



Insurance
Travel
Roadside
Rewards

LS21.1.2

September 15, 2017

Submitted by email

City Clerk's Office
Toronto City Hall
100 Queen Street West
10FL West Tower
Toronto, Ontario M5H 2N2

Dear Chair Palacio and Members of the Licensing and Standards Committee,

Re: LS21.1 – Tow Truck Industry Review and Recommendations

On behalf of CAA South Central Ontario (CAA), I am writing with respect to the City of Toronto's proposals to update the towing by-laws. CAA South Central Ontario is a not-for-profit automobile club providing roadside assistance to over two million members across our territory, with the vast majority residing within the Greater Toronto Area.

CAA is pleased with many of the changes that Municipal Licensing and Standards (ML&S) staff are recommending that update the existing by-law and aligns with provincial legislation (via Bill 15, *Fighting Fraud and Reducing Automobile Insurance Rates Act*). CAA played an instrumental role in advocating for enhanced consumer protection across the province, including gaining access to towed vehicles during business hours to retrieve personal items, the ability for motorists to pay by credit or debit card, increased transparency around costs, and further defining what a consumer's rights are when towing services are needed.

Below are comments from CAA, for your consideration, on five of the proposals that ML&S has brought forward:

A) Number 5 – Recovery Services

CAA was instrumental in having tow trucks included in Slow Down Move Over provisions within the *Highway Traffic Act*, providing operators with the necessary space to safely provide service. This proposed change to the city's by-law could put tow operators at a greater risk of injury. CAA believes that every safety measure should be taken to comply with this requirement, as tow truck operators are often providing service with limited room near live lanes of traffic.

While CAA understands the intentions of ML&S's proposal for tow operators to take photographs at the scene of a recovery, the concept as written could place tow operators in serious danger.

Additionally there are potential privacy impacts to consider with the current proposal. If pictures are to be retained on the personal devices of tow operators, and not required to be stored securely in a central location monitored by the City of Toronto, the risk of the photos being lost or misused increases. Moreover, should a tow operator move to a different provider or retire from the industry altogether, there is a risk that the operators could retain this personal information with no accountability to ensure it is safely stored and/or destroyed at an appropriate point in time.

B) Number 15 – Written Authorization

When a motorist selects a towing service, and are provided a consent form to sign, they will be largely unaware of their rights, and wouldn't know if the form presented adequately captures their rights according to municipal by-laws and provincial legislation.

While CAA agrees that a permission to tow form be employed before service begins, it is vital for ML&S to either monitor and approve the forms drafted by towing companies, or establish a standard permission to tow form, so that the information gathered is relevant, accurate and consistent among all towing providers.

Additionally, given that CAA's business model is based on service calls being dispatched rather than solicited at the side of the road, the Government of Ontario granted auto clubs an exemption from permission to tow forms, and CAA requests that the City of Toronto extend this exemption as well.

Important information that should be included on the form, which is not currently among the proposals are: the tow operator's Commercial Vehicle Operator Registration number (CVOR) and contact information for ML&S, should discrepancies arise or if the consumer wishes to file a complaint.

CAA believes that ML&S should retain copies of completed consent forms, and ensure they are logged in order to easily access the information should there be a need in the future. This recommendation would require permission to tow forms to have three copies – one for the towing provider, one for the consumer, and one to be submitted to ML&S within a defined time frame.

C) Number 17 – Payment Methods

Under *Bill 15, Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014* - consumers are provided options to pay for towing services, tow operators are required to accept all forms of payments including credit cards. The spirit of the changes were to provide consumers with a proof of payment, something that does not occur in cash transactions.

There are privacy concerns with respect to phoning in credit card information versus having a terminal available in the tow truck. Phoning in a credit card number instead of processing the transaction on scene can increase the potential risk of misuse or fraud and contradicts the intended consumer protection efforts by the provincial government. CAA believes that debit/credit terminals should be available in all tow trucks so that transactions can be processed on the spot and a receipt provided to the consumer.

D) Number 19 – Consumer Access to Personal Property in Vehicle

CAA agrees with the recommendation to permit consumers to access their vehicle to remove personal property at no additional costs. Under provincial legislation, consumers have this right and it is imperative that no additional fees are charged.

E) Number 22 ii – Tow Truck Equipment

Not only has CAA been working with numerous provincial ministries (Transportation, Government and Consumer Services, and Finance) as well as other stakeholders on initiatives that help advance regulation of the towing industry, but CAA has also worked tirelessly to pursue and promote provincial Slow Down, Move Over legislation through the *Making Ontario's Roads Safer Act*.

The proposal for tow operators to wear safety vests while working along highways, in our view, simply does not go far enough. CAA suggests amending the by-law to require operators to wear Personal Protective Equipment (PPE) while performing a recovery on any municipal roads or highways. Being reflective will ensure that tow operators remain highly visible on roadways no matter what the

conditions are on the road, and CAA prides itself in ensuring that our operators wear PPE while working.

Thank you for your time and consideration of the above and CAA looks forward to the continued work to ensure the safety of tow operators on Toronto roads remain top of mind and that consumer safety and confidence with towing legislation is retained and harmonized with current provincial legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Chan', written in a cursive style.

Raymond Chan
Government Relations Specialist
CAA South Central Ontario (CAASCO)