

By Senator Bennett

21-02625A-08

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1 A bill to be entitled

2 An act relating to liens for recovering, towing, or
3 storing vehicles or vessels; amending ss. 125.0103 and
4 166.043, F.S.; requiring that rates for the towing and
5 storage of certain vehicles within certain counties equal
6 rates established by the Division of the Florida Highway
7 Patrol; amending s. 321.051, F.S.; requiring that the
8 division set maximum rates for the towing and storage of
9 certain vehicles; requiring annual rate adjustments that
10 reflect the Consumer Price Index; amending s. 713.78,
11 F.S.; defining the term "department"; revising procedures
12 for notification concerning liens for the recovery of
13 certain costs for recovering, towing, or storing a
14 vehicle or vessel; removing the authority of the
15 Department of Highway Safety and Motor Vehicles to
16 release information concerning the insurance company;
17 establishing fees for the lien notification; revising
18 requirements governing the contents of the notification;
19 revising requirements for locating and notifying persons
20 about the impending sale of an unclaimed vehicle or
21 vessel or its contents; revising requirements concerning
22 public notice of the impending sale; removing duplicative
23 provisions concerning rulemaking by the department;
24 amending s. 715.07, F.S.; conforming cross-references to
25 changes made by the act; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

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29 Section 1. Paragraph (c) of subsection (1) of section
30 125.0103, Florida Statutes, is amended to read:

31 125.0103 Ordinances and rules imposing price controls;
32 findings required; procedures.--

33 (1)

34 (c)1. Counties shall ~~must~~ establish maximum rates that
35 ~~which~~ may be charged on the towing of vehicles from or
36 immobilization of vehicles on private property, removal and
37 storage of wrecked or disabled vehicles from an accident scene or
38 for the removal and storage of vehicles, in the event the owner
39 or operator is incapacitated, unavailable, leaves the procurement
40 of wrecker service to the law enforcement officer at the scene,
41 or otherwise does not consent to the removal of the vehicle.
42 However, if a municipality enacts ~~chooses to enact~~ an ordinance
43 establishing the maximum fees for the towing or immobilization of
44 vehicles as described in paragraph (b), the county's ordinance
45 shall not apply within such municipality.

46 2. Beginning January 1, 2009, and notwithstanding any other
47 law, in any county that has not adopted an ordinance
48 establishing the maximum rates that may be charged for the
49 towing and storage of vehicles as required by this section and
50 s. 166.043, the rates shall be equal to the rates established by
51 the Division of the Florida Highway Patrol under s. 321.051 and
52 adjusted annually to reflect the Consumer Price Index. A county
53 may not adopt an ordinance establishing a rate that is less than
54 the rate established by the Division of the Florida Highway
55 Patrol and adjusted annually to reflect the Consumer Price
56 Index.

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57 Section 2. Paragraph (c) of subsection (1) of section
58 166.043, Florida Statutes, is amended to read:

59 166.043 Ordinances and rules imposing price controls;
60 findings required; procedures.--

61 (1)

62 (c)1. Counties shall ~~must~~ establish maximum rates that ~~which~~
63 may be charged on the towing of vehicles from or immobilization of
64 vehicles on private property, removal and storage of wrecked or
65 disabled vehicles from an accident scene or for the removal and
66 storage of vehicles, in the event the owner or operator is
67 incapacitated, unavailable, leaves the procurement of wrecker
68 service to the law enforcement officer at the scene, or otherwise
69 does not consent to the removal of the vehicle. However, if a
70 municipality enacts ~~chooses to enact~~ an ordinance establishing the
71 maximum fees for the towing or immobilization of vehicles as
72 described in paragraph (b), the county's ordinance established
73 under s. 125.0103 shall not apply within such municipality.

74 2. Beginning January 1, 2009, and notwithstanding any other
75 law, in any county that has not adopted an ordinance
76 establishing the maximum rates that may be charged for the
77 towing and storage of vehicles as required by this section and
78 s. 125.0103, the rates shall be equal to the rates established
79 by the Division of the Florida Highway Patrol under s. 321.051
80 and adjusted annually to reflect the Consumer Price Index. A
81 county may not adopt an ordinance establishing a rate that is
82 less than the rate established by the Division of the Florida
83 Highway Patrol and adjusted annually to reflect the Consumer
84 Price Index.

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85 Section 3. Subsection (2) of section 321.051, Florida
86 Statutes, is amended to read:

87 321.051 Florida Highway Patrol wrecker operator system;
88 penalties for operation outside of system.--

89 (2) The Division of the Florida Highway Patrol of the
90 Department of Highway Safety and Motor Vehicles may ~~is authorized~~
91 ~~to~~ establish within areas designated by the patrol a wrecker
92 operator system using qualified, reputable wrecker operators for
93 removal and storage of wrecked or disabled vehicles from a crash
94 scene or for removal and storage of abandoned vehicles, in the
95 event the owner or operator is incapacitated or unavailable or
96 leaves the procurement of wrecker service to the officer at the
97 scene. All reputable wrecker operators shall be eligible for use
98 in the system provided their equipment and drivers meet
99 recognized safety qualifications and mechanical standards set by
100 rules of the Division of the Florida Highway Patrol for the size
101 of vehicle it is designed to handle. The division is authorized
102 to limit the number of wrecker operators participating in the
103 wrecker operator system, which authority shall not affect wrecker
104 operators currently participating in the system established by
105 this section. The division shall ~~is authorized to~~ establish
106 maximum rates for the towing and storage of vehicles removed at
107 the division's request if, ~~where~~ such rates are ~~have not been~~ set
108 by a county or municipality pursuant to s. 125.0103 or s.
109 166.043. The rates shall be adjusted annually to reflect the
110 Consumer Price Index. Such rates are ~~shall not be considered~~
111 rules for the purpose of chapter 120; however, the department
112 shall establish by rule a procedure for setting such rates. Any
113 provision in chapter 120 to the contrary notwithstanding, a final

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114 order of the department denying, suspending, or revoking a
115 wrecker operator's participation in the system is ~~shall be~~
116 reviewable in the manner and within the time provided by the
117 Florida Rules of Appellate Procedure only by a writ of certiorari
118 issued by the circuit court in the county wherein such wrecker
119 operator resides.

120 Section 4. Subsections (1), (4), and (6), paragraph (b) of
121 subsection (11), paragraph (d) of subsection (12), and paragraphs
122 (a) and (g) of subsection (13) of section 713.78, Florida
123 Statutes, are amended to read:

124 713.78 Liens for recovering, towing, or storing vehicles
125 and vessels.--

126 (1) For the purposes of this section, the term:

127 (a) "Department" means the Department of Highway Safety and
128 Motor Vehicles.

129 (b) ~~(a)~~ "Vehicle" means any mobile item, whether motorized
130 or not, which is mounted on wheels.

131 (c) ~~(b)~~ "Vessel" means every description of watercraft,
132 barge, and airboat used or capable of being used as a means of
133 transportation on water, other than a seaplane or a "documented
134 vessel" as defined in s. 327.02(9).

135 (d) ~~(e)~~ "Wrecker" means any truck or other vehicle which is
136 used to tow, carry, or otherwise transport motor vehicles or
137 vessels upon the streets and highways of this state and which is
138 equipped for that purpose with a boom, winch, car carrier, or
139 other similar equipment.

140 (4) (a) Any person regularly engaged in the business of
141 recovering, towing, or storing vehicles or vessels who comes into
142 possession of a vehicle or vessel pursuant to subsection (2), and

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143 | who claims a lien for recovery, towing, or storage services,
144 | shall give notice to the registered owner, the insurance company
145 | insuring the vehicle notwithstanding the provisions of s.
146 | 627.736, and to all persons claiming a lien thereon by submitting
147 | an application for notifications to the department on a form
148 | prescribed by the department within 7 business days after the
149 | date of storage of the vehicle or vessel and shall maintain an
150 | invoice for such services with the signature of the operator who
151 | provided the service or the signature of an employee of the
152 | business attesting to the accuracy of the information on the
153 | invoice, ~~as disclosed by the records in the Department of Highway~~
154 | ~~Safety and Motor Vehicles or of a corresponding agency in any~~
155 | ~~other state.~~

156 | (b) When a ~~Whenever any~~ law enforcement agency authorizes
157 | the removal of a vehicle or vessel or a ~~whenever any~~ towing
158 | service, garage, repair shop, or automotive service, storage, or
159 | parking place notifies the law enforcement agency of possession
160 | of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the
161 | applicable law enforcement agency shall contact the department ~~of~~
162 | ~~Highway Safety and Motor Vehicles,~~ or the appropriate agency of
163 | the state of registration, if known, within 24 hours through the
164 | medium of electronic communications, giving the full description
165 | of the vehicle or vessel. Upon receipt of the full description of
166 | the vehicle or vessel, the department shall search its files to
167 | determine the owner's name, the insurance company insuring the
168 | vehicle or vessel, and whether any person has filed a lien upon
169 | the vehicle or vessel as provided in s. 319.27(2) and (3) and
170 | notify the applicable law enforcement agency within 72 hours. The
171 | person in charge of the towing service, garage, repair shop, or

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172 automotive service, storage, or parking place shall obtain such
173 information from the applicable law enforcement agency within 5
174 days after the date of storage and shall give notice pursuant to
175 paragraph (a). ~~The department may release the insurance company~~
176 ~~information to the requestor notwithstanding the provisions of s.~~
177 ~~627.736.~~

178 (c) Upon receipt of a valid and complete application for
179 notifications, the required notification fee of \$4, and the
180 service fees required under s. 320.04, the department shall
181 notify ~~Notice by certified mail, return receipt requested, shall~~
182 ~~be sent within 7 business days after the date of storage of the~~
183 ~~vehicle or vessel to the registered owner, the insurance company~~
184 ~~insuring the vehicle notwithstanding the provisions of s.~~
185 ~~627.736, and all persons of record claiming a lien against the~~
186 ~~vehicle or vessel. The notification must indicate the company or~~
187 individual who has ~~It shall state the fact of~~ possession of the
188 vehicle or vessel, that a lien as provided in subsection (2) is
189 claimed, that charges have accrued and the amount thereof, that
190 the lien is subject to enforcement pursuant to law, ~~and~~ that the
191 owner or lienholder, if any, has the right to a hearing as set
192 forth in subsection (5), and that any vehicle or vessel that
193 ~~which~~ remains unclaimed, or for which the charges for recovery,
194 towing, or storage services remain unpaid, may be sold free of
195 all prior liens ~~after~~ 35 days after the date of the notification
196 if the vehicle or vessel is more than 3 years of age or ~~after~~ 50
197 days after the date of notification if the vehicle or vessel is 3
198 years of age or less.

199 (d) If the department is unable ~~attempts~~ to locate the name
200 and address of the owner or lienholder ~~prove unsuccessful~~, the

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201 department shall notify the towing-storage operator. Upon receipt
202 of such notice, the towing-storage operator shall conduct,~~after~~
203 ~~7 working days, excluding Saturday and Sunday, of the initial tow~~
204 ~~er storage, notify the public agency of jurisdiction in writing~~
205 ~~by certified mail or acknowledged hand delivery that the towing-~~
206 ~~storage company has been unable to locate the name and address of~~
207 ~~the owner or lienholder and a physical search of the vehicle or~~
208 vessel and make a good faith effort to determine ~~has disclosed no~~
209 ~~ownership information and a good faith effort has been made. The~~
210 towing-storage operator shall send notice of the sale by
211 certified mail to any potential owner, lienor, or insurance
212 company discovered through the physical search and good faith
213 effort.

214 (e) As used in ~~For purposes of this paragraph (d) and~~
215 subsection (9), the term "good faith effort" means that the
216 following checks have been performed by the company to establish
217 prior state of registration and for title:

218 1. Check of vehicle or vessel for any type of tag, tag
219 record, temporary tag, or regular tag.

220 2. Check of law enforcement report for tag number or other
221 information identifying the vehicle or vessel, if the vehicle or
222 vessel was towed at the request of a law enforcement officer.

223 3. Check of trip sheet or tow ticket of tow truck operator
224 to see if a tag was on vehicle or vessel at beginning of tow, if
225 private tow.

226 4. If there is no address of the owner on the impound
227 report, check of law enforcement report to see if an out-of-state
228 address is indicated from driver license information.

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229 5. Check of vehicle or vessel for inspection sticker or
230 other stickers and decals that may indicate a state of possible
231 registration.

232 6. Check of the interior of the vehicle or vessel for any
233 papers that may be in the glove box, trunk, or other areas for a
234 state of registration.

235 7. Check of vehicle for vehicle identification number.

236 8. Check of vessel for vessel registration number.

237 9. Check of vessel hull for a hull identification number
238 that ~~which~~ should be carved, burned, stamped, embossed, or
239 otherwise permanently affixed to the outboard side of the transom
240 or, if there is no transom, to the outmost seaboard side at the
241 end of the hull which ~~that~~ bears the rudder or other steering
242 mechanism.

243 (6) Any vehicle or vessel that ~~which~~ is stored pursuant to
244 subsection (2) and that ~~which~~ remains unclaimed, or for which
245 reasonable charges for recovery, towing, or storing remain
246 unpaid, and any contents not released pursuant to subsection
247 (10), may be sold by the owner or operator of the storage space
248 for such towing or storage charge ~~after~~ 35 days after ~~from~~ the
249 date notification was sent under subsection (4) that ~~time~~ the
250 vehicle or vessel is stored therein if the vehicle or vessel is
251 more than 3 years of age or ~~after~~ 50 days after the date that
252 such notification was sent following the ~~time the vehicle or~~
253 ~~vessel is stored therein~~ if the vehicle or vessel is 3 years of
254 age or less. The sale shall be at public auction for cash. ~~If the~~
255 ~~date of the sale was not included in the notice required in~~
256 ~~subsection (4), notice of the sale shall be given to the person~~
257 ~~in whose name the vehicle or vessel is registered and to all~~

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258 ~~persons claiming a lien on the vehicle or vessel as shown on the~~
259 ~~records of the Department of Highway Safety and Motor Vehicles or~~
260 ~~of the corresponding agency in any other state. Notice shall be~~
261 ~~sent by certified mail, return receipt requested, to the owner of~~
262 ~~the vehicle or vessel and the person having the recorded lien on~~
263 ~~the vehicle or vessel at the address shown on the records of the~~
264 ~~registering agency and shall be mailed not less than 15 days~~
265 ~~before the date of the sale. After diligent search and inquiry,~~
266 ~~if the name and address of the registered owner or the owner of~~
267 ~~the recorded lien cannot be ascertained, the requirements of~~
268 ~~notice by mail may be dispensed with.~~ In addition to the notice
269 by mail, public notice of the time and place of sale shall be
270 made by publishing a notice thereof one time, at least 10 days
271 before ~~prior to~~ the date of the sale, in a newspaper of general
272 circulation in the county in which the sale is to be held. The
273 public notice must include the vehicle or vessel identification
274 or hull number and a description of the vehicle or vessel,
275 including make, model, and year of manufacture. The proceeds of
276 the sale, after payment of reasonable towing and storage charges,
277 and costs of the sale, in that order of priority, shall be
278 deposited with the clerk of the circuit court for the county
279 where the sale was held if the owner is absent, and the clerk
280 shall hold such proceeds subject to the claim of the person
281 legally entitled thereto. The clerk shall be entitled to receive
282 5 percent of such proceeds for the care and disbursement thereof.
283 The certificate of title issued under this law shall be
284 discharged of all liens unless otherwise provided by court order.

285 (11)

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286 (b) ~~The department of Highway Safety and Motor Vehicles~~
287 shall charge a fee of \$3 for each certificate of destruction. A
288 service charge of \$4.25 shall be collected and retained by the
289 tax collector who processes the application.

290 ~~(c) The Department of Highway Safety and Motor Vehicles may~~
291 ~~adopt such rules as it deems necessary or proper for the~~
292 ~~administration of this subsection.~~

293 (12)

294 (d) Employees of the department ~~of Highway Safety and Motor~~
295 ~~Vehicles~~ and law enforcement officers may ~~are authorized to~~
296 inspect the records of any person regularly engaged in the
297 business of recovering, towing, or storing vehicles or vessels or
298 transporting vehicles or vessels by wrecker, tow truck, or car
299 carrier, to ensure compliance with the requirements of this
300 section. Any person who fails to maintain records, or fails to
301 produce records when required in a reasonable manner and at a
302 reasonable time, commits a misdemeanor of the first degree,
303 punishable as provided in s. 775.082 or s. 775.083.

304 (13) (a) Upon the department's receipt ~~by the department of~~
305 ~~Highway Safety and Motor Vehicles~~ of written notice from a
306 wrecker operator who claims a wrecker operator's lien under
307 paragraph (2) (c) or paragraph (2) (d) for recovery, towing, or
308 storage of an abandoned vehicle or vessel upon instructions from
309 any law enforcement agency, for which a certificate of
310 destruction has been issued under subsection (11), the department
311 shall place the name of the registered owner of that vehicle or
312 vessel on the list of those persons who may not be issued a
313 license plate or revalidation sticker for any motor vehicle under
314 s. 320.03(8). If the vehicle or vessel is owned jointly by more

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315 than one person, the name of each registered owner shall be
316 placed on the list. The notice of wrecker operator's lien shall
317 be submitted on forms provided by the department, which must
318 include:

319 1. The name, address, and telephone number of the wrecker
320 operator.

321 2. The name of the registered owner of the vehicle or
322 vessel and the address to which the wrecker operator provided
323 notice of the lien to the registered owner under subsection (4).

324 3. A general description of the vehicle or vessel,
325 including its color, make, model, body style, and year.

326 4. The vehicle identification number (VIN); registration
327 license plate number, state, and year; validation decal number,
328 state, and year; vessel registration number; hull identification
329 number; or other identification number, as applicable.

330 5. The name of the person or the corresponding law
331 enforcement agency that requested that the vehicle or vessel be
332 recovered, towed, or stored.

333 6. The amount of the wrecker operator's lien, not to exceed
334 the amount allowed by paragraph (b).

335 (g) The department of ~~Highway Safety and Motor Vehicles~~ may
336 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
337 this section ~~subsection~~.

338 Section 5. Paragraph (a) of subsection (2) of section
339 715.07, Florida Statutes, is amended to read:

340 715.07 Vehicles or vessels parked on private property;
341 towing.--

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

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344 designated representative of the condominium association if the
345 real property is a condominium, may cause any vehicle or vessel
346 parked on such property without her or his permission to be
347 removed by a person regularly engaged in the business of towing
348 vehicles or vessels, without liability for the costs of removal,
349 transportation, or storage or damages caused by such removal,
350 transportation, or storage, under any of the following
351 circumstances:

352 (a) The towing or removal of any vehicle or vessel from
353 private property without the consent of the registered owner or
354 other legally authorized person in control of that vehicle or
355 vessel is subject to strict compliance with the following
356 conditions and restrictions:

357 1.a. Any towed or removed vehicle or vessel must be stored
358 at a site within a 10-mile radius of the point of removal in any
359 county of 500,000 population or more, and within a 15-mile radius
360 of the point of removal in any county of less than 500,000
361 population. That site must be open for the purpose of redemption
362 of vehicles on any day that the person or firm towing such
363 vehicle or vessel is open for towing purposes, from 8:00 a.m. to
364 6:00 p.m., and, when closed, shall have prominently posted a sign
365 indicating a telephone number where the operator of the site can
366 be reached at all times. Upon receipt of a telephoned request to
367 open the site to redeem a vehicle or vessel, the operator shall
368 return to the site within 1 hour or she or he will be in
369 violation of this section.

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

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373 removed vehicle or vessel must be stored at a site within a 20-
374 mile radius of the point of removal in any county of 500,000
375 population or more, and within a 30-mile radius of the point of
376 removal in any county of less than 500,000 population.

377 2. The person or firm towing or removing the vehicle or
378 vessel shall, within 30 minutes after completion of such towing
379 or removal, notify the municipal police department or, in an
380 unincorporated area, the sheriff, of such towing or removal, the
381 storage site, the time the vehicle or vessel was towed or
382 removed, and the make, model, color, and license plate number of
383 the vehicle or description and registration number of the vessel
384 and shall obtain the name of the person at that department to
385 whom such information was reported and note that name on the trip
386 record.

387 3. A person in the process of towing or removing a vehicle
388 or vessel from the premises or parking lot in which the vehicle
389 or vessel is not lawfully parked must stop when a person seeks
390 the return of the vehicle or vessel. The vehicle or vessel must
391 be returned upon the payment of a reasonable service fee of not
392 more than one-half of the posted rate for the towing or removal
393 service as provided in subparagraph 6. The vehicle or vessel may
394 be towed or removed if, after a reasonable opportunity, the owner
395 or legally authorized person in control of the vehicle or vessel
396 is unable to pay the service fee. If the vehicle or vessel is
397 redeemed, a detailed signed receipt must be given to the person
398 redeeming the vehicle or vessel.

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

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402 5. Except for property appurtenant to and obviously a part
403 of a single-family residence, and except for instances when
404 notice is personally given to the owner or other legally
405 authorized person in control of the vehicle or vessel that the
406 area in which that vehicle or vessel is parked is reserved or
407 otherwise unavailable for unauthorized vehicles or vessels and
408 that the vehicle or vessel is subject to being removed at the
409 owner's or operator's expense, any property owner or lessee, or
410 person authorized by the property owner or lessee, before ~~prior~~
411 ~~to~~ towing or removing any vehicle or vessel from private property
412 without the consent of the owner or other legally authorized
413 person in control of that vehicle or vessel, must post a notice
414 meeting the following requirements:

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

420 b. The notice must clearly indicate, in not less than 2-
421 inch high, light-reflective letters on a contrasting background,
422 that unauthorized vehicles will be towed away at the owner's
423 expense. The words "tow-away zone" must be included on the sign
424 in not less than 4-inch high letters.

425 c. The notice must also provide the name and current
426 telephone number of the person or firm towing or removing the
427 vehicles or vessels.

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

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431 | be continuously maintained on the property for not less than 24
432 | hours before ~~prior to~~ the towing or removal of any vehicles or
433 | vessels.

434 | e. The local government may require permitting and
435 | inspection of these signs before ~~prior to~~ any towing or removal
436 | of vehicles or vessels is being authorized.

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

443 | g. A property owner towing or removing vessels from real
444 | property must post notice, consistent with the requirements in
445 | sub-subparagraphs a.-f., which apply to vehicles, that
446 | unauthorized vehicles or vessels will be towed away at the
447 | owner's expense.

448 |
449 | A business owner or lessee may authorize the removal of a vehicle
450 | or vessel by a towing company when the vehicle or vessel is
451 | parked in such a manner that restricts the normal operation of
452 | business; and if a vehicle or vessel parked on a public right-of-
453 | way obstructs access to a private driveway the owner, lessee, or
454 | agent may have the vehicle or vessel removed by a towing company
455 | upon signing an order that the vehicle or vessel be removed
456 | without a posted tow-away zone sign.

457 | 6. Any person or firm that tows or removes vehicles or
458 | vessels and proposes to require an owner, operator, or person in
459 | control of a vehicle or vessel to pay the costs of towing and

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460 storage before ~~prior to~~ redemption of the vehicle or vessel must
461 file and keep on record with the local law enforcement agency a
462 complete copy of the current rates to be charged for such
463 services and post at the storage site an identical rate schedule
464 and any written contracts with property owners, lessees, or
465 persons in control of property which authorize such person or
466 firm to remove vehicles or vessels as provided in this section.

467 7. Any person or firm towing or removing any vehicles or
468 vessels from private property without the consent of the owner or
469 other legally authorized person in control of the vehicles or
470 vessels shall, on any trucks, wreckers as defined in s. 713.78(1)
471 ~~s. 713.78(1)(c)~~, or other vehicles used in the towing or removal,
472 have the name, address, and telephone number of the company
473 performing such service clearly printed in contrasting colors on
474 the driver and passenger sides of the vehicle. The name shall be
475 in at least 3-inch permanently affixed letters, and the address
476 and telephone number shall be in at least 1-inch permanently
477 affixed letters.

478 8. Vehicle entry for the purpose of removing the vehicle or
479 vessel shall be allowed with reasonable care on the part of the
480 person or firm towing the vehicle or vessel. Such person or firm
481 shall be liable for any damage occasioned to the vehicle or
482 vessel if such entry is not in accordance with the standard of
483 reasonable care.

484 9. When a vehicle or vessel has been towed or removed
485 pursuant to this section, it must be released to its owner or
486 custodian within one hour after requested. Any vehicle or vessel
487 owner or agent shall have the right to inspect the vehicle or
488 vessel before accepting its return, and no release or waiver of

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489 any kind which would release the person or firm towing the
490 vehicle or vessel from liability for damages noted by the owner
491 or other legally authorized person at the time of the redemption
492 may be required from any vehicle or vessel owner, custodian, or
493 agent as a condition of release of the vehicle or vessel to its
494 owner. A detailed, signed receipt showing the legal name of the
495 company or person towing or removing the vehicle or vessel must
496 be given to the person paying towing or storage charges at the
497 time of payment, whether requested or not.

498 Section 6. This act shall take effect July 1, 2008.