

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 848

(Chair, Environmental Matters Committee)(By Request -
Departmental - State Police)

Environmental Matters

Judicial Proceedings

Department of State Police - Tow Companies

This departmental bill requires the Department of State Police (DSP) to establish and maintain a list of all qualified tow companies in the State, by county, for use by DSP in carrying out its statutory duties. DSP is authorized to adopt regulations to establish standards for qualification, including application procedures.

Fiscal Summary

State Effect: None. The bill codifies current practice, and any regulatory development work can be handled with existing DSP resources.

Local Effect: None.

Small Business Effect: DSP has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment as discussed below. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law/Background: Currently, DSP maintains a list of tow companies by county for towing, assisting disabled vehicles, and storing seized vehicles. Internal DSP policy governs the inclusion of tow companies that are listed through this voluntary program, using an application process, inspection of company property, and checks on compliance with towing laws, such as federal vehicle standards and local towing ordinances. However, aside from the inspection of tow trucks as part of the inspection process for commercial vehicles, DSP advises that it is unable to conduct a selection

process for approved towing services that is as thorough or complete as is possible with a full regulatory structure in place. Additionally, DSP advises that it does not have a sufficient legal basis from which to deny tow companies that do not meet its internal selection policies. This bill will enable DSP to establish this proper legal framework.

Small Business Effect: DSP advises that the bill is likely to have minimal or no impact on small business towing services depending on whether minor changes will be necessary to qualify, or remain qualified, under the selection criteria adopted by regulation. Legislative Services concurs with this assessment, assuming the selection criteria remain consistent or comparable with current practice. However, the bill may have a greater impact to the extent that the adoption of selection criteria by regulation gives DSP greater legal authority to deny a small business towing service eligibility on the list of approved towers.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2011
mc/ljm Revised - Enrolled Bill - April 19, 2011

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of State Police – Tow Companies

BILL NUMBER: HB 848

PREPARED BY: Maryland State Police

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.