

SENATE No. 01682

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 passage of the accompanying bill:

An Act relative to voluntary towing reform.

PETITION OF:

NAME:

Michael O. Moore

DISTRICT/ADDRESS:

Second Worcester

SENATE No. 01682

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].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 Official
2 Edition, is hereby amended, after section 6d, by inserting the following two new sections:-

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

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

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

12 (C) Each tow company or operator submits a certificate fee of not less than \$300; and,
13 (D) Each tow company or operator meets any additional standards for the public's
14 safety as reasonably determined by the Department.

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

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

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

33 (3) tow operator or wrecker,

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

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

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