
DIGEST

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HB 659 Original

2018 Regular Session

Havard

Abstract: Requires towing and storage companies remain open for business during all hours of towing and at least eight hours after the last motor vehicle is towed. Requires law enforcement authorization prior to towing.

Present law defines the "normal business hours" of any towing or storage company as Monday through Friday from 8:00 a.m. to 5:00 p.m., exclusive of legal holidays.

Proposed law removes present law and instead provides that "normal business hours" may vary and requires any towing and storage company to remain open for business during all hours that such towing and storage company is towing motor vehicles and requires the towing and storage company remain open for business for at least eight hours from the time the last motor vehicle is towed.

Present law prohibits a tow truck operator engaged in the nonconsensual tow of a motor vehicle from towing the motor vehicle unless the tow is authorized by a law enforcement agency of competent jurisdiction or the motor vehicle is tagged for removal.

Proposed law modifies present law by requiring a motor vehicle be tagged for removal by a law enforcement agency of competent jurisdiction when a tow truck operator engages in the nonconsensual tow of a motor vehicle.

Present law exempts a vehicle from being be tagged for removal if the billing invoice has been signed by the property owner or his authorized representative prior to the unauthorized vehicle being towed or if the provisions of present law are applicable.

Proposed law removes present law.

Present law requires the billing invoice provided to the owner or redeemer of the motor vehicle by any tow truck operator towing a vehicle from a parking area or private property include the name of the law enforcement agency requesting the tow, if applicable.

Proposed law requires the billing invoice required in present law include the name of the law enforcement agency requesting the tow in all circumstances.

Present law exempts property owners that meet the requirements of present law from tagging a motor vehicle for removal or signing the billing invoice prior to towing.

Proposed law removes present law.

Proposed law clarifies that the provisions of present law and proposed law do not preclude any tow truck company from engaging in the consensual tow of a motor vehicle that has been authorized by the owner or operator of the motor vehicle or his insurance company.

Proposed law requires the towing or storage facility be staffed and open for business during all hours that motor vehicles are being towed and remain staffed and open for business for at least eight hours from the time the last motor vehicle is towed.

Proposed law requires that the employee staffing the facility have authority to accept payment and release a towed vehicle to the owner or redeemer.

Proposed law requires that every tow truck company accept cash, checks, debit cards, and credit cards as acceptable forms of payment to release a towed vehicle to the owner or redeemer and requires the company furnish the correct change to an owner or redeemer who pays the fees owed using cash.

Proposed law requires the Dept. of Public Safety and Corrections promulgate rules and regulations necessary to implement the provisions of proposed law and requires the department publish the rules and regulations adopted in the La. Administrative Code.

(Amends R.S. 32:1734(E) and 1736(B), (C), (D), and (E); Adds R.S. 32:1736(F) and (G))