

Sec. 19-198. - Maximum non-consent towing and storage rates for non-consent tow services.

- (a) The commission shall, by resolution establish maximum rates, as may be amended from time to time, for nonconsent towing services as follows:
- (1) Towing service per call, which shall include the first thirty (30) minutes that the tow truck is actually on the scene engaged in the safe removal of a vehicle/vessel.
  - (2) Mileage (per towed mile) according to Florida Statutes, § 715.07.
  - (3) Storage may be charged only after the vehicle has been in the storage facility for at least six (6) hours. If the vehicle was not recovered by the vehicle/vessel owner or authorized driver/agent after the six-hour time period has elapsed, then storage charges shall accrue in twenty-four-hour increments from the time the vehicle/vessel arrived in the storage facility and:
    - a. The police agency has authorized the vehicle/vessel to be impounded; or
    - b. The appropriate police agency has been notified by the tow truck company that the tow truck company is in possession of a vehicle/vessel as a result of a private property impound.
  - (4) Indoor storage rates may only be charged upon the express direction and written authorization of the owner/authorized driver/agent, lien holder, insurance company representative or investigating police agency. The only exceptions to this rule are:
    - a. When the condition of the vehicle requires indoor storage due to inclement weather conditions or the vehicle's window(s) and/or convertible top is down and cannot be raised and indoor storage is necessary to protect the vehicle and its contents; or
    - b. When a municipal or county jurisdiction require indoor storage for towed vehicles.
  - (5) An administrative/lien fee shall only be charged after the vehicle/vessel has been in the storage facility for at least twenty-four (24) hours and:
    - a. The police agency has authorized the vehicle/vessel to be impounded; or
    - b. The police agency has been notified by the tow truck company that the tow truck company is in possession of a vehicle/vessel as a result of a private property impound.
    - c. The non-consent tow truck company must show proof that lien letter(s) have been prepared with the appropriate names/addresses (i.e., U.S. Mail certification number, correspondence copies, etc.) and that actual fees for obtaining required ownership information have been expended. Failure to document and provide all of the above required information will result in administrative/lien fee charges being removed from the total cost of the service/invoice and is a violation of this article.
  - (6) Underwater recovery performed by a certified/professional diver with the written documentation and approval of the investigating law enforcement agency/officer.
  - (7) Hazardous material clean-up and disposal as required, mandated and/or licensed through federal, state or local laws and approved by the investigating law enforcement agency/officer.
  - (8) After-hour gate fees may not be applied between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday (excluding federal holidays). For all other times, after-hour gate fees may not be applied until six (6) hours after a vehicle has been impounded in the company's storage facility. Applicable after-hour gate fees may also be applied when an owner or authorized driver/agent wishes to recover property from an impounded vehicles/vessel.
  - (9) Extra time at scene/labor charge may be applied when any extra time beyond one-half ( $\frac{1}{2}$ ) hour, is needed to safely remove a vehicle or vessel and includes the amount of time spent at a scene when a tow truck has been summoned and is on scene but unable to proceed through no fault of the tow truck operator. All extra time/labor shall be documented by the tow truck driver and shall include the name of the law enforcement agency and the law enforcement agency

case number or the officer's name and badge number. The documentation shall also include a detailed explanation of the services rendered which necessitated the charges and if possible photographs of the scene. Extra time shall be charged in fifteen-minute increments. Failure to document and provide all of the above required information will result in the extra time/labor charges being removed from the total cost of the service/invoice and is a violation of this article.

- (b) All rates established shall be uniform throughout Palm Beach County both in the incorporated and unincorporated areas, except where municipalities have established differing maximum rates for their jurisdictions. From time to time, the rates established by the commission may be revised in accordance with a rate study.
- (c) Persons who provide services pursuant to this section shall not charge in excess of the maximum allowable rates established by the commission. No person providing services pursuant to this section shall charge any type of fee other than the rates for which the commission has specifically established. Tow truck companies which tow vehicles/vessels from Palm Beach County into another county shall abide by the terms of this article including all rates and charges adopted by the commission.
- (d) Tow truck companies which provide services pursuant to this section shall display on the same sign as the rate schedule required by this article the following statement:  

To	The	Vehicle/Vessel	Owner
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If you believe that you have been overcharged for the services rendered, you do not have to pay your bill to get your vehicle/vessel. Instead, you have the right to post a bond in the Circuit Court, payable to (name of Tow truck Company), in the amount of the final bill for services rendered, and to file a complaint within ten (10) days of the time you have knowledge of the location of the vehicle/vessel. The Court will decide later who is correct. If you show (name of Tow truck Company) a valid Clerk's certificate showing you have posted a bond, (name of Tow truck Company) must release your vehicle/vessel to you immediately. This remedy is in addition to other legal remedies you may have. Section 713.76 and Section 713.78, Florida Statutes. If you have a complaint about the way services were provided, you may call the Palm Beach County Consumer Affairs Division, (561) 712-6600.
- (e) Each tow truck company shall maintain, on a form approved by the division, a rate sheet specifying all rates and charges, which shall be given by the tow truck driver to the requesting vehicle/vessel owner or his authorized driver/agent prior to commencing the service.

(Ord. No. 2011-008, § 18, 5-17-11)