



THE MARYLAND HOUSE OF DELEGATES
LEGISLATIVE DISTRICT 15 · MONTGOMERY COUNTY

LINDA FOLEY
ENVIRONMENT AND TRANSPORTATION
COMMITTEE

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Testimony: HB487 - Commercial Vehicles - Nonconsensual Towing - Requirements
Committee: Environment and Transportation
Hearing Date: February 10, 2022

I urge a favorable report for HB487, currently titled Commercial Vehicles - Nonconsensual Towing - Requirements.

This bill will be amended to use the term “police-initiated towing”, instead of “nonconsensual towing” to specifically mean the moving, transporting, or recovery of a commercial vehicle and/or its cargo at the discretion of the State Police.

This important, yet simple bill, ensures that medium and heavy-weight trucking companies have the choice and option of which companies tow their inoperable vehicles on state roads. This bill is specific to Maryland’s state roads. This is important because when a large truck is incapacitated on a state road, the Maryland State Police currently use a tow list to call for the towing of these disabled trucks. The State Police choose the towing company.

In recent years, some towing companies on the State Police’s tow list have changed the way they charge commercial vehicles for towing their rigs and cargo, specifically by implementing a per-pound billing practice that is not uniform and often subjective.

Cargo from these trucks that are towed often is held until payment of what are sometimes exorbitant towing and storage charges. The cargo usually is owned by another company that is not the trucking company. This, in effect, creates an unwarranted lien on the cargo, that doesn’t belong to either the towing company or the shipping trucker.

As we all know, a supply chain crisis over the past two years has caused shortages in Maryland grocery stores; chip shortages that cause electronic products and cars to cost more; and other shortages that Marylanders encounter nearly every day. Holding cargo items garnered in a police-initiated tow exacerbates the supply chain crisis in our state, which is why it is important that cargo can be released in an appropriate manner and timeframe.



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This bill does the following:

1. Requires the Maryland State Police to establish approved towing rates, similar to what the Maryland Transportation Authority already does.
2. Prohibits the use of per-pound billing, which is based on a registered vehicle weight plus the maximum load it's permitted to carry, and not on the actual weight of the vehicle or the work that was performed by the towing company.
3. Gives vehicle owners and operators an option to choose their own towing company, if the towing can be done safely and within a reasonable amount of time.
4. Clarifies existing law by restating that there is no lien created on any equipment, vehicle, or cargo as a result of a police-initiated tow.
5. Establishes a comprehensive complaint process to ensure that towing companies charge fair and equitable rates for the service they provide.

It is the state's responsibility to ensure that there are fair and equitable towing practices, especially for commercial trucking companies that are critical to the functioning of Maryland's economy. This is a simple and specific bill to address these concerns. It creates a framework for addressing problems related to police-initiated towing on our state roads. I urge a favorable report.