TOW TRUCKS

39A:TT-1. Definitions

a. "Heavy-duty" means a gross weight of at least 32,000 pounds.

b. "Light-medium duty" means a gross weight of less than 32,000 pounds.

c. "Marker" means tow truck vehicle identification issued by the Chief Administrator.

d. "Towing company" means any person or entity owning or operating a tow truck service for compensation.

e. "Tow truck" means a motor vehicle equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of vehicles.

f. "Transporter" means equipment designed to transport more than one vehicle on a non-emergency basis.

Source: 39:3-84.6

COMMENT

This section contains the substance of the source section without including duplicative definitions for things like “Director” and “Division”.

The definition of “garage keeper’s legal liability” was removed as an unclear definition of a concept that is sufficiently explained in the appropriate section of the statute.

It is not clear what type of “vehicle identification” a “marker” is, specifically whether it is a document or something affixed to the exterior of the vehicle and this will be clarified with the MVC.

39A:TT-2. Issuance of distinctive markers

a. The Chief Administrator shall issue distinctive markers or license plates for tow trucks for an annual fee of $25 in addition to the fee for the registration of motor vehicles. The markers or license plates shall be available for tow trucks in two gross weight categories, light-medium duty and heavy-duty, and each weight category shall have distinctive features. The fee amount shall be appropriated to the MVC to defray costs incurred in issuing markers and implementing 39:3-84.6 et al.

b. A towing company shall display tow truck license plates or markers on each tow truck and the name of the towing company, municipality and state where the business is located. Transporters are exempt from this chapter and the Chief Administrator may exempt tow trucks that meet the definition of an apportioned vehicle pursuant to 39:3-6.11.

c. A person or entity knowingly displaying a false tow truck marker or license plate or using fraud or deception in securing tow truck registration is guilty of a class A offense. An individual or entity operating or offering to operate a tow truck to move a vehicle for any compensation without displaying a proper marker or license plate is guilty of:

(1) Light-medium duty truck: a class B offense; and
(2) Heavy-duty truck: a class A offense.

Source: 39:3-84.7; 39:3-84.11; 39:3-84.13.

COMMENT
This section contains the substance of the source provisions. It is not clear whether the vehicle identification tools are to be consistent - can the MVC issue some markers and some identification license plates, or is one method to be selected and used exclusively? This issue should be clarified with the MVC. The section designates penalty according to the new penalty classification system contained in 39A:44-GP1.

39A:TT-3. Tow truck registration

a. An application for tow truck registration shall contain the:
   (1) Name and address of the towing company's principal owner(s);
   (2) Address of the principal business office of the towing company;
   (3) Location of any garage, parking lot, or other storage area where motor vehicles or other objects moved by the towing company may be stored;
   (4) Valid certificate of insurance and a schedule of insured vehicles used by the towing company from an insurer authorized to do business in the State. The insurance documentation shall include:
      (A) The amounts of the garage keeper's legal liability coverage and any "on hook" coverage; and
      (B) Liability insurance coverage, including motor vehicle liability insurance coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least $750,000 single limit for each light-medium truck and $1,000,000 single limit for each heavy-duty truck; and
   (5) Documentation of the manufacturer's gross vehicle weight rating for each tow truck.
   (6) If a system for licensure of towing companies is established pursuant to 39:3-84.9, a copy of the license issued to it pursuant to that section.

b. The Chief Administrator may suspend, revoke or refuse to issue or renew any tow truck registrations upon proof that the applicant:
   (1) used fraud or deception in securing the registration;
   (2) violated any provision of this act; or
   (3) has been convicted of theft of a motor vehicle.

Source: 39:3-84.8; 39:3-84.10.

COMMENT
This section contains the substance of the source sections, but has been streamlined and consolidated.

In the subsection describing the required insurance coverage, the language saying that the amounts of the liability and on hook coverage should be set forth “as an endorsement or contained in a separate
schedule” was eliminated as unnecessary (and probably dictated by the insurance agency rather than the towing company), if there is a need, this language can be reinserted.

39A:TT-4. Licensure

The Chief Administrator may establish a system for licensing towing companies. A towing company may be licensed by the Chief Administrator upon submission of an application and payment of the required fee, comparable to that required for similar licenses and sufficient to cover the cost of implementing this chapter. The Chief Administrator may require annual renewal of applications for licensure and may stagger renewal dates and adjust the application fees accordingly.

Source: 39:3-84.9.

COMMENT

This section is substantially the same as the source section.

It will be determined after discussion with MVC if the Chief Administrator established a system for licensing towing companies. If so, that language may be removed. If not, it would be helpful to know if the intention of the existing statutory language was to permit this to happen at any time, and, if so, whether the Chief Administrator was likely to do so.

39A:TT-5. Preemption of actions by political subdivisions

This chapter preempts a political subdivision from regulating, requiring or issuing any registration, license plate or marker or surety registration of any towing company. This section shall not limit the existing authority of a political subdivision to:

a. License and collect a general and nondiscriminatory tax upon all businesses;

b. License and collect a tax upon towing operations domiciled within its jurisdiction; or

c. Impose any additional requirements or conditions as part of any contract to perform towing and recovery services for that jurisdiction.

Source: 39:3-84.12.

COMMENT

This section is substantially identical to the source section.