

2020 Regular Session

SENATE BILL NO. 222

BY SENATOR POPE

MOTOR VEHICLES. Allows a towing company to avoid certain penalties based on good-faith reliance on statements of the person contracting the company. (8/1/20)

AN ACT

To enact R.S. 32:1736(F), relative to the Louisiana Towing and Storage Act; to provide relative to towing of vehicles from private property; to provide relative to verifying ownership of property; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1736(F) is hereby enacted to read as follows:

§1736. Towing of motor vehicles from private property; definitions; billing invoices; uniform fees; penalties

* * *

F. A tow truck operator shall not be in violation of this Section or in violation of R.S. 14:68.4, when the tow truck operator reasonably believes that the person contracting with him to authorize the nonconsensual tow of a vehicle is the owner of the private property.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

	DIGEST	
SB 222 Original	2020 Regular Session	Pope

Present law provides that tow truck operators engaged in the nonconsensual tow of a motor vehicle from any parking area shall not tow the motor vehicle unless the tow is authorized by a law enforcement agency or unless the motor vehicle has been tagged for removal.

Present law provides that any tow truck operator who tows a vehicle in violation of present law requirements shall be in violation of R.S. 14:68.4 (unauthorized use of a motor vehicle) and shall be subject to any applicable penalties prescribed by law, including revocation of towing license.

Present law further provides that lack of knowledge of the conduct of a tow truck employee shall not be a defense for the tow truck company.

Proposed law retains present law requirements and provides that a tow truck operator shall not be in violation of this Section if the operator reasonably believes that the person contracting with the tow truck company and giving authorization for a nonconsensual tow is the property owner.

Effective August 1, 2020.

(Adds R.S. 32:1736(F))