

By the Committee on Community Affairs; and Senator Gruters

578-03525-19

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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
20 exceptions; 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 exception; providing an
56 effective date.

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58 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraphs (b) and (c) of subsection (1) of section 125.0103, Florida Statutes, are amended to read:

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

(1)

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

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

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

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

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

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

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

108 (a) Levy a reasonable business tax under s. 205.0315, s.
109 205.033, or s. 205.0535.

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

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117 public property. However, an authorized wrecker operator, towing
118 business, or vehicle immobilization service may impose and
119 collect the administrative fee or charge on behalf of the county
120 and shall remit such fee or charge to the county after it is
121 collected.

122 (3) This section does not affect an ordinance, resolution,
123 or regulation enacted on or before January 1, 2019, by a charter
124 county with a population exceeding 1.3 million according to the
125 most recent decennial census which relates to the towing,
126 immobilization, removal, or storage of vehicles or vessels,
127 including any amendment or revision made to such ordinance,
128 resolution, or regulation after July 1, 2019.

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

131 166.043 Ordinances and rules imposing price controls;
132 findings required; procedures.—

133 (1)

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

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146 (c) Counties must establish maximum rates that ~~which~~ may be
147 charged for ~~on~~ the towing of vehicles or vessels from, or
148 immobilization of vehicles or vessels on, private property, the
149 removal and storage of wrecked or disabled vehicles or vessels
150 from an accident scene or ~~for~~ the removal and storage of
151 vehicles or vessels, in the event the owner or operator is
152 incapacitated, unavailable, leaves the procurement of wrecker
153 service to the law enforcement officer at the scene, or
154 otherwise does not consent to the removal of the vehicle or
155 vessel. However, if a municipality chooses to enact an ordinance
156 establishing the maximum rates ~~fees~~ for the towing or
157 immobilization of vehicles or vessels as described in paragraph
158 (b), the county's ordinance established under s. 125.0103 does
159 ~~shall~~ not apply within such municipality. For purposes of this
160 paragraph, the term "immobilize" means the act of rendering a
161 vehicle or a vessel inoperable by the use of a device such as a
162 "boot" or "club," the "Barnacle," or any other device that
163 renders the vehicle or the vessel inoperable.

164 Section 4. Section 166.04465, Florida Statutes, is created
165 to read:

166 166.04465 Rules and ordinances relating to towing or to
167 vehicle immobilization services.-

168 (1) A municipality may not enact an ordinance or rule that
169 would impose a fee or charge on an authorized wrecker operator
170 as defined in s. 323.002(1); on a towing business for towing,
171 impounding, or storing a vehicle or vessel; or a vehicle
172 immobilization service as defined in s. 715.08. As used in this
173 section, the term "towing business" means a business that
174 provides towing services for monetary gain.

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

177 (a) Levy a reasonable business tax under s. 205.0315, s.
178 205.043, or s. 205.0535.

179 (b) Impose on and collect from the registered owner or
180 other legally authorized person in control of a vehicle or
181 vessel, or the lienholder of a vehicle or vessel, a reasonable
182 administrative fee or charge not to exceed 25 percent of the
183 maximum towing or immobilization rate, to cover the cost of
184 enforcement, including parking enforcement, by the municipality
185 when the vehicle or vessel is towed from or immobilized on
186 public property. However, an authorized wrecker operator, towing
187 business, or vehicle immobilization service may impose and
188 collect the administrative fee or charge on behalf of the
189 municipality and shall remit such fee or charge to the
190 municipality after it is collected.

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

194 323.002 County and municipal wrecker operator systems;
195 penalties for operation outside of system.-

196 (4) (a) Except as provided in paragraph (b), a county or
197 municipality may not adopt or maintain an ordinance or rule that
198 imposes a charge, cost, expense, fine, fee, or penalty on a
199 registered owner or other legally authorized person in custody
200 or in control of a vehicle or vessel, or the lienholder of a
201 vehicle or vessel, when the vehicle or vessel is towed by an
202 authorized wrecker operator under this chapter.

203 (b) A county or municipality may adopt or maintain an

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204 ordinance or rule that imposes a reasonable administrative fee
205 or charge on the registered owner or other legally authorized
206 person in control of a vehicle or vessel, or the lienholder of a
207 vehicle or vessel, when the vehicle or vessel is towed by an
208 authorized wrecker operator. The fee or charge may not exceed 25
209 percent of the maximum towing rate, to cover the cost of
210 enforcement, including parking enforcement, by the county or
211 municipality when the vehicle or vessel is towed from public
212 property. However, an authorized wrecker operator or towing
213 business may impose and collect the administrative fee or charge
214 on behalf of the county or municipality and shall remit such fee
215 or charge to the county or municipality after it is collected.

216 (c) This subsection does not affect an ordinance,
217 resolution, or regulation enacted on or before January 1, 2019,
218 by a charter county with a population exceeding 1.3 million
219 according to the most recent decennial census which imposes a
220 charge, cost, expense, fine, fee, or penalty on a registered
221 owner or other legally authorized person in control of a vehicle
222 or vessel, or the lienholder of a vehicle or vessel, when the
223 vehicle or vessel is towed by an authorized wrecker operator
224 under this chapter.

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

227 713.78 Liens for recovering, towing, or storing vehicles
228 and vessels.—

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

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- 233 (a) The owner thereof;
- 234 (b) The owner or lessor, or a person authorized by the
235 owner or lessor, of property on which such vehicle or vessel is
236 wrongfully parked, and the removal is done in compliance with s.
237 715.07;
- 238 (c) The landlord or a person authorized by the landlord,
239 when such motor vehicle or vessel remained on the premises after
240 the tenancy terminated and the removal is done in compliance
241 with s. 83.806 or s. 715.104; or
- 242 (d) Any law enforcement agency,

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244 she or he shall have a lien on the vehicle or vessel for a
245 reasonable towing fee, for a reasonable administrative fee or
246 charge imposed by a county or a municipality, and for a
247 reasonable storage fee; except that a ~~no~~ storage fee may not
248 ~~shall~~ be charged if the vehicle or the vessel is stored for less
249 than 6 hours.

250 Section 7. Subsection (2) and present subsection (4) of
251 section 715.07, Florida Statutes, are amended, and present
252 subsection (5) of that section is redesignated as subsection
253 (4), to read:

254 715.07 Vehicles or vessels parked on private property;
255 towing.—

256 (2) The owner or lessee of real property, or any person
257 authorized by the owner or lessee, which person may be the
258 designated representative of the condominium association if the
259 real property is a condominium, may cause any vehicle or vessel
260 parked on such property without her or his permission to be
261 removed by a person regularly engaged in the business of towing

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262 vehicles or vessels, without liability for the costs of removal,
263 transportation, or storage or damages caused by such removal,
264 transportation, or storage, under any of the following
265 circumstances:

266 (a) The towing or removal of any vehicle or vessel from
267 private property without the consent of the registered owner or
268 other legally authorized person in control of that vehicle or
269 vessel is subject to strict compliance with the following
270 conditions and restrictions:

271 1.a. Any towed or removed vehicle or vessel must be stored
272 at a site within a 10-mile radius of the point of removal in any
273 county of 500,000 population or more, and within a 15-mile
274 radius of the point of removal in any county of less than
275 500,000 population. That site must be open for the purpose of
276 redemption of vehicles on any day that the person or firm towing
277 such vehicle or vessel is open for towing purposes, from 8:00
278 a.m. to 6:00 p.m., and, when closed, shall have prominently
279 posted a sign indicating a telephone number where the operator
280 of the site can be reached at all times. Upon receipt of a
281 telephoned request to open the site to redeem a vehicle or
282 vessel, the operator shall return to the site within 1 hour or
283 she or he will be in violation of this section.

284 b. If no towing business providing such service is located
285 within the area of towing limitations set forth in sub-
286 subparagraph a., the following limitations apply: any towed or
287 removed vehicle or vessel must be stored at a site within a 20-
288 mile radius of the point of removal in any county of 500,000
289 population or more, and within a 30-mile radius of the point of
290 removal in any county of less than 500,000 population.

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291 2. The person or firm towing or removing the vehicle or
292 vessel shall, within 30 minutes after completion of such towing
293 or removal, notify the municipal police department or, in an
294 unincorporated area, the sheriff, of such towing or removal, the
295 storage site, the time the vehicle or vessel was towed or
296 removed, and the make, model, color, and license plate number of
297 the vehicle or description and registration number of the vessel
298 and shall obtain the name of the person at that department to
299 whom such information was reported and note that name on the
300 trip record.

301 3. A person in the process of towing or removing a vehicle
302 or vessel from the premises or parking lot in which the vehicle
303 or vessel is not lawfully parked must stop when a person seeks
304 the return of the vehicle or vessel. The vehicle or vessel must
305 be returned upon the payment of a reasonable service fee of not
306 more than one-half of the posted rate for the towing or removal
307 service as provided in subparagraph 6. The vehicle or vessel may
308 be towed or removed if, after a reasonable opportunity, the
309 owner or legally authorized person in control of the vehicle or
310 vessel is unable to pay the service fee. If the vehicle or
311 vessel is redeemed, a detailed signed receipt must be given to
312 the person redeeming the vehicle or vessel.

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

316 5. Except for property appurtenant to and obviously a part
317 of a single-family residence, and except for instances when
318 notice is personally given to the owner or other legally
319 authorized person in control of the vehicle or vessel that the

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320 area in which that vehicle or vessel is parked is reserved or
321 otherwise unavailable for unauthorized vehicles or vessels and
322 that the vehicle or vessel is subject to being removed at the
323 owner's or operator's expense, any property owner or lessee, or
324 person authorized by the property owner or lessee, prior to
325 towing or removing any vehicle or vessel from private property
326 without the consent of the owner or other legally authorized
327 person in control of that vehicle or vessel, must post a notice
328 meeting the following requirements:

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

334 b. The notice must clearly indicate, ~~in not less than 2-~~
335 ~~inch high, light-reflective letters on a contrasting background,~~
336 that unauthorized vehicles will be towed away at the owner's
337 expense. The words "tow-away zone" must be included on the sign
338 ~~in not less than 4-inch high letters.~~

339 c. The notice must also provide the name and current
340 telephone number of the person or firm towing or removing the
341 vehicles or vessels.

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

347 e. The local government may require permitting and
348 inspection of these signs prior to any towing or removal of

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349 vehicles or vessels being authorized.

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

356 g. A property owner towing or removing vessels from real
357 property must post notice, consistent with the requirements in
358 sub-subparagraphs a.-f., which apply to vehicles, that
359 unauthorized vehicles or vessels will be towed away at the
360 owner's expense.

361
362 A business owner or lessee may authorize the removal of a
363 vehicle or vessel by a towing company when the vehicle or vessel
364 is parked in such a manner that restricts the normal operation
365 of business; and if a vehicle or vessel parked on a public
366 right-of-way obstructs access to a private driveway the owner,
367 lessee, or agent may have the vehicle or vessel removed by a
368 towing company upon signing an order that the vehicle or vessel
369 be removed without a posted tow-away zone sign.

370 6. Any person or firm that tows or removes vehicles or
371 vessels and proposes to require an owner, operator, or person in
372 custody or control of a vehicle or vessel to pay the costs of
373 towing and storage prior to redemption of the vehicle or vessel
374 must file and keep on record with the local law enforcement
375 agency a complete copy of the current rates to be charged for
376 such services and post at the storage site an identical rate
377 schedule and any written contracts with property owners,

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378 lessees, or persons in control of property which authorize such
379 person or firm to remove vehicles or vessels as provided in this
380 section.

381 7. Any person or firm towing or removing any vehicles or
382 vessels from private property without the consent of the owner
383 or other legally authorized person in custody or control of the
384 vehicles or vessels shall, on any trucks, wreckers as defined in
385 s. 713.78(1)(c), or other vehicles used in the towing or
386 removal, have the name, address, and telephone number of the
387 company performing such service clearly printed ~~in contrasting~~
388 ~~colors~~ on the driver and passenger sides of the vehicle. ~~The~~
389 ~~name shall be in at least 3-inch permanently affixed letters,~~
390 ~~and the address and telephone number shall be in at least 1-inch~~
391 ~~permanently affixed letters.~~

392 8. Vehicle entry for the purpose of removing the vehicle or
393 vessel shall be allowed with reasonable care on the part of the
394 person or firm towing the vehicle or vessel. Such person or firm
395 shall be liable for any damage occasioned to the vehicle or
396 vessel if such entry is not in accordance with the standard of
397 reasonable care.

398 9. When a vehicle or vessel has been towed or removed
399 pursuant to this section, it must be released to its owner or to
400 the person in custody or control ~~custodian~~ within one hour after
401 requested. Any vehicle or vessel owner or the person in custody
402 or control ~~agent~~ shall have the right to inspect the vehicle or
403 vessel before accepting its return, and no release or waiver of
404 any kind which would release the person or firm towing the
405 vehicle or vessel from liability for damages noted by the owner
406 or by the person in custody or control ~~other legally authorized~~

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407 ~~person~~ at the time of the redemption may be required from any
408 vehicle or vessel owner, ~~custodian,~~ or person in custody or
409 control agent as a condition of release of the vehicle or vessel
410 to its owner. A detailed, signed receipt showing the legal name
411 of the company or person towing or removing the vehicle or
412 vessel must be given to the person paying towing or storage
413 charges at the time of payment, whether requested or not.

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

418 ~~(4) When a person improperly causes a vehicle or vessel to~~
419 ~~be removed, such person shall be liable to the owner or lessee~~
420 ~~of the vehicle or vessel for the cost of removal,~~
421 ~~transportation, and storage; any damages resulting from the~~
422 ~~removal, transportation, or storage of the vehicle or vessel;~~
423 ~~attorney's fees; and court costs.~~

424 Section 8. Section 715.08, Florida Statutes, is created to
425 read:

426 715.08 Vehicle immobilization services.-

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

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

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

433 (c) "Operator" means any person, as defined in s. 1.01(3),
434 individual, or entity, including, but not limited to, a sole
435 proprietor, an independent contractor, a partnership, or a

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436 similar business entity, offering or operating a vehicle
437 immobilization service.

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

443 (e) "Vehicle immobilization service" means any service in
444 which vehicles are immobilized.

445 (2) VEHICLE IMMOBILIZATION OPERATIONS; REQUIREMENTS.-

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

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

451 (c) It is unlawful for any person to act as an operator if
452 the person also has ownership or any other valuable
453 consideration in property or a lot being used for the business
454 of parking, or allowing for the parking of, motor vehicles or is
455 engaged in the business of parking lot or valet parking
456 operations.

457 (d) Each operator shall conduct vehicle immobilization
458 services using a name that is distinguishable from any other
459 existing operator.

460 (e)1. An operator shall issue all individuals under the
461 operator's employment, or who are acting on behalf of the
462 operator, including the operator himself or herself, or
463 partners, members, or officers of the operator, a photo
464 identification with the name of the operator. Such an individual

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465 shall carry this operator-issued identification with him or her
466 at all times while performing vehicle immobilization services.

467 2. All individuals under an operator's employment, or who
468 are acting on behalf of the operator, including the operator
469 himself or herself, or partners, members, or officers of the
470 operator, shall wear a uniform that clearly identifies the name
471 of the operator while performing vehicle immobilization
472 services.

473 3. All vehicles being used by operators or individuals
474 under an operator's employment to perform vehicle immobilization
475 services must have prominently displayed on both sides of each
476 vehicle the name of the operator and that the operator performs
477 vehicle immobilization services, the address from which the
478 operator conducts business, and the telephone number of the
479 operator. The lettering must be in a contrasting color to the
480 color of the vehicle, or if a vehicle magnet or decal is used,
481 the lettering must be in a contrasting color to the color of the
482 magnet or decal. The lettering must be at least one and one-half
483 inches in height.

484 (f)1. An operator may conduct vehicle immobilization
485 services 24 hours per day, 7 days per week, and 365 days per
486 year.

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

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

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

496 2. The fee required to remove the immobilization device,
497 the name of the operator, and the telephone number to call to
498 have the immobilization device removed.

499 (h) It is unlawful for a vehicle immobilization service or
500 operator to:

501 1. Immobilize vehicles on any private property without
502 having entered into a valid written contract for vehicle
503 immobilization services with the private property owner, the
504 lawful lessee, the managing agent, or other person in control of
505 the property;

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

509 3. Fail to release a vehicle from immobilization within 1
510 hour after receipt of payment from the owner, the driver, or the
511 person in charge of a vehicle that has been immobilized; and

512 4. Fail to provide a receipt of payment of the
513 immobilization fee to the owner, the driver, or the person in
514 custody or in control of an immobilized vehicle. The receipt
515 must have the name, address, and telephone number of the
516 operator; the name of the individual under the operator's
517 employment or the partner, member, or officer of such operator
518 who removed the immobilization device; and the operator's
519 license number as issued by the department.

520 (i)1. If the application of a vehicle immobilization device
521 damages a vehicle, the operator shall pay the cost of repairs
522 for that damage.

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523 2. If the owner, the driver, or the person in charge of a
524 motor vehicle to which an immobilization device has been
525 installed attempts to operate such motor vehicle or to remove
526 the device, then the operator is not liable for any damage to
527 the vehicle resulting from such attempt. In such an instance,
528 the owner, the driver, or the person in charge of the
529 immobilized vehicle is liable to the operator for the cost of
530 damage to the vehicle immobilization device.

531 (j) An operator shall maintain minimum insurance coverage
532 in the amount of \$1 million in commercial general liability, \$1
533 million in commercial automobile liability, \$1 million in garage
534 liability, \$1 million in professional liability, and \$1 million
535 in umbrella coverage and shall have workers' compensation
536 coverage on all employees.

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

539 (a) Procure a license issued by a local government by
540 fraudulent conduct or by a false statement of a material fact.

541 (b) Pay, in the form of a gratuity or any other valuable
542 consideration, any person who does not have ownership in
543 property or in a lot being used for the business of parking, or
544 allowing for the parking of, motor vehicles for information as
545 to illegally parked vehicles.

546 (c) Make any payment or other valuable consideration to an
547 owner, an employee, an agent, or a person in possession of
548 property or a lot that is being used for the business of
549 parking, or allowing for the parking of, motor vehicles in
550 excess of the reasonable and customary fee ordinarily charged by
551 such person in possession of such property or lot for parking

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552 thereon.

553 (d) Charge fees in excess of those provided for in this
554 section.

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

558 (4) SIGNAGE; REQUIREMENTS.-

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

562 1. The operator shall install signs at each designated
563 entrance to a parking lot or parking area where parking
564 prohibitions are in effect. If there is no designated entrance,
565 the operator shall erect the signs so they are clearly visible
566 from every parking space;

567 2. Signs must be a minimum of 18 inches by 24 inches, or if
568 not allowed in such size, the maximum allowable size, with
569 lettering a minimum height of one and one-half inches; and

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

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

574
575 1. WARNING: IMMOBILIZATION ENFORCED 24/7.

576 2. UNAUTHORIZED VEHICLES MAY BE IMMOBILIZED AT OWNER'S RISK
577 AND EXPENSE.

578 3. THE IMMOBILIZATION OPERATOR IS ... (insert name of
579 vehicle immobilization service)....

580 4. THE TELEPHONE NUMBER FOR IMMOBILIZATION REMOVAL IS

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581 ...(insert operator's telephone number)....

582

583 (c) No abbreviations may be used on signs required under
584 this subsection.

585 (5) ADMINISTRATIVE ACTIONS; OPERATOR RIGHTS.—

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

590 (b) Adverse actions may not be taken regarding any license
591 issued pursuant to this section until and after notice has been
592 provided and a hearing has been held by the local government.
593 Notice of such hearing must be given in writing and served at
594 least 30 days before the date of a hearing. The notice must
595 state the grounds of the complaint against the holder of such
596 license and must designate the time and place where such hearing
597 will be held. The notice must be served upon the license holder
598 via certified mail, signature required, addressed to the license
599 holder at the address provided on the operator's current
600 application.

601 (c) Any operator whose license has been revoked pursuant to
602 this section is disqualified from reapplying to the local
603 government for another license for 12 months immediately
604 following the revocation. The violation of any provision of this
605 section by any person with any ownership interest in the vehicle
606 immobilization service may result in the revocation of the
607 operator's license.

608 (d) The maximum fine for any violation of this section is
609 \$1,000. The maximum suspension of a license for any one

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610 violation of this section is 30 days.

611 (6) COUNTY ORDINANCES NOT AFFECTED.—This section does not
612 affect an ordinance, resolution, or regulation enacted on or
613 before January 1, 2019, by a charter county with a population
614 exceeding 1.3 million according to the most recent decennial
615 census which relates to the towing, immobilization, removal, or
616 storage of vehicles or vessels, including any amendment or
617 revision made to such ordinance, resolution, or regulation after
618 July 1, 2019.

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