

SENATE No. 02411

The committee on Ways and Means, to whom was referred the Senate bill relative to voluntary towing reform (Senate, No. 1682); reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2411).

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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 2 sections:-

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. A certificate or
5 any renewal thereof issued to a person shall expire 12 months after the effective date of such
6 certificate.

7 (b) Application for a certificate to engage in the consensual and voluntary towing of
8 motor vehicles shall be made to the department. No certificate for operation of such towing
9 service shall be issued until:

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

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

16 (A) is a sex offender, as defined in section 178C of chapter 6, or

17 (B) has been convicted of the use, sale, manufacture or distribution of, or
18 possession with intent to distribute any of the controlled substances which are unlawful under
19 section 31 of chapter 94C, or

20 (C) has been convicted of operating a motor vehicle while under the influence
21 of intoxicating liquor, narcotic drugs, depressants or stimulant substances, all as defined in
22 section 1 of said chapter 94C, or of the vapors of glue, within the preceding 5-year period under
23 section 24 of chapter 90.

24 Any person who has consented to have any such case disposed of under section 24D of
25 chapter 90 shall, for the purposes of this section, be deemed to have been convicted; and

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

28 SECTION 2. The department shall prescribe all regulations for compliance with section
29 6E of chapter 159B within 12 months of the effective date of this act. Every person engaged in
30 the consensual and voluntary towing of motor vehicles shall comply with the requirements of
31 this act within 12 months of promulgation of regulations by the department.