

281.926 Rates for emergency towing services to be posted and provided to law enforcement and upon request of a customer -- Excessive charges -- Itemized invoices required -- Retention and inspection of records.

- (1) This section applies to any towing company that engages in, or offers to engage in, emergency towing.
- (2) The towing company shall furnish the vehicle's owner or operator, if the owner or operator is present at the scene of the disabled vehicle, or upon the owner's or operator's request, a rate sheet listing all rates for towing services, including but not limited to all rates for towing and associated fees, cleanup, labor, storage, and any other services provided by the towing company.
- (3)
 - (a) Any towing company or storage facility shall:
 1. Post a rate sheet as described in subsection (2) of this section at its place of business;
 2. Provide a current rate sheet to the nearest Department of Kentucky State Police post and any law enforcement agency in its service area;
 3. Make the rate sheet available upon a customer's request; and
 4. Have only one (1) rate sheet that is applicable to all customers, regardless of the customer or entity responsible for payment of the services provided. This subparagraph shall not apply to negotiated rates in a contract between a towing company or storage facility and a law enforcement entity.
 - (b) Any charge in excess of the rate sheets provided under this subsection shall be deemed excessive. Any payments made that are deemed excessive shall be refunded to the payor within thirty (30) days of notification to the towing company or storage facility by the department. Any charge deemed excessive from a towing company or storage facility in relation to a property, casualty, or property and casualty insurance policy shall be a fraudulent insurance act in violation of KRS 304.47-020.
 - (c) If a towing company fails to comply with any of the provisions of this subsection, the Department of Kentucky State Police and any local law enforcement agency in the company's service area shall remove that towing company from its wrecker log for a period of:
 1. Six (6) months for the first violation; and
 2. One (1) year for any subsequent violation.
- (4) An itemized invoice of actual towing charges assessed by a towing company for a completed tow shall be made available to the owner of the motor vehicle or the owner's agent no later than one (1) business day after:
 - (a) The tow is completed; or
 - (b) The towing company has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing company to complete the tow and recovery.
- (5) The itemized invoice required under subsection (4) of this section shall contain the following information:

- (a) The date and time the motor vehicle was towed;
 - (b) The location to which the motor vehicle was towed;
 - (c) The name, address, and telephone number of the towing company;
 - (d) A description of the towed motor vehicle, including the color, make, model, year, and vehicle identification number of the motor vehicle;
 - (e) The license plate number and state of registration for the towed motor vehicle;
 - (f) The cost of the original towing service;
 - (g) The cost of any vehicle storage fees, expressed as a daily rate;
 - (h) Other fees, including documentation fees and motor vehicle search fees; and
 - (i) A list of the services that were performed under a warranty or that were otherwise performed at no cost to the owner of the motor vehicle.
- (6) Any service or fee in addition to the services or fees described in subsection (5)(f), (g), or (h) of this section shall be set forth individually as a single line item on the invoice required by this section, with an explanation and the exact charge for the service or the exact amount of the fee.
- (7) A copy of each invoice and receipt submitted by a tow truck operator in accordance with this section shall:
- (a) Be retained by the towing company for a period of two (2) years from the date of issuance; and
 - (b) Throughout the two (2) year period described in this subsection, be made available for inspection and copying not later than forty-eight (48) hours after receiving a written request for inspection from:
 - 1. A law enforcement agency;
 - 2. The Attorney General;
 - 3. A city attorney, county attorney, or the prosecuting attorney having jurisdiction in the location of any of the towing company's business locations;
 - 4. The disabled motor vehicle's owner or lienholder;
 - 5. An agent of the disabled motor vehicle's owner or lienholder; or
 - 6. Any individual involved in the underlying collision, his or her respective insurance companies, or his or her legal representatives, if the disabled motor vehicle was involved in a collision.

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History: Amended 2025 Ky. Acts ch. 152, sec. 5, effective June 27, 2025. -- Amended 2024 Ky. Acts ch. 79, sec. 2, effective July 15, 2024; and ch. 198, sec. 4, effective July 15, 2024. -- Created 2021 Ky. Acts ch. 74, sec. 5, effective June 29, 2021.