



MARCELLO & KIVISTO

# TRANSPORT CENTER UPDATE

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## More Rights Under Pennsylvania's New Towing Law

Pennsylvania has enacted a new towing law that gives you additional rights. The towing law went into effect in early this month.

First, the law provides that a tow truck operator shall undertake towing at the scene of a motor vehicle accident only if summoned to the scene by the vehicle owner or operator, law enforcement, or authorized municipal personnel.

Second, it provides that "[t]he owner or operator of the vehicle being towed shall summon to the scene the tow truck operator of the owner's or operator's choice in consultation with law enforcement or authorized municipal personnel and designate the location where the vehicle is to be towed."

This provides the owner or the operator of the vehicle the right to choose the towing operator it wants to come to the scene and the location to be towed. Make sure your drivers and dispatchers know of this right and how to get your chosen operator to the scene.



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### M&K Upcoming Events:

**Oct. 30th - M&K FREE**  
Trucking Safety and  
Litigation Seminar -  
Carlisle, PA - More info  
to follow.

Email [jmulligan@cdl-law.com](mailto:jmulligan@cdl-law.com) if you are

The law makes an exception to this right if the owner or operator is incapacitated, unable to summon a tow operator, or defers to law enforcement or municipal personnel. It also provides that the owner or operator's right may be superceded by by the law enforcement officer or authorized municipal personnel if the owner or operator's tower cannot respond in sufficient time and the vehicle "is a hazard, impedes the flow of traffic or may not legally remain in its location in the opinion of law enforcement or authorized municipal personnel."

The key to protecting your right of choice will be:

- a. Contact your chosen tow operator ASAP;
- b. Have them give you an estimated time of arrival;
- c. Tell law enforcement and municipal authorities immediately of your choice, that you notified them, that they are on the way, and what time they are expected.

The law also contains provisions regarding the release of the vehicle, access to it, and storage fees. A towing operator shall not refuse to release a vehicle during its posted operating hours upon request by the owner or person authorized by the owner.

Release of the towed vehicle is conditioned on payment for towing, storing, and services. However, "[a]ll charges must be itemized and in writing."

A tow truck operator must provide reasonable hours when the owner or person authorized by the owner can access the vehicle "for purposes of

interested in attending, space is limited.

For more current updates on events, follow M&K on [Facebook](#) and [Twitter](#).

#### **Upcoming Events in the Industry:**

**Oct. 7th-10th - ATA Management Conference & Exhibition - Las Vegas, NV - for more info click [here](#).**

**Oct. 14th-20th - Operation Safe Driver Week 2012**

**Oct. 15th-17th - 34th Annual Conference & Dangerous Goods Transportation Exposition - Nashville, TN - for more information click [here](#).**

**Oct. 22nd-24th - 29th Annual Tank Truck Show & Maintenance Seminar - Louisville, KY - for more info click [here](#).**

#### **Documents and Resources Available From M&K**

If you are interested in obtaining copies of the following, please call or email.

- Hours-of-Service Rules Safety Impact 2010 Analysis compiled by ARTI in May 2010

- Accident preparedness DVD and/or forms

inspection and retrieval." Unless ordered to hold the vehicle by law enforcement, no storage fee may be charged for any period during which the tow operator has refused reasonable access during normal storage hours or refused to allow inspection of the vehicle for repairs or appraisal.

Let us know if you would like a copy of the law emailed to you.

## Upcoming FREE M&K Seminar

On October 30, 2012, M&K will be hosting a complimentary seminar on Trucking Safety and Litigation Issues at the U.S. Army Heritage and Education Center in Carlisle, Pennsylvania. Lunch will be provided and following the seminar attendees will be able to take a tour of the facilities.

Speakers and topics include:

- **Jeff Hickman**, PhD with Virginia Tech Transportation Institute who will discuss Onboard Safety Systems Research
- **Steven Bryan**, CEO of Vigillo who will discuss CSA Data and What it Tells Us
- **Doug Marcello**, M&K who will discuss the Trials of the Trial Process

Additional presenters to be announced upon confirmation. Space is limited. To reserve your spot contact Jennifer Mulligan at [jmulligan@cdl-law.com](mailto:jmulligan@cdl-law.com) or (717) 240-4686. More information will be provided in an upcoming email invitation. To be sure you receive your invitation join our mailing list at the bottom of this newsletter.

## Texting/Cell Phone Bans by State

As more and more states pass partial or complete bans on cell phone use it is important to stay abreast of the most current information. The Governors Highway Safety Association has put together a recent list of bans and laws by state. To view the list click [here](#). It would be a good reference for driver's to print out and keep as a reference.

- Powerpoint presentation regarding CSA 2010 presented by ATA

- Powerpoint presentation by Dr. Hickman regarding Distracted Driving Study presented at M&K Seminar

To see M&K's recent case results and articles click [here](#).

### Other Resources

FMCSA Distracted Driving Instructional Videos click [here](#).

[PA Motor Trucking Association](#)

[American Trucking Association](#)

[Trucking Industry Defense Association \(TIDA\)](#)

[Federal Motor Carrier Safety Administration](#)

[PA Travel InformationTo-Go](#)

[National Traffic and Road Closure Information](#)

For more resources click [here](#)

## Free Presentations for Your Driver Meetings

We provide FREE presentations at driver's meetings geared toward

The Insurance Institute for Highway Safety has also compiled a list of the laws as well as maps indicating the bans for texting and cell phone use. To view the information and maps click [here](#).

## Opposition to I-95 Tolls In Virginia

ATA, the Virginia Trucking Association and the National Truck Stop Operators (NATSO) are taking the lead in opposing Virginia Governor Bob McDonnell's efforts to establish new tolls on I-95. As part of the effort to oppose the new tolls an online petition in opposition to the polls has been started. You can view and sign the online petition by clicking [here](#). The coalition also has a Facebook page, which can be viewed by clicking [here](#).

## Congressional Hearing on CSA

On September 13, 2012, a Congressional Hearing was held which focused on FMCSA's CSA program. The purpose of the Subcommittee on Highways & Transit was to review the CSA program and help determine whether it is an appropriate measure of safety and whether or not it is achieving its goals. To get more information on the hearing, including copies of the testimony, view a video of the hearing or get a copy of the briefing memo, click [here](#).

## Blog Postings

Keep up to date with our Blog posting. Subscribe to our blog at <http://www.cdl-law.com/blog/>.

our client's topics of interests. Recently, we finished filming a mock trial cross-examination of a driver as part of a new presentation.

Please let us know if you are interested.

**STAY CONNECTED:**  
You can now follow, M&K, LLC on the web!



[Transportation Legal News Blog](#)

### Quote of the Month:

"Football is like life, it requires perseverance, self-denial, hard work, sacrifice, dedication and respect for authority."

~ Vince Lombardi

Join Our  
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Follow us on [Twitter](#). Look for regular postings on Sunday, Tuesday and Thursday evenings.

This month's postings include the following:

- New Towing Law
- CDL Medical Self-Certification
- PA Permitted Loads-Off Interstate=Off Route
- FMCSA Crash-Weighting Research
- Trucking by the Numbers

## Webinars On-Line

Several 20 minute webinars on key issues in the trucking industry have been posted to our webpage. These are audio/video presentations that explain the issues and the challenges they present to the trucking industry.

The topics are as follows:

- Aggressive Defense of Trucking Accidents
- New Hires and PSP
- CSA

You can view the webinars by clicking [here](#).

## About Our Firm

Founded in 2005, **M&K, LLC** is dedicated to and focused upon transportation law and the needs of their transportation clients. Since opening in 2005, **M&K, LLC** has expanded its office to provide clients with the attention and availability they deserve.

**DISCLAIMER: The Information Contained in this Newsletter is NOT Legal Advice.**

