

“He who fails to plan, plans to fail.”

A LOOK AT PA'S NEW TOWING LAW

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Growing up, one of my dad's favorite quotes by Winston Churchill was "he who fails to plan, plans to fail." I honestly never truly understood the meaning of this saying until I started practicing law. All too often our office receives calls from clients regarding disputes between them and a towing company. For example a trucking company has a driver who was involved in an accident. Following the accident, law enforcement officers or authorized municipal personnel called a towing company (from a list of towing companies in the area) to come to the scene and tow the truck. In the days following the accident, the trucking company or the insurance company receives an outrageous bill – which requires full payment before the vehicle is returned – from the towing company.

Some of the outrageous expenses charged by towing companies include charging for: more hours of service than the work required, excess employees and tow trucks which were unnecessarily dispatched to the scene, or work that was not

necessary. To add to the trucking company's nightmare, every day their truck sits in storage they are being charged storage fees. On average, these fees range from \$50 to \$75 per day. In addition to the storage fees, trucking companies are also losing revenue because their vehicle is out of commission.

In early September, Pennsylvania addressed this issue by enacting the Towing and

Towing Storage Facility Standards Act. The act provides trucking companies new rights regarding the towing and storage of their vehicles.

First, the act provides that a tow truck operator shall undertake towing at the scene of the motor vehicle accident only if summoned to the scene by the vehicle owner or operator, law enforcement, or authorized municipal personnel.

Second, it provides that "the owner or operator of the vehicle being towed shall summon to the scene the tow truck operator of the owner's or operator's choice in consultation with law enforcement or authorized municipal personnel and designate the location where the vehicle to is be towed." This provides the owner or the operator of the vehicle the right to choose the towing operator it wants to come to the scene and the location to be towed.

The act makes an exception to this right if the owner or operator is incapacitated, unable to summon a tow operator, or defers to