

1 A bill to be entitled
2 An act relating to towing and immobilizing of 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 defining the term "immobilize"; creating ss. 125.01047
8 and 166.04465, F.S.; prohibiting counties or
9 municipalities from enacting certain ordinances or
10 rules that impose fees or charges on authorized
11 wrecker operators, towing businesses, or vehicle
12 immobilization operators; defining the term "towing
13 business"; providing exceptions; amending s. 323.002,
14 F.S.; prohibiting counties or municipalities from
15 imposing charges, costs, expenses, fines, fees, or
16 penalties on registered owners, other legally
17 authorized persons in control, or lienholders of
18 vehicles or vessels under certain conditions;
19 providing an exception; amending s. 713.78, F.S.;
20 authorizing certain persons to place liens on vehicles
21 or vessels to recover specified fees or charges;
22 amending s. 715.07, F.S.; removing a requirement
23 regarding notices and signs concerning the towing or
24 removal of vehicles and vessels; creating s. 715.08,
25 F.S.; defining terms related to vehicle immobilization

26 devices and operators; requiring persons who
27 immobilize vehicles to obtain a license from specified
28 local governments; specifying persons who are
29 prohibited from being an operator; specifying criteria
30 and requirements for providing services as an
31 operator; providing operator name, uniform, and
32 identification requirements; requiring certain
33 information to be displayed on a motor vehicle used to
34 perform vehicle immobilization services; specifying
35 authorized hours of operation; providing notice
36 requirements upon immobilization of a motor vehicle;
37 specifying unauthorized and prohibited activities by a
38 vehicle immobilization service or operator; providing
39 liability for certain damage; providing exceptions;
40 requiring an operator to maintain certain insurance
41 coverage; specifying signage requirements; providing
42 administrative procedures for complaints against
43 operators; authorizing specified penalties;
44 prohibiting an operator whose license is revoked from
45 reapplying for a license for a specified period;
46 specifying maximum fines; providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Paragraphs (b) and (c) of subsection (1) of

51 section 125.0103, Florida Statutes, are amended to read:

52 125.0103 Ordinances and rules imposing price controls;
53 findings required; procedures.—

54 (1)

55 (b) The provisions of this section shall not prevent the
56 enactment by local governments of public service rates otherwise
57 authorized by law, including water, sewer, solid waste, public
58 transportation, taxicab, or port rates, rates for towing of
59 vehicles or vessels from or immobilization of vehicles or
60 vessels on private property, or rates for removal and storage of
61 wrecked or disabled vehicles or vessels from an accident scene
62 or the removal and storage of vehicles or vessels in the event
63 the owner or operator is incapacitated, unavailable, leaves the
64 procurement of wrecker service to the law enforcement officer at
65 the scene, or otherwise does not consent to the removal of the
66 vehicle or vessel.

67 (c) Counties must establish maximum rates which may be
68 charged on the towing of vehicles or vessels from or
69 immobilization of vehicles or vessels on private property,
70 removal and storage of wrecked or disabled vehicles or vessels
71 from an accident scene or for the removal and storage of
72 vehicles or vessels, in the event the owner or operator is
73 incapacitated, unavailable, leaves the procurement of wrecker
74 service to the law enforcement officer at the scene, or
75 otherwise does not consent to the removal of the vehicle or

76 vessel. However, if a municipality chooses to enact an ordinance
77 establishing the maximum ~~rates~~ ~~fees~~ for the towing or
78 immobilization of vehicles or vessels as described in paragraph
79 (b), the county's ordinance shall not apply within such
80 municipality. For purposes of this paragraph, the term
81 "immobilize" means the act of rendering a vehicle or vessel
82 inoperable by the use of a device such as a "boot" or "club,"
83 the "Barnacle," or any other such device.

84 Section 2. Section 125.01047, Florida Statutes, is created
85 to read:

86 125.01047 Rules and ordinances relating to towing and
87 immobilization services.—

88 (1) A county may not enact an ordinance or rule that would
89 impose a fee or charge on an authorized wrecker operator, as
90 defined in s. 323.002(1), on a towing business for towing,
91 impounding, or storing a vehicle or vessel, or a vehicle
92 immobilization service as defined in s. 715.08. As used in this
93 section, the term "towing business" means a business that
94 provides towing services for monetary gain.

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

97 (a) Levy a reasonable business tax under s. 205.0315, s.
98 205.033, or s. 205.0535.

99 (b) Impose and collect a reasonable administrative fee or
100 charge on the registered owner or other legally authorized

101 person in control of a vehicle or vessel, or the lienholder of a
 102 vehicle or vessel, not to exceed 25 percent of the maximum
 103 towing or immobilization rate, to cover the cost of enforcement,
 104 including parking enforcement, by the county when the vehicle or
 105 vessel is towed or immobilized from public property. However, an
 106 authorized wrecker operator, towing business, or vehicle
 107 immobilization service may impose and collect the administrative
 108 fee or charge on behalf of the county and shall remit such fee
 109 or charge to the county only after it is collected.

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

112 166.043 Ordinances and rules imposing price controls;
 113 findings required; procedures.—

114 (1)

115 (b) The provisions of this section shall not prevent the
 116 enactment by local governments of public service rates otherwise
 117 authorized by law, including water, sewer, solid waste, public
 118 transportation, taxicab, or port rates, rates for towing of
 119 vehicles or vessels from or immobilization of vehicles or
 120 vessels on private property, or rates for removal and storage of
 121 wrecked or disabled vehicles or vessels from an accident scene
 122 or the removal and storage of vehicles or vessels in the event
 123 the owner or operator is incapacitated, unavailable, leaves the
 124 procurement of wrecker service to the law enforcement officer at
 125 the scene, or otherwise does not consent to the removal of the

126 | vehicle or vessel.

127 | (c) Counties must establish maximum rates which may be
128 | charged on the towing of vehicles or vessels from or
129 | immobilization of vehicles or vessels on private property,
130 | removal and storage of wrecked or disabled vehicles or vessels
131 | from an accident scene or for the removal and storage of
132 | vehicles or vessels, in the event the owner or operator is
133 | incapacitated, unavailable, leaves the procurement of wrecker
134 | service to the law enforcement officer at the scene, or
135 | otherwise does not consent to the removal of the vehicle or
136 | vessel. However, if a municipality chooses to enact an ordinance
137 | establishing the maximum rates ~~fees~~ for the towing or
138 | immobilization of vehicles or vessels as described in paragraph
139 | (b), the county's ordinance established under s. 125.0103 shall
140 | not apply within such municipality. For purposes of this
141 | paragraph, the term "immobilize" means the act of rendering a
142 | vehicle or vessel inoperable by the use of a device such as a
143 | "boot" or "club," the "Barnacle," or any other such device.

144 | Section 4. Section 166.04465, Florida Statutes, is created
145 | to read:

146 | 166.04465 Rules and ordinances relating to towing and
147 | immobilization services.—

148 | (1) A municipality may not enact an ordinance or rule that
149 | would impose a fee or charge on an authorized wrecker operator,
150 | as defined in s. 323.002(1), on a towing business for towing,

151 impounding, or storing a vehicle or vessel, or a vehicle
152 immobilization service as defined in s. 715.08. As used in this
153 section, the term "towing business" means a business that
154 provides towing services for monetary gain.

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

157 (a) Levy a reasonable business tax under s. 205.0315, s.
158 205.033, or s. 205.0535.

159 (b) Impose and collect a reasonable administrative fee or
160 charge on the registered owner or other legally authorized
161 person in control of a vehicle or vessel, or the lienholder of a
162 vehicle or vessel, not to exceed 25 percent of the maximum
163 towing or immobilization rate, to cover the cost of enforcement,
164 including parking enforcement, by the county when the vehicle or
165 vessel is towed from or immobilized on public property. However,
166 an authorized wrecker operator, towing business, or vehicle
167 immobilization service may impose and collect the administrative
168 fee or charge on behalf of the municipality and shall remit such
169 fee or charge to the municipality only after it is collected.

170 Section 5. Subsection (4) of section 323.002, Florida
171 Statutes, is renumbered as subsection (5), and a new subsection
172 (4) is added to that section to read:

173 323.002 County and municipal wrecker operator systems;
174 penalties for operation outside of system.-

175 (4) (a) Except as provided in paragraph (b), a county or

176 municipality may not adopt or maintain in effect an ordinance or
177 rule that imposes a charge, cost, expense, fine, fee, or penalty
178 on a registered owner or other legally authorized person in
179 control of a vehicle or vessel, or the lienholder of a vehicle
180 or vessel, when the vehicle or vessel is towed by an authorized
181 wrecker operator under this chapter.

182 (b) A county or municipality may adopt or maintain an
183 ordinance or rule that imposes a reasonable administrative fee
184 or charge on the registered owner or other legally authorized
185 person in control of a vehicle or vessel, or the lienholder of a
186 vehicle or vessel, that is towed by an authorized wrecker
187 operator, not to exceed 25 percent of the maximum towing rate,
188 to cover the cost of enforcement, including parking enforcement,
189 by the county or municipality when the vehicle or vessel is
190 towed from public property. However, an authorized wrecker
191 operator or towing business may impose and collect the
192 administrative fee or charge on behalf of the county or
193 municipality and shall remit such fee or charge to the county or
194 municipality only after it is collected.

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

197 713.78 Liens for recovering, towing, or storing vehicles
198 and vessels.—

199 (2) Whenever a person regularly engaged in the business of
200 transporting vehicles or vessels by wrecker, tow truck, or car

201 carrier recovers, removes, or stores a vehicle or vessel upon
 202 instructions from:

203 (a) The owner thereof;

204 (b) The owner or lessor, or a person authorized by the
 205 owner or lessor, of property on which such vehicle or vessel is
 206 wrongfully parked, and the removal is done in compliance with s.
 207 715.07;

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

212 (d) Any law enforcement agency,

213
 214 she or he shall have a lien on the vehicle or vessel for a
 215 reasonable towing fee, for a reasonable administrative fee or
 216 charge imposed by a county or municipality, and for a reasonable
 217 storage fee; except that no storage fee shall be charged if the
 218 vehicle or vessel is stored for less than 6 hours.

219 Section 7. Paragraph (a) of subsection (2) and subsection
 220 (4) of section 715.07, Florida Statutes, are amended to read:

221 715.07 Vehicles or vessels parked on private property;
 222 towing.—

223 (2) The owner or lessee of real property, or any person
 224 authorized by the owner or lessee, which person may be the
 225 designated representative of the condominium association if the

226 real property is a condominium, may cause any vehicle or vessel
227 parked on such property without her or his permission to be
228 removed by a person regularly engaged in the business of towing
229 vehicles or vessels, without liability for the costs of removal,
230 transportation, or storage or damages caused by such removal,
231 transportation, or storage, under any of the following
232 circumstances:

233 (a) The towing or removal of any vehicle or vessel from
234 private property without the consent of the registered owner or
235 other legally authorized person in control of that vehicle or
236 vessel is subject to substantial ~~strict~~ compliance with the
237 following conditions and restrictions:

238 1.a. Any towed or removed vehicle or vessel must be stored
239 at a site within a 10-mile radius of the point of removal in any
240 county of 500,000 population or more, and within a 15-mile
241 radius of the point of removal in any county of less than
242 500,000 population. That site must be open for the purpose of
243 redemption of vehicles on any day that the person or firm towing
244 such vehicle or vessel is open for towing purposes, from 8:00
245 a.m. to 6:00 p.m., and, when closed, shall have prominently
246 posted a sign indicating a telephone number where the operator
247 of the site can be reached at all times. Upon receipt of a
248 telephoned request to open the site to redeem a vehicle or
249 vessel, the operator shall return to the site within 1 hour or
250 she or he will be in violation of this section.

251 b. If no towing business providing such service is located
252 within the area of towing limitations set forth in sub-
253 subparagraph a., the following limitations apply: any towed or
254 removed vehicle or vessel must be stored at a site within a 20-
255 mile radius of the point of removal in any county of 500,000
256 population or more, and within a 30-mile radius of the point of
257 removal in any county of less than 500,000 population.

258 2. The person or firm towing or removing the vehicle or
259 vessel shall, within 30 minutes after completion of such towing
260 or removal, notify the municipal police department or, in an
261 unincorporated area, the sheriff, of such towing or removal, the
262 storage site, the time the vehicle or vessel was towed or
263 removed, and the make, model, color, and license plate number of
264 the vehicle or description and registration number of the vessel
265 and shall obtain the name of the person at that department to
266 whom such information was reported and note that name on the
267 trip record.

268 3. A person in the process of towing or removing a vehicle
269 or vessel from the premises or parking lot in which the vehicle
270 or vessel is not lawfully parked must stop when a person seeks
271 the return of the vehicle or vessel. The vehicle or vessel must
272 be returned upon the payment of a reasonable service fee of not
273 more than one-half of the posted rate for the towing or removal
274 service as provided in subparagraph 6. The vehicle or vessel may
275 be towed or removed if, after a reasonable opportunity, the

276 owner or legally authorized person in control of the vehicle or
277 vessel is unable to pay the service fee. If the vehicle or
278 vessel is redeemed, a detailed signed receipt must be given to
279 the person redeeming the vehicle or vessel.

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

283 5. Except for property appurtenant to and obviously a part
284 of a single-family residence, and except for instances when
285 notice is personally given to the owner or other legally
286 authorized person in control of the vehicle or vessel that the
287 area in which that vehicle or vessel is parked is reserved or
288 otherwise unavailable for unauthorized vehicles or vessels and
289 that the vehicle or vessel is subject to being removed at the
290 owner's or operator's expense, any property owner or lessee, or
291 person authorized by the property owner or lessee, prior to
292 towing or removing any vehicle or vessel from private property
293 without the consent of the owner or other legally authorized
294 person in control of that vehicle or vessel, must post a notice
295 meeting the following requirements:

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

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

306 c. The notice must also provide the name and current
307 telephone number of the person or firm towing or removing the
308 vehicles or vessels.

309 d. The sign structure containing the required notices must
310 be permanently installed with the words "tow-away zone" ~~not less~~
311 ~~than 3 feet and not more than 6 feet above ground level~~ and must
312 be continuously maintained on the property for not less than 24
313 hours prior to the towing or removal of any vehicles or vessels.

314 e. The local government may require permitting and
315 inspection of these signs prior to any towing or removal of
316 vehicles or vessels being authorized.

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

323 g. A property owner towing or removing vessels from real
324 property must post notice, consistent with the requirements in
325 sub-subparagraphs a.-f., which apply to vehicles, that

326 unauthorized vehicles or vessels will be towed away at the
327 owner's expense.

328
329 A business owner or lessee may authorize the removal of a
330 vehicle or vessel by a towing company when the vehicle or vessel
331 is parked in such a manner that restricts the normal operation
332 of business; and if a vehicle or vessel parked on a public
333 right-of-way obstructs access to a private driveway the owner,
334 lessee, or agent may have the vehicle or vessel removed by a
335 towing company upon signing an order that the vehicle or vessel
336 be removed without a posted tow-away zone sign.

337 6. Any person or firm that tows or removes vehicles or
338 vessels and proposes to require an owner, operator, or person in
339 control or custody of a vehicle or vessel to pay the costs of
340 towing and storage prior to redemption of the vehicle or vessel
341 must file and keep on record with the local law enforcement
342 agency a complete copy of the current rates to be charged for
343 such services and post at the storage site an identical rate
344 schedule and any written contracts with property owners,
345 lessees, or persons in control of property which authorize such
346 person or firm to remove vehicles or vessels as provided in this
347 section.

348 7. Any person or firm towing or removing any vehicles or
349 vessels from private property without the consent of the owner
350 or other legally authorized person in control or custody of the

351 vehicles or vessels shall, on any trucks, wreckers as defined in
352 s. 713.78(1)(c), or other vehicles used in the towing or
353 removal, have the name, address, and telephone number of the
354 company performing such service clearly printed in contrasting
355 colors on the driver and passenger sides of the vehicle. The
356 name shall be in at least 3-inch permanently affixed letters,
357 and the address and telephone number shall be in at least 1-inch
358 permanently affixed letters.

359 8. Vehicle entry for the purpose of removing the vehicle
360 or vessel shall be allowed with reasonable care on the part of
361 the person or firm towing the vehicle or vessel. Such person or
362 firm shall be liable for any damage occasioned to the vehicle or
363 vessel if such entry is not in accordance with the standard of
364 reasonable care.

365 9. When a vehicle or vessel has been towed or removed
366 pursuant to this section, it must be released to its owner or
367 person in control or custody ~~custodian~~ within one hour after
368 requested. Any vehicle or vessel owner or person in control or
369 custody has ~~agent shall have~~ the right to inspect the vehicle or
370 vessel before accepting its return, and no release or waiver of
371 any kind which would release the person or firm towing the
372 vehicle or vessel from liability for damages noted by the owner
373 or the person in control or custody ~~other legally authorized~~
374 ~~person~~ at the time of the redemption may be required from any
375 vehicle or vessel owner, or person in control or custody

376 ~~eustodian, or agent~~ as a condition of release of the vehicle or
 377 vessel to its owner. A detailed, signed receipt showing the
 378 legal name of the company or person towing or removing the
 379 vehicle or vessel must be given to the person paying towing or
 380 storage charges at the time of payment, whether requested or
 381 not.

382 ~~(4) When a person improperly causes a vehicle or vessel to~~
 383 ~~be removed, such person shall be liable to the owner or lessee~~
 384 ~~of the vehicle or vessel for the cost of removal,~~
 385 ~~transportation, and storage; any damages resulting from the~~
 386 ~~removal, transportation, or storage of the vehicle or vessel;~~
 387 ~~attorney's fees; and court costs.~~

388 Section 8. Section 715.08, Florida Statutes, is created to
 389 read:

390 (1) DEFINITIONS.—As used in this section, the term:

391 (a) "Immobilize" means the act of rendering a vehicle or
 392 vessel inoperable by the use of a vehicle immobilization device.

393 (b) "License" means a license, permit, or other similar
 394 grant of authority to operate issued by a local government to an
 395 operator.

396 (c) "Operator" means any person, as defined in s. 1.01(3),
 397 who has received a license and who offers or operates a vehicle
 398 immobilization service.

399 (d) "Vehicle immobilization device" means any mechanical
 400 device designed or used to be attached to a wheel, tire, or

401 other part of a parked motor vehicle or vessel and known by
402 terms such as a "boot" or "club," or "the "Barnacle".

403 (e) "Vehicle immobilization service" means a service
404 provided by an operator in which vehicles are immobilized using
405 vehicle immobilization devices.

406 (2) VEHICLE IMMOBILIZATION OPERATIONS; REQUIREMENTS.—

407 (a) Vehicle immobilization devices may be used upon motor
408 vehicles as provided in this section.

409 (b) A person may not act as an operator within this state
410 unless the person is licensed by the local government in the
411 jurisdiction where the operator will provides services.

412 (c) An operator may not provide immobilization services on
413 any property or lot in which the operator has an ownership or
414 other valuable interest in, if that property or lot is used for
415 the business of parking, or allowing for the parking of, motor
416 vehicles, or is engaged in the business of parking lot or valet
417 parking operations.

418 (d) Each operator shall conduct vehicle immobilization
419 services using a name that is distinguishable from any other
420 licensed operator.

421 (e) An operator and each individual who works for or on
422 behalf of the operator at all times while performing vehicle
423 immobilization services, must:

424 1. Wear a uniform that clearly identifies the operator
425 name used under paragraph (d).

426 2. Carry an operator-issued photographic identification on
 427 his or her person that clearly identifies the operator name used
 428 under paragraph (d).

429 (f) Both sides of a motor vehicle used by an operator or
 430 an individual under the operator's employment to perform vehicle
 431 immobilization services shall have prominently displayed the
 432 operator name used under paragraph (d) and that the operator
 433 performs vehicle immobilization services, the address from which
 434 the operator conducts business, and the telephone number of the
 435 operator. The lettering must be in a color that contrasts with
 436 the color of the vehicle or, if a vehicle magnet or decal is
 437 used, must be in a color that contrasts with the color of the
 438 magnet or decal. The lettering must be at least 1.5 inches in
 439 height.

440 (g)1. An operator may conduct vehicle immobilization
 441 services 24 hours per day, 7 days a week.

442 2. An operator shall maintain a telephone number that is
 443 staffed by a live individual 24 hours per day, 7 days a week, to
 444 communicate immediately with a driver or owner of an immobilized
 445 motor vehicle.

446 (h) An operator who immobilizes a motor vehicle must affix
 447 a notice to the driver's side window containing, at a minimum,
 448 the following information:

449 1. A warning that any attempt to move the vehicle may
 450 damage the vehicle.

- 451 2. The name of the operator;
- 452 3. The telephone number to call to have the immobilization
453 device removed.
- 454 4. The fee for removing the immobilization device.
- 455 (i) A vehicle immobilization service or operator may not:
- 456 1. Immobilize a motor vehicle on private property without
457 having previously entered into a valid written contract for
458 vehicle immobilization services with the private property owner,
459 lawful lessee, managing agent, or other person in control of the
460 property or parking lot.
- 461 2. Fail to arrive at the site of an immobilized motor
462 vehicle within one hour after being contacted by the owner or
463 person in custody or control of the motor vehicle.
- 464 3. Fail to release an immobilized motor vehicle within one
465 hour after receiving full payment from the owner, driver, or
466 person in charge of the motor vehicle.
- 467 4. Fail to provide a receipt after receiving full payment
468 from the owner, driver, or person in charge of the immobilized
469 motor vehicle. The receipt must include the name, address, and
470 telephone number of the operator or the name of the individual
471 under the operator's employment who removed the immobilization
472 device, and the operator's license number.
- 473 (j)1. The operator is liable for the cost of repairing a
474 motor vehicle damaged by a vehicle immobilization device.
- 475 2. The operator is not liable for any damage to a vehicle

476 if the owner, driver, or person in charge of a motor vehicle to
477 which an immobilization device has been installed, attempts to
478 operate the vehicle or to remove the device. If the vehicle
479 immobilization device is damaged in this situation, the owner,
480 driver, or person in charge of the vehicle must pay for the cost
481 of the damage to the device.

482 (k) An operator shall maintain minimum insurance coverage
483 in the amount of \$1 million in commercial general liability, \$1
484 million in commercial automobile liability, \$1 million in garage
485 liability, \$1 million in professional liability, and \$1 million
486 in umbrella coverage and must provide workers' compensation
487 coverage for the employees.

488 (3) PROHIBITED ACTIVITIES.—An operator may not:

489 (a) Procure a license by any fraudulent conduct or false
490 statement of a material fact.

491 (b) Pay any gratuity or other consideration to a person
492 for information concerning illegally parked motor vehicles, if
493 that person does not have an ownership interest in the property
494 or parking lot.

495 (c) Make any payment to a person or agent who has an
496 ownership interest in the property or parking lot, in excess of
497 the reasonable and customary fees ordinarily charged by such
498 person in possession of such property or parking lot;

499 (d) Charge fees in excess of those authorized in this
500 section.

501 (e) Immobilize any motor vehicle located on any portion of
 502 a public highway, road, street, or other public way, unless the
 503 operator is contracted to do so by a governmental entity.

504 (4) SIGNAGE; REQUIREMENTS.—

505 (a) An operator may not immobilize a motor vehicle without
 506 first posting signs meeting the following requirements:

507 1. Signs must be located at each designated entrance to a
 508 parking lot or parking area where parking prohibitions are in
 509 effect. If there is no designated entrance, a sign shall be
 510 erected so as to be clearly visible from each parking space; and

511 2. Signs must be at least 18 inches by 24 inches in size,
 512 or if not allowed in such size, the maximum allowable size.

513 (b) The letters on the signs must be at least 1.5 inches
 514 in height and in a solid color that contrasts with the
 515 background.

516 (c) Signs must clearly state the following, at a minimum:

517 1. WARNING: IMMOBILIZATION ENFORCED 24/7.

518 2. UNAUTHORIZED VEHICLES MAY BE IMMOBILIZED AT OWNER'S
 519 RISK AND EXPENSE.

520 3. THE IMMOBILIZATION OPERATOR IS (insert name of vehicle
 521 immobilization service).

522 4. THE TELEPHONE NUMBER FOR IMMOBILIZATION REMOVAL IS
 523 (insert operator's telephone number).

524 (d) Signs may not contain abbreviations.

525 (5) ADMINISTRATIVE ACTIONS; OPERATOR RIGHTS.—

526 (a) A local government that issued a license to an
527 operator may impose a fine upon such operator and may revoke,
528 suspend, or not renew a license for due cause.

529 (b) Before a local government may take any adverse action
530 against an operator, it must first provide notice to the
531 operator and hold a hearing. Notice of the hearing must be in
532 writing and served on the operator at least 30 days before the
533 hearing date. The notice must state the grounds of the complaint
534 against the operator and must designate the time and place of
535 the hearing. The notice must be served upon the operator via
536 certified mail, signature required, addressed to the operator at
537 the address provided on the operator's current application.

538 (c)1. The local government may not suspend an operator's
539 license for more than 30 days for a first violation.

540 2. The local government may revoke the license of an
541 operator who has had multiple violations. Any person whose
542 license has been revoked pursuant to this section may not
543 reapply to the local government for an operator license for 12
544 months immediately following the revocation.

545 3. The local government may revoke an operator's license
546 if a person with an ownership interest in an immobilization
547 service violates a provision of this section.

548 (d) The maximum fine for a violation of this section is
549 \$1,000.

550 Section 9. This act shall take effect July 1, 2019.