

SENATE No. 1917

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 is hereby amended by inserting, after
2 section 6D, the following section:-

3 Section 6E.(a) No person shall engage in the consensual and voluntary towing of motor
4 vehicles within the commonwealth without a certificate issued by the department. For the
5 purposes of this section, the term “department” shall mean the department of public utilities. A
6 certificate or any renewal of a certificate issued to a person shall expire 12 months after the
7 effective date of such certificate.

8 (b) An application for a certificate to engage in the consensual and voluntary towing of
9 motor vehicles shall be made to the department. No certificate for operation of such towing
10 service shall be issued until the following 3 requirements have been met.

11 (1) proof of insurance, as prescribed by the department, is provided to the
12 department;

13 (2) each operator of a tow company or unincorporated independent operator,
14 including any person who provides voluntary towing to the public and has direct contact with the
15 public, has met criminal offender record information standards, which shall prohibit the issuance
16 of a certificate to a person who:

17 (i) is a sex offender, as defined in section 178C of chapter 6;

18 (ii) has been convicted of the use, sale, manufacture or distribution of or
19 possession with intent to distribute any controlled substance, defined in section 31 of chapter
20 94C, that is unlawful; or

21 (iii) has been convicted of operating a motor vehicle while under the
22 influence of intoxicating liquor, narcotic drugs, depressants or stimulant substances or of the
23 vapors of glue, within the preceding 5-year period, under section 24 of chapter 90; provided that
24 for the purpose of this clause, the terms “narcotic drug” and “depressants or stimulant
25 substances” shall have the same meaning as in section 1 of chapter 94C; and provided, further
26 that any person who has consented to have any such case disposed of under section 24D of
27 chapter 90 shall, for the purposes of this section, be deemed to have been convicted; and

28 (3) each tow company or operator submits a certificate fee, determined by the
29 secretary of administration and finance under section 3B of chapter 7.

30 SECTION 2. The department of public utilities shall prescribe all regulations for
31 compliance with section 6E of chapter 159B of the General Laws within 12 months of the
32 effective date of this act. Every person engaged in the consensual and voluntary towing of motor
33 vehicles shall comply with the requirements of this act within 12 months of the promulgation of
34 regulations by the department of public utilities.