

## 50 N.J.R. 2154(a)

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### RULE ADOPTIONS

#### Reporter

50 N.J.R. 2154(a)

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#### Agency

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LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > OFFICE OF THE DIRECTOR

#### Administrative Code Citation

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Adopted Amendments: N.J.A.C. 13:45A-31.6 and 31.8

#### Text

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#### Towing Motor Vehicles from Private Property; Private Property Towing Practices

Proposed: May 7, 2018, at 50 N.J.R. 1205(a).

Adopted: August 23, 2018, by Paul R. Rodriguez, Acting Director, Division of Consumer Affairs.

Filed: September 14, 2018, as R.2018 d.183, **without change**.

Authority: N.J.S.A. 56:13-6 and P.L. 2017, c. 321.

Effective Date: October 15, 2018.

Expiration Date: December 14, 2018.

**Summary** of Public Comment and Agency Response follows:

The official comment period ended July 6, 2018. **No comments were received.**

#### Federal Standard Statement

49 U.S.C. § 14501 preempts states from regulating prices, routes, or services of motor carriers. This preemption does not prevent states from regulating safety or imposing insurance requirements on motor carriers or regulating pricing for non-consensual towing. The adopted amendments do not impose price, route, or service requirements on towing companies engaging in consensual towing services. As the adopted amendments do not regulate towing practices that are Federally preempted, nor are there Federal laws or standards applicable to the rule of non-consensual towing, a Federal standards analysis is not required.

## **Regulations**

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**Full text** of the adoption follows:

### **SUBCHAPTER 31. PRIVATE PROPERTY AND NON-CONSENSUAL TOWING COMPANIES**

#### **13:45A-31.6 Towing motor vehicles from private property**

(a) (No change.)

(b) The provisions of (a) above shall not apply if:

1. A motor vehicle is parked on a lot or parcel on which is situated a single-family unit;
2. A motor vehicle is parked on a lot or parcel on which is situated an owner-occupied multi-unit structure of not more than six units;
3. A motor vehicle is parked in front of any driveway or garage entrance where the motor vehicle is blocking access to that driveway or entrance; or
4. A tow is authorized by a law enforcement officer in the performance of the officer's duties and is appropriate to protect public safety.

(c) - (d) (No change.)

#### **13:45A-31.8 Private property towing practices**

(a) - (c) (No change.)

(d) The provisions of (b) above shall not apply if a tow is authorized by a law enforcement officer in the performance of the officer's duties and is appropriate to protect public safety.

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