
DIGEST

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HB 595 Original

2023 Regular Session

Garofalo

Abstract: Creates the La. Towing and Recovery Board to govern the motor vehicle towing industry.

Present law authorizes the Public Service Commission (PSC) and the office of state police to regulate the towing industry.

Proposed law retains the authority of the office of state police and removes the authority of the PSC, replacing the commission with a new Towing and Recovery Board.

Proposed law provides that the board members will be residents of the state, appointed by the governor, confirmed by the Senate, serve three year terms, and comprised of the following:

- (1) Four members from the towing industry, licensed by the board to engage in nonconsent towing.
- (2) Two members permitted to engage in the consent-only business.
- (3) Two members from the Department of Public Safety and Corrections.
- (4) One member from the insurance industry.

Proposed law further provides for the employment of board members, resignation of board members, election of officers, and quorum.

Proposed law authorizes the board to promulgate rules regarding the towing industry, including the following:

- (1) Establishing reasonable licensing, insurance, and equipment requirements for any person engaging in towing and related services for safety purposes or vehicle immobilization services under this proposed law.
- (2) Establishing reasonable tow truck safety requirements for any tow truck as defined in this present law.
- (3) Establishing a procedure to accept and investigate complaints from a consumer who claims that he has been overcharged for fees related to nonconsent towing, recovery, storage, or vehicle immobilization services;
- (4) Determining and sanctioning excessive or unnecessary fees charged to consumers related to nonconsent towing, recovery, storage, or vehicle immobilization services;
- (5) Requiring all entities permitted, licensed, or regulated under this Section to provide to the board all documents in response to information requests by the board pursuant to the investigation of consumer complaints or board complaints against the permittee or licensee;

- (6) Requiring all entities permitted, licensed, or regulated under this present or proposed law to provide itemized billing for fees related to towing, storage, or vehicle immobilization services that explains how the charges were calculated;
- (7) Requiring all entities permitted, licensed, or regulated under this present or proposed law to maintain a copy of their current maximum rate schedule or fee schedule posted in a conspicuous place and readily accessible to the public;
- (8) Requiring all entities permitted, licensed, or regulated under this present law to allow the owner or agent of the owner of a motor vehicle removed under this present law to use any other entity permitted, licensed, or regulated under this present law when reclaiming the motor vehicle for storage.
- (9) Requiring all entities permitted, licensed, or regulated under this proposed law to post signs notifying customers of the consumer complaint process.
- (10) The sign shall be in a conspicuous and central location in the public area and shall be a minimum of sixteen inches by twenty inches (16" x 20") in size.
- (11) The board may assess a fine of between \$50 and \$250 for failure to comply with the provisions of proposed law.

Proposed law requires the board to set a minimum standard for facilities used for daily operations of towing companies.

Proposed law further authorizes the board to levy license fees, tow vehicle safety fees, and late filing fees.

Proposed law requires the board to employ investigators to investigate consumer complaints related to overcharging for nonconsent towing, recovery, storage fees, and violations of the rules promulgated by the board under this proposed law.

Proposed law provides for reciprocity with other states.

Proposed law provides for penalties, parties liable for towing costs, and process due for penalties and costs.

(Amends R.S. 45:180.1(B), (C)(1) through (3), and (D) through (F); Adds R.S. 32:1713.1 and 1713.2)