

HOUSE TRANSPORTATION AND PUBLIC WORKS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 253

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO MOTOR VEHICLE TOWING SERVICES; PROHIBITING CERTAIN
FEES; PROVIDING FOR MINIMUM ACCESS HOURS AND IN-PERSON
AUTHORIZATION FOR TOWING FROM PRIVATE PROPERTY; PROHIBITING
KICKBACKS; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Motor Carrier Act is
enacted to read:

"[NEW MATERIAL] TOWING SERVICES--PROHIBITED FEES--REQUIRED
TIME FOR POSSESSION OR INSPECTION OF MOTOR VEHICLES--PERMITTING
PAYMENT BY CREDIT CARD.--

A. A towing service shall not charge fees that vary
depending on the day or time of day that the owner or
authorized representative of the owner of a towed motor vehicle
requests possession or inspection of or access to that motor

.193021.4

underscored material = new
[bracketed material] = delete

1 vehicle if the request is initiated between the hours of 7:00
2 a.m. and 7:00 p.m. local time any day of the year. A towing
3 service may charge a reasonable additional fee if the request
4 is not initiated between the hours of 7:00 a.m. and 7:00 p.m.
5 local time.

6 B. A towing service shall have a representative
7 available every day of the year to process requests for the
8 possession or inspection of towed motor vehicles if the request
9 is initiated between the hours of 7:00 a.m. and 7:00 p.m. local
10 time. On weekdays, the representative shall be available on-
11 site within one-half hour of receiving a request for the
12 recovery or inspection of a towed motor vehicle, unless the
13 motor vehicle has been towed or impounded pursuant to a DWI
14 arrest or a criminal investigation by a law enforcement agency.
15 On weekends and federal holidays, the representative shall be
16 available on-site within one hour of receiving a request for
17 the recovery or inspection of a towed motor vehicle, unless the
18 motor vehicle has been towed or impounded pursuant to a DWI
19 arrest or a criminal investigation by a law enforcement agency.
20 A towing service shall not require the payment of any portion
21 of a towing or storage fee as a precondition of inspecting a
22 towed motor vehicle. A towing service shall have a
23 representative available twenty-four hours a day, every day of
24 the year, on one hour's notice and at no charge, to respond to
25 a request from the owner or authorized representative of the

.193021.4

1 owner of a towed motor vehicle to retrieve medication or
2 medical supplies from that motor vehicle.

3 C. A towing service shall not charge a storage fee
4 for any period of time less than twenty-four hours.

5 D. When a towing service is requested by a person
6 other than the owner or authorized representative of the owner
7 of a motor vehicle to tow a motor vehicle from private
8 property, the owner of the private property from which the
9 motor vehicle is being towed, or the owner's authorized
10 representative, shall be physically present on the property
11 from which the motor vehicle is being towed at the time that
12 the motor vehicle is towed. A towing service shall not tow a
13 motor vehicle from private property without having a towing
14 invoice personally signed by the owner of the private property
15 from which the motor vehicle is being towed, or by the owner's
16 authorized representative. For the purpose of this subsection,
17 neither the towing service nor any employee or agent of the
18 towing service may be the owner's authorized representative for
19 the purpose of signing a towing invoice.

20 E. A towing service shall not provide remuneration
21 in any form to the owner of real property from which the towing
22 service is authorized to tow motor vehicles. A person who
23 violates the provisions of this section is guilty of a petty
24 misdemeanor."

25 SECTION 2. EFFECTIVE DATE.--The effective date of the

.193021.4

1 provisions of this act is July 1, 2013.

2 - 4 -

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

underscoring material = new
~~[bracketed material] = delete~~