

SENATE No. 2354

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, Monday, March 19, 2018

The committee on Ways and Means to whom was referred the Senate Bill relative to voluntary towing reform (Senate, No.1342),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2354).

For the committee,
Karen E. Spilka

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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. Section 6B of chapter 159B of the General Laws is hereby amended by
2 adding the following paragraph:-

3 For the purposes of this section, the word “department” shall mean the department of
4 public utilities.

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

7 Section 6B½. (a) For the purposes of this section, the following words shall have the
8 following meanings unless the context clearly requires otherwise:

9 “Department”, the department of public utilities.

10 “Tow company”, an individual, association, corporation or other legal entity that
11 controls, operates or directs the operation of 1 or more tow trucks over a public roadway in the
12 commonwealth.

13 (b) A tow company that has a principal place of business in the commonwealth shall not
14 engage in the consensual and voluntary towing of motor vehicles in the commonwealth without a
15 certificate issued and annually renewed by the department; provided, however, that a tow
16 company that provides towing services through or on behalf of a membership service
17 organization shall not be subject to this section if the membership service organization annually
18 certifies, in a manner prescribed by the department, that the membership service organization
19 enforces standards that meet or exceed the requirements for a tow company established by the
20 department in subsection (c).

21 (c) Unless providing towing services through or on behalf of a membership service
22 organization under subsection (b), a tow company seeking to engage in the consensual and
23 voluntary towing of motor vehicles shall apply for a certificate from the department. The
24 application shall be in a form prescribed by the department. A certificate to provide towing
25 services shall not be issued until the applicant: (i) provides proof of insurance, as prescribed by
26 the department, to the department; (ii) submits a certificate fee, as determined by the secretary of
27 administration and finance under section 3B of chapter 7; and (iii) meets the public safety
28 requirements prescribed by the department.

29 (d) The department shall promulgate the regulations necessary for the implementation
30 and administration of this section.

31 SECTION 3. The department of public utilities shall promulgate the regulations pursuant
32 to subsection (d) of section 6B½ of chapter 159B of the General Laws not more than 12 months
33 after the effective date of this act.

34 SECTION 4. A tow company engaged in the consensual and voluntary towing of motor
35 vehicles shall comply with the requirements of section 6B½ of chapter 159B of the General
36 Laws not more than 12 months after the promulgation of regulations by the department of public
37 utilities.