

281.934 Prohibited acts by towing company or storage facility.

- (1) A towing company shall not:
 - (a) Falsely represent that the towing company represents or is approved by any law enforcement agency, or any organization that provides emergency road service for disabled motor vehicles;
 - (b) Require an owner or operator of a disabled motor vehicle to preauthorize more than twenty-four (24) hours of storage or repair work as a condition to providing towing service for the disabled vehicle;
 - (c) Charge more than one (1) towing fee when the owner or operator of a disabled motor vehicle requests transport of the motor vehicle to a repair facility owned or operated by the towing company; or
 - (d) Tow a motor vehicle to a repair facility, unless the owner of the motor vehicle or the owner's designated representative gives consent and the consent is given prior to the removal of the motor vehicle from the location from which the motor vehicle is to be towed. This paragraph shall not apply to a storage facility that has a repair facility on the same site so long as the motor vehicle is not moved into the repair facility without consent.
- (2) A towing company or storage facility shall not:
 - (a) Upon payment of all costs incurred against a motor vehicle towed and stored under this chapter, refuse to release the motor vehicle to a properly identified owner or lienholder of the motor vehicle or to an authorized representative of the insurance company insuring the motor vehicle or the insurance company's contracted provider, if the motor vehicle is covered by an active policy of insurance. Motor vehicle release under this paragraph shall not apply to any case in which a law enforcement agency has ordered the motor vehicle not to be released or in any case in which a judicial order prohibits its release;
 - (b) Refuse to permit a properly identified owner or lienholder of a motor vehicle or a representative of the insurance company insuring the motor vehicle if the motor vehicle is covered by an active policy of insurance to inspect the motor vehicle during posted business hours before all costs incurred against the motor vehicle are paid or the motor vehicle is released; or
 - (c) Charge a storage fee for a stored motor vehicle with respect to any day on which release of the motor vehicle or inspection of the motor vehicle by the owner, lienholder, or insurance company is not permitted during posted business hours by the towing company or storage facility.

Effective: June 29, 2021

History: Created 2021 Ky. Acts ch. 74, sec. 9, effective June 29, 2021.