



CITY OF PHILADELPHIA

Summary of The Philadelphia Code Provisions Governing Towing Activity

Last Revised September 20, 2018

This document reflects the existing Code provisions that govern private towing activity within the City of Philadelphia, effective as of the date listed above. These provisions, along with the regulations governing the rotational towing program and any applicable regulations or directives issued by City departments, set forth the terms and conditions that towing companies must abide by in order to legally operate in the City of Philadelphia. Note that additional provisions regulating towing activity may exist elsewhere in the Code and this document should not be interpreted to be an exhaustive list of all Code provisions that apply to the towing industry. For the most up-to-date language, please read The Philadelphia Code online at http://www.amlegal.com/codes/client/philadelphia_pa/

Section 9-605:

(1) *Declaration of Policy.* For the purposes of protecting the general welfare and public interests of the community, safe-guarding the public against fraud, discrimination, deception and similar abuses, and eliminating the impeding of traffic, unnecessary street congestion, unnecessary delays and traffic hazards, the towing of vehicles disabled by collision, accident, mechanical failure or wear and tear shall be subject to supervision and administrative control pursuant to the police powers of the City.

(2) *Definitions.* In this Section the following definitions apply:

(a) *Towing Company.* Any person, partnership, corporation, fiduciary, association or other entity owning, operating or conducting the business of towing.

(b) *Towing.* The moving or removing or the preparation therefor of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services.

(c) *Tow Truck or Towing Vehicle.* A vehicle that tows, carries or removes a vehicle for a fee, charged either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services, and which is classified in the following manner:

(.1) *Class A tow truck, light.* A Class A tow truck, light shall consist of either:

(.a) a truck chassis with a manufacturer's rated capacity of at least ten thousand (10,000) pounds, gross vehicle weight. Mounted on the chassis must be a complete commercially manufactured crane and winch having a manufacturer's rating of at least four tons, bare drum winch capacity. The tow truck body must comply with all state laws pertaining to

fenders and lighting equipment, and have an appearance similar to a commercially manufactured tow truck body. It must have at least one hundred feet of three-eighths inch cable attached to the wrecker winch, and a tow sling which must be commercially manufactured to prevent damage to a towed vehicle; or

(.b) a flat car carrier with a manufacturer's rated capacity of at least ten thousand (10,000) pounds, gross vehicle weight.

(.2) *Class B tow truck, medium.* A Class B tow truck, medium shall consist of either:

(.a) a truck chassis with a manufacturer's rated capacity of at least fifteen thousand (15,000) pounds gross vehicle weight. Mounted on the chassis must be a complete twin winch, commercially manufactured crane and winch having a manufacturer's rating of at least ten tons, bare winch drum capacity. The tow truck body must comply with all state laws pertaining to fenders and lighting equipment, and have an appearance similar to a commercially manufactured tow truck body. It must have at least one hundred feet of seven-sixteenths inch cable attached to each wrecker winch, and a tow sling which must be commercially manufactured to prevent damage to a towed vehicle; or

(.b) a flat bed car carrier with a rated capacity of at least fifteen thousand (15,000) pounds gross vehicle weight.

(.3) *Class C tow truck, heavy.* A Class C tow truck, heavy shall consist of either:

(.a) a truck chassis with a manufacturer's rated capacity of at least twenty-four thousand (24,000) pounds, gross vehicle weight. Mounted on the chassis must be a complete twin winch, commercially manufactured crane and winch having a manufacturer's rating of at least twenty tons, bare winch drum capacity. The tow truck body must comply with all state laws pertaining to fenders and lighting equipment and have an appearance similar to a commercially manufactured tow truck body. It must have at least two hundred feet of cable on each winch, at least nine-sixteenths inch in diameter, airbrakes so constructed as to lock the rear wheels automatically upon failure, and to supply air to disabled vehicles, and a tow sling which must be commercially manufactured to prevent damage to a towed vehicle; or

(.b) a flatbed carrier with a rated capacity of at least twenty-four thousand (24,000) pounds gross vehicle weight.

(d) *Disabled Vehicle.* A motor vehicle which has been damaged, or rendered inoperative or unsafe to drive as the result of wear and tear, mechanical failure, collision or accident.

(e) *Required Accessories.* Every tow truck or towing vehicle shall maintain on board at all times, on call or idle, the following accessories as applicable:

(.1) an amber rotation beam or strobe light mounted on top of said truck or vehicle and viewable when in use from front, rear, and both sides;

- (.2) working lights on its hoist, if so equipped;
 - (.3) one (1) snatch block for each winch, whose manufacturer's rating matches the tow truck's or vehicle's rating;
 - (.4) one (1) set of scotch blocks for wheels of the metal type with tail gate chains, or hydraulic rear extendable scotch blocks or stiff legs for Class B and C trucks only;
 - (.5) one safety tow light bar and power cord for Class A, Class B and Class C tow trucks;
 - (.6) an external air hookup and hoses for Class B and Class C tow trucks;
 - (.7) at least one heavy duty broom, shovel, axe and crowbar or pry bar, one pair of bolt cutters, one set of jumper cables, one flashlight, one operable fire extinguisher (ABC five pounds or larger), and one first aid kit for all classes of tow trucks.
- (f) *Rotation System.* A method of selecting a towing company from an authorized list for the purpose of towing a vehicle from one point to another. Once an assignment is made, and the assigned tow is completed, that towing company rotates to the bottom of the list.
- (g) *Solicitation.* The act, at a vehicular accident scene, hospital, emergency care facilities, funeral homes or during the occurrence of police operations relating thereto, of seeking, persuading, enticing or in any way offering assistance of services relating to the towing of vehicles, which services have not been requested by the person solicited.
- (h) *Traffic.* Pedestrians, vehicles, street cars and other conveyances, whether singly or together, using any highway, roadway or trafficway for purposes of travel.
- (i) *Enforcement Agency.* The Department of Licenses and Inspections, and such other agency as may be designated by the Managing Director.
- (j) *Rotational Tow Required Equipment.* All of the following, provided that the Enforcement Agency may by regulation revise these requirements:
- (.1) Smartphone with access to the internet, and capable of supporting applications as directed by the Enforcement Agency.
 - (.2) 5 lb. hammer.
 - (.3) Haz mat guide.
 - (.4) Green safety vest.
 - (.5) Gloves.
 - (.6) 6 road flares (36 min.).
 - (.7) Spill containment system.
 - (.8) Air caddy (Class A tow trucks only).
 - (.9) Oil dry (80 lb. bag).
 - (.10) Rock salt/deicer (winter only).
 - (.11) Tire chocks.
 - (.12) Pen and paper.
 - (.13) Emergency phone numbers.

- (.14) Photo ID.
- (.15) 6 bungee cords.
- (.16) Conventional wrecker dolly wheels.

(k) *Consensual Towing*. Towing of a vehicle by a towing company with the prior consent or authorization of the person who owns or otherwise legally controls the vehicle to be towed. Such prior consent or authorization shall be deemed to have been obtained if the owner or operator of the towed vehicle is present and affirms his or her consent; or the tow truck operator possesses (.a) a consent form or agreement for towing, signed by the owner or operator of the towed vehicle; (.b) a current registration card for the towed vehicle; or (.c) electronic verification that the owner or driver of the towed vehicle requested the tow truck's assistance.

(l) *Non-City Towing Company*. A towing company that does not maintain a physical office or place of business within the City of Philadelphia.

(3) *Towing Company Licenses*.

(a) Except as provided in subsection 9-605(3)(b), no person shall engage in the business of towing vehicles unless that person possesses a current license issued by the Enforcement Agency and, for each towing vehicle used in the business, a certificate issued by the Enforcement Agency. Such license and certificates must be renewed annually.

(b) A Non-City Towing Company is not required to possess a Philadelphia towing license or certificate, provided that such company possesses a license for towing from the jurisdiction in which it maintains its principal place of business, if such jurisdiction requires such license; and provided it engages only in Consensual Towing within the City, and such towing consists of:

- (.1) Towing a vehicle through the City, from a location outside the City to another location outside the City;
- (.2) Towing a vehicle from a location outside the City to a location within the City; or
- (.3) Towing a vehicle from a location within the City to a location outside of the City.

This exemption shall not apply to any Non-City Towing Company that participates in the rotation list for tow truck selection pursuant to Section 9-605(4).

For purposes of obtaining this exemption, a tow truck operator who is towing a vehicle within the City may be required to produce, upon request of an agent of the Enforcement Agency or the Police Department, proof that the tow truck is owned by a Non-City Towing Company, that it is licensed by its home jurisdiction, if required; that the tow is consensual; and paper or electronic documentation of the origin and destination point for the vehicle being towed.

(c) No license shall be issued or renewed unless the applicant submits an application in the form required by the Enforcement Agency, including at least the following:

- (.1) Company name, address, phone number(s), fax number(s), and email address.

- (.2) Name of company's owner(s) and president or chief executive officer.
 - (.3) Philadelphia commercial activity license number and tax account number.
 - (.4) Name, date of birth, address, and towing operator's license number of each person who will drive a tow truck for the company.
 - (.5) List of each tow truck for which a certificate is requested, and the following information for each such truck: make, model, year, mileage, copy of state registration, and proof of insurance.
 - (.6) A complete fee schedule setting forth the applicant's charges for towing; for services incident to towing and for any other minor repair service such as tire changing that may be performed at a site. Such fee schedule must be certified by the Enforcement Agency prior to the issuance of a license and shall be updated with the Enforcement Agency whenever the licensee alters its fee schedule. The fee schedule shall comply with any maximum fees established by this Section.
 - (.7) Proof of insurance to the following extent as a minimum, or in such other amount as set forth in regulations issued by the Enforcement Agency:
 - (.a) per each personal injury, two hundred thousand dollars (\$200,000);
 - (.b) per incident, five hundred thousand dollars (\$500,000);
 - (.c) per each property damage claim, fifty thousand (\$50,000) dollars;
 - (.d) garage keeper's legal liability insurance, one hundred thousand (\$100,000) dollars.
 - (.8) For each proof of insurance submitted, a power of attorney instructing the insurance agency to notify the Enforcement Agency of any default or interruption of coverage for any reason, within five business days of such default or interruption.
 - (.9) Certification by the applicant that the company is not delinquent in the payment of any taxes or fees due to the City or in the payment of any fines imposed for any violation of this Code or any regulation promulgated under this Code, and that there are no delinquent, unpaid parking tickets issued to any vehicle used or to be used by the company, nor any delinquent, unpaid fines payable to Philadelphia Traffic Court with respect to any such vehicle.
 - (.10) Payment of an application fee of five hundred dollars (\$500.00) or, in the case of license renewal, payment of an annual renewal application fee of three hundred dollars (\$300.00).
- (d) After receipt of a completed application, and if the Enforcement Agency determines that all requirements for issuance or renewal of the license have been met, the Enforcement Agency shall so notify the applicant and schedule an inspection of each vehicle for which a certificate is requested. Before any vehicle is inspected, the applicant shall pay an inspection fee of one hundred dollars (\$100.00) per vehicle. Such inspection shall determine whether such vehicle

meets all requirements to be classified as a Class A, Class B or Class C tow truck. If a vehicle passes inspection, then the Enforcement Agency shall, upon payment of the annual certificate fee, issue a certificate for that vehicle and a decal to be displayed in accordance with subsection (3)(e)(.1), and the certificate and decal shall remain valid until the date of the next required state inspection of the vehicle. A certificate may be renewed annually if the vehicle passes inspection by the Enforcement Agency, provided the towing company has renewed the license for the towing business. The annual fee for issuing a certificate shall be one hundred (\$100.00) dollars per vehicle, except that for the first year a certificate is issued for a vehicle, the fee shall be reduced in proportion to the number of months remaining until the date of the next required state inspection of the vehicle. If a vehicle does not pass inspection, the applicant may request a reinspection, for which a reinspection fee of seventy-five (\$75.00) dollars shall be required. Any subsequent reinspection fee for the same year shall be one hundred and fifty (\$150.00) dollars.

(e) Every towing company shall, as a condition to the retention of the license:

(.1) display a decal on each towing vehicle for which a certificate has been issued. The decal shall bear the words "Licensed Towing Company", the year for which the certificate was issued and the certificate number. The decal shall be issued by the Enforcement Agency and shall be attached by an agent of the Enforcement Agency to the vehicle or truck used in a place which is clearly visible to the public. Decals shall be used only during the year for which they are issued by the person to whom they were issued and may not under any circumstances be transferred to any person. If a decal is damaged or stolen, a replacement decal may be obtained from the Enforcement Agency for fifty (\$50.00) dollars.

(.2) legibly inscribe, in a permanent manner and in letters not less than one and one-half inches high on both sides of every towing vehicle, identification consisting of commercially painted name or business logo, address and telephone number of licensee, certificate number, the tow truck classification and, in letters not less than one inch high, a statement that a complete certified fee schedule is available from the driver.

(.3) conduct the business in accordance with this Section.

(.4) maintain current insurance coverage as required by Section 9-605(3)(b)(.2). The licensee shall notify the Enforcement Agency by registered mail, if the licensee's insurance coverage has been interrupted, within five business days of such interruption.

(.5) carry in each towing vehicle when in use a copy of the complete fee schedule filed in accordance with Section 9-605(3)(c)(.6) and which includes the rate for a normal daytime pick-up, the per-mile charge, and any other special charges. The copy of the fee schedule must be certified by the Enforcement Agency.

(.6) conform at all times to the charges for nonconsensual towing and for services incident to towing as filed in accordance with Section 9-605(3)(c)(.6), or as subsequently amended, refilled with and re-certified by the Enforcement Agency.

(.7) conform at all times with provisions of the Commonwealth of Pennsylvania Motor Vehicle Code dealing with gross vehicle weight, 75 Pa. C.S. § 4942 and § 4945, brakes, 75 Pa. C.S. § 4502 and safety features, 75 Pa. C.S. § 4521-36 and other applicable standards relating to tow trucks and towing vehicles.

(.8) accept credit cards and debit cards and insurance company checks in full payment of all fees listed in the fee schedule filed in accordance with Section 9-605(3)(c)(.6), and not impose any additional fee or charge for such use of a credit card or debit card or insurance company check, except that a towing company that is chosen by the owner or driver of the vehicle to be towed is not required to accept credit cards or debit cards in payment of fees.

(.9) notify the Enforcement Agency in writing of any change in the information required by subsection 9-605(3)(c), within five business days of such change.

(.10) comply with any regulations issued by the Enforcement Agency setting forth standards for premises at which vehicles are stored to ensure the safeguarding of vehicles and their contents while stored.

(.11) not use or maintain in any tow truck or other facility a radio receiving set or any other device capable of receiving signals or messages transmitted on the frequencies allocated for police or rescue.

(.12) not give or offer any payment, fee, reward, or other thing of value, directly or indirectly, for supplying information concerning a disabled vehicle which may require towing service, which information is or may be used to solicit the towing or repair of such vehicle.

(.13) maintain such records, ledgers, receipts, bills and other written records as the Enforcement Agency may prescribe by regulation, and make them available for inspection by the Enforcement Agency upon request.

(3.1) *Towing Operator's License.*

(a) No person shall drive or otherwise operate a tow truck engaged in the business of towing unless that person possesses a current towing operator's license issued by the Enforcement Agency. Such license must be renewed annually. A driver operating a Non-City Towing Company truck in conformance with Section 9-605(3)(b) shall be exempt from the requirements of this Section.

(b) No towing operator's license shall be issued or renewed unless the applicant submits an application in the form required by the Enforcement Agency, including at least the following:

(.1) Name, home address, phone number, cell phone number, email address (if any), date of birth.

(.2) Current driver's license number.

(.3) Name and towing company license number of the towing company for whom the applicant works, if any.

(.4) Two recent and clear photographs of the applicant, in the type and size required for passports.

(.5) A list of all cases in which the applicant has been finally convicted, plead guilty or plead nolo contendere, or in which the applicant is actively under Accelerated Rehabilitative Disposition, for any violation of Chapter 71 of the Pennsylvania Vehicle Code (Vehicle Theft and Related Provisions), or for any violation of 18 Pa. C.S. § 2702 (aggravated assault) if such violation was committed against a police officer or such other officer, agent, employee or other person as is enumerated at 18 Pa. C.S. § 2702(c).

(.6) A list of all traffic citations received within the previous ten years, other than citations which were dismissed.

(.7) Whether the applicant is required to register as a Sexual Offender under Pennsylvania law, 42 Pa. C.S. §§ 9791 et seq. (Registration of Sexual Offenders).

(c) After receipt of a completed application, and if the Enforcement Agency determines that all requirements for issuance or renewal of the towing operator's license have been met, the Enforcement Agency shall so notify the applicant, and upon the applicant's payment of the license or renewal fee of fifty dollars (\$50.00), the Enforcement Agency shall issue or renew the license. The Enforcement Agency shall refuse to issue the license if the applicant has ever been finally convicted, plead guilty or plead nolo contendere, or if the applicant is actively under Accelerated Rehabilitative Disposition, for any violation of Chapter 71 of the Pennsylvania Vehicle Code (Vehicle Theft and Related Provisions) or for any violation of 18 Pa. C.S. § 2702 (aggravated assault) if such violation was committed against a police officer or such other officer, agent, employee or other person as is enumerated at 18 Pa. C.S. § 2702(c). The Enforcement Agency shall refuse to issue the license if the applicant is required to register as a Sexual Offender under Pennsylvania law, 42 Pa. C.S. §§ 9791 et seq. (Registration of Sexual Offenders). The Enforcement Agency may refuse to issue the license if it determines that the applicant's traffic citations, as required to be disclosed under subsection 9-605(3.1)(b)(6), render the applicant unfit to perform the activities for which the license is required, based on the nature and seriousness of the conduct, the amount of time that has passed since the citations were issued, and the applicant's age at the time of the issuance of the citations.

(d) Every holder of a towing operator's license shall, as a condition of the retention of the license:

(.1) Notify the Enforcement Agency in writing of any change in the information required by subsection 9-605(3.1)(b), within five business days of such change.

(.2) Carry the towing operator's license when driving or operating a tow truck.

(.3) Notify the Enforcement Agency promptly upon discovering the towing operator's license has been lost. The Enforcement Agency shall reissue the license upon payment of a reissuance fee of twenty dollars (\$20).

(.4) Surrender the towing operator's license to the Enforcement Agency if a driver's license issued to the holder of the towing operator's license has been suspended or revoked.

(.5) Not permit any other person to use the towing operator's license.

(e) The Enforcement Agency may, after notice and hearing, suspend or revoke a towing operator's license for violations of this Section, or based upon any new convictions or traffic citations that would be grounds for the Enforcement Agency denying the issuance of the license, or based upon the suspension or revocation of a driver's license (or any other license to operate a motor vehicle) issued to the holder of the towing operator's license. License suspension and revocation shall be in addition to any fine that may be imposed for violations of this Section or any regulations issued under this Section.

(4) *Rotation method of tow truck selection.*

(a) No person shall engage in towing from the scene of an accident where police have been dispatched or otherwise respond to the scene of the accident or with respect to a disabled vehicle on the shoulder of a limited access highway unless that person has either been selected through operation of the rotational system established under this subsection, or has been selected or permitted to perform such tow from a state highway by the State Police.

(b) The Enforcement Agency shall compile a list of approved, licensed towing companies for the rotation list. No towing company shall be eligible for the rotation list if it is located in any political subdivision of any State where the State or political subdivision prohibits a Philadelphia based towing company from being on a rotation list or participating in a similar program. To be included on the list, a licensed towing company shall submit an application in the form required by the Enforcement Agency, including at least the following:

(.1) Evidence of a current license issued by the Enforcement Agency, and a current certificate for each tow truck to be used in the rotational towing program.

(.2) Certification that all of the equipment listed in subsection (2)(j) ("Rotational Tow Required Equipment") is provided for each such tow truck.

(.3) Certification that the applicant has received a copy of the written rules for participation in the rotational towing program promulgated under subsection (4)(d).

(.4) If the Enforcement Agency has established geographic zones for the rotational towing program, a list of the geographic zones for which the applicant seeks to provide towing services.

(.5) Payment of an annual application fee of one hundred and fifty (\$150.00) dollars.

(c) Upon receipt of a completed application, and any other documents required by the Enforcement Agency, and upon a determination that the applicant is a licensed towing company, the Enforcement Agency shall add the applicant to the list of towing companies approved for rotational towing.

(d) The Enforcement Agency shall promulgate regulations governing towing companies who participate in the rotational towing program, which regulations shall include at least the following provisions:

(.1) A towing company must respond on a 24-hour basis, and may not refuse more than a specified number of assignments within a specified period of time.

(.2) A tow truck must arrive at the requested location within 20 minutes from the time the towing company was contacted by the Enforcement Agency.

(.3) The towing company must tow the vehicle to a facility designated by the Enforcement Agency, except that the vehicle owner or operator may otherwise direct the towing company as to the location to which the vehicle shall be towed, within such geographic limits as the Enforcement Agency shall specify.

(.4) The towing company must provide the vehicle owner or operator with a form published by the Enforcement Agency explaining the vehicle owner or operator's rights, and setting forth the location to which the vehicle will be towed.

(.5) The towing company must perform a reasonable clean-up at the scene, such as the removal of significant pieces of debris resulting from the accident.

(.6) The towing company must have equipment appropriate for towing, including at least one flat-bed truck suitable for removing accident vehicles;

(.7) To be included on the list for rotational towing, neither the towing company nor any related company may have had its towing company license revoked at any time during the preceding 2 year period, and the towing company must possess a satisfactory record with regard to the operation of a towing business as determined by the Enforcement Agency based upon records of violations of this Section. For purposes of this subsection, a "related company" is any parent or subsidiary of a towing company, or any other entity in which a controlling interest is held by a person who holds a controlling interest in the towing company.

(.8) A towing company must comply with all provisions of this Section, any regulations promulgated under this Section, and all applicable law in the conduct of its business.

(e) The regulations promulgated under subsection (4)(d) shall also specify those violations for which a towing company may be suspended from the rotational list and the length of such suspensions. Such suspension from the rotational list shall be in addition to any other penalty for such violation imposed under subsection (16).

(f) The Enforcement Agency may, pursuant to a contract, delegate a portion of the administrative responsibility for the rotational towing program to a third-party agency. The Enforcement Agency shall promulgate written procedures for how the rotational tow program will operate. Such procedures shall, at the least, provide for the maintenance of a list of approved towing companies, or for a list of approved towing companies for each of specified geographic zones of the City, and for towing assignments to be made sequentially to all towing companies on the rotational list.

(g) Each licensed towing company on the approved list for the rotational towing program shall maintain accurate records of all towing services provided in response to request from the Enforcement Agency, on forms prescribed by the Enforcement Agency. The licensee's books and records pertinent to such requested towing services shall be made available to the Enforcement Agency for inspection upon request.

(h) Notwithstanding any other provision of this Section other than subsections (15) and (16) (relating to towing of stolen vehicles), the Enforcement Agency may, by regulation, establish a schedule of towing and storage fees applicable to vehicles towed under the rotational towing system, which shall include the Enforcement Agency's fifteen dollar (\$15) administrative fee, and which shall not exceed the following:

Weight of vehicle	Towing fee	Storage fee (per 24 hour day)
Under 11,000 pounds	\$215	\$25
11,000 to 17,000 pounds	\$290	\$40
Over 17,000 pounds	\$400	\$75

Storage fees shall be accrued for each twenty-four hour day. Where a vehicle is stored for less than twenty-four (24) hours on any day, storage fees shall be in the same proportion as the fractional part of the day the vehicle is stored.

(i) For each tow provided under the rotational towing system, the Enforcement Agency shall charge an administrative fee of fifteen dollars (\$15). In addition, the Enforcement Agency may require that an additional amount, to be set by regulation, shall be remitted from the towing fee to a third party agency with which the City contracts to assist with management of the rotational towing system.

(j) No person shall remove or tow a disabled vehicle when the owner or authorized operator of the vehicle is not present without first obtaining verification from the Police Department as to whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, then the towing company must comply with all of the requirements of § 9-605(15).

(5) *Towing Agreements.*

(a) Except for towing pursuant to subsection (4) (rotational towing system), no person shall remove or tow a disabled vehicle from or to a place within the limits of the City of Philadelphia unless a towing agreement, in triplicate, has been signed by the owner of a disabled vehicle or the owner's authorized representative, the operator of the towing vehicle, and a police officer if one is present.

(b) The original copy of the towing agreement shall be given to a police officer, if one is at the scene. The operator of the towing vehicle shall give a copy of the towing agreement to the operator of the vehicle, if present, prior to moving the vehicle.

(c) A copy of the towing agreement shall be retained by the licensee for 4 years.

(d) Reserved.

(e) The towing agreement shall be on the form prescribed by the Enforcement Agency and shall include the following:

(.1) the name and address of the towing company, the towing company's towing company license number, the registration number of the towing vehicle and a complete fee schedule of all charges on the face of the agreement with a statement that these fees are certified by the Enforcement Agency;

(.2) an authorization to remove the disabled vehicle to a bona fide garage or storage or repair station located within a reasonable distance from the scene of the tow, in conformity with the schedule of charges filed under § 9-605(3)(b)(.1) and stated in the agreement;

(.3) in the case of clubs or associations whose dues or other charges include towing service, a provision that the towing is a membership service for which no charge is made for members;

(.4) a provision requiring the release of the disabled vehicle to the owner or the owner's authorized representative upon payment of the amount due for towing and storage, if any, in accordance with the schedule of charges filed under § 9-605(3)(b), or upon demand if the owner is a member of a club or association whose dues or other charges include towing service, unless the owner or the owner's authorized representative has ordered additional work or services in connection with the disabled vehicle in accordance with the provisions of this Section;

(.5) a provision stating the location where the disabled vehicle will be stored and enabling the driver of the disabled vehicle, the owner thereof, the owner's authorized representative or the owner's insurance carrier to have free access to examine and inspect the disabled vehicle;

(.6) a provision limiting the scope of the towing agreement to towing and storage;

(.7) spaces as required to fill in all pertinent information on the vehicle in tow, which should include owner's name, address, year and make of vehicle and its registration number.

(f) No person shall use any form of towing agreement other than that prescribed by the Enforcement Agency.

(g) The towing agreement and the towing company's bill shall be incorporated into one document.

(6) *Charges.*

(a) Charges listed in the fee schedule certified under Section 9-605(3) may be calculated by mileage, time and type of service and shall be clearly stated on the towing agreement. The maximum fee a towing company may charge for towing a disabled vehicle is sixty dollars (\$60) and three dollars (\$3) per mile. The maximum storage fee for a vehicle towed under this Section cannot exceed twenty-five (25) dollars per day. A day for the purposes of this Section shall be calculated on a twenty-four (24) hour basis. Where a vehicle is stored for less than twenty-four (24) hours on any day, storage fees shall be in the same proportion as the fractional part of the day the vehicle is stored. The limitations and requirements of this subsection 6(a) shall not apply to tows pursuant to a rotational system, or to fees for consensual towing.

(b) Other than towing and storage, no charge may be made other than for minor repairs at the site, which shall be limited to ten dollars (\$10) and the cost of any replacement part.

(7) Any party who enters into an agreement for auto body or mechanical repairs for a vehicle towed under this Section shall have a seventy-two (72) hour time period from the time of signing service contract to reconsider their action and void said agreement. The party shall pay the storage charges as outlined in Section 9-605(6), and the direct charges for repairs that were performed prior to the termination of the service contract.

(8) *Estimates, Repairs and Services.*

(a) No towing company shall make repairs for a consideration on a disabled vehicle removed by a towing vehicle unless the owner of the disabled vehicle or the owner's authorized representative has signed an agreement which includes an estimate of the cost of the repairs.

(b) No charge shall be made either directly or indirectly for estimating the cost of repairs.

(c) No repair order or authorization for an estimate of repairs shall be solicited or signed by the operator of any towing vehicle or repair station until the conditions of the towing agreement have been fulfilled and the vehicle has been removed to a garage, storage lot or repair shop.

(d) No tie-in agreement authorizing repairs or an estimate of repairs shall be required or solicited as a condition for towing the disabled vehicle to a garage, storage lot or repair shop.

(e) If the owner or person in charge of the motor vehicle at the time of the accident is to be hospitalized, an agreement for repairs shall not be entered into with the injured party until 48 hours have elapsed from the time of the accident, unless the injured party has been discharged from the hospital prior to the signing of the agreement.

(f) One copy of any agreement entered into pursuant to § 9-605(6)(a) shall be given to the owner of the disabled vehicle or the owner's authorized representative and one copy shall be retained by the licensee for 4 years.

(g) Except where such towing is prohibited pursuant to subsection (4), the owner or driver of any disabled motor vehicle may require the service of any available tow truck and the owner or driver of any tow truck shall not refuse to render such services if:

(.1) the owner or driver of the disabled vehicle is willing to pay the fee prescribed under this Section;

(.2) it is physically possible for the tow truck to tow the disabled vehicle;

(.3) the tow truck is not going to or returning from a towing job.

(9) *Bail.*

(a) No person towing disabled vehicles shall offer to secure or provide bail, or enter into an arrangement, oral or written, to secure or provide bail, or arrange for the providing of bail for any person involved in a motor vehicle collision or accident.

(b) This prohibition shall not apply to automobile clubs or associations.

(10) *Gratuities and Bribes.*

(a) No person shall offer or give any gratuity, bribe or inducement of any kind to any officer or employee of the City or the Enforcement Agency, or any governmental officer or employee whose salary is paid out the City Treasury, in order to obtain towing business or recommendations for towing or storage or estimating upon or repairing disabled vehicles.

(11) *Towing From Private Lots, Private Property and Driveways.* Only towing companies licensed under paragraph (3) of this Section shall be permitted to tow any illegally parked vehicle from any licensed or unlicensed parking lot, from private property, from any common driveway and from in front of any driveway where the vehicle is blocking access to that driveway, and provided that such towing companies must have the prior written permission of the owner or other person in lawful possession of the property, or of a designated agent of such person, prior to towing from or in front of such property. A towing company shall retain on file all written permissions required by this Section.

(a) No such tow is permitted unless the parking lot or private property has posted in a conspicuous place near its entry which can be easily seen by the public a sign no smaller than thirty-six (36) inches high and thirty-six (36) inches across or, for single-family residential properties, no smaller than eighteen (18) inches high and eighteen (18) inches across, with text of sufficient size to ensure that the sign can be easily read. No such sign shall be posted unless the towing company has reported the location of the sign to the Enforcement Agency. The Enforcement Agency may by regulation detail the manner in which such reports must be filed, and may require a towing company to file an annual or other regularly updated list of all signs posted by the towing company. The towing company is responsible for the information on the sign, which shall give notice:

- (.1) That unauthorized parking is prohibited and unauthorized vehicles will be towed.
- (.2) That vehicles whose authorized parking time has elapsed will be towed.
- (.3) Of the name, address, and telephone number of the towing company.
- (.4) Of the charges for the towing and storage of towed vehicles.
- (.5) Of the place where the towed vehicle can be redeemed after paying the allowable charges and the hours of operation.
- (.6) That payment shall be made by cash, credit card or debit card.
- (.7) That towing related complaints shall be reported to 3-1-1.

(b) No towing company may charge more than the amounts set forth in subsections 9-605(11)(b)(.1) through (.3) for towing and storage of a vehicle pursuant to this subsection 9-605(11). Neither the towing company, owner of the property from where the vehicle was towed nor any other person may charge the vehicle owner or operator any other charges, amounts or fees in connection with the towing and storage of the vehicle. The towing company or person storing such towed vehicle may not refuse to release the vehicle based on a claim to any charges in excess of the permitted amounts.

(.1) One hundred and seventy-five (\$175.00) dollars for the towing of vehicles or combinations under 11,000 pounds (i.e. passenger vehicles, cars, pickup trucks, SUVs, and light duty vans) and twenty-five (\$25.00) dollars for the storage of these vehicles for each twenty-four-hour period. Where a vehicle is stored for less than twenty-four (24) hours on any day, storage fees shall be in the same proportion as the fractional part of the day the vehicle is stored.

(.2) Two hundred and fifty (\$250.00) dollars for the towing of vehicles or combinations at or over 11,000 pounds up to 17,000 pounds and forty (\$40.00) dollars for the storage of these vehicles for each twenty-four-hour period. Where a vehicle is stored for less than twenty-four (24) hours on any day, storage fees shall be in the same proportion as the fractional part of the day the vehicle is stored.

(.3) Three hundred and sixty (\$360.00) dollars for the towing of vehicles or combinations at or over 17,000 pounds and seventy-five (\$75.00) dollars for the storage of these vehicles for each twenty-four-hour period. Where a vehicle is stored for less than twenty-four (24) hours on any day, storage fees shall be in the same proportion as the fractional part of the day the vehicle is stored.

(c) Reserved.

(d) No vehicle shall be hooked, towed, or handled in any manner under this subsection unless the vehicle has been ticketed, by the police or other law enforcement authority, for a violation of § 12-913(1)(b)(i) (relating to parking in front of a public or private driveway), or § 12-913(2) (relating to parking or leaving unattended a vehicle on private property without consent of owner), at the location from which the vehicle is to be towed, except as provided in § 9-605(11)(d)(.1), except that in a licensed parking lot, a vehicle may be moved to another location in the parking lot prior to ticketing. Before issuing such a ticket, the Police Department shall determine whether or not the vehicle has been reported stolen. If the vehicle has been reported stolen, the police officer shall implement the rotational program maintained by the Police Department for towing of stolen vehicles, by notifying police radio to dispatch the next towing company authorized under that program to recover and safely store the vehicle where it may be claimed by its owner. Where applicable, the towing company must comply with all of the requirements of § 9-605(15) and (16).

(.1) An authorized tow company may remove a vehicle that is illegally parked on the premises of a hospital, or relocate it on the hospital premises, without the vehicle first being ticketed for a violation, provided:

(.a) Prior to any tow to remove the vehicle, an employee designated by the hospital completes a form that includes a description, including license number, of the vehicle to be towed, its location, and the date and time the hospital requested the tow. A copy of the completed form shall be affixed to the vehicle in a conspicuous place and shall not be removed except by the vehicle owner, and the original shall be kept on file by the hospital and made available to the vehicle owner upon request.

(e) Prior to towing a vehicle under this subsection, the towing company shall take digital photographs that clearly show the following:

- (.1) The vehicle's license plate;
- (.2) The violation for which the vehicle is being towed; and
- (.3) The posted sign identifying that unauthorized parking is prohibited where the vehicle is parked, and that unauthorized vehicles will be towed.

Prior to accepting payment for the towing and storage, the towing company shall provide, without charge, a printed copy of the photographs to the owner or agent of the owner, when that person claims the vehicle. Photographs shall be retained by the towing company for at least sixty (60) days or until the vehicle is claimed, whichever is later.

(f) Prior to towing a vehicle under this subsection, the towing company shall obtain the signature of the owner of the property or the owner's agent, certifying the owner's or agent's knowledge of the violation, and including on the certification form the vehicle's license plate number, the nature of the violation, and the date and time. A copy of the signed certification shall be provided to the owner or agent prior to the towing of the vehicle. The towing company

shall retain a copy of the certification for at least sixty (60) days, or until the vehicle is claimed, whichever is later. If the towing company has an agreement with a property owner to tow vehicles in violation of posted rules without notice from the property owner and is unable to obtain a signature from the owner or agent for each tow, such company shall, in lieu of the signed certificate, place a letter from each such property owner in each of its tow trucks, stating the terms of the towing company's authority for the location, and the violations and hours for which the authority is effective, and signed by the owner or owner's agent. Such letters must be produced on request of the Enforcement Agency or the Police Department.

(g) The Enforcement Agency or the Police Department may at any time during normal business hours, consistent with applicable law, inspect the towing company's office or vehicle storage lot, in order to obtain information concerning any vehicles towed pursuant to this subsection, including photographs and certifications for vehicles currently on the storage lot.

(h) The Police Department, upon a reasonable belief that a tow truck traveling with a hooked vehicle has towed the vehicle from private property, may stop the tow truck and request review of the photographs and property owner's certification for the vehicle. Failure or refusal by the tow truck driver to produce such documents for a vehicle towed under this subsection shall constitute a violation subject to the penalties in Subsection 9-605(14).

(12) *Prohibited Conduct.* No person shall engage in solicitation as defined in Section 9-605(2)(g) unless summoned by a party to the accident or a police officer. Except as otherwise specified in subsection 4(a), nothing in this Section shall prohibit a party to an accident, or any person acting on behalf of a party, from utilizing a towing service chosen by the party.

(13) *Reserved.*

(14) *Enforcement.*

(a) The Enforcement Agency or the Police Department may impound any unlicensed tow truck. In addition, the Police Department may impound a tow truck if its driver refuses a lawful order of a police officer at an accident scene and tows or attempts to tow a vehicle from such accident scene in violation of § 9-605(4)(a) and the police officer's order. The owner may reclaim any impounded vehicle upon the payment of a five hundred (500) dollars impoundment fee. Such impoundment fee shall be in addition to any fines or civil penalties set forth in this Section.

(b) *Fines, Civil Penalties, and License Suspension.*

(.1) Violations of this Section and any regulations promulgated under this Section shall be subject to the following civil penalties and license suspensions:

Violation	Civil Penalty - License Suspension
Refusing excessive number of assignments (§9-605(4)(d)(.1))	\$100

Failure to appear within 20 minutes (§9-605(4)(d)(.2))	\$100
Improper maintenance of accident site (§9-605(4)(d)(.5))	\$100
Expired truck registration, inspection, or tow license (§9-605(3)(a))	\$500
Failure to maintain proper equipment (§9-605(3)(e)(.9))	\$100
Illegal solicitation of work (§9-605(12))	
First offense	\$500
Second offense	\$1,000
Third offense	\$1,000 and six months license suspension
Fourth offense	\$1,000 and one year license suspension
Towing from private lot, private property or driveway in violation of § 9-605(11)(d)-(f)	
First offense	\$1,000 and release of vehicle towed without charge and reimbursement for any damages caused to the vehicle
Second offense	\$1,000 and all other first offense penalties, and six months towing company license suspension
Third offense	\$1,000 and all other first offense penalties, and one year towing company license suspension
Failure to accept credit/ debit card (§9-605(3)(e)(.8))	
First offense	\$175
Second offense	\$250
Third offense	\$1,000 and six months license suspension
Fourth offense	\$1,000 and one year license suspension
Failure to report vehicle towing (§9-605(11)(d))	\$500
Failure to maintain proper records (§9-605(4)(g))	\$500
All other violations	\$300

(c) *Administrative Adjudication.*

(.1) Any duly authorized employee of the Enforcement Agency, and any other person authorized to enforce ordinances, may issue a ticket to any person in violation of this Section, pursuant to the procedures set forth in § 10-1606. Contested charges shall be resolved, fines shall be imposed, and payments shall be collected and processed by the Director of Finance and the Bureau of Administrative Adjudication, all pursuant to the procedures set forth in §§ 10-1604 through 10-1609. The ticket shall contain an appropriate notice to the recipient of his or her right not to contest the violation and appropriate instructions and procedures for payment, as prescribed by the Director of Finance.

(15) *Towing Stolen Vehicles.* No more than \$15 shall be charged to the owner of any vehicle to cover the City's administrative costs related to towing, storage and recovery when the vehicle has been reported stolen to the Police Department or illegally used by a person other than the owner of the vehicle, without the owner's authorization, express or implied.

(16) No more than one hundred and five dollars (\$105) shall be charged to the owner of any vehicle to cover the costs related to towing and recovery when the vehicle has been reported stolen to the Police Department or illegally used by a person other than the owner of the vehicle, without the owner's authorization, express or implied. This amount is inclusive of the City's \$15 administrative cost.

(17) *Private Rights of Action.*

(a) Any person who is charged fees by a towing company in excess of the fees set forth in the fee schedule filed pursuant to subsection (3)(c)(.6), or in excess of the maximum fees set forth in subsections (6), (11)(b) or (15), or whose vehicle is towed other than in circumstances authorized by this Section or otherwise authorized by law, shall have a right of action against such towing company in a court of competent jurisdiction, and may recover for each such violation:

- (i) Actual damages;
- (ii) Exemplary damages of \$2,000;
- (iii) Reasonable attorney's fees and court costs;
- (iv) Such other relief, including injunctive relief, as the court may deem appropriate.

(b) The right of action provided in subsection 9-605(17)(a) shall not apply to fees regulated by subsections (3)(c)(.1) or (6)(a) to the extent that those subsections provide for limits on towing charges to persons who contract for towing of a vehicle that they own or otherwise legally control, to be towed with their consent.

(c) Nothing in this subsection shall limit the right of an aggrieved person to recover damages under any other applicable law or legal theory, nor shall it limit the right of the City to seek license suspension, penalties, or other remedies for violations of this Section 9-605, except that any penalty imposed by the City for a violation of this Section shall be reduced by the amount

of exemplary damages, if any, finally awarded pursuant to subsection (17)(a)(ii) for the same violation.

(18) *Delegation of Administration and Enforcement to the Philadelphia Parking Authority; Effective Date.*

(a) The Mayor and such other appropriate officers as the Mayor designates are authorized, on behalf of the City, to enter into a Memorandum of Understanding with the Philadelphia Parking Authority ("Parking Authority") under which the Parking Authority will administer and enforce all provisions of this Section 9-605. Such Memorandum of Understanding shall detail the financial arrangements between the City and the Parking Authority with respect to the Parking Authority's assumption of such powers and duties.

(b) Upon execution of the Memorandum of Understanding, the power and duty to administer and enforce all provisions of this Section 9-605 is delegated to the Parking Authority.