

Committee on Community Affairs

CS/CS/HB 133 — Towing and Immobilizing Vehicles and Vessels

by State Affairs Committee; Business and Professions Subcommittee; and Rep. McClain (CS/CS/SB 1332 by Infrastructure and Security Committee; Community Affairs Committee; and Senator Hooper)

The bill makes several changes to current law relating to the towing of vehicles and vessels. Under current law, counties and municipalities may independently regulate many aspects of the towing industry through local ordinances. County and municipal governments may contract with one or more “authorized wrecker operators” to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites within their jurisdiction. Once a contract is established, the county or municipality must create a “wrecker operator system” to apportion towing assignments between the contracted wrecker services.

Some local jurisdictions impose an administrative fee on the registered owner of a vehicle when the vehicle is towed in connection with certain misdemeanors or felonies. Additionally, some local jurisdictions, by ordinance or rule, charge wrecker operators and towing businesses licensing and operating fees for the towing and storage of vehicles.

The bill makes the following changes to the towing regulations provided in current law:

- Prohibits a county or municipality from enacting an ordinance or rule that imposes a fee or charge on authorized wrecker operators or towing businesses for performing towing services;
- Authorizes a county or municipality to impose an administrative fee on the registered owner or lienholder of a vehicle or vessel removed and impounded by an authorized wrecker operator or towing business, as long as the fee does not exceed 25 percent of the local jurisdiction’s maximum towing rate. An authorized wrecker operator or towing operator may impose the fee on behalf of the county or municipality, but such fee must only be remitted to the county or municipality after it has been collected;
- Provides that a wrecker operator or towing business who recovers, removes, or stores a vehicle or vessel must have a lien on the vehicle or vessel that includes the value of the administrative fee imposed by a county or municipality;
- Incorporates vessels into the regulatory scheme for the towing of vehicles;
- Defines the term “towing business” to mean a business that provides towing services for monetary gain; and
- Requires tow-away zone notices to be placed within 10 feet from the “road” instead of within 5 feet from the “public right-of-way line.”

The bill exempts certain counties with towing or immobilization licensing, regulatory, or enforcement programs as of January 1, 2020, from the prohibition on imposing a fee or charge on an authorized wrecker operator or a towing business. The counties covered by the exemption are Broward, Palm Beach, and Miami-Dade counties.

If approved by the Governor, these provisions take effect October 1, 2020.
Vote: Senate 34-5; House 81-31