

JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY

BILL SUMMARY

BILL NO.	H.3538
TITLE:	An Act relative to reduce administrative burden for government and industry
SPONSOR:	Representative James J. O'Day
COMMITTEE:	Telecommunications, Utilities, and Energy
HEARING DATE:	May 6, 2025
PRIOR HISTORY:	2023-2024: H.3202, accompanied a new draft H.4542, which was reported favorably by TUE and referred to HWM, but not further action was taken 2021-2022: H.3358 (filed by Rep. O'Day) heard by committee; reported favorably to House Ways and Means; no further action taken. 2019-2020: H.2912 (filed by Rep. Naughton), heard by committee; reported favorably by committee and referred to the committee on House Ways and Means; no further action taken.

CURRENT LAW:

Chapter 159B section 6B details the rules and regulations surrounding towing in the Commonwealth. This section states that the Department of Public Utilities (DPU) will determine the maximum allowable charges for the towing of a motor vehicle that is ordered by police or any other public authority, as well as a maximum daily storage charge for non-commercial passenger motor vehicles with a maximum capacity of nine person

SUMMARY:

Section 1 of this Act strikes the fifth paragraph of Section 6B of Chapter 159B in its entirety which pertains to the requirement of persons engaged in towing under this section to file a financial statement to the DPU.

Section 2 of this Act directs the DPU to conduct a study for the purposes of making recommendations on improving the process for determining the rate of reimbursement for the involuntary towing of motor vehicles. In its analysis the DPU is required to:

- Report on the history of the process for establishing the rate of reimbursement for involuntary towed motor vehicles (including the number of rate adjustments, requests for rate adjustments and their outcome)
- Identify known issues or problems associated with the current process for establishing said rates (including any distinction between regulatory rulemaking and the rate setting process)
- Provide an analysis of the methods for determining the applicable rates for involuntary towing used in other states
- Report on the number of tow companies engaged in involuntary towing over time in Massachusetts (including but not limited to a delineation of those tow companies who hold a certificate, but do not engage in involuntary towing)
- Identify the economic factors impacting towing companies and how such costs are factored into determining the involuntary tow rate

- Determine, to the extent possible, any difference in costs for associated with trespass towing versus police-ordered tows for companies so authorized under an involuntary certificate

This Act also directs the DPU to conduct at least two public hearings and to prepare a written report detailing its findings and recommendations, with draft legislation, as may be necessary.