

## Committee on Transportation

### **CS/CS/HB 179 — Towing and Storage**

by Infrastructure Strategies Committee; Transportation & Modals Subcommittee; and Reps. Bell, Andrade, and others (CS/CS/SB 774 by Rules Committee; Community Affairs Committee; and Senator Perry)

The bill makes numerous changes related to wrecker operator systems and towing-storage operator practices. Specifically, the bill:

- Requires counties, cities, and the Florida Highway Patrol (FHP) to set maximum rates for towing and related fees.
- Prohibits the FHP from excluding a wrecker operator from its wrecker operator system based solely on a prior felony conviction, unless such conviction is for a specified felony offense.
- Provides that a person who disputes the appropriateness of the tow or the fees charged can post a bond to retrieve the vehicle back without having to file a lawsuit.
- Requires an investigating agency to take possession of a stored vehicle after 30 days.
- Requires towing-storage operators accept specified forms of payment and expressly preempts a county or municipal charter, ordinance, resolution, regulation, or rule that conflicts with the provision specifying the forms of payment that a towing-storage operator must accept.
- Requires a county or city with established maximum towing and storage rates to post them on its website and develop a process for investigating and resolving complaints regarding fees charged for more than maximum rates.
- Requires towing-storage operators to maintain a rate sheet listing posted in the place of business, of all fees for the recovery, removal, or storage of a vehicle or vessel.
- Reduces the timeframe in which a towing-storage operator must send the notice of lien, from seven to five business days, and reduces storage charges that may be charged if a lienor fails to provide this notice, also from seven to five days.
- Increases the timeframe an unclaimed vehicle or vessel three years of age or newer may be sold by a lienor, from 50 days to 57 days from the storage date, and requires the notice of lien must not be sent less than 52 days before the sale.
- Provides the timeframe in which an unclaimed vehicle or vessel three years of age or older may be sold by a lienor is 35 days from the storage date, and requires the notice of lien must not be sent less than 30 days before the sale.
- Increases the timeframe for the public notice requirement related to sale on an unclaimed vehicle by a towing-storage operator, from ten days to 20 days before the sale and replaces the requirement for public notice to be made in a newspaper of general circulation with a requirement to be made on a publicly available website maintained by an approved third-party service.
- Specifies the process for for the third-party service to receive information from a towing-storage operator on a towed vehicle or vessel, provide to the Department of Highway Safety and Motor Vehicles, and process other notifications.
- Prohibits a towing-storage operator from releasing a towed rental vehicle or vessel to a renter unless the rental company appoints the renter as an agent of the company.

- Requires a towing-storage operator to make a towed vehicle available for inspection during normal business hours within one hour after arrival at a storage facility.
- Authorizes a towing-storage operator to enter a vehicle or vessel for purposes of towing or storing it, but the operator is liable for damage if the entry is not per the standard of reasonable care.
- Establishes the types of documents the towing-storage operator must accept as documentation of a person's interest in a vehicle or vessel.
- Requires a towing-storage operator retain certain records for at least three years.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

*Vote: Senate 33-0; House 115-0*