

By Senator Hooper

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1 A bill to be entitled
2 An act relating to towing and immobilizing vehicles
3 and vessels; amending ss. 125.0103 and 166.043, F.S.;
4 authorizing local governments to enact rates to tow or
5 immobilize vessels on private property and to remove
6 and store vessels under specified circumstances;
7 requiring counties to establish maximum rates for such
8 towing, immobilization, removal, and storage of
9 vessels; providing applicability; creating s.
10 125.01047, F.S.; prohibiting counties from enacting
11 certain ordinances or rules that impose fees or
12 charges on authorized wrecker operators or towing
13 businesses; defining the term "towing business";
14 providing exceptions; authorizing authorized wrecker
15 operators or towing businesses to impose and collect a
16 certain administrative fee or charge on behalf of the
17 county, subject to certain requirements; providing
18 applicability; providing construction; prohibiting a
19 certain charter county from imposing any new business
20 tax, fee, or charge that was not in effect on a
21 specified date on a towing business or an authorized
22 wrecker operator; providing restrictions and
23 requirements on a certain administrative fee or charge
24 imposed and collected by such charter county; defining
25 the term "charter county"; creating s. 166.04465,
26 F.S.; prohibiting municipalities from enacting certain
27 ordinances or rules that impose fees or charges on
28 authorized wrecker operators or towing businesses;
29 defining the term "towing business"; providing

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30 exceptions; authorizing authorized wrecker operators
31 or towing businesses to impose and collect a certain
32 administrative fee or charge on behalf of the
33 municipality, subject to certain requirements;
34 amending s. 323.002, F.S.; prohibiting counties or
35 municipalities from adopting or maintaining in effect
36 certain ordinances or rules that impose charges,
37 costs, expenses, fines, fees, or penalties on
38 authorized wrecker operators or registered owners,
39 other legally authorized persons in control, or
40 lienholders of vehicles or vessels under certain
41 conditions; providing an exception; authorizing
42 authorized wrecker operators or towing businesses to
43 impose and collect a certain administrative fee or
44 charge on behalf of counties or municipalities,
45 subject to certain requirements; prohibiting counties
46 or municipalities from enacting certain ordinances or
47 rules that require authorized wrecker operators to
48 accept a specified form of payment; requiring that a
49 wrecker operator maintain an operable automatic teller
50 machine for use by the public under certain
51 circumstances; providing exceptions; providing
52 applicability; authorizing certain charter counties to
53 impose a charge, cost, expense, fine, fee, or penalty
54 on an authorized wrecker operator in connection with a
55 certain violation; amending s. 713.78, F.S.;

56 authorizing certain persons to place liens on vehicles
57 or vessels to recover specified fees or charges;
58 amending s. 715.07, F.S.; deleting requirements

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59 regarding notices and signs concerning the towing or
60 removal of vehicles or vessels; deleting a requirement
61 that a certain receipt be signed; prohibiting counties
62 or municipalities from enacting certain ordinances or
63 rules that require towing businesses to accept a
64 specified form of payment; requiring that a towing
65 business maintain an operable automatic teller machine
66 for use by the public under certain circumstances;
67 providing applicability; prohibiting counties or
68 municipalities from authorizing attorney fees in
69 connection with certain towing activities; preempting
70 to the state the regulation of attorney fees in
71 connection with certain towing activities; authorizing
72 a court to award damages, attorney fees, and court
73 costs in certain actions; providing an effective date.
74

75 Be It Enacted by the Legislature of the State of Florida:
76

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

79 125.0103 Ordinances and rules imposing price controls;
80 findings required; procedures.—

81 (1)

82 (b) ~~The provisions of~~ This section does ~~shall~~ not prevent
83 the enactment by local governments of public service rates
84 otherwise authorized by law, including water, sewer, solid
85 waste, public transportation, taxicab, or port rates, rates for
86 towing of vehicles or vessels from or immobilization of vehicles
87 or vessels on private property, or rates for removal and storage

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88 of wrecked or disabled vehicles or vessels from an accident
89 scene or the removal and storage of vehicles or vessels in the
90 event the owner or operator is incapacitated, unavailable,
91 leaves the procurement of wrecker service to the law enforcement
92 officer at the scene, or otherwise does not consent to the
93 removal of the vehicle or vessel.

94 (c) Counties must establish maximum rates that ~~which~~ may be
95 charged on the towing of vehicles or vessels from or
96 immobilization of vehicles or vessels on private property,
97 removal and storage of wrecked or disabled vehicles or vessels
98 from an accident scene, or for the removal and storage of
99 vehicles or vessels, in the event the owner or operator is
100 incapacitated, unavailable, leaves the procurement of wrecker
101 service to the law enforcement officer at the scene, or
102 otherwise does not consent to the removal of the vehicle or
103 vessel. However, if a municipality chooses to enact an ordinance
104 establishing the maximum rates ~~fees~~ for the towing or
105 immobilization of vehicles or vessels as described in paragraph
106 (b), the county's ordinance does ~~shall~~ not apply within such
107 municipality.

108 Section 2. Section 125.01047, Florida Statutes, is created
109 to read:

110 125.01047 Rules and ordinances relating to towing
111 services.-

112 (1) A county may not enact an ordinance or rule that would
113 impose a fee or charge on an authorized wrecker operator, as
114 defined in s. 323.002(1), or on a towing business for towing,
115 impounding, or storing a vehicle or vessel. As used in this
116 section, the term "towing business" means a business that

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117 provides towing services for monetary gain.

118 (2) The prohibition set forth in subsection (1) does not
119 affect a county's authority to:

120 (a) Levy a reasonable business tax under s. 205.0315, s.
121 205.033, or s. 205.0535.

122 (b) Impose and collect a reasonable administrative fee or
123 charge on the registered owner or other legally authorized
124 person in control of a vehicle or vessel, or the lienholder of a
125 vehicle or vessel, not to exceed 25 percent of the maximum
126 towing rate, to cover the cost of enforcement, including parking
127 enforcement, by the county when the vehicle or vessel is towed
128 from public property. An authorized wrecker operator or towing
129 business may impose and collect the administrative fee or charge
130 on behalf of the county and shall remit such fee or charge to
131 the county only after it is collected.

132 (3) (a) This section does not apply to a towing or
133 immobilization licensing, regulatory, or enforcement program of
134 a charter county in which at least 90 percent of the population
135 resides in incorporated municipalities, or of a charter county
136 with at least 38 incorporated municipalities within its
137 territorial boundaries as of January 1, 2020. This section does
138 not affect a charter county's authority to:

139 1. Impose and collect towing operating license fees,
140 license renewal fees, license extension fees, expedite fees,
141 storage site inspection or reinspection fees, criminal
142 background check fees, and tow truck decal fees, including decal
143 renewal fees, expedite fees, and decal replacement fees.

144 2. Impose and collect immobilization operating license
145 fees, license extension fees, license renewal fees, expedite

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146 fees, and criminal background check fees.

147 3. Set maximum rates for the towing or immobilization of
148 vehicles or vessels on private property, including rates based
149 on different classes of towing vehicles, research fees,
150 administrative fees, storage fees, and labor fees; rates for
151 towing services performed or directed by governmental entities;
152 road service rates; winch recovery rates; voluntary expediting
153 fees for vehicle or vessel ownership verification; and to
154 establish conditions in connection with the applicability or
155 payment of maximum rates set for towing or immobilization of
156 vehicles or vessels.

157 4. Impose and collect such other taxes, fees, or charges
158 otherwise authorized by general law, special law, or county
159 ordinance, resolution, or regulation.

160 (b) A charter county may impose and collect an
161 administrative fee or charge as provided in paragraph (2) (b) but
162 may not impose such fee or charge on a towing business or an
163 authorized wrecker operator. If the charter county imposes such
164 administrative fee or charge, the charter county may authorize a
165 towing business or authorized wrecker operator to impose and
166 collect such fee or charge on behalf of the county, and the
167 towing business or authorized wrecker operator shall remit such
168 fee or charge to the charter county only after it is collected.

169 (4) (a) Subsection (1) does not apply to a charter county
170 that had a towing licensing, regulatory, or enforcement program
171 in effect on January 1, 2020. However, such charter county may
172 not impose any new business tax, fee, or charge that was not in
173 effect as of January 1, 2020, on a towing business or an
174 authorized wrecker operator.

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175 (b) A charter county may impose and collect an
176 administrative fee or charge as provided in paragraph (2) (b);
177 however, it may not impose that fee or charge upon a towing
178 business or an authorized wrecker operator. If such charter
179 county imposes such administrative fee or charge, such fee or
180 charge must be imposed on the registered owner or other legally
181 authorized person in control of a vehicle or vessel, or the
182 lienholder of a vehicle or vessel. The fee or charge may not
183 exceed 25 percent of the maximum towing rate to cover the cost
184 of enforcement, including parking enforcement, by the charter
185 county when the vehicle or vessel is towed from public property.
186 The charter county may authorize an authorized wrecker operator
187 or towing business to impose and collect the administrative fee
188 or charge on behalf of the charter county, and the authorized
189 wrecker operator or towing business shall remit such fee or
190 charge to the charter county only after it is collected.

191 (c) For purposes of this subsection, the term "charter
192 county" means a county as defined in s. 125.011(1).

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

195 166.043 Ordinances and rules imposing price controls;
196 findings required; procedures.—

197 (1)

198 (b) ~~The provisions of~~ This section does ~~shall~~ not prevent
199 the enactment by local governments of public service rates
200 otherwise authorized by law, including water, sewer, solid
201 waste, public transportation, taxicab, or port rates, rates for
202 towing of vehicles or vessels from or immobilization of vehicles
203 or vessels on private property, or rates for removal and storage

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204 of wrecked or disabled vehicles or vessels from an accident
205 scene or the removal and storage of vehicles or vessels in the
206 event the owner or operator is incapacitated, unavailable,
207 leaves the procurement of wrecker service to the law enforcement
208 officer at the scene, or otherwise does not consent to the
209 removal of the vehicle or vessel.

210 (c) Counties must establish maximum rates that ~~which~~ may be
211 charged on the towing of vehicles or vessels from or
212 immobilization of vehicles or vessels on private property,
213 removal and storage of wrecked or disabled vehicles or vessels
214 from an accident scene, or for the removal and storage of
215 vehicles or vessels, in the event the owner or operator is
216 incapacitated, unavailable, leaves the procurement of wrecker
217 service to the law enforcement officer at the scene, or
218 otherwise does not consent to the removal of the vehicle or
219 vessel. However, if a municipality chooses to enact an ordinance
220 establishing the maximum rates ~~fees~~ for the towing or
221 immobilization of vehicles or vessels as described in paragraph
222 (b), the county's ordinance established under s. 125.0103 does
223 ~~shall~~ not apply within such municipality.

224 Section 4. Section 166.04465, Florida Statutes, is created
225 to read:

226 166.04465 Rules and ordinances relating to towing
227 services.-

228 (1) A municipality may not enact an ordinance or rule that
229 would impose a fee or charge on an authorized wrecker operator,
230 as defined in s. 323.002(1), or on a towing business for towing,
231 impounding, or storing a vehicle or vessel. As used in this
232 section, the term "towing business" means a business that

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233 provides towing services for monetary gain.

234 (2) The prohibition set forth in subsection (1) does not
235 affect a municipality's authority to:

236 (a) Levy a reasonable business tax under s. 205.0315, s.
237 205.043, or s. 205.0535.

238 (b) Impose and collect a reasonable administrative fee or
239 charge on the registered owner or other legally authorized
240 person in control of a vehicle or vessel, or the lienholder of a
241 vehicle or vessel, not to exceed 25 percent of the maximum
242 towing rate, to cover the cost of enforcement, including parking
243 enforcement, by the municipality when the vehicle or vessel is
244 towed from public property. An authorized wrecker operator or
245 towing business may impose and collect the administrative fee or
246 charge on behalf of the municipality and shall remit such fee or
247 charge to the municipality only after it is collected.

248 Section 5. Present subsection (4) of section 323.002,
249 Florida Statutes, is redesignated as subsection (6), and new
250 subsections (4) and (5) are added to that section, to read:

251 323.002 County and municipal wrecker operator systems;
252 penalties for operation outside of system.-

253 (4) (a) Except as provided in paragraph (b), a county or
254 municipality may not adopt or maintain in effect an ordinance or
255 rule that imposes a charge, cost, expense, fine, fee, or penalty
256 on an authorized wrecker operator, the registered owner or other
257 legally authorized person in control of a vehicle or vessel, or
258 the lienholder of a vehicle or vessel when the vehicle or vessel
259 is towed by an authorized wrecker operator under this chapter.

260 (b) A county or municipality may adopt or maintain an
261 ordinance or rule that imposes a reasonable administrative fee

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262 or charge on the registered owner or other legally authorized
263 person in control of a vehicle or vessel, or the lienholder of a
264 vehicle or vessel, that is towed by an authorized wrecker
265 operator, not to exceed 25 percent of the maximum towing rate,
266 to cover the cost of enforcement, including parking enforcement,
267 by the county or municipality when the vehicle or vessel is
268 towed from public property. An authorized wrecker operator or
269 towing business may impose and collect the administrative fee or
270 charge on behalf of the county or municipality and shall remit
271 such fee or charge to the county or municipality only after it
272 is collected.

273 (c) A county or municipality may not enact an ordinance or
274 rule that requires an authorized wrecker operator to accept a
275 credit card as a form of payment. However, if an authorized
276 wrecker operator does not accept a credit card, the wrecker
277 operator must maintain an operable automatic teller machine for
278 use by the public at its place of business. This paragraph does
279 not apply to a county or municipality that adopted an ordinance
280 or rule before January 1, 2020, requiring an authorized wrecker
281 operator to accept a credit card as a form of payment.

282 (5) Subsection (4) does not apply to the towing or
283 immobilization licensing, regulatory, or enforcement program of
284 a charter county described in s. 125.01047(3) or (4). Such
285 charter county may impose a charge, cost, expense, fine, fee, or
286 penalty on an authorized wrecker operator in connection with a
287 violation of the towing or immobilization program requirements
288 as set forth by ordinance, resolution, or regulation.

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

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291 713.78 Liens for recovering, towing, or storing vehicles
292 and vessels.—

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

297 (a) The owner thereof;

298 (b) The owner or lessor, or a person authorized by the
299 owner or lessor, of property on which such vehicle or vessel is
300 wrongfully parked, and the removal is done in compliance with s.
301 715.07;

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

306 (d) Any law enforcement agency,

307

308 she or he shall have a lien on the vehicle or vessel for a
309 reasonable towing fee, for a reasonable administrative fee or
310 charge imposed by a county or municipality, and for a reasonable
311 storage fee; except that a ~~no~~ storage fee may not ~~shall~~ be
312 charged if the vehicle or vessel is stored for fewer ~~less~~ than 6
313 hours.

314 Section 7. Subsections (2) and (4) of section 715.07,
315 Florida Statutes, are amended to read:

316 715.07 Vehicles or vessels parked on private property;
317 towing.—

318 (2) The owner or lessee of real property, or any person
319 authorized by the owner or lessee, which person may be the

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320 designated representative of the condominium association if the
321 real property is a condominium, may cause any vehicle or vessel
322 parked on such property without her or his permission to be
323 removed by a person regularly engaged in the business of towing
324 vehicles or vessels, without liability for the costs of removal,
325 transportation, or storage or damages caused by such removal,
326 transportation, or storage, under any of the following
327 circumstances:

328 (a) The towing or removal of any vehicle or vessel from
329 private property without the consent of the registered owner or
330 other legally authorized person in control of that vehicle or
331 vessel is subject to strict compliance with the following
332 conditions and restrictions:

333 1.a. Any towed or removed vehicle or vessel must be stored
334 at a site within a 10-mile radius of the point of removal in any
335 county of 500,000 population or more, and within a 15-mile
336 radius of the point of removal in any county of fewer ~~less~~ than
337 500,000 population. That site must be open for the purpose of
338 redemption of vehicles on any day that the person or firm towing
339 such vehicle or vessel is open for towing purposes, from 8:00
340 a.m. to 6:00 p.m., and, when closed, shall have prominently
341 posted a sign indicating a telephone number where the operator
342 of the site can be reached at all times. Upon receipt of a
343 telephoned request to open the site to redeem a vehicle or
344 vessel, the operator shall return to the site within 1 hour or
345 she or he will be in violation of this section.

346 b. If no towing business providing such service is located
347 within the area of towing limitations set forth in sub-
348 subparagraph a., the following limitations apply: any towed or

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349 removed vehicle or vessel must be stored at a site within a 20-
350 mile radius of the point of removal in any county of 500,000
351 population or more, and within a 30-mile radius of the point of
352 removal in any county of fewer ~~less~~ than 500,000 population.

353 2. The person or firm towing or removing the vehicle or
354 vessel shall, within 30 minutes after completion of such towing
355 or removal, notify the municipal police department or, in an
356 unincorporated area, the sheriff, of such towing or removal, the
357 storage site, the time the vehicle or vessel was towed or
358 removed, and the make, model, color, and license plate number of
359 the vehicle or description and registration number of the vessel
360 and shall obtain the name of the person at that department to
361 whom such information was reported and note that name on the
362 trip record.

363 3. A person in the process of towing or removing a vehicle
364 or vessel from the premises or parking lot in which the vehicle
365 or vessel is not lawfully parked must stop when a person seeks
366 the return of the vehicle or vessel. The vehicle or vessel must
367 be returned upon the payment of a reasonable service fee of not
368 more than one-half of the posted rate for the towing or removal
369 service as provided in subparagraph 6. The vehicle or vessel may
370 be towed or removed if, after a reasonable opportunity, the
371 owner or legally authorized person in control of the vehicle or
372 vessel is unable to pay the service fee. If the vehicle or
373 vessel is redeemed, a detailed signed receipt must be given to
374 the person redeeming the vehicle or vessel.

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

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378 5. Except for property appurtenant to and obviously a part
379 of a single-family residence, and except for instances when
380 notice is personally given to the owner or other legally
381 authorized person in control of the vehicle or vessel that the
382 area in which that vehicle or vessel is parked is reserved or
383 otherwise unavailable for unauthorized vehicles or vessels and
384 that the vehicle or vessel is subject to being removed at the
385 owner's or operator's expense, any property owner or lessee, or
386 person authorized by the property owner or lessee, before ~~prior~~
387 ~~to~~ towing or removing any vehicle or vessel from private
388 property without the consent of the owner or other legally
389 authorized person in control of that vehicle or vessel, must
390 post a notice meeting the following requirements:

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

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

401 c. The notice must also provide the name and current
402 telephone number of the person or firm towing or removing the
403 vehicles or vessels.

404 d. The sign structure containing the required notices must
405 be permanently installed with the words "tow-away zone" ~~not less~~
406 ~~than 3 feet and not more than 6 feet above ground level~~ and must

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407 be continuously maintained on the property for not fewer ~~less~~
408 than 24 hours before ~~prior to~~ the towing or removal of any
409 vehicles or vessels.

410 e. The local government may require permitting and
411 inspection of these signs before ~~prior to~~ any towing or removal
412 of vehicles or vessels being authorized.

413 f. A business with 20 or fewer parking spaces satisfies the
414 notice requirements of this subparagraph by prominently
415 displaying a sign stating "Reserved Parking for Customers Only
416 Unauthorized Vehicles or Vessels Will be Towed Away At the
417 Owner's Expense" in not less than 4-inch high, light-reflective
418 letters on a contrasting background.

419 g. A property owner towing or removing vessels from real
420 property must post notice, consistent with the requirements in
421 sub-subparagraphs a.-f., which apply to vehicles, that
422 unauthorized vehicles or vessels will be towed away at the
423 owner's expense.

424
425 A business owner or lessee may authorize the removal of a
426 vehicle or vessel by a towing company when the vehicle or vessel
427 is parked in such a manner that restricts the normal operation
428 of business; and if a vehicle or vessel parked on a public
429 right-of-way obstructs access to a private driveway the owner,
430 lessee, or agent may have the vehicle or vessel removed by a
431 towing company upon signing an order that the vehicle or vessel
432 be removed without a posted tow-away zone sign.

433 6. Any person or firm that tows or removes vehicles or
434 vessels and proposes to require an owner, operator, or person in
435 control or custody of a vehicle or vessel to pay the costs of

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436 towing and storage before ~~prior to~~ redemption of the vehicle or
437 vessel must file and keep on record with the local law
438 enforcement agency a complete copy of the current rates to be
439 charged for such services and post at the storage site an
440 identical rate schedule and any written contracts with property
441 owners, lessees, or persons in control of property which
442 authorize such person or firm to remove vehicles or vessels as
443 provided in this section.

444 7. Any person or firm towing or removing any vehicles or
445 vessels from private property without the consent of the owner
446 or other legally authorized person in control or custody of the
447 vehicles or vessels shall, on any trucks, wreckers as defined in
448 s. 713.78(1)(c), or other vehicles used in the towing or
449 removal, have the name, address, and telephone number of the
450 company performing such service clearly printed in contrasting
451 colors on the driver and passenger sides of the vehicle. The
452 name shall be in at least 3-inch permanently affixed letters,
453 and the address and telephone number shall be in at least 1-inch
454 permanently affixed letters.

455 8. Vehicle entry for the purpose of removing the vehicle or
456 vessel shall be allowed with reasonable care on the part of the
457 person or firm towing the vehicle or vessel. Such person or firm
458 shall be liable for any damage occasioned to the vehicle or
459 vessel if such entry is not in accordance with the standard of
460 reasonable care.

461 9. When a vehicle or vessel has been towed or removed
462 pursuant to this section, it must be released to its owner or
463 person in control or custody ~~custodian~~ within 1 ~~one~~ hour after
464 requested. Any vehicle or vessel owner or person in control or

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465 custody has ~~agent shall have~~ the right to inspect the vehicle or
466 vessel before accepting its return, and no release or waiver of
467 any kind which would release the person or firm towing the
468 vehicle or vessel from liability for damages noted by the owner
469 or person in control or custody ~~other legally authorized person~~
470 at the time of the redemption may be required from any vehicle
471 or vessel owner or person in control or custody, ~~custodian, or~~
472 ~~agent~~ as a condition of release of the vehicle or vessel to its
473 owner or person in control or custody. A detailed, ~~signed~~
474 receipt showing the legal name of the company or person towing
475 or removing the vehicle or vessel must be given to the person
476 paying towing or storage charges at the time of payment, whether
477 requested or not.

478 (b) These requirements are minimum standards and do not
479 preclude enactment of additional regulations by any municipality
480 or county including the right to regulate rates when vehicles or
481 vessels are towed from private property, except that a county or
482 municipality may not enact an ordinance or rule that requires a
483 towing business to accept a credit card as a form of payment.
484 However, if a towing business does not accept a credit card, the
485 towing business must maintain an operable automatic teller
486 machine for use by the public at its place of business. This
487 paragraph does not apply to a county or municipality that
488 adopted an ordinance or rule before January 1, 2020, requiring a
489 towing business to accept a credit card as a form of payment.
490 Additionally, a municipality or county may not authorize
491 attorney fees in connection with the towing of vehicles or
492 vessels from private property. The regulation of attorney fees
493 in connection with the towing of vehicles or vessels from

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494 private property is expressly preempted to the state and any
495 municipal or county ordinance on the subject is void.

496 (4) When a person improperly causes a vehicle or vessel to
497 be removed, such person shall be liable to the owner or lessee
498 of the vehicle or vessel for the cost of removal,
499 transportation, and storage ~~and~~ any damages resulting from the
500 removal, transportation, or storage of the vehicle or vessel;
501 ~~attorney's fees; and court costs.~~ If an action is filed, the
502 court may award damages, attorney fees, and court costs in favor
503 of the prevailing party after determining the respective rights
504 of the parties.

505 Section 8. This act shall take effect July 1, 2020.