

SENATE No. 2469

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

SENATE, Wednesday, July 27, 2016

The committee on Ways and Means, to whom was referred the Senate Bill relative to voluntary towing reform (Senate, No. 1289),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2469).

For the committee,
Karen E. Spilka

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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. The first paragraph of section 6B of chapter 159B of the General Laws, as
2 so appearing, is hereby amended by adding the following sentence:- The department shall issue a
3 decision on a written request for adjustment of the maximum charges not more than 12 months
4 after its receipt of that request for adjustment.

5 SECTION 2. Said chapter 159B is hereby amended by inserting after section 6B the
6 following section:-

7 Section 6B½. (a) For the purposes of this section, the term “department” shall mean the
8 department of public utilities. A person with a principal place of business in the commonwealth
9 shall not engage in the consensual and voluntary towing of motor vehicles within the
10 commonwealth without a certificate issued and annually renewed by the department; provided,
11 however, that a membership service organization with more than 1,000,000 members that
12 provide towing services through company-owned vehicles or contracts with tow companies shall
13 not be subject to this section.

14 (b) A person seeking to engage in the consensual and voluntary towing of motor vehicles
15 shall apply for a certificate from the department. Such application shall be in a form prescribed

16 by the department. A certificate to provide towing services shall not be issued until a tow
17 company or sole operator meets the following requirements: (i) provides proof of insurance
18 prescribed by the department, to the department; (ii) submits a certificate fee, as determined by
19 the secretary of administration and finance under section 3B of chapter 7; and (iii) meets the
20 public safety requirements prescribed by the department.

21 (c) The commissioner of public utilities shall promulgate regulations necessary for the
22 implementation and administration of this section.

23 SECTION 3. The department of public utilities shall promulgate the regulations pursuant
24 to subsection (c) of section 6B½ of chapter 159B of the General Laws within 12 months of the
25 effective date of this act.

26 SECTION 4. A person engaged in the consensual and voluntary towing of motor vehicles
27 shall comply with the requirements section 6B½ of chapter 159B of the General Laws within 12
28 months of the promulgation of regulations by the department of public utilities.