



Maryland Motor Truck Association

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HEARING DATE: February 10, 2022

BILL NO/TITLE: House Bill 487 – Commercial Vehicles - Nonconsensual Towing - Requirements

COMMITTEE: House Environment and Transportation

POSITION: Support

Maryland Motor Truck Association wholeheartedly offers its support for HB487, which would establish basic consumer protections for our nation's motor carriers and truck drivers that are involved in a nonconsensual tow dispatched by the Maryland State Police (MSP).

When a truck is involved in an accident on a state highway, a towing company is typically dispatched by the MSP from its tow list. The trucking industry refers to these as "nonconsensual tows" because the vehicle owner or operator has no choice in the selection of the towing company. MMTA understands that nonconsensual towing may be necessary in certain circumstances situations involving disabled vehicles, blocked roadways, and motor vehicle accidents. Unfortunately, there are no consumer protections to address longstanding abusive practices by many tow companies. This includes charging excessive rates (see Exhibits), illegally holding vehicles and cargo hostage until the owners or their insurers pay the exorbitant fees, and double billing insurance carriers for the same incident.

Recent examples of this problem include:

- **Exhibit A:** Sullivan's Garage issued an invoice on August 28, 2020 in the amount of \$141,975 for a single vehicle rollover accident.
- **Exhibit B:** Ted's Towing issued two invoices on July 22, 2020 totaling \$86,237 for a single vehicle rollover accident. The company was on the scene for less than an hour and a half and towed the vehicle less than a mile.
- **Exhibit C:** McNeal's Towing issued an invoice on August 22, 2020 in the amount of \$72,000 for a single vehicle rollover accident.
- **Exhibit D:** Sullivan's Garage issued an invoice on June 5, 2020 in the amount of \$77,100 for a single vehicle rollover accident. The recovery efforts took under two hours.

Compounding the issue of excessive invoices, tow companies are illegally holding truck, trailer and cargo hostage. In many cases, the trucking company does not own the trailer or the cargo inside of it. This places a vehicle owner in a precarious situation, as they are often desperate for the return of their vehicle and their customer's trailer and cargo so they can continue in business. Many have no choice but to pay the excessive invoices. In most instances, the towers are also continuing to charge daily storage fees, using the continued accrual of charges as additional leverage.

MMTA has also seen that many towers are engaging in practices of double billing for nonconsensual tows by sending multiple, identical invoices for the same services to different insurance companies. For example, it is not uncommon to see identical invoices being sent to the vehicle's liability insurer, the physical damage insurer, and the cargo insurer, in an attempt to collect from multiple sources. This practice can result in towers receiving payment for more than the amount of the invoices.

The passage of HB487 would:

- Require the Maryland State Police to establish and publish approved rates. This is similar to a requirement that is already occurring on the Maryland Transportation Authority's toll roads.

- Clarify existing law by restating that there is no lien created on any equipment, vehicle, or cargo as a result of a nonconsensual tow.
- Require the State Police to establish a comprehensive complaint and disciplinary process for tow companies on the MSP tow list that includes potential expulsion as a disciplinary action.
- Prohibit the use of per pound billing, which is a method of billing based on the registered weight of a vehicle, not the actual weight of the vehicle or the work that was performed.
- Give vehicle owners and operators an option to choose their own towing company if it can be done safely and within a reasonable amount of time – a practice that already exists on the Transportation Authority’s roadways.

As noted above, the Maryland Transportation Authority already provides numerous protections against hostage towing on the state’s tolled highways, yet it has no problems finding tow companies willing to provide these services. Many counties also regulate heavy-duty towing. These include Montgomery County, Baltimore County, Anne Arundel County and Harford County.

For more than five years the trucking industry in Maryland has attempted to address these challenges cooperatively with the towing industry and the Maryland State Police, yet no action has been taken. It is clear these tow companies have no intention of trying to resolve this unless mandated to do so by the General Assembly. Their egregious rates show a continued pattern of escalation, and towers have admitted in depositions that they are asserting liens on commercial vehicles and cargo to secure payment.

Virtually every good we use gets to retail stores and our homes thanks to the trucking industry. With the explosion of e-commerce and online shopping, trucking is in greater demand than ever. The actions of these towers jeopardize our fragile supply chain. Without trucks, there is no food on the grocery shelves, there are no medical supplies in hospitals, and there are no vaccines in pharmacies. Now more than ever, the resilience and integrity of our supply chain needs to be protected. The men and women delivering these vital goods deserve the basic consumer protections offered in HB487. MMTA urges a favorable report.

About Maryland Motor Truck Association: Maryland Motor Truck Association is a non-profit trade association representing the trucking industry since 1935. In service to its 1,000 members, MMTA is committed to supporting and advocating for a safe, efficient, and profitable trucking industry across all sectors and industry types, regardless of size, domicile, or type of operation.

For further information, contact: Louis Campion, (c) 443-623-4223

Companies Expressly Supporting House Bill 487



BREEDING
ROLL OFF SERVICE



William N. Mason Inc.

SULLIVAN'S GARAGE
 7318 GOLDEN RING ROAD
 ESSEX, MARYLAND 21221
 FIN # 520803422
 410-686-8536

Date: 08-28-2020

Exhibit A

Incident: tractor trailer through guardrail, off road down embankment @ 50'
Location: 95 SB @ mm 79.0, Joppa, Maryland
Truck Company: [REDACTED]
Truck Information: [REDACTED]
Trailer Information: [REDACTED]

08-28-2020 Recovery equipment truck, trailer, cargo:	
85 ton rotator recovery unit # 8	
80 ton rotator recovery unit # 34	
80 ton rotator recovery unit # 35	
35 ton recovery unit # 11	
emergency response rigging unit # 20	
2 recovery supervisor	
6 riggers	
PPP recovery total weight, gradient resistance, surface resistance factors 105,000 pounds X \$1.07 = \$ 112,350.00	
road tractor with 55 ton lowboy trailer # 18 transport trailer	= \$ 03,750.00
road tractor with 55 ton lowboy trailer # 19 transport tractor	= \$ 03,750.00
rollback # 2 transport debris	= \$ 01,500.00
pressure wash all rigging, lowboy trailers, inspect rigging, place back in service	= \$ 01,500.00
08-28-2020- Recovery, cleanup, transport	= \$122,850.00
08-30-2020 equipment for debris removal and debris cleanup:	
80 ton rotator recovery unit # 34	
Road tractor and tilt deck trailer # 19	
Skid steer grappeler attachment	
20 yard roll off container	
emergency response rigging unit # 20	
1 safety supervisor	
4 laborers	
08-30-2020 equipment for debris removal, debris cleanup, debris disposal:	= \$ 19,125.00
TOTAL	= \$ 141,975.00
Storage tractor @ \$90.00 per day starting on 08-29-2020 thru	
Storage trailer @ \$180.00 per day starting on 08-29-2020 thru	

Invoice # 174547

Exhibit B

Ted's Towing

4920 Hazelwood Ave

Baltimore, MD 21206

Ph: 410-325-6700 Fax: 410-866-6192

tedstowing4920@gmail.com

Invoice #P-144735

Date: 7/22/2020

For:

Cash / C.O.D

Due Date	Terms	P.O. Number
	Due upon receipt	

From: I-695 & Chesaco Ave, Rosedale, MD 21237
To: Ted's Quad Ave, 6716 Quad Ave, Baltimore, MD 21237
Owner: [REDACTED]

Service Date: 7/22/2020 1:53:00 PM

Driver: 12

Ticket #:

Reason For Call: Overturned

Phone #:

Member #:

Vehicle	VIN	Veh #	Tag	State	Odometer
Freightliner Tractor Trailer		[REDACTED]			

Qty	Service	Rate	Adjustment	Tax	Amount
26,810.00	Rollover Recovery	\$1.25	\$0.00	\$0.00	\$33,512.50
1.00	Tractor Trailer Tow	\$0.00	\$0.00	\$0.00	\$0.00
1.00	Remove Drive Shaft & Supply Tow Lights	\$0.00	\$0.00	\$0.00	\$0.00
8.00	Labor	\$0.00	\$0.00	\$0.00	\$0.00
1.00	Yard Work Stack trailer onto another [REDACTED] when ready	\$0.00	\$0.00	\$0.00	\$0.00
0.00	Storage Daily None until 7/31/20	\$180.00	\$0.00	\$0.00	\$0.00
Total Amount Due					\$33,512.50

Received By:

Date:

Exhibit B

Ted's Towing

4920 Hazelwood Ave

Baltimore, MD 21206

Ph: 410-325-6700 Fax: 410-866-6192

tedstowing4920@gmail.com

Invoice #P-144749

Date: 7/22/2020

For:

Cash / C.O.D

Due Date	Terms	P.O. Number
	Due upon receipt	

From: 695 & Chesaco Ave, Rosedale, MD 21237

To: Ted's Quad Ave, 6716 Quad Ave, Baltimore, MD 21237

Owner: [REDACTED]

Service Date: 7/22/2020 2:50:00 PM

Driver: 12

Ticket #:

Reason For Call: Overturned

Phone #:

Member #:

Vehicle	VIN	Veh #	Tag	State	Odometer
Steel Coil 42,180 LBS		[REDACTED]			

Qty	Service	Rate	Adjustment	Tax	Amount
42,180.00	Recovery	\$1.25	\$0.00	\$0.00	\$52,725.00
1.00	Lowboy Service	\$0.00	\$0.00	\$0.00	\$0.00
8.00	Labor	\$0.00	\$0.00	\$0.00	\$0.00
1.00	Yard Work Crane off once in Ted's yard	\$0.00	\$0.00	\$0.00	\$0.00
1.00	Yard Work Crane on a [REDACTED] truck when ready	\$0.00	\$0.00	\$0.00	\$0.00
0.00	Storage Daily Non until 7/31/20	\$90.00	\$0.00	\$0.00	\$0.00
Total Amount Due					\$52,725.00

Received By:

Date:

Exhibit C

McNeal's Towing/Car & Truck Repair Inc.
 510 Orem's Rd.
 Suite H
 Baltimore, MD 21221

Invoice

Date	Invoice #
8/22/2020	008825

Bill To

P.O. No.	Terms	Due Date		
██████████	Due on receipt	8/22/2020		
Description	Qty	Rate	Amount	
Labor for safety of setting up traffic organization pattern directing drivers away from closed ramp during recovery and clean up	80,000	0.02	1,600.00	
Misc. is truck restocking fee	80,000	0.02	1,600.00	
Offsite cleaning and lubricating of equipment used during recovery	80,000	0.04	3,200.00	
Recovery supplies, operator equipment, cribbing, misc. Woods and truck supplies	80,000	0.02	1,600.00	
Onsite Concession Supplying all Operators, riggerd, laborers, and supervisors with the ability to hydrate and supply themselves with essential nutrients and supplements during incliment weather, conditions and emergency recovery stress. Over 80 degrees fahrenheit				
IF BILL IS PAID WITHIN 30 DAYS THERE WILL BE A TWO PERCENT DISCOUNT ON THE TOTAL BILL. IF INVOICE EXCEEDS 30 DAYS PAYMENT A FIVE PERCENT LATE FEE WILL BE ADDED TO TOTAL BILL.				
Sales Tax		6.00%	0.00	
Total			\$72,000.00	
Payments/Credits			\$0.00	
Balance Due			\$72,000.00	

Phone #	Fax #
410-391-4485	410-687-9105

Exhibit D

SULLIVAN'S GARAGE
7318 GOLDEN RING ROAD
ESSEX , MARYLAND 21221
FIN # 520803422
410-686-8536

Date: 06-05-2020

Incident: tractor trailer overturned blocking roadway, trailer cargo out of trailer, tractor over guardrail

Location: I-695 SB @ mm 38

Insurance Company:

Claim#

Truck Company: [REDACTED]

USDOT#

Truck Information: [REDACTED]

Recovery equipment list truck, trailer and cargo:	
1 85 ton rotator recovery unit	
1 80 ton rotator recovery unit	
1 35 ton recovery unit	
Road tractor	
Emergency response rigging unit	
Rollback for debris and contaminated rigging	
Road tractor with specialized 12" drop side lowboy	
(1) safety scene and rigging supervisor	
(4) additional riggers	
Cleanup of all rigging and equipment	
Recovery, initial transport billed PPP loaded tractor trailer 80,000 pounds @ \$.87 per pound	= \$ 69,600.00
Secondary transport to [REDACTED] tractor, trailer, remove trailer after unloaded, cleanup	= \$ 07,500.00
Outside storage tractor @ \$90.00 per day starting on 06-06-2020 thru	= \$
Inside storage trailer cargo @ \$750.00 per day starting on 06-06-2020 thru	= \$
SubTotal - Port to Port, Recovery, cleanup, secondary transport, NO STORAGE	= \$ 77,100.00