_ hours a day \_\_\_ days a week, for citizens to retrieve their cars.
- A towed vehicle must be taken directly and immediately to a tow yard located in a \_\_\_ mile radius of where the tow began.
- If any fees are charged in violation of these requirements, those charges may be recovered by the vehicle's owner.

## Obtaining the Title for "Abandoned" car:

- Change the current process of tower getting the title and keeping all the money from car sale (and contents of car),
- Some consumer with nicer cars (and items in car of value, should not be expected to lose their property for the sake of making up the loss from the cars that are not of value. **What if your gun was in your car?**
- Examine pros and cons of a lien and how that protects consumer but allows tower to get their bill paid.
- **Do we allow liens when someone is taken in an ambulance for emergency medical treatment?**

### **Dropping the Hook/Decoupling the Vehicle:**

- When so requested by the owner or the operator of a vehicle (subject to non consensual tow), to release a vehicle or “drop the hook” if a car has been hooked or lifted but has not actually been moved or removed from the property when the property owner or operator returns to the vehicle, (unless the vehicle subject to a non-consensual tow has been authorized to be towed by a law enforcement officer of this State, while in the actual performance of the officers duties as deemed appropriate for public safety), or to charge the owner or operator requesting release of the vehicle an unreasonable or excessive decoupling fee.
- Establish a reasonable fee for this (called a “drop fee”).

### **Methods of Payment:**

Tower companies will accept for payment in lieu of cash or an insurance company check for towing or storage services: a debit card, charge card or credit card if the operation ordinarily accepts such cards at the place of business.

### **Trolling/Predatory Towing:**

Limit predatory towing.. See attached.

Every nonconsensual tow requires a written authorization form to be completed by the private property owner or agent of the property owner.

### **Establishment of Appropriate Fees:**

- The consumer has the right to know they are being charged an appropriate fee. Towing fees are established by the VT of transportation. Rates for vehicles rated for 10,000 lbs or less:

- Non-consent police generated:
  - Tow Fee up to \$\_\_\_/hour, or \$\_\_\_\_/tow
  - Storage fee: up to \$\_\_\_/day
  - Admin fee: up to \$\_\_\_
- Non consent private property- non police generated:
  - Tow Fee – Up to \$\_\_\_ a tow
  - Drop Fee – Up to \$\_\_\_
  - Storage Fee Up to \$\_\_\_ per day

- **Notification:**

- All non-consent tows must be reported to the Vermont motor vehicle division via the impound vehicle system before payment can be collected.

The consumer can verify it has been reported at a website (see Utah’s) [www.tow.utah.gov](http://www.tow.utah.gov)

- The consumer has a right to ask for documentation that the vehicle has been entered into the Impound vehicle system showing the date and time storage began.
- Except for a tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle owner's knowledge, the tow truck operator or the tow truck motor carrier shall:
  - (a) immediately upon arriving at the place of storage or impound of the vehicle:
    - (i) send a report of the removal to the DMV; and
    - (ii) contact the law enforcement agency having jurisdiction over the area where the vehicle was picked up and notify the agency of the:
      - (A) location of the vehicle,
      - (B) date, time, and location from which the vehicle was removed;
      - (C) reasons for the removal of the vehicle, vessel;
      - (D) person who requested the removal of the vehicle, and
      - (E) vehicle's description, including its identification number and license number or other identification number issued by a state agency

**Recourse:**

- The consumer has a right to file a complaint alleging: overcharges, inadequate certifications for the driver, truck, company and violations of the federal Motor Carrier Safety Regulations, or Vermont's law.
- A complaint may be filed with the DMV or AG's Consumer dept.