

Car Towing

When can a towing company tow away my vehicle without my consent?

Generally, a towing company is allowed to tow and store your vehicle without your consent only after it gets written authorization from law enforcement or from the owner of the property where the car is parked. A towing company cannot on its own decide to tow and store your vehicle and then charge you fees.

There are some important exceptions to this rule: the vehicle has been in an *accident*, police can't get there for at least three hours, and the damaged vehicle is blocking traffic or is a safety hazard. In that case, the towing company may tow the vehicle to the nearest safe spot without prior written authorization from law enforcement. If law enforcement verbally directs the towing company to remove a vehicle, the towing company must record the name of the officer and his or her agency.

If my car breaks down, how soon do I have to move it to keep it from getting towed?

It depends on whether the vehicle is in a public road or on private property.

If your vehicle breaks down on or next to a public road (or you decide to leave it there for some other reason), police will consider it "abandoned" if you leave it there for more than 24 hours. Then it can be towed.

Also, certain conditions make it more complicated. If the vehicle breaks down in traffic, be sure to move it off the road if it's safe to do so; otherwise the police will do it. To keep the vehicle from being towed while you arrange to remove the car, notify the state police or county sheriff's office. Be sure to get the name of the person you talk to: you may want to follow up with a short note giving the car's license plate and location. Keep a copy! If the vehicle breaks down on or near a bridge, or in a tunnel, the police may have it towed right away to a garage or other safe place without any waiting period. So if your car breaks down in these places, try to get it moved immediately.

If you leave your vehicle on private property such as a parking lot for a business where you shop, the owners of the property (or their agents, such as a property manager) may have it towed if it has been "abandoned," defined as left unattended for more than 30 days, has not been reported stolen, you have not claimed it, and a search of public records does not reveal the owner's identity. If you have properly registered the vehicle in your

name with a current address, a police search should identify you as the owner and allow the property owner to notify you to take away your vehicle.

What will happen to my car if I'm arrested?

If you're arrested, a towing company can tow your vehicle right away if it receives written authorization from law enforcement to do so.

What if my car is parked illegally?

A towing company can tow your vehicle if it is parked illegally on either public or private property after receiving the required written authorization. No waiting period is needed. If you see a sign that says you can't park somewhere, take it seriously! If you're not sure, don't park there.

If my vehicle is towed, how do I find out where it has been taken?

At first, you may not even know what happened to your car. Could it have been stolen? If the car was on public property, you should check with local police. Even if they don't have a record of what happened specifically, they can probably tell you which towing companies they use, and they will take a report if you believe the vehicle was stolen. You may want to file a police report if you feel the car was lawfully parked where you left it. If it turns out that you were right, you shouldn't have to pay for any costs related to the tow. If the car was on private property, you should check with the property owner to see if he or she had it towed.

What will happen to my car if I can't afford to pay to get it back?

A towing company that has lawfully towed your vehicle has a lien against it. This means that if you do not pay the reasonable tow and storage fees (which will continue to increase each day they hold your vehicle), the company may eventually dispose of the vehicle by sale in order to cover the costs you owe. The rules on this are complicated.

This general legal information is not advice. Seek an attorney for legal advice.