

**Maryland-Delaware Solid Waste Association**

a chapter of the

**National  
Waste & Recycling  
Association<sup>SM</sup>**

Collect. Recycle. Innovate.

TO: The Honorable William C. Smith, Jr., Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Jeff Waldstreicher

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

DATE: February 24, 2022

RE: **SUPPORT** – Senate Bill 613 – *Commercial Vehicles – Nonconsensual Towing – Requirements*

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The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **support** Senate Bill 613.

Senate Bill 613 establishes a framework to ensure the fair and equitable treatment of motor carriers and truck drivers that are involved in a nonconsensual tow that is dispatched by the State Police under certain circumstances when the disabled vehicles are blocking roadways, involved in an accident, or otherwise creating a safety hazard as determined by the State Police. Under these circumstances, a towing company is dispatched by the State Police from its tow list and the vehicle owner or operator has no choice in the selection of the towing company. Unfortunately, unlike nonconsensual towing on toll roads by the Maryland Transportation Authority, there are no consumer protections for nonconsensual tows on state highways that address the long-standing abusive practices by many tow companies that include illegally holding vehicles and cargo until the payment of excessive rates and double billing insurance carriers for the same incident.

Senate Bill 613 requires the Maryland State Police to establish approved towing rates, which is analogous to a requirement that is already occurring on the Maryland Transportation Authority's toll roads. It should be noted that the Authority has had no trouble enlisting towers to do nonconsensual tows. It also requires the State Police to establish a comprehensive complaint and disciplinary process for tow companies on their tow list that includes potential expulsion as a disciplinary action. Further, the legislation clarifies existing law by restating that there is no lien created on any equipment, vehicle, or cargo as a result of a nonconsensual tow; prohibits 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; and gives 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 – another practice that already exists on the Transportation Authority’s roadways.

In addition to the Maryland Transportation Authority’s already existing protections against egregious towing practices, many Counties also regulate heavy duty towing. Despite attempts by the trucking industry to address these issues with the towing industry, their rates for nonconsensual tows continue to escalate and they are increasingly asserting liens on commercial vehicles and cargo to secure payment. Senate Bill 613 reflects basic consumer protections already in place on other roadways that have proven to be fair and acceptable to all parties. MDSWA urges a favorable report.

**For more information call:**

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