

By Senator Gruters

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1 A bill to be entitled
2 An act relating to towing and immobilizing of vehicles
3 and vessels; amending ss. 125.0103 and 166.043, F.S.;
4 specifying that local governments may enact rates to
5 tow or immobilize vessels on private property and to
6 remove and store vessels under specified
7 circumstances; defining the term "immobilize";
8 creating ss. 125.01047 and 166.04465, F.S.;
9 prohibiting counties and municipalities, respectively,
10 from enacting certain ordinances or rules that impose
11 fees or charges on authorized wrecker operators,
12 towing businesses, or vehicle immobilization services;
13 defining the term "towing business"; providing
14 exceptions; amending s. 323.002, F.S.; prohibiting
15 counties or municipalities from imposing charges,
16 costs, expenses, fines, fees, or penalties on
17 registered owners, other legally authorized persons in
18 custody or in control, or lienholders of vehicles or
19 vessels under certain conditions; providing an
20 exception; amending s. 713.78, F.S.; authorizing
21 certain persons to place liens on vehicles or vessels
22 to recover specified fees or charges; amending s.
23 715.07, F.S.; revising certain notice requirements;
24 revising requirements relating to towing and to
25 removing vehicles or vessels to include persons who
26 are in custody of a vehicle or of a vessel; deleting a
27 requirement related to liability for improper removal
28 of a vehicle or of a vessel; creating s. 715.08, F.S.;
29 defining terms; authorizing vehicle immobilization

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30 devices to be used on trespassing motor vehicles;
31 prohibiting persons from acting as operators of a
32 vehicle immobilization service in this state unless
33 specified requirements are met; providing requirements
34 for such operators and persons acting on behalf of
35 such operators; authorizing an operator to conduct
36 vehicle immobilization at any time; providing notice
37 requirements for immobilization of a vehicle;
38 prohibiting a vehicle immobilization service or
39 operator from taking specified actions; providing
40 requirements for a certain receipt of payment;
41 providing liability requirements under certain
42 circumstances; providing insurance requirements for
43 the operator; prohibiting the operator from engaging
44 in specified activities; providing signage
45 requirements; authorizing a certain local government
46 to impose a fine upon an operator and to revoke,
47 suspend, or not renew an operator's license for due
48 cause; providing notice and hearing requirements for
49 adverse actions regarding certain licenses; requiring
50 disqualification from reapplying for a certain license
51 for a specified period under certain circumstances;
52 authorizing the revocation of an operator's license
53 under certain circumstances; providing maximum
54 specified fines and suspension of license for certain
55 violations; providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Paragraphs (b) and (c) of subsection (1) of
60 section 125.0103, Florida Statutes, are amended to read:

61 125.0103 Ordinances and rules imposing price controls;
62 findings required; procedures.—

63 (1)

64 (b) ~~The provisions of~~ This section does ~~shall~~ not prevent
65 the enactment by local governments of public service rates
66 otherwise authorized by law, including water, sewer, solid
67 waste, public transportation, taxicab, or port rates, rates for
68 towing of vehicles or vessels from, or immobilization of
69 vehicles or vessels on, private property, or rates for removal
70 and storage of wrecked or disabled vehicles or vessels from an
71 accident scene or the removal and storage of vehicles or vessels
72 in the event the owner or operator is incapacitated,
73 unavailable, leaves the procurement of wrecker service to the
74 law enforcement officer at the scene, or otherwise does not
75 consent to the removal of the vehicle or vessel.

76 (c) Counties must establish maximum rates that ~~which~~ may be
77 charged for ~~on~~ the towing of vehicles or vessels from, or
78 immobilization of vehicles or vessels on, private property, the
79 removal and storage of wrecked or disabled vehicles or vessels
80 from an accident scene or ~~for~~ the removal and storage of
81 vehicles or vessels, in the event the owner or operator is
82 incapacitated, unavailable, leaves the procurement of wrecker
83 service to the law enforcement officer at the scene, or
84 otherwise does not consent to the removal of the vehicle or
85 vessel. However, if a municipality chooses to enact an ordinance
86 establishing the maximum rates ~~fees~~ for the towing or
87 immobilization of vehicles or vessels as described in paragraph

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88 (b), the county's ordinance does ~~shall~~ not apply within such
89 municipality. For purposes of this paragraph, the term
90 "immobilize" means the act of rendering a vehicle or vessel
91 inoperable by the use of a device such as a "boot" or "club,"
92 the "Barnacle," or any other device that renders a vehicle or
93 vessel inoperable.

94 Section 2. Section 125.01047, Florida Statutes, is created
95 to read:

96 125.01047 Rules and ordinances relating to towing and to
97 vehicle immobilization services.-

98 (1) A county may not enact an ordinance or rule that would
99 impose a fee or charge on an authorized wrecker operator as
100 defined in s. 323.002(1); a towing business for towing,
101 impounding, or storing a vehicle or vessel; or a vehicle
102 immobilization service as defined in s. 715.08. As used in this
103 section, the term "towing business" means a business that
104 provides towing services for monetary gain.

105 (2) The prohibition imposed in subsection (1) does not
106 affect a county's authority to:

107 (a) Levy a reasonable business tax under s. 205.0315, s.
108 205.033, or s. 205.0535.

109 (b) Impose on and collect from the registered owner or
110 other legally authorized person in control of a vehicle or
111 vessel, or the lienholder of a vehicle or vessel, a reasonable
112 administrative fee or charge not to exceed 25 percent of the
113 maximum towing or of the immobilization rate, to cover the cost
114 of enforcement, including parking enforcement, by the county
115 when the vehicle or vessel is towed from or immobilized on
116 public property. However, an authorized wrecker operator, towing

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117 business, or vehicle immobilization service may impose and
118 collect the administrative fee or charge on behalf of the county
119 and shall remit such fee or charge to the county after it is
120 collected.

121 Section 3. Paragraphs (b) and (c) of subsection (1) of
122 section 166.043, Florida Statutes, are amended to read:

123 166.043 Ordinances and rules imposing price controls;
124 findings required; procedures.—

125 (1)

126 (b) ~~The provisions of~~ This section does shall not prevent
127 the enactment by local governments of public service rates
128 otherwise authorized by law, including water, sewer, solid
129 waste, public transportation, taxicab, or port rates, rates for
130 towing of vehicles or vessels from, or immobilization of
131 vehicles or vessels on, private property, or rates for removal
132 and storage of wrecked or disabled vehicles or vessels from an
133 accident scene or the removal and storage of vehicles or vessels
134 in the event the owner or operator is incapacitated,
135 unavailable, leaves the procurement of wrecker service to the
136 law enforcement officer at the scene, or otherwise does not
137 consent to the removal of the vehicle or vessel.

138 (c) Counties must establish maximum rates that ~~which~~ may be
139 charged for ~~on~~ the towing of vehicles or vessels from, or
140 immobilization of vehicles or vessels on, private property, the
141 removal and storage of wrecked or disabled vehicles or vessels
142 from an accident scene or ~~for~~ the removal and storage of
143 vehicles or vessels, in the event the owner or operator is
144 incapacitated, unavailable, leaves the procurement of wrecker
145 service to the law enforcement officer at the scene, or

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146 otherwise does not consent to the removal of the vehicle or
147 vessel. However, if a municipality chooses to enact an ordinance
148 establishing the maximum rates fees for the towing or
149 immobilization of vehicles or vessels as described in paragraph
150 (b), the county's ordinance established under s. 125.0103 does
151 ~~shall~~ not apply within such municipality. For purposes of this
152 paragraph, the term "immobilize" means the act of rendering a
153 vehicle or a vessel inoperable by the use of a device such as a
154 "boot" or "club," the "Barnacle," or any other device that
155 renders the vehicle or the vessel inoperable.

156 Section 4. Section 166.04465, Florida Statutes, is created
157 to read:

158 166.04465 Rules and ordinances relating to towing or to
159 vehicle immobilization services.-

160 (1) A municipality may not enact an ordinance or rule that
161 would impose a fee or charge on an authorized wrecker operator
162 as defined in s. 323.002(1); on a towing business for towing,
163 impounding, or storing a vehicle or vessel; or a vehicle
164 immobilization service as defined in s. 715.08. As used in this
165 section, the term "towing business" means a business that
166 provides towing services for monetary gain.

167 (2) The prohibition imposed in subsection (1) does not
168 affect a municipality's authority to:

169 (a) Levy a reasonable business tax under s. 205.0315, s.
170 205.043, or s. 205.0535.

171 (b) Impose on and collect from the registered owner or
172 other legally authorized person in control of a vehicle or
173 vessel, or the lienholder of a vehicle or vessel, a reasonable
174 administrative fee or charge not to exceed 25 percent of the

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175 maximum towing or immobilization rate, to cover the cost of
176 enforcement, including parking enforcement, by the municipality
177 when the vehicle or vessel is towed from or immobilized on
178 public property. However, an authorized wrecker operator, towing
179 business, or vehicle immobilization service may impose and
180 collect the administrative fee or charge on behalf of the
181 municipality and shall remit such fee or charge to the
182 municipality after it is collected.

183 Section 5. Present subsection (4) of section 323.002,
184 Florida Statutes, is redesignated as subsection (5), and a new
185 subsection (4) is added to that section, to read:

186 323.002 County and municipal wrecker operator systems;
187 penalties for operation outside of system.—

188 (4) (a) Except as provided in paragraph (b), a county or
189 municipality may not adopt or maintain an ordinance or rule that
190 imposes a charge, cost, expense, fine, fee, or penalty on a
191 registered owner or other legally authorized person in custody
192 or in control of a vehicle or vessel, or the lienholder of a
193 vehicle or vessel, when the vehicle or vessel is towed by an
194 authorized wrecker operator under this chapter.

195 (b) A county or municipality may adopt or maintain an
196 ordinance or rule that imposes a reasonable administrative fee
197 or charge on the registered owner or other legally authorized
198 person in control of a vehicle or vessel, or the lienholder of a
199 vehicle or vessel, when the vehicle or vessel is towed by an
200 authorized wrecker operator. The fee or charge may not exceed 25
201 percent of the maximum towing rate, to cover the cost of
202 enforcement, including parking enforcement, by the county or
203 municipality when the vehicle or vessel is towed from public

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204 property. However, an authorized wrecker operator or towing
205 business may impose and collect the administrative fee or charge
206 on behalf of the county or municipality and shall remit such fee
207 or charge to the county or municipality after it is collected.

208 Section 6. Subsection (2) of section 713.78, Florida
209 Statutes, is amended to read:

210 713.78 Liens for recovering, towing, or storing vehicles
211 and vessels.—

212 (2) Whenever a person regularly engaged in the business of
213 transporting vehicles or vessels by wrecker, tow truck, or car
214 carrier recovers, removes, or stores a vehicle or vessel upon
215 instructions from:

216 (a) The owner thereof;

217 (b) The owner or lessor, or a person authorized by the
218 owner or lessor, of property on which such vehicle or vessel is
219 wrongfully parked, and the removal is done in compliance with s.
220 715.07;

221 (c) The landlord or a person authorized by the landlord,
222 when such motor vehicle or vessel remained on the premises after
223 the tenancy terminated and the removal is done in compliance
224 with s. 83.806 or s. 715.104; or

225 (d) Any law enforcement agency,

226
227 she or he shall have a lien on the vehicle or vessel for a
228 reasonable towing fee, for a reasonable administrative fee or
229 charge imposed by a county or a municipality, and for a
230 reasonable storage fee; except that a ~~no~~ storage fee may not
231 ~~shall~~ be charged if the vehicle or the vessel is stored for less
232 than 6 hours.

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233 Section 7. Subsection (2) and present subsection (4) of
234 section 715.07, Florida Statutes, are amended, and present
235 subsection (5) of that section is redesignated as subsection
236 (4), to read:

237 715.07 Vehicles or vessels parked on private property;
238 towing.—

239 (2) The owner or lessee of real property, or any person
240 authorized by the owner or lessee, which person may be the
241 designated representative of the condominium association if the
242 real property is a condominium, may cause any vehicle or vessel
243 parked on such property without her or his permission to be
244 removed by a person regularly engaged in the business of towing
245 vehicles or vessels, without liability for the costs of removal,
246 transportation, or storage or damages caused by such removal,
247 transportation, or storage, under any of the following
248 circumstances:

249 (a) The towing or removal of any vehicle or vessel from
250 private property without the consent of the registered owner or
251 other legally authorized person in control of that vehicle or
252 vessel is subject to strict compliance with the following
253 conditions and restrictions:

254 1.a. Any towed or removed vehicle or vessel must be stored
255 at a site within a 10-mile radius of the point of removal in any
256 county of 500,000 population or more, and within a 15-mile
257 radius of the point of removal in any county of less than
258 500,000 population. That site must be open for the purpose of
259 redemption of vehicles on any day that the person or firm towing
260 such vehicle or vessel is open for towing purposes, from 8:00
261 a.m. to 6:00 p.m., and, when closed, shall have prominently

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262 posted a sign indicating a telephone number where the operator
263 of the site can be reached at all times. Upon receipt of a
264 telephoned request to open the site to redeem a vehicle or
265 vessel, the operator shall return to the site within 1 hour or
266 she or he will be in violation of this section.

267 b. If no towing business providing such service is located
268 within the area of towing limitations set forth in sub-
269 subparagraph a., the following limitations apply: any towed or
270 removed vehicle or vessel must be stored at a site within a 20-
271 mile radius of the point of removal in any county of 500,000
272 population or more, and within a 30-mile radius of the point of
273 removal in any county of less than 500,000 population.

274 2. The person or firm towing or removing the vehicle or
275 vessel shall, within 30 minutes after completion of such towing
276 or removal, notify the municipal police department or, in an
277 unincorporated area, the sheriff, of such towing or removal, the
278 storage site, the time the vehicle or vessel was towed or
279 removed, and the make, model, color, and license plate number of
280 the vehicle or description and registration number of the vessel
281 and shall obtain the name of the person at that department to
282 whom such information was reported and note that name on the
283 trip record.

284 3. A person in the process of towing or removing a vehicle
285 or vessel from the premises or parking lot in which the vehicle
286 or vessel is not lawfully parked must stop when a person seeks
287 the return of the vehicle or vessel. The vehicle or vessel must
288 be returned upon the payment of a reasonable service fee of not
289 more than one-half of the posted rate for the towing or removal
290 service as provided in subparagraph 6. The vehicle or vessel may

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291 be towed or removed if, after a reasonable opportunity, the
292 owner or legally authorized person in control of the vehicle or
293 vessel is unable to pay the service fee. If the vehicle or
294 vessel is redeemed, a detailed signed receipt must be given to
295 the person redeeming the vehicle or vessel.

296 4. A person may not pay or accept money or other valuable
297 consideration for the privilege of towing or removing vehicles
298 or vessels from a particular location.

299 5. Except for property appurtenant to and obviously a part
300 of a single-family residence, and except for instances when
301 notice is personally given to the owner or other legally
302 authorized person in control of the vehicle or vessel that the
303 area in which that vehicle or vessel is parked is reserved or
304 otherwise unavailable for unauthorized vehicles or vessels and
305 that the vehicle or vessel is subject to being removed at the
306 owner's or operator's expense, any property owner or lessee, or
307 person authorized by the property owner or lessee, prior to
308 towing or removing any vehicle or vessel from private property
309 without the consent of the owner or other legally authorized
310 person in control of that vehicle or vessel, must post a notice
311 meeting the following requirements:

312 a. The notice must be prominently placed at each driveway
313 access or curb cut allowing vehicular access to the property,
314 ~~within 5 feet from the public right-of-way line.~~ If there are no
315 curbs or access barriers, the signs must be posted not less than
316 one sign for each 25 feet of lot frontage.

317 b. The notice must clearly indicate, ~~in not less than 2-~~
318 ~~inch high, light-reflective letters on a contrasting background,~~
319 that unauthorized vehicles will be towed away at the owner's

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320 expense. The words "tow-away zone" must be included on the sign
321 ~~in not less than 4-inch high letters.~~

322 c. The notice must also provide the name and current
323 telephone number of the person or firm towing or removing the
324 vehicles or vessels.

325 d. The sign structure containing the required notices must
326 be permanently installed with the words "tow-away zone" ~~not less~~
327 ~~than 3 feet and not more than 6 feet above ground level~~ and must
328 be continuously maintained on the property for not less than 24
329 hours prior to the towing or removal of any vehicles or vessels.

330 e. The local government may require permitting and
331 inspection of these signs prior to any towing or removal of
332 vehicles or vessels being authorized.

333 f. A business with 20 or fewer parking spaces satisfies the
334 notice requirements of this subparagraph by prominently
335 displaying a sign that clearly states ~~stating~~ "Reserved Parking
336 for Customers Only Unauthorized Vehicles or Vessels Will be
337 Towed Away At the Owner's Expense." ~~in not less than 4-inch~~
338 ~~high, light-reflective letters on a contrasting background.~~

339 g. A property owner towing or removing vessels from real
340 property must post notice, consistent with the requirements in
341 sub-subparagraphs a.-f., which apply to vehicles, that
342 unauthorized vehicles or vessels will be towed away at the
343 owner's expense.

344
345 A business owner or lessee may authorize the removal of a
346 vehicle or vessel by a towing company when the vehicle or vessel
347 is parked in such a manner that restricts the normal operation
348 of business; and if a vehicle or vessel parked on a public

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349 right-of-way obstructs access to a private driveway the owner,
350 lessee, or agent may have the vehicle or vessel removed by a
351 towing company upon signing an order that the vehicle or vessel
352 be removed without a posted tow-away zone sign.

353 6. Any person or firm that tows or removes vehicles or
354 vessels and proposes to require an owner, operator, or person in
355 custody or control of a vehicle or vessel to pay the costs of
356 towing and storage prior to redemption of the vehicle or vessel
357 must file and keep on record with the local law enforcement
358 agency a complete copy of the current rates to be charged for
359 such services and post at the storage site an identical rate
360 schedule and any written contracts with property owners,
361 lessees, or persons in control of property which authorize such
362 person or firm to remove vehicles or vessels as provided in this
363 section.

364 7. Any person or firm towing or removing any vehicles or
365 vessels from private property without the consent of the owner
366 or other legally authorized person in custody or control of the
367 vehicles or vessels shall, on any trucks, wreckers as defined in
368 s. 713.78(1)(c), or other vehicles used in the towing or
369 removal, have the name, address, and telephone number of the
370 company performing such service clearly printed ~~in contrasting~~
371 ~~colors~~ on the driver and passenger sides of the vehicle. ~~The~~
372 ~~name shall be in at least 3-inch permanently affixed letters,~~
373 ~~and the address and telephone number shall be in at least 1-inch~~
374 ~~permanently affixed letters.~~

375 8. Vehicle entry for the purpose of removing the vehicle or
376 vessel shall be allowed with reasonable care on the part of the
377 person or firm towing the vehicle or vessel. Such person or firm

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378 shall be liable for any damage occasioned to the vehicle or
379 vessel if such entry is not in accordance with the standard of
380 reasonable care.

381 9. When a vehicle or vessel has been towed or removed
382 pursuant to this section, it must be released to its owner or to
383 the person in custody or control ~~custodian~~ within one hour after
384 requested. Any vehicle or vessel owner or the person in custody
385 or control ~~agent~~ shall have the right to inspect the vehicle or
386 vessel before accepting its return, and no release or waiver of
387 any kind which would release the person or firm towing the
388 vehicle or vessel from liability for damages noted by the owner
389 or by the person in custody or control ~~other legally authorized~~
390 ~~person~~ at the time of the redemption may be required from any
391 vehicle or vessel owner, ~~custodian,~~ or person in custody or
392 control ~~agent~~ as a condition of release of the vehicle or vessel
393 to its owner. A detailed, signed receipt showing the legal name
394 of the company or person towing or removing the vehicle or
395 vessel must be given to the person paying towing or storage
396 charges at the time of payment, whether requested or not.

397 (b) These requirements are minimum standards and do not
398 preclude enactment of additional regulations by any municipality
399 or county, including the right to regulate rates when vehicles
400 or vessels are towed from private property.

401 ~~(4) When a person improperly causes a vehicle or vessel to~~
402 ~~be removed, such person shall be liable to the owner or lessee~~
403 ~~of the vehicle or vessel for the cost of removal,~~
404 ~~transportation, and storage; any damages resulting from the~~
405 ~~removal, transportation, or storage of the vehicle or vessel;~~
406 ~~attorney's fees; and court costs.~~

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407 Section 8. Section 715.08, Florida Statutes, is created to
408 read:

409 715.08 Vehicle immobilization services.-

410 (1) DEFINITIONS.-As used in this section, the term:

411 (a) "Immobilize" means the act of rendering a vehicle or a
412 vessel inoperable by the use of a vehicle immobilization device.

413 (b) "License" means a license, a permit, or other similar
414 grant of authority to operate issued to an operator by a local
415 government.

416 (c) "Operator" means any person, as defined in s. 1.01(3),
417 individual, or entity, including, but not limited to, a sole
418 proprietor, an independent contractor, a partnership, or a
419 similar business entity, offering or operating a vehicle
420 immobilization service.

421 (d) "Vehicle immobilization device" means any mechanical
422 device that is designed or used to be attached to a wheel, a
423 tire, or other part of a parked motor vehicle which includes,
424 but is not limited to, a "boot" or "club," the "Barnacle," or
425 any other device that renders a vehicle or vessel inoperable.

426 (e) "Vehicle immobilization service" means any service in
427 which vehicles are immobilized.

428 (2) VEHICLE IMMOBILIZATION OPERATIONS; REQUIREMENTS.-

429 (a) Vehicle immobilization devices may be used on
430 trespassing motor vehicles as provided for under this section.

431 (b) It is unlawful for any person to act as an operator
432 within this state unless the person is properly licensed or
433 approved by a local government.

434 (c) It is unlawful for any person to act as an operator if
435 the person also has ownership or any other valuable

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436 consideration in property or a lot being used for the business
437 of parking, or allowing for the parking of, motor vehicles or is
438 engaged in the business of parking lot or valet parking
439 operations.

440 (d) Each operator shall conduct vehicle immobilization
441 services using a name that is distinguishable from any other
442 existing operator.

443 (e)1. An operator shall issue all individuals under the
444 operator's employment, or who are acting on behalf of the
445 operator, including the operator himself or herself, or
446 partners, members, or officers of the operator, a photo
447 identification with the name of the operator. Such an individual
448 shall carry this operator-issued identification with him or her
449 at all times while performing vehicle immobilization services.

450 2. All individuals under an operator's employment, or who
451 are acting on behalf of the operator, including the operator
452 himself or herself, or partners, members, or officers of the
453 operator, shall wear a uniform that clearly identifies the name
454 of the operator while performing vehicle immobilization
455 services.

456 3. All vehicles being used by operators or individuals
457 under an operator's employment to perform vehicle immobilization
458 services must have prominently displayed on both sides of each
459 vehicle the name of the operator and that the operator performs
460 vehicle immobilization services, the address from which the
461 operator conducts business, and the telephone number of the
462 operator. The lettering must be in a contrasting color to the
463 color of the vehicle, or if a vehicle magnet or decal is used,
464 the lettering must be in a contrasting color to the color of the

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465 magnet or decal. The lettering must be at least one and one-half
466 inches in height.

467 (f)1. An operator may conduct vehicle immobilization
468 services 24 hours per day, 7 days per week, and 365 days per
469 year.

470 2. An operator shall maintain a telephone number that is
471 staffed by a live individual 24 hours per day and 365 days per
472 year to communicate immediately with a driver or owner of an
473 immobilized vehicle.

474 (g) An operator who has immobilized a vehicle shall
475 immediately affix a notice to the driver's side window
476 containing, at minimum, the following information:

477 1. A warning that any attempt to move the vehicle may
478 result in damage to the vehicle; and

479 2. The fee required to remove the immobilization device,
480 the name of the operator, and the telephone number to call to
481 have the immobilization device removed.

482 (h) It is unlawful for a vehicle immobilization service or
483 operator to:

484 1. Immobilize vehicles on any private property without
485 having entered into a valid written contract for vehicle
486 immobilization services with the private property owner, the
487 lawful lessee, the managing agent, or other person in control of
488 the property;

489 2. Fail to arrive on the site where a vehicle was
490 immobilized within 1 hour of being contacted by the owner, the
491 driver, or the person in custody or in control of the vehicle;

492 3. Fail to release a vehicle from immobilization within 1
493 hour after receipt of payment from the owner, the driver, or the

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494 person in charge of a vehicle that has been immobilized; and

495 4. Fail to provide a receipt of payment of the
496 immobilization fee to the owner, the driver, or the person in
497 custody or in control of an immobilized vehicle. The receipt
498 must have the name, address, and telephone number of the
499 operator; the name of the individual under the operator's
500 employment or the partner, member, or officer of such operator
501 who removed the immobilization device; and the operator's
502 license number as issued by the department.

503 (i)1. If the application of a vehicle immobilization device
504 damages a vehicle, the operator shall pay the cost of repairs
505 for that damage.

506 2. If the owner, the driver, or the person in charge of a
507 motor vehicle to which an immobilization device has been
508 installed attempts to operate such motor vehicle or to remove
509 the device, then the operator is not liable for any damage to
510 the vehicle resulting from such attempt. In such an instance,
511 the owner, the driver, or the person in charge of the
512 immobilized vehicle is liable to the operator for the cost of
513 damage to the vehicle immobilization device.

514 (j) An operator shall maintain minimum insurance coverage
515 in the amount of \$1 million in commercial general liability, \$1
516 million in commercial automobile liability, \$1 million in garage
517 liability, \$1 million in professional liability, and \$1 million
518 in umbrella coverage and shall have workers' compensation
519 coverage on all employees.

520 (3) PROHIBITED ACTIVITIES.—An operator may not do any of
521 the following:

522 (a) Procure a license issued by a local government by

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523 fraudulent conduct or by a false statement of a material fact.

524 (b) Pay, in the form of a gratuity or any other valuable
525 consideration, any person who does not have ownership in
526 property or in a lot being used for the business of parking, or
527 allowing for the parking of, motor vehicles for information as
528 to illegally parked vehicles.

529 (c) Make any payment or other valuable consideration to an
530 owner, an employee, an agent, or a person in possession of
531 property or a lot that is being used for the business of
532 parking, or allowing for the parking of, motor vehicles in
533 excess of the reasonable and customary fee ordinarily charged by
534 such person in possession of such property or lot for parking
535 thereon.

536 (d) Charge fees in excess of those provided for in this
537 section.

538 (e) Impound any vehicle located on any portion of a public
539 way within this state, unless such operator is contracted to do
540 so by a governmental agency.

541 (4) SIGNAGE; REQUIREMENTS.-

542 (a) It is unlawful for any operator to install or to attach
543 a device to any motor vehicle without posting signs meeting the
544 following requirements:

545 1. The operator shall install signs at each designated
546 entrance to a parking lot or parking area where parking
547 prohibitions are in effect. If there is no designated entrance,
548 the operator shall erect the signs so they are clearly visible
549 from every parking space;

550 2. Signs must be a minimum of 18 inches by 24 inches, or if
551 not allowed in such size, the maximum allowable size, with

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552 lettering a minimum height of one and one-half inches; and

553 3. Sign lettering must be in a solid color that contrasts
554 with the sign's background.

555 (b) An operator's signs must clearly state the following,
556 at a minimum:

557
558 1. WARNING: IMMOBILIZATION ENFORCED 24/7.

559 2. UNAUTHORIZED VEHICLES MAY BE IMMOBILIZED AT OWNER'S RISK
560 AND EXPENSE.

561 3. THE IMMOBILIZATION OPERATOR IS ... (insert name of
562 vehicle immobilization service)....

563 4. THE TELEPHONE NUMBER FOR IMMOBILIZATION REMOVAL IS
564 ... (insert operator's telephone number)....

565
566 (c) No abbreviations may be used on signs required under
567 this subsection.

568 (5) ADMINISTRATIVE ACTIONS; OPERATOR RIGHTS.—

569 (a) A local government that has jurisdiction over, and that
570 issued a license to, an operator may impose a fine upon the
571 operator and may revoke, suspend, or not renew the operator's
572 license for due cause.

573 (b) Adverse actions may not be taken regarding any license
574 issued pursuant to this section until and after notice has been
575 provided and a hearing has been held by the local government.
576 Notice of such hearing must be given in writing and served at
577 least 30 days before the date of a hearing. The notice must
578 state the grounds of the complaint against the holder of such
579 license and must designate the time and place where such hearing
580 will be held. The notice must be served upon the license holder

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581 via certified mail, signature required, addressed to the license
582 holder at the address provided on the operator's current
583 application.

584 (c) Any operator whose license has been revoked pursuant to
585 this section is disqualified from reapplying to the local
586 government for another license for 12 months immediately
587 following the revocation. The violation of any provision of this
588 section by any person with any ownership interest in the vehicle
589 immobilization service may result in the revocation of the
590 operator's license.

591 (d) The maximum fine for any violation of this section is
592 \$1,000. The maximum suspension of a license for any one
593 violation of this section is 30 days.

594 Section 9. This act shall take effect July 1, 2019.