

56:13-1 to 56:13-6
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2002 **CHAPTER:** 67

NJSA: 56:13-1 (Towing operators to accept cash or credit cards for services)

BILL NO: A1743 (Substituted for S922)

SPONSOR(S): Johnson and Ahearn

DATE INTRODUCED: February 4, 2002

COMMITTEE: **ASSEMBLY:** Consumer Affairs

SENATE: ----

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 20, 2002

SENATE: June 20, 2002

DATE OF APPROVAL: August 14, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

A1743

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

S922

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)
Bill and Sponsors Statement identical to A1743

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)
Identical to Assembly Statement for A1743

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Tow firms in state must take credit cards," 8-15-2002 Asbury Park Press, p.

"Towing services must accept credit cards," 8-15-2002 Home News, p.A1

"Law puts stop to cash-only towing," 8-15-2002 Courier News, p.A1

"A tow becomes a right for Jersey drivers," 8-15-2002 Star Ledger, p.18

"In NJ, you get a to, even if funds are low," 8-15-2002 The Press, p.A1

"Tow truck operators must take credit cards," 8-15-2002 Courier-Post, p.10A

"Out of cash? Tow trucks now have to help anyway" 8-15-2002 Philadelphia Inquirer, p. B6

Title 56.
Chapter 13. (New)
Towing Services
Practices
§§1-6
C.56:13-1
to
56:13-6

P.L. 2002, CHAPTER 67, *approved August 14, 2002*
Assembly Bill No. 1743 (*First Reprint*)

1 **AN ACT** concerning operators engaged in repair or removal of
2 inoperable vehicles and supplementing Title 56 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 "Charge card" means a credit card on an account for which no
10 periodic rate is used to compute a finance charge.

11 "Credit card" means any card, plate, coupon book, or other single
12 credit device that may be used from time to time to obtain credit.

13 "Operator" means a person who engages in the business of
14 transporting inoperable motor vehicles from public or private property
15 to a site where repairs may be made and who may also perform vehicle
16 repairs.

17
18 2. An operator who either responds to a call for assistance from a
19 motorist with an inoperable vehicle or who offers to transport or
20 repair the vehicle of such a motorist shall comply with any reasonable
21 request of the motorist either to repair the vehicle or to transport it to
22 a site where the repair may be made.

23
24 3. If the operator cannot repair the inoperable vehicle to the
25 satisfaction of the motorist he shall, with the motorist's consent,
26 transport the vehicle to the operator's place of business or to another
27 mutually agreed upon location. The vehicle, once repaired, may be
28 retained in the possession of the operator or other repairer, as the case
29 may be, pending payment, pursuant to N.J.S.2A:44-20 et seq. The
30 operator, if other than the repairer, shall be eligible for reimbursement
31 for transporting the vehicle to the repair site. If the estimated cost of
32 repairs exceeds \$50, the motorist shall be given a written estimate of
33 the repair costs.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted June 20, 2002.

1 4. a. For services rendered, the operator ¹[may] shall¹ accept in
2 payment either cash or a valid major credit card or charge card
3 ¹subject to the provisions of subsection b. of this section¹.

4 ¹b.¹ If after examining the card, the operator is unable to determine
5 to his satisfaction the credit worthiness or financial responsibility of
6 the motorist, the operator may request additional identification, as
7 determined by the Director of the Division of Consumer Affairs,
8 before proceeding with repairs or towing. ¹[b.]¹ Unless the motorist
9 is unable to produce such identification, or the operator has a bona
10 fide reason to believe the card or other identification is fictitious,
11 altered, stolen, expired or revoked or not valid for any other cause or
12 is clearly offered with intent to defraud the issuer, the charge card or
13 credit card shall be deemed ¹an¹ acceptable form of payment in lieu of
14 cash if the operator ordinarily accepts the card at his place of business.
15 ¹Nothing in this act shall preclude payment by a motorist in the form
16 of check or money order, if this form of payment is acceptable to the
17 operator.¹

18

19 5. A violation of this act shall be punishable by a fine of \$500. The
20 second and any subsequent offense shall be punishable by a fine not to
21 exceed \$1,000.

22

23 6. The Director of the Division of Consumer Affairs shall adopt
24 rules and regulations pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
26 the purposes of this act.

27

28 7. This act shall take effect on the first day of the fifth month after
29 enactment.

30

31

32

33

34 _____
35 Requires certain towing operators to accept cash or credit or charge
cards for payment of services.

ASSEMBLY, No. 1743

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 4, 2002

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman MATT AHEARN

District 38 (Bergen)

Co-Sponsored by:

Assemblyman Connors and Senator Coniglio

SYNOPSIS

Requires certain towing operators to accept cash or credit or charge cards for payment of services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2002)

1 AN ACT concerning operators engaged in repair or removal of
2 inoperable vehicles and supplementing Title 56 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 "Charge card" means a credit card on an account for which no
10 periodic rate is used to compute a finance charge.

11 "Credit card" means any card, plate, coupon book, or other single
12 credit device that may be used from time to time to obtain credit.

13 "Operator" means a person who engages in the business of
14 transporting inoperable motor vehicles from public or private property
15 to a site where repairs may be made and who may also perform vehicle
16 repairs.

17
18 2. An operator who either responds to a call for assistance from a
19 motorist with an inoperable vehicle or who offers to transport or
20 repair the vehicle of such a motorist shall comply with any reasonable
21 request of the motorist either to repair the vehicle or to transport it to
22 a site where the repair may be made.

23
24 3. If the operator cannot repair the inoperable vehicle to the
25 satisfaction of the motorist he shall, with the motorist's consent,
26 transport the vehicle to the operator's place of business or to another
27 mutually agreed upon location. The vehicle, once repaired, may be
28 retained in the possession of the operator or other repairer, as the case
29 may be, pending payment, pursuant to N.J.S.2A:44-20 et seq. The
30 operator, if other than the repairer, shall be eligible for reimbursement
31 for transporting the vehicle to the repair site. If the estimated cost of
32 repairs exceeds \$50, the motorist shall be given a written estimate of
33 the repair costs.

34
35 4. a. For services rendered, the operator may accept in payment
36 either cash or a valid major credit card or charge card. If after
37 examining the card, the operator is unable to determine to his
38 satisfaction the credit worthiness or financial responsibility of the
39 motorist, the operator may request additional identification, as
40 determined by the Director of the Division of Consumer Affairs,
41 before proceeding with repairs or towing.

42 b. Unless the motorist is unable to produce such identification, or
43 the operator has a bona fide reason to believe the card or other
44 identification is fictitious, altered, stolen, expired or revoked or not
45 valid for any other cause or is clearly offered with intent to defraud the
46 issuer, the charge card or credit card shall be deemed acceptable form

1 of payment in lieu of cash if the operator ordinarily accepts the card
2 at his place of business.

3

4 5. A violation of this act shall be punishable by a fine of \$500. The
5 second and any subsequent offense shall be punishable by a fine not to
6 exceed \$1,000.

7

8 6. The Director of the Division of Consumer Affairs shall adopt
9 rules and regulations pursuant to the "Administrative Procedure Act,"
10 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
11 the purposes of this act.

12

13 7. This act shall take effect on the first day of the fifth month after
14 enactment.

15

16

17

STATEMENT

18

19 This bill requires tow truck operators who respond to a call or
20 otherwise stop for a stranded motorist to (1) provide assistance
21 regardless of whether the motorist can immediately pay in cash and (2)
22 accept either cash or a valid, major credit or charge card if he
23 ordinarily accepts such cards at his place of business. Operators will
24 not be required to accept a card if a review of additional identification
25 suggests a bona fide reason to believe that it is not valid for the
26 motorist in question.

27 A violation of these requirements would result in a fine of \$500 for
28 the first offense and up to \$1,000 for any subsequent offense.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1743

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2002

The Assembly Consumer Affairs Committee reports favorably Assembly Bill No. 1743.

Assembly Bill No. 1743 supplements Title 56 of the Revised Statutes to establish a regulatory scheme for tow truck operators.

Under the provisions of the bill, a tow truck operator who either responds to a call for assistance from a motorist or who offers to transport or repair a motorist's inoperable car is required to comply with any reasonable request of the motorist to either repair the vehicle or transport it to a site where repairs can be made.

If the tow truck operator cannot repair the vehicle, the operator, with the motorist's consent, is to transport the vehicle to either the operator's place of business or to another mutually agreed upon location. If vehicle is transported to a repair site other than the operator's, the operator is eligible for reimbursement for transporting the vehicle to that site. If the estimated cost of the repairs exceeds \$50, the motorist is to receive a written estimate.

The bill specifies that motorists may pay either with cash, a credit card or a charge card. If, upon reviewing a credit or charge card, the operator is unable to determine whether or not it is a valid card, the operator may ask the motorist to provide additional identification before towing or repairing the vehicle. The type of identification an operator may request is to be determined by the Director of Consumer Affairs.

Unless a motorist is unable to produce the appropriate identification, or the operator has a bona fide reason to believe the card or identification is fictitious, altered, stolen, expired, revoked or otherwise invalid, or is clearly being offered by the motorist with the intent to defraud, the card is to be deemed an acceptable form of payment. The bill specifies, however, that an operator is not required to accept a credit card or charge card for payment if that method of payment is not ordinarily accepted at the operator's place of business.

Violators are subject to a fine of \$500 for a first offense. The fine for a second, or any subsequent offense, is not to exceed \$1,000.

STATEMENT TO
ASSEMBLY, No. 1743

with Senate Floor Amendments
(Proposed By Senator CONIGLIO)

ADOPTED: JUNE 20, 2002

These amendments clarify that for services rendered a tow truck operator is required to accept either cash or a credit or charge card, provided that these cards conform to the various conditions mentioned in the bill. In addition, an operator is permitted to accept payment in the form of check or money order. With these amendments this bill is identical to S922 (1R).

SENATE, No. 922

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 11, 2002

Sponsored by:
Senator JOSEPH CONIGLIO
District 38 (Bergen)

SYNOPSIS

Requires certain towing operators to accept cash or credit or charge cards for payment of services.

CURRENT VERSION OF TEXT

As introduced.



S922 CONIGLIO

2

1 AN ACT concerning operators engaged in repair or removal of
2 inoperable vehicles and supplementing Title 56 of the Revised
3 Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. As used in this act:

9 "Charge card" means a credit card on an account for which no
10 periodic rate is used to compute a finance charge.

11 "Credit card" means any card, plate, coupon book, or other single
12 credit device that may be used from time to time to obtain credit.

13 "Operator" means a person who engages in the business of
14 transporting inoperable motor vehicles from public or private property
15 to a site where repairs may be made and who may also perform vehicle
16 repairs.

17

18 2. An operator who either responds to a call for assistance from a
19 motorist with an inoperable vehicle or who offers to transport or
20 repair the vehicle of such a motorist shall comply with any reasonable
21 request of the motorist either to repair the vehicle or to transport it to
22 a site where the repair may be made.

23

24 3. If the operator cannot repair the inoperable vehicle to the
25 satisfaction of the motorist he shall, with the motorist's consent,
26 transport the vehicle to the operator's place of business or to another
27 mutually agreed upon location. The vehicle, once repaired, may be
28 retained in the possession of the operator or other repairer, as the case
29 may be, pending payment, pursuant to N.J.S.2A:44-20 et seq. The
30 operator, if other than the repairer, shall be eligible for reimbursement
31 for transporting the vehicle to the repair site. If the estimated cost of
32 repairs exceeds \$50, the motorist shall be given a written estimate of
33 the repair costs.

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35 4. a. For services rendered, the operator may accept in payment
36 either cash or a valid major credit card or charge card. If after
37 examining the card, the operator is unable to determine to his
38 satisfaction the credit worthiness or financial responsibility of the
39 motorist, the operator may request additional identification, as
40 determined by the Director of the Division of Consumer Affairs,
41 before proceeding with repairs or towing.

42 b. Unless the motorist is unable to produce such identification, or
43 the operator has a bona fide reason to believe the card or other
44 identification is fictitious, altered, stolen, expired or revoked or not
45 valid for any other cause or is clearly offered with intent to defraud the
46 issuer, the charge card or credit card shall be deemed acceptable form

1 of payment in lieu of cash if the operator ordinarily accepts the card
2 at his place of business.

3

4 5. A violation of this act shall be punishable by a fine of \$500. The
5 second and any subsequent offense shall be punishable by a fine not to
6 exceed \$1,000.

7

8 6. The Director of the Division of Consumer Affairs shall adopt
9 rules and regulations pursuant to the "Administrative Procedure Act,"
10 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate
11 the purposes of this act.

12

13 7. This act shall take effect on the first day of the fifth month after
14 enactment.

15

16

17

STATEMENT

18

19 The bill requires tow truck operators who respond to a call or
20 otherwise stop for a stranded motorist to (1) provide assistance
21 regardless of whether the motorist can immediately pay in cash and (2)
22 accept either cash or a valid, major credit or charge card if he
23 ordinarily accepts such cards at his place of business. Operators will
24 not be required to accept a card if a review of additional identification
25 suggests a bona fide reason to believe that it is not valid for the
26 motorist in question.

27 A violation of these requirements would result in a fine of \$500 for
28 the first offense and up to \$1,000 for any subsequent offense.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 922

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2002

The Senate Transportation Committee reports favorably Senate Bill No. 922 with committee amendments.

Senate Bill No. 922 as amended by the committee, supplements Title 56 of the Revised Statutes to establish a regulatory scheme for tow truck operators.

Under the provisions of the amended bill, a tow truck operator who either responds to a call for assistance from a motorist or who offers to transport or repair a motorist's inoperable car is required to comply with any reasonable request of the motorist to either repair the vehicle or transport it to a site where repairs can be made.

If the tow truck operator cannot repair the vehicle, the operator, with the motorist's consent, is to transport the vehicle to either the operator's place of business or to another mutually agreed upon location. If vehicle is transported to a repair site other than the operator's, the operator is eligible for reimbursement for transporting the vehicle to that site. If the estimated cost of the repairs exceeds \$50, the motorist is to receive a written estimate.

The amended bill specifies that motorists may pay either with cash, a credit card or a charge card. If, upon reviewing a credit or charge card, the operator is unable to determine whether or not it is a valid card, the operator may ask the motorist to provide additional identification before towing or repairing the vehicle. The type of identification an operator may request is to be determined by the Director of Consumer Affairs.

Unless a motorist is unable to produce the appropriate identification, or the operator has a bona fide reason to believe the card or identification is fictitious, altered, stolen, expired, revoked or otherwise invalid, or is clearly being offered by the motorist with the intent to defraud, the card is to be deemed an acceptable form of payment. The bill specifies, however, that an operator is not required to accept a credit card or charge card for payment if that method of payment is not ordinarily accepted at the operator's place of business.

Nothing in this bill is to preclude payment by a motorist in the form of check or money order, if this form of payment is acceptable to the operator.

Violators are subject to a fine of \$500 for a first offense. The fine for a second, or any subsequent offense, is not to exceed \$1,000.

The amendments clarify that the operator is required to accept either cash or a credit or charge card, provided the cards conform to certain conditions mentioned in the bill.

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Press Releases

PO BOX 004
TRENTON, NJ 08625

Contact: Paul Aronsohn
609-777-2600

RELEASE: August 14, 2002

[Previous Screen](#)

Governor Signs Legislation to Protect Motorists

New requirements established for tow truck operators

(TRENTON) – Governor James E. McGreevey today signed legislation that will protect motorists whose vehicles break down on New Jersey roadways.

The Governor said the bill, A-1743, was prompted by the death of Debbe Sandage, a Morris County woman who was left stranded on Route 287 in 1994, because she did not have \$40 in cash to pay for her car to be towed. She later was struck and killed by another vehicle.

“From this terrible tragedy and the courage of the Sandage family, New Jersey will now have a common sense law that guarantees all motorists -- regardless of their method of payment -- access to towing services,” McGreevey said.

The legislation signed today requires tow truck operators to accept both cash and credit cards for payment. Motorists who break down are already confronting difficult situations; this legislation ensures them that they will not have to also worry about having ample cash on hand to obtain needed road assistance.

“This is an essential step that must be taken to protect the safety of motorists when they become stranded along busy interstate highways or in unfamiliar surroundings,” said Assemblyman Matthew Ahearn (D-Bergen).

Assemblyman Gordon Johnson (also D-Bergen), the bill’s other sponsor said, “Signing this bill into law reinforces the principle that human life is more important than a cash payment.”

“I am eternally grateful for Assemblyman Ahearn and Assemblyman Johnson – and especially now for Governor McGreevey signing this bill. Although this does not take our pain or loss away, it does bring some sense to my daughter’s death. This bill will hopefully protect other families from suffering the same loss, ” said Terrance Sandage, father of the victim.

The bill imposes fines of \$500 for a first offense and penalties of up to \$1,000 for additional violations.

Senator Joseph Coniglio (D-Bergen) sponsored the measure in the upper house.