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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

§1 - C.27:12B-5.2a
§2 - C.27:23-6.2
§3 - C.27:25A-8.1
§4 - Note to §§1-3

P.L. 2002, CHAPTER 77, *approved September 5, 2002*
Senate, No. 239

1 **AN ACT** concerning the State's toll road authorities and supplementing
2 Title 27 of the Revised Statutes.

3

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

6

7 1. a. An operator awarded a contract for towing and storage
8 services by the New Jersey Highway Authority shall register with the
9 authority. Upon issuance of the registration, the authority shall
10 provide the operator with two decals and accompanying notices for
11 each tow truck owned or leased by that operator and to be used under
12 the terms of the contract. The decals and the accompanying notices,
13 which shall be of a distinctive design and color, shall be conspicuously
14 displayed on the exterior of each such tow truck in a manner and
15 location prescribed by the authority.

16 The decals shall set forth a specific registration number for each
17 registered tow truck. The notices shall include a statement indicating
18 substantially the following: "This tow truck is registered with the New
19 Jersey Highway Authority. The driver is required to provide you with
20 a written schedule of the fees charged for towing and storage services
21 before providing that service to you, including those services for which
22 there is no fee. If the fee charged is in excess of the fee listed on the
23 schedule, please notify the authority or the New Jersey Division of
24 Consumer Affairs." An operator shall file a copy of the schedule of
25 fees with the authority. Upon request of the Division of Consumer
26 Affairs in the Department of Law and Public Safety, the authority shall
27 provide a list of the registered tow trucks to the division, in addition
28 to a copy of the schedule of fees.

29 b. Prior to providing any towing services, a driver of a tow truck
30 shall provide the person whose vehicle is to be towed a written
31 schedule of fees and shall recite the information contained in the
32 notice.

33 c. An operator who fails to display the decals and notices required
34 by subsection a. of this section or the driver of a tow truck who fails
35 to provide a person to be towed the written schedule of fees or recite
36 the information contained in the notice prior to providing a towing
37 service as required by subsection b. of this section shall be subject to
38 a fine of \$300 for the first offense. For the second and any subsequent
39 offense the operator or the driver, as the case may be, shall be subject
40 to a fine of \$600.

41 d. It shall be an unlawful practice and a violation of P.L.1960, c.39
42 (C.56:8-1 et seq.) for any person to charge a fee in excess of the fee

1 listed in the written schedule of fees provided pursuant to subsection
2 a. of this section.

3 e. If an operator or the driver of an operator's tow truck is
4 convicted a third time for violation of any provisions of this section,
5 the authority may, in its discretion, terminate the operator's contract
6 for towing and storage services with the authority.

7

8 2. a. An operator awarded a contract for towing and storage
9 services by the New Jersey Turnpike Authority shall register with the
10 authority. Upon issuance of the registration, the authority shall
11 provide the operator with two decals and accompanying notices for
12 each tow truck owned or leased by that operator and to be used under
13 the terms of the contract. The decals and accompanying notices,
14 which shall be of a distinctive design and color, shall be conspicuously
15 displayed on the exterior of each such tow truck in a manner and
16 location prescribed by the authority.

17 The decals shall set forth a specific registration number for each
18 registered tow truck. The notices shall include a statement indicating
19 substantially the following: "This tow truck is registered with the New
20 Jersey Turnpike Authority. The driver is required to provide you with
21 a written schedule of the fees charged for towing and storage services
22 before providing that service to you, including those services for which
23 there is no fee. If the fee charged is in excess of the fee listed on the
24 schedule, please notify the authority or the New Jersey Division of
25 Consumer Affairs." An operator shall file a copy of the schedule of
26 fees with the authority. Upon request of the Division of Consumer
27 Affairs in the Department of Law and Public Safety, the authority shall
28 provide a list of the registered tow trucks to the division, in addition
29 to the schedule of fees.

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32 schedule of fees and shall recite the information contained in the
33 notice.

34 c. An operator who fails to display the decals and notices required
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39 a fine of \$300 for the first offense. For the second and any subsequent
40 offense the operator or the driver, as the case may be, shall be subject
41 to a fine of \$600.

42 d. It shall be an unlawful practice and a violation of P.L.1960, c.39
43 (C.56:8-1 et seq.) for any person to charge a fee in excess of the fee
44 listed in the written schedule of fees provided pursuant to subsection
45 a. of this section.

46 e. If an operator or the driver of an operator's tow truck is

1 convicted a third time for violation of any provisions of this section,
2 the authority may, in its discretion, terminate the operator's contract
3 for towing and storage services with the authority.

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5 3. a. An operator awarded a contract for towing and storage
6 services by the South Jersey Transportation Authority shall register
7 with the authority. Upon issuance of the registration, the authority
8 shall provide the operator with two decals and accompanying notices
9 for each tow truck owned or leased by that operator and to be used
10 under the terms of the contract. The decals and the accompanying
11 notices, which shall be of a distinctive design and color, shall be
12 conspicuously displayed on the exterior of each such tow truck in a
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15 registered tow truck. The notices shall include a statement indicating
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17 South Jersey Transportation Authority. The driver is required to
18 provide you with a written schedule of the fees charged for towing and
19 storage services before providing that service to you, including those
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21 fee listed on the schedule, please notify the authority or the New
22 Jersey Division of Consumer Affairs." An operator shall file a copy
23 of the schedule of fees with the authority. Upon request of the
24 Division of Consumer Affairs in the Department of Law and Public
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28 shall provide the person whose vehicle is to be towed a written
29 schedule of fees and shall recite the information contained in the
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41 listed in the written schedule of fees provided pursuant to subsection
42 a. of this section.

43 e. If an operator or the driver of a operator's tow truck is
44 convicted a third time for violation of any provisions of this section,
45 the authority may, in its discretion, terminate the operator's contract
46 for towing and storage services with the authority.

1 4. This act shall take effect immediately and shall apply to
2 contracts for towing and storage services entered into, renewed or
3 renegotiated on or after the effective date of this act.

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8 Requires toll road authorities' towing and storage operators to inform
9 motorists of towing fees; establishes penalties for non-compliance.

SENATE, No. 239

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator JOSEPH SULIGA

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Requires toll road authorities' towing and storage operators to inform motorists of towing fees; establishes penalties for non-compliance.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the State's toll road authorities and supplementing
2 Title 27 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. An operator awarded a contract for towing and storage
8 services by the New Jersey Highway Authority shall register with the
9 authority. Upon issuance of the registration, the authority shall
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11 each tow truck owned or leased by that operator and to be used under
12 the terms of the contract. The decals and the accompanying notices,
13 which shall be of a distinctive design and color, shall be conspicuously
14 displayed on the exterior of each such tow truck in a manner and
15 location prescribed by the authority.

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17 registered tow truck. The notices shall include a statement indicating
18 substantially the following: "This tow truck is registered with the New
19 Jersey Highway Authority. The driver is required to provide you with
20 a written schedule of the fees charged for towing and storage services
21 before providing that service to you, including those services for which
22 there is no fee. If the fee charged is in excess of the fee listed on the
23 schedule, please notify the authority or the New Jersey Division of
24 Consumer Affairs." An operator shall file a copy of the schedule of
25 fees with the authority. Upon request of the Division of Consumer
26 Affairs in the Department of Law and Public Safety, the authority shall
27 provide a list of the registered tow trucks to the division, in addition
28 to a copy of the schedule of fees.

29 b. Prior to providing any towing services, a driver of a tow truck
30 shall provide the person whose vehicle is to be towed a written
31 schedule of fees and shall recite the information contained in the
32 notice.

33 c. An operator who fails to display the decals and notices required
34 by subsection a. of this section or the driver of a tow truck who fails
35 to provide a person to be towed the written schedule of fees or recite
36 the information contained in the notice prior to providing a towing
37 service as required by subsection b. of this section shall be subject to
38 a fine of \$300 for the first offense. For the second and any subsequent
39 offense the operator or the driver, as the case may be, shall be subject
40 to a fine of \$600.

41 d. It shall be an unlawful practice and a violation of P.L.1960, c.39
42 (C.56:8-1 et seq.) for any person to charge a fee in excess of the fee
43 listed in the written schedule of fees provided pursuant to subsection
44 a. of this section.

45 e. If an operator or the driver of an operator's tow truck is
46 convicted a third time for violation of any provisions of this section,

1 the authority may, in its discretion, terminate the operator's contract
2 for towing and storage services with the authority.

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4 2. a. An operator awarded a contract for towing and storage
5 services by the New Jersey Turnpike Authority shall register with the
6 authority. Upon issuance of the registration, the authority shall
7 provide the operator with two decals and accompanying notices for
8 each tow truck owned or leased by that operator and to be used under
9 the terms of the contract. The decals and accompanying notices,
10 which shall be of a distinctive design and color, shall be conspicuously
11 displayed on the exterior of each such tow truck in a manner and
12 location prescribed by the authority.

13 The decals shall set forth a specific registration number for each
14 registered tow truck. The notices shall include a statement indicating
15 substantially the following: "This tow truck is registered with the New
16 Jersey Turnpike Authority. The driver is required to provide you with
17 a written schedule of the fees charged for towing and storage services
18 before providing that service to you, including those services for which
19 there is no fee. If the fee charged is in excess of the fee listed on the
20 schedule, please notify the authority or the New Jersey Division of
21 Consumer Affairs." An operator shall file a copy of the schedule of
22 fees with the authority. Upon request of the Division of Consumer
23 Affairs in the Department of Law and Public Safety, the authority shall
24 provide a list of the registered tow trucks to the division, in addition
25 to the schedule of fees.

26 b. Prior to providing any towing services, a driver of a tow truck
27 shall provide the person whose vehicle is to be towed a written
28 schedule of fees and shall recite the information contained in the
29 notice.

30 c. An operator who fails to display the decals and notices required
31 by subsection a. of this section or the driver of a tow truck who fails
32 to provide a person to be towed the written schedule of fees or recite
33 the information contained in the notice prior to providing a towing
34 service as required by subsection b. of this section shall be subject to
35 a fine of \$300 for the first offense. For the second and any subsequent
36 offense the operator or the driver, as the case may be, shall be subject
37 to a fine of \$600.

38 d. It shall be an unlawful practice and a violation of P.L.1960, c.39
39 (C.56:8-1 et seq.) for any person to charge a fee in excess of the fee
40 listed in the written schedule of fees provided pursuant to subsection
41 a. of this section.

42 e. If an operator or the driver of an operator's tow truck is
43 convicted a third time for violation of any provisions of this section,
44 the authority may, in its discretion, terminate the operator's contract
45 for towing and storage services with the authority.

S239 SULIGA

1 3. a. An operator awarded a contract for towing and storage
2 services by the South Jersey Transportation Authority shall register
3 with the authority. Upon issuance of the registration, the authority
4 shall provide the operator with two decals and accompanying notices
5 for each tow truck owned or leased by that operator and to be used
6 under the terms of the contract. The decals and the accompanying
7 notices, which shall be of a distinctive design and color, shall be
8 conspicuously displayed on the exterior of each such tow truck in a
9 manner and location prescribed by the authority.

10 The decals shall set forth a specific registration number for each
11 registered tow truck. The notices shall include a statement indicating
12 substantially the following: "This tow truck is registered with the
13 South Jersey Transportation Authority. The driver is required to
14 provide you with a written schedule of the fees charged for towing and
15 storage services before providing that service to you, including those
16 services for which there is no fee. If the fee charged is in excess of the
17 fee listed on the schedule, please notify the authority or the New
18 Jersey Division of Consumer Affairs." An operator shall file a copy
19 of the schedule of fees with the authority. Upon request of the
20 Division of Consumer Affairs in the Department of Law and Public
21 Safety, the authority shall provide a list of the registered tow trucks to
22 the division, in addition to the schedule of fees.

23 b. Prior to providing any towing services, a driver of a tow truck
24 shall provide the person whose vehicle is to be towed a written
25 schedule of fees and shall recite the information contained in the
26 notice.

27 c. An operator who fails to display the decals and notices required
28 by subsection a. of this section or the driver of a tow truck who fails
29 to provide a person to be towed the written schedule of fees or recite
30 the information contained in the notice prior to providing a towing
31 service as required by subsection b. of this section shall be subject to
32 a fine of \$300 for the first offense. For the second and any subsequent
33 offense the operator or the driver, as the case may be, shall be subject
34 to a fine of \$600.

35 d. It shall be an unlawful practice and a violation of P.L.1960, c.39
36 (C.56:8-1 et seq.) for any person to charge a fee in excess of the fee
37 listed in the written schedule of fees provided pursuant to subsection
38 a. of this section.

39 e. If an operator or the driver of a operator's tow truck is
40 convicted a third time for violation of any provisions of this section,
41 the authority may, in its discretion, terminate the operator's contract
42 for towing and storage services with the authority.

43

44 4. This act shall take effect immediately and shall apply to
45 contracts for towing and storage services entered into, renewed or
46 renegotiated on or after the effective date of this act.

STATEMENT

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This bill requires operators awarded towing and storage contracts with one of the State's toll road authorities to register with the respective authority and to receive decals and notices from the authority which are to be conspicuously displayed on the exterior of the operator's tow trucks. The notices shall inform a motorist desiring a tow that the driver of the tow truck is required to provide the motorist with a written schedule of the towing and storage fees. If a fee is charged in excess of the written schedule, the motorist may complain to the toll road authority or the Division of Consumer Affairs in the Department of Law and Public Safety.

The bill further provides that prior to providing any towing service, the driver of a tow truck must provide the person whose vehicle is to be towed with a written schedule of fees and must recite the information contained in the notice.

An operator who fails to display the required decals and accompanying notices or a tow truck driver who fails to provide the written schedule of towing and storage fees or recite the information contained in the notice to a motorist would be subject to a fine of \$300 for the first offense and \$600 for the second and subsequent offenses. It is declared to be an unlawful practice and a violation of the Consumer Fraud Act to charge a fee in excess of the fee listed in the written schedule. A third violation of the provisions of this bill by an operator or the operator's tow truck driver may result in a termination of the operator's towing and storage contract by the authority. The bill would apply only to new contracts or contracts which are renewed or renegotiated on or after the date the bill becomes law.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 239

STATE OF NEW JERSEY

DATED: MAY 13, 2002

The Assembly Transportation Committee reports favorably Senate Bill No. 239.

As reported, this bill requires operators awarded towing and storage contracts with one of the State's toll road authorities to register with the respective authority and to receive decals and notices from the authority which are to be conspicuously displayed on the exterior of the operator's tow trucks. The notices shall inform a motorist desiring a tow that the driver of the tow truck is required to provide the motorist with a written schedule of the towing and storage fees. If a fee is charged in excess of the written schedule, the motorist may complain to the toll road authority or the Division of Consumer Affairs in the Department of Law and Public Safety.

The bill further provides that prior to providing any towing service, the driver of a tow truck must provide the person whose vehicle is to be towed with a written schedule of fees and must recite the information contained in the notice.

An operator who fails to display the required decals and accompanying notices or a tow truck driver who fails to provide the written schedule of towing and storage fees or recite the information contained in the notice to a motorist would be subject to a fine of \$300 for the first offense and \$600 for the second and subsequent offenses. It is declared to be an unlawful practice and a violation of the New Jersey consumer fraud laws, P.L.1960, c.39 (C.56:8-1 et seq.) to charge a fee in excess of the fee listed in the written schedule.

A third violation of the provisions of this bill by an operator or the operator's tow truck driver may result in a termination of the operator's towing and storage contract by the authority.

The bill would apply only to new contracts or contracts which are renewed or renegotiated on or after the date the bill becomes law.

As reported, this bill is identical to Assembly Bill No. 2134 which was also reported by the committee today.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 239

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2002

The Senate Transportation Committee reports favorably Senate Bill No. 239.

This bill requires operators awarded towing and storage contracts with one of the State's toll road authorities to register with the respective authority and to receive decals and notices from the authority which are to be conspicuously displayed on the exterior of the operator's tow trucks. The notices shall inform a motorist desiring a tow that the driver of the tow truck is required to provide the motorist with a written schedule of the towing and storage fees. If a fee is charged in excess of the written schedule, the motorist may complain to the toll road authority or the Division of Consumer Affairs in the Department of Law and Public Safety.

The bill further provides that prior to providing any towing service, the driver of a tow truck must provide the person whose vehicle is to be towed with a written schedule of fees and must recite the information contained in the notice.

An operator who fails to display the required decals and accompanying notices or a tow truck driver who fails to provide the written schedule of towing and storage fees or recite the information contained in the notice to a motorist would be subject to a fine of \$300 for the first offense and \$600 for the second and subsequent offenses. It is declared to be an unlawful practice and a violation of the Consumer Fraud Act to charge a fee in excess of the fee listed in the written schedule. A third violation of the provisions of this bill by an operator or the operator's tow truck driver may result in a termination of the operator's towing and storage contract by the authority. The bill would apply only to new contracts or contracts which are renewed or renegotiated on or after the date the bill becomes law.

Technical review was performed on this pre-filed bill, as required under Joint Rule 18A of the Senate and General Assembly. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY, No. 2134

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 26, 2002

Sponsored by:

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Requires toll road authorities' towing and storage operators to inform motorists of towing fees; establishes penalties for non-compliance.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the State's toll road authorities and supplementing
2 Title 27 of the Revised Statutes.

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44 4. This act shall take effect immediately and shall apply to
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This bill requires operators awarded towing and storage contracts with one of the State's toll road authorities to register with the respective authority and to receive decals and notices from the authority which are to be conspicuously displayed on the exterior of the operator's tow trucks. The notices shall inform a motorist desiring a tow that the driver of the tow truck is required to provide the motorist with a written schedule of the towing and storage fees. If a fee is charged in excess of the written schedule, the motorist may complain to the toll road authority or the Division of Consumer Affairs in the Department of Law and Public Safety.

The bill further provides that prior to providing any towing service, the driver of a tow truck must provide the person whose vehicle is to be towed with a written schedule of fees and must recite the information contained in the notice.

An operator who fails to display the required decals and accompanying notices or a tow truck driver who fails to provide the written schedule of towing and storage fees or recite the information contained in the notice to a motorist would be subject to a fine of \$300 for the first offense and \$600 for the second and subsequent offenses. It is declared to be an unlawful practice and a violation of the Consumer Fraud Act to charge a fee in excess of the fee listed in the written schedule. A third violation of the provisions of this bill by an operator or the operator's tow truck driver may result in a termination of the operator's towing and storage contract by the authority. The bill would apply only to new contracts or contracts which are renewed or renegotiated on or after the date the bill becomes law.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2134

STATE OF NEW JERSEY

DATED: MAY 13, 2002

The Assembly Transportation Committee reports favorably Assembly Bill No. 2134.

As reported, this bill requires operators awarded towing and storage contracts with one of the State's toll road authorities to register with the respective authority and to receive decals and notices from the authority which are to be conspicuously displayed on the exterior of the operator's tow trucks. The notices shall inform a motorist desiring a tow that the driver of the tow truck is required to provide the motorist with a written schedule of the towing and storage fees. If a fee is charged in excess of the written schedule, the motorist may complain to the toll road authority or the Division of Consumer Affairs in the Department of Law and Public Safety.

The bill further provides that prior to providing any towing service, the driver of a tow truck must provide the person whose vehicle is to be towed with a written schedule of fees and must recite the information contained in the notice.

An operator who fails to display the required decals and accompanying notices or a tow truck driver who fails to provide the written schedule of towing and storage fees or recite the information contained in the notice to a motorist would be subject to a fine of \$300 for the first offense and \$600 for the second and subsequent offenses. It is declared to be an unlawful practice and a violation of the New Jersey consumer fraud laws, P.L. 1960, c.39 (C.56:8-1 et seq.) to charge a fee in excess of the fee listed in the written schedule. A third violation of the provisions of this bill by an operator or the operator's tow truck driver may result in a termination of the operator's towing and storage contract by the authority.

The bill would apply only to new contracts or contracts which are renewed or renegotiated on or after the date the bill becomes law.

As reported, this bill is identical to Senate Bill No. 239 which was also reported by the committee today.