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MUNICIPAL CONTRACTS - NEW JERSEY

Pisack v. B & C Towing, Inc.

Supreme Court of New Jersey - January 16, 2020 - A.3d - 2020 WL 237201

In separate cases, motorists brought putative class actions against towing companies which had municipal contracts to provide towing services, challenging fees charged in connection with non-consensual towing of vehicles.

The Superior Court granted summary judgment to companies. Owners appealed, and cases were consolidated. The Superior Court, Appellate Division, reversed and remanded. Companies appealed.

The Supreme Court held that:

- Legislation amending Towing Act with regard to permissible fees for non-consensual towing of vehicles was not intended to be curative, and thus retroactive application was not indicated on that basis;
- Towing companies were not sellers, lessors, creditors, or lenders when they towed motorists' vehicles, supporting finding that motorists could not assert claim under Truth-in-Consumer Contract, Warranty and Notice Act (TCCWNA) against companies based on such towing;
- Towing companies were not bailees when they towed vehicles, also supporting finding that motorists could not assert claim under TCCWNA; and
- Bills issued by towing companies after towing were not consumer contracts or notices and thus did not satisfy writing requirement for a claim under TCCWNA.