

## PREDATORY TOWING PREVENTION ACT MAY AFFECT YOUR COMMUNITY

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On October 24, 2007, a new [law](#) (originally AB 4053 in the 2006-2007 session) called the Predatory Towing Prevention Act was signed. It becomes effective October 19, 2008.

In general, this law seeks to regulate the behavior of towing companies in order to avoid instances of unscrupulous behavior, including excessive fees and towing absent any warning signage to the automobile operator. To combat these abuses, the new law requires automobile towing companies to register with the [Division of Consumer Affairs](#). This registration includes a schedule of proposed towing rates, proof of insurance, and a list of vehicles to be used.

A small section of this new law, appearing at NJS 56:13-13(7)(b), applies to community associations and other property owners, and will likely change the way they presently do business in this area.

First, the law understandably requires that only registered towers be used by property owners to tow vehicles from their private property.

Second, the law permits towing from private property only if there is appropriate signage at all vehicular entrances to the property that is at least 36" x 36" and states as follow:

1. The purpose or purposes for which parking is authorized and the times during which such parking is permitted.
2. That unauthorized parking is prohibited and unauthorized motor vehicles will be towed at the owner's expense.
3. The name, address, and telephone number of the towing company that will perform the towing.
4. The charges, which shall not exceed the fee specified in the tariff on file with the director, for the towing and storage of towed motor vehicles.
5. The street address of the storage facility where the towed vehicles can be redeemed after payment of the posted charges, and the times during which the vehicle may be redeemed.

Third, the towing company must obtain prior written authorization from the property owner, in this case the community association.

Finally, the law requires that the property owner, its agent, or employee be present when the vehicle is towed, if the towing occurs during normal business hours (and that term is not defined). This obviously presents problems for associations without a full-time

manager or maintenance staff. The law permits a general written authorization to the tower to remove vehicles outside of normal business hours.

This new law, although signed on October 24, 2007, goes into effect 360 days after enactment, or on October 19, 2008. Thus, associations that actively tow still have a period of time to consult with their towing companies to make sure they are in compliance, to order and install the required signage, and to put in place appropriate compliance procedures.

[Full Text of Chapter 193, PL 2007](#)

[October 24, 2007 - GOVERNOR'S PRESS RELEASE](#)

*For more New Jersey legislative information, contact the [New Jersey Chapter of Community Associations Institute](#)*