

# SENATE . . . . . No. 1682

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Michael O. Moore***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to voluntary towing reform.

PETITION OF:

NAME:

*Michael O. Moore*

DISTRICT/ADDRESS:

# SENATE . . . . . No. 1682

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By Mr. Moore, petition (accompanied by bill, Senate, No. 1682) of Michael O. Moore for legislation relative to voluntary towing reform [Joint Committee on Telecommunications, Utilities and Energy].

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act relative to voluntary towing reform.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1                   SECTION 1. Chapter 159B of the General Laws, as appearing in the 2006  
2   Official Edition, is hereby amended, after section 6d, by inserting the following two new  
3   sections:-

4           Section 6e. Notwithstanding any general or special law to the contrary, every person  
5   engaged in the consensual and voluntary towing of motor vehicles shall obtain a certificate from  
6   the Department as provided in this section. No license for operation of such towing service shall  
7   be issued until:

8                   (A) Certificates of insurance as prescribed by the Department are on file with  
9   the Department;

10                   (B) Each operator of a tow company or unincorporated, independent operator  
11   has met the criminal offender record report standards as prescribed by the Department to ensure  
12   the public's safety;

(C) Each tow company or operator submits a certificate fee of not less than \$300; and,

(D) Each tow company or operator meets any additional standards for the public's safety as reasonably determined by the Department.

Each vehicle which is used by an operator in pulling or towing a vehicle shall display, in the lower right hand corner of the windshield, a valid sticker furnished by the Department indicating the operator's certificate number. The Department shall review the fee assessed for vehicle stickers annually; provided further that said fee shall not be less than fifty dollars per decal. In addition, each operator engaged in the consensual and voluntary towing of motor vehicles shall display the appropriate tow operator or wrecker registration plate as issued by the Registry of Motor Vehicles. A tow operator, with an existing certificate at the time of enactment, shall be required to comply with these provisions upon renewal of his certificate.

Section 6F. The Department shall have access to and shall obtain all available criminal offender record information from the criminal history systems board of any current or prospective operator of a tow company or unincorporated, independent operator, who may have direct and unmonitored contact with the general public, including any individual who regularly provides voluntary towing to the general public. Access to such information shall be obtained in accordance with sections 167 to 168, inclusive, of chapter 6. The Department shall prohibit the dissemination of such information for any purpose other than to further the protection of the general public.

SECTION 2. Section 5 of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following after subsection (a)(3):-

(3) tow operator or wrecker,

SECTION 3. Section 5 of Chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby further amended by inserting the following subsection:-

(i) Notwithstanding any general or special law to the contrary, a repairman's plate and tow operator or wrecker plate shall have the same rights and privileges.

SECTION 4. The Department shall prescribe all regulations for compliance of this act within a year of its enactment. Every person engaged in the consensual and voluntary towing of motor vehicles shall comply with the requirements of this act within one year of promulgation of regulations.