

2017 -- S 0380

LC001485

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - THE TOWING STORAGE ACT

Introduced By: Senators Gallo, Ciccone, and McCaffrey

Date Introduced: March 02, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-12.1-12 of the General Laws in Chapter 39-12.1 entitled "The
2 Towing Storage Act" is hereby amended to read as follows:

3 **39-12.1-12. Private trespass towing.**

4 (a)(1) The owner or person in control of any parcel of property may cause to be removed
5 from the property vehicles which are trespassing upon the property without the consent of the
6 owner or person in control of the property by retaining, in writing, a certificated tower to remove
7 the trespassing vehicle and relocate the vehicle to its private impoundment lot; and this procedure
8 may be undertaken and accomplished without the need to resort to the judicial process; provided,
9 however, that the impoundment lot shall be within ten (10) miles of the point of removal; and
10 provided further that the lot shall be open for business to release the vehicle the same hours it is
11 open to receive the vehicle; and provided further that there shall be posted on the outside of the
12 office of the lot the business hours. Provided, however, that the owner or person in lawful
13 possession of private property that is held open to the public, or a discernible portion thereof, for
14 parking of vehicles at no fee, or an employee or agent thereof, shall not tow or remove, or cause
15 the towing or removal, of a vehicle within one hour of the vehicle being parked.

16 (2) Notwithstanding subsection (a)(1) of this section, a vehicle may be removed
17 immediately after being illegally parked within fifteen feet (15') of a fire hydrant, in a fire lane, in
18 a manner that interferes with an entrance to, or an exit from, the private property, or in a parking
19 space or stall legally designated for disabled persons.

1 (3) Subsection (a)(1) of this section does not apply to property designated for parking at
2 residential property, or to property designated for parking at a hotel or motel where the parking
3 stalls or spaces are clearly marked for a specific room.

4 (4) An owner or person in control of any parcel of property, and/or any certificated tower
5 who violates subsection (a) of this section is civilly liable to the owner of the vehicle or their
6 agent for two (2) times the amount of the towing and storage charges.

7 (b) All charges for towing, in accordance with the published tariff and storage shall be
8 borne by the last registered and/or legal owner of the vehicle for which charges the certificated
9 tower shall have a possessory lien as set forth elsewhere in this chapter; provided, however, that
10 should the last registered and/or legal owner prove through judicial process that the vehicle was
11 not in fact trespassing on the property of the owner or person in control, the charges shall be
12 borne by the owner or person in control of the property who ordered the towing, removal,
13 relocation and storage and the property owner or person in control shall pay two (2) times the
14 amount of the towing and storage charges to the owner of the vehicle or their agent. The last
15 registered and/or legal owner of the vehicle shall, however, as a prerequisite to procedure to
16 recover the charges from the owner or person in control of the property, pay in full all charges
17 assessed due the certificated tower in accordance with its published tariff.

18 (c) A certificated tower shall remove vehicles from private property at the direction of the
19 owner or person in control thereof only upon receiving the direction in writing, which writing and
20 notice shall be kept in the records of the certificated tower ~~and which writing shall be a complete~~
21 ~~defense to any civil and criminal charges resulting from removal of the vehicle.~~

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would prohibit property owners from towing cars that have been parked less than
2 one hour unless the cars are otherwise illegally parked on the property. The property owner would
3 be required to pay two times the cost of towing and storage. This act would not apply to parking
4 at hotels or residential property where the parking stalls or spaces are clearly marked for a
5 specific room.

6 This act would take effect upon passage.

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