

Liability Exemptions and Hold Harmless Legislation

That include or are specific to Tow Operators

EXISTING LAW

Montana

Good faith immunity

. A person who renders assistance in an emergency that is life threatening to the occupant of a wrecked, disabled, or abandoned vehicle or that is creating an immediate hazard on a public roadway or who renders emergency assistance as directed by a law enforcement officer or other emergency responder at the scene of a motor vehicle accident is immune from damages arising from acts of omissions related to the rendering of assistance unless the damages are occasioned by the gross or by the willful or wanton acts or omissions of the person rendering the assistance.
(Montana Professional Tow Truck Act)

Illinois

5/4-213.

Liability of law enforcement officers, agencies and towing services.

(b)
A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of a municipal government or its officers or employees shall not be held to answer or be liable for injury to, loss of or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation.
(Illinois Motor Vehicle Code)

Florida

713.78

Liens for recovering, towing, or storing vehicles or vessels.

[7] [a] A wrecker operator recovering, towing, or storing vehicles or vessels is not liable for damages connected with such services, theft of such vehicles or vessels, or theft of personal property contained in such vehicles or vessels provided that such services have been performed with reasonable care and provided, further that, in the case of removal of a vehicle or vessel upon the request of a person purporting, and reasonably appearing, to be the owner or lessee, or a person authorized by the owner or lessee, of the property from such vehicle or vessel is removed, such removal has been done in compliance with s,715.07

Further, a wrecker operator is not liable for damage connected with such services when complying with the lawful directions of a law enforcement officer to remove a vehicle stopped, standing, or parked upon a street or highway in such a condition as to create a hazard to traffic upon the street or highway. Florida Statutes (TITLE XL Real and Personal Property)

Examples
PROPOSED LANGUAGE
for Consideration

Example # 1

Employees, officers or officials of the Department of Transportation, the State Patrol, County Sheriff, or local law enforcement agencies involved in exercise of the management, control and maintenance of the state highways, may remove or have removed from the travel lanes all vehicles involved in and debris or spilled cargo caused by a motor vehicle crash, where such removal will result in the improved safety or restoration of traffic flow. The state, county or local employees, officers ,officials or wrecker operators acting under their direction are not liable for any damages or claims of damage to vehicles or cargo that resulted from the removal unless the removal was carried out in a reckless or a grossly negligent manner. The Department of Transportation, the State Patrol, County Sheriff, or local law enforcement agencies and their employees, officers, or officials are not liable for any damages or claims that may result from failure to exercise any authority granted under this section.

The vehicle owner and any driver or carrier of the vehicle or its cargo under this section shall bear all costs of removal.

Proposed Legislation
For
Liability Exemption and Hold Harmless

Example # 2 (Revised)

A state or local law enforcement agency or a county sheriff's office or the Department of Transportation may remove or direct a wrecker operator to remove any vehicle or personal property from the roadway or right-of-way if it is determined that it is blocking the roadway or endangering public safety. The vehicle or personal property may be removed without the consent of the owner or carrier of the property. The vehicle owner and any carrier of the personal property shall reimburse the public agency or the wrecker operator for the cost of removal and the disposition of the vehicle and personal property.

Notwithstanding any other provision of law the law enforcement agency, Department of Transportation or the wrecker operator operating under their direction is not liable for: any damage to the vehicle or the personal property removed from a roadway or right-of-way under this section unless the damages are occasioned by gross negligence or willful or wanton acts or: any damage resulting from failure to exercise the authority granted by this section.

Bill FOR GA.
LEGISLATURE