

*Philadelphia Independent Towers & Salvors Association
PO Box 43234
Philadelphia, Pa. 19129*

To The Honorable Mayor Michael Nutter

January 09, 2011

Dear Mayor,

Please find enclosed the following proposed amendments that our association has submitted to all of the city council members. I hope that these documents will inform you as to our association's position on the Accident Rotational Program. Our association and its members have only the upmost concern for the administration, the accident victims, the insurance companies, and the Towing Industry. We would like to impress that our members are not in any way connected with any company that has illegally abused their business privileges in the City of Philadelphia. We would like the administration to let our advisory board meet with Dept. Mayor Gillison, Philadelphia Police, and License Inspection. In order for an effective rotational program to work, we must have the above administration and the towing industry working together. When the program is put out there, it must work the first time and only the first time. The Philadelphia Independent Towers & Salvors are committed to make that happen.

I have personally spent the last 8 years diligently working on creating this program with councilman Rizzo's office. My dedication and determination to city and the towing industry can only be realized through these words. To have a vision to look into the future of what can be, and the knowledge to make it be. We hope that you will support our vision into the future, as we will support your vision into the future.

Respectfully Yours,

Joseph Parente

(Director)

Philadelphia Independent Towers & Salvors Association

Philadelphia Independent Towing & Salvors Association

The Philadelphia Independent Towing & Salvors Association is an organization that is set up to ensure the consumer only the best from the towing industry and its members. These towing companies that are affiliated with our association are legitimate, hard working, honest businesses, who meet criteria of excellence. It is our understanding that in order to improve the towing industry, all tow companies are going to have to unite. The advisory board of this association goal is to work along with all municipal and governing authorities in order to create a fair and effective towing industry.

Respectfully Yours,

The Philadelphia Independent Towing & Salvors Association

SUGGESTED REQUIREMENTS FOR ROTATIONAL TOWING PROGRAM

The Philadelphia Independent Towing & Salvors Association request that City Council and the administration remove the Parking Authority from all association with Bill #9-605. We ask that Councilmen Rizzo's rotational bill remain in effect and include these amendments. In order for any accident rotational program to work it must include the police, they are the authority which goes to the scene to determine if anyone is injured, what occurred, and whether a vehicle needs to be removed.

We ask that Councilman Rizzo will help us to mediate a meeting with the administration, police, L&I and our association to create a rotational program which will be fair to the public and the towing industry. It is the implementation of this program that is vital to its success.

Please feel free to contact us at info@pitsa.us or call us at 610-842-6648, or visit our website at www.pitsa.us

1. Possession for not less than 3 years of a valid, current license to engage in towing.
2. Not delinquent in the payment of any taxes or fees due to the city.
3. Possession of a satisfactory record with regard to the operation of a towing business as determined by license and inspections, provided that a determination that such record with regard to the operation of a business is unsatisfactory shall be based upon violations against the business.
4. Minimum number of trucks one wrecker and one flatbed truck (non pickup).
5. Such premises shall consist of a location that is open to the public, where towing company personnel are employed, calls requesting towing service are received and tow trucks are dispatched, and where all records are kept.
6. Business's location must be in Philadelphia.
7. Accept credit cards.
8. Agree to set rates.(CITY)
9. Tow companies must be bonded \$6,000.
10. Contractual agreement between any towing company on the rotation program and the city of Philadelphia. Whereas the rotational tow companies are liable and completely responsible for all and any legal claims that may result from the act of removing or the storage of an accident vehicle. The rotational tow companies also agree that they will comply with all rules and regulations set forth by the administration.
11. All tow paperwork must be available for inspection, includes copy of tow receipt at pickup and any receipt of authorized agent to pick up vehicle (dr lic, ins., repo, hold harm).

12. Respond to call 30min.(this insures the safety of truck getting to scene)
13. \$300.00 annual fee for being on Rotation. An administration fee of \$25.00 upon a towed vehicle (vehicle disabled in accident must be towed to rotational storage facilities.)
14. Storage facilities. (may be leased or owned by tow company that is on rotation list. Lot must be secured.)
15. Increase the storage to until vehicle is picked up by authorized agent. (Vehicles must be kept in secured facilities which is a financial burden).
16. Tow trucks used in program should have rotational decals, drivers to have a rotational license card that he is approved to tow rotational / with company name on ID.
17. Truck enforcement to do inspections on tow trucks and drivers for rotational licenses.

This criteria is a draft with the understanding that revisions may be added and solely for companies that wish to participate in the Accident Rotation Towing Program.

Respectfully Submitted,

Philadelphia Independent Towsers & Salvors Association

December 15, 2010

The Honorable Anna C. Verna

President

Philadelphia City Council

City Hall, Room 405

Philadelphia, Pennsylvania 19107-3290

Via facsimile – (215) 686-1932

Re: Bill No. 100536

Amending provisions of the §9-605 of the Philadelphia Code relating to Towing

Dear Sir or Madam:

Please be advised that I represent the Philadelphia Independent Towing and Salvors Association (“Association”), who oppose the proposed amendment to the above ordinance. The Association opposes the bill because it illegally delegates municipal functions to the Philadelphia Parking Authority which the authority does not have the power to perform. In addition, the Association opposes the bill because administration and enforcement of the proposed program by the Philadelphia Parking Authority will be harmful to the businesses of Association members.

The above captioned bill proposes to amend the Philadelphia Code as it relates to Towing by, inter alia, delegating the administration and enforcement of to the Philadelphia Parking Authority. City Council derives its power to delegate municipal functions to the Philadelphia Parking Authority from Section 5505(a)(4) of the Parking Authorities Law, 53 Pa.C.S. §5505(A)(4), which provides that a parking “authority may not engage in the performance of a municipal function except a function delegated to it by municipal ordinance or resolution passed under section 5504(a)(1) (relating to method of incorporation).” City Council’s power to delegate municipal functions to the Philadelphia Parking Authority via ordinance is not unlimited. City Council may only delegate to the Philadelphia Parking Authority a municipal function that the General Assembly has given the Authority power to perform. These powers are set forth in Section 5505(d) of the Parking Authorities Law. 53 Pa.C.S. §5505(d).

With regard to towing, Section 5505(d)(21)(iv) of the Parking Authorities Law authorizes parking authorities generally “to boot or tow a vehicle which is illegally parked or the owner of which is delinquent in payment of previously issued parking tickets.” Section 5505(d)(22) authorizes the Philadelphia Parking Authority to act as the exclusive impoundment official, exclusive impounding agent or exclusive towing agent for the enforcement of impoundment orders pursuant to 75 Pa.C.S., Ch. 63 (relating to enforcement [also known as “Live Stop”]) and to authorize towing and storage of vehicles and combinations by private towing agents for such purpose as necessary. Other than these two provisions, the General Assembly did not authorize the Philadelphia Parking Authority to perform any other municipal functions relating to towing.

The Association contends that the proposed bill delegates municipal functions to the Philadelphia Parking Authority relating to towing that is not part of the “Live Stop” program and therefore is beyond the scope of the powers the Parking Authority may exercise pursuant to its enabling act. “Live Stop” towing relates to the enforcement of provisions of the Motor Vehicle Code such as the failure to maintain vehicle insurance and registration and unlicensed drivers, but does not include other towing, such as towing necessitated by a motor vehicle accident. Thus, the delegation of municipal functions to the Philadelphia Parking Authority related to towing that is not part of the “Live Stop” program is impermissible.

The proposed bill authorizes the Philadelphia Parking Authority to (1) administer and enforce provisions for the licensing of towing companies and the inspection of towing vehicles, (2) coordinate a rotation system for the towing of certain vehicles, (3) promulgate regulations for towing companies that participate in the rotation system, and (4) issue citations, adjudicate violations and impose fines, penalties and license suspensions and revocations pursuant to the towing ordinance. The Association opposes these provisions not only because they relate to towing that is not part of the “Live Stop” program, but also because these provisions establish the Philadelphia Parking Authority as a regulatory agency with authority over the private towing industry, which is clearly beyond the General Assembly’s intent when it enacted the Authority’s enabling act.

In addition to its concerns about the legality of the bill’s delegation of authority to the Philadelphia Parking Authority, the Association also believes that the proposed bill will harm the businesses of its members. In particular, the Association opposes the requirement under the ordinance that towed vehicles be taken to a storage facility designated by the Philadelphia Parking Authority, presumably its own impoundment lots, unless the owner or operator of the vehicle designates another location. This provision will result in a significant loss of revenue currently generated by Association members who maintain their own storage facilities.

In addition to lost revenues, the significant increase in regulatory requirements will unduly burden Association members with high compliance costs and will expose them to a significant increase in fees and fines that will be imposed by the Philadelphia Parking Authority, which will have an incentive to issue or increase fines and fees in order to support the cost of its administration of the ordinance.

For all of the foregoing reasons, the Philadelphia Independent Towers and Salvors Association opposes Bill No. 100536.

Respectfully submitted,

Michael S. Henry

Attorney for the Philadelphia Independent
Towers and Salvors Association.

