



# Maryland Motor Truck Association

9256 Bendix Road, Suite 203, Columbia, MD 21045

Phone: 410-644-4600

Fax: 410-644-2537



**HEARING DATE:** February 24, 2022

**BILL NO/TITLE:** Senate Bill 613 – Commercial Vehicles - Nonconsensual Towing - Requirements

**COMMITTEE:** Senate Finance Committee

**POSITION:** Support

Maryland Motor Truck Association wholeheartedly offers its support for SB613, 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 SB613 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 SB613. 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/Senate Bill 613



**BREEDING**  
ROLL OFF SERVICE



William N. Mason Inc.

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

# Exhibit A

Date: 08-28-2020

**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]

<b>08-28-2020 Recovery equipment truck, trailer, cargo:</b>	
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	
<b>PPP recovery total weight, gradient resistance, surface resistance factors 105,000 pounds X \$1.07 = \$ 112,350.00</b>	
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
<b>08-30-2020 equipment for debris removal and debris cleanup:</b>	
80 ton rotator recovery unit # 34	
Road tractor and tilt deck trailer # 19	
Skid steer grapple 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
<b>TOTAL</b>	<b>= \$ 141,975.00</b>
<b>Storage tractor @ \$90.00 per day starting on 08-29-2020 thru</b>	
<b>Storage trailer @ \$180.00 per day starting on 08-29-2020 thru</b>	

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	\$0.00	\$0.00	\$0.00	\$0.00
	Stack trailer onto another [REDACTED] when ready				
0.00	Storage Daily	\$180.00	\$0.00	\$0.00	\$0.00
	None until 7/31/20				
<b>Total Amount Due</b>					<b>\$33,512.50</b>

**Received By:****Date:**

Fed Tax ID# 52-0786029

# 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
<b>Total Amount Due</b>					<b>\$52,725.00</b>

**Received By:****Date:**

Fed Tax ID# 52-0786029



# 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]

<b>Recovery equipment list truck, trailer and cargo:</b>		
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	= \$	
<b>SubTotal - Port to Port, Recovery, cleanup, secondary transport, NO STORAGE</b>	<b>= \$</b>	<b>77,100.00</b>



Maryland Motor Truck Association Efforts to Discuss Towing Challenges with Towing & Recovery Professionals of Maryland

- January 28, 2021 – Louis Campion sent email to Betty Cornwell at TRPM requesting status on setting up a meeting
- January 15, 2021 – Louis Campion sent email to Betty Cornwell at TRPM advising I had not heard anything back about putting together a meeting
- January 5, 2021 – Louis Campion sent email to Betty Cornwell and Jeff Hurley about setting up a meeting
- December 17, 2020 – Louis Campion spoke to Betty Cornwell on the phone about setting up a meeting and then followed up with an email to her and Jeff Hurley asking who should be included, dates available, etc.
- November 6, 2020 – Louis Campion spoke to Betty Cornwell on the phone and advised her that MMTA and OOIDA sent a letter about towing challenges to the MSP. Forwarded a copy of the letter to her via email.
- August 24, 2020 – Louis Camion forwarded email to Betty Cornwell with an example of a recent tow bill received by a member for \$72,000.
- June 29, 2020 – Louis Campion sent email to Betty Cornwell showing an invoice for over \$80,000 received by an OOIDA member.
- January 25, 2018 – meeting at MMTA with TRPM, MMTA, SHA, MSP, Cowan Systems, DM Bowman, Mark's Equipment, Tim's Towing, Morton's Towing, Sullivan & Sons, Jess Jr. & Sons
- August 14, 2015 – organized a conference call between OOIDA, TRPM and MMTA – Mike Matousek, Betty Cornwell and Louis Campion

## Louis Campion

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**From:** Louis Campion <louis@mdtrucking.org>  
**Sent:** Thursday, January 28, 2021 9:43 AM  
**To:** 'Betty Cornwell'  
**Subject:** Jeff Hurley's Health

Hi Betty,

Have you heard anything about how Jeff is doing with his health? I am getting some members asking me for an update on where things stand with the towing issue. My response is that I committed to meeting with a small group of towers, but some health issues have arisen and I am waiting those out in fairness to them.

Louis Campion  
President & CEO  
Maryland Motor Truck Association  
9256 Bendix Road, Suite 203  
Columbia, MD 21045  
[louis@mdtrucking.org](mailto:louis@mdtrucking.org)  
410-644-4600 x 115 (o)  
443-623-4223 (c)  
410-644-2537 (f)

## Louis Campion

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**From:** Louis Campion <louis@mdtrucking.org>  
**Sent:** Friday, January 15, 2021 9:08 AM  
**To:** 'Betty Cornwell'  
**Subject:** Tow Follow Up

Hi Betty,  
Just wanted to let you know, I have not heard anything back about having a meeting with a small group of your towers. The session started 2 days ago, which means my schedule gets very unpredictable, but I don't want this to slide.

Hope you are continuing to feel better and better.

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## Louis Campion

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**From:** Louis Campion <louis@mdtrucking.org>  
**Sent:** Tuesday, January 5, 2021 12:49 PM  
**To:** 'jhurley56@comcast.net'; 'Betty Cornwell'  
**Subject:** RE: Towing Meeting with MMTA

Betty and Jeff,  
I hope you both had a nice Christmas and New Year. I am following up on the email below so that I know who to invite to a potential meeting.

Louis Campion  
President & CEO  
Maryland Motor Truck Association  
9256 Bendix Road, Suite 203  
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[louis@mdtrucking.org](mailto:louis@mdtrucking.org)  
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**From:** Louis Campion <louis@mdtrucking.org>  
**Sent:** Thursday, December 17, 2020 4:02 PM  
**To:** 'jhurley56@comcast.net' <jhurley56@comcast.net>; 'Betty Cornwell' <bettycornwell@hotmail.com>  
**Subject:** Towing Meeting with MMTA

Hello Betty and Jeff,

I am following up on a phone call that I received this week from Vince Flook at Vinny's Towing. He and I had an extensive discussion about the towing article that appeared in MMTA's magazine. It is my understanding that TRPM would like to meet with us to discuss many of the issues that were raised. I am always happy to do that. Vince asked me to connect with you to coordinate. A few questions:

- Who would you want to invite to that meeting from TRPM's members?
- What are the goals of this meeting? What specifically do we want to discuss? I ask that because I am looking for solutions to the challenges our members are facing. I know several towing companies indicated that the example tow bill that Franklin & Prokopik referenced in the article was inaccurate. I'm not looking for a meeting that simply turns into a justification over a specific tow bill. I want to discuss the problems and identify some possible solutions.
- Based on the goals of the meeting, who else would we want to consider inviting? I'd definitely like to include a couple of my motor carriers, but perhaps we might consider inviting OOIDA, Franklin & Prokopik, SHA, and the MSP. I'm not sure if it would be premature to do so or not.

I know we have a lot of challenges with meeting in person due to COVID, but I can set up a virtual meeting as we have a subscription to WebEx. Once we have a sense of who we might include, I can put out several dates as options.

Thanks to you both. Merry Christmas.

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## Louis Campion

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**From:** Louis Campion <louis@mdtrucking.org>  
**Sent:** Friday, December 18, 2020 1:05 PM  
**To:** 'Betty Cornwell'  
**Subject:** RE: Letter

Thanks Betty. I just wanted to make sure you had gotten it. I don't want you to think I am hiding anything. I know this is a challenge for both of our industries, but I believe on being honest with people and working together to try and find solutions. Merry Christmas.

Louis Campion  
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Maryland Motor Truck Association  
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443-623-4223 (c)  
410-644-2537 (f)

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**From:** Betty Cornwell <bettycornwell@hotmail.com>  
**Sent:** Friday, December 18, 2020 12:27 PM  
**To:** Louis Campion <louis@mdtrucking.org>  
**Subject:** Re: Letter

Louis,

Please forgive me. I went back and checked my e-mails, and you did send it to me on 11-6-20. I was not checking my e-mails very much during those first few weeks after surgery.

I did enjoy our talk yesterday, and I appreciate your concern that Vinny might have been trying to bypass me. I do know that Wayne is guilty of this. When he does this, it usually comes back to me and he makes some excuse and says he thought he had told me.

I don't believe our association can survive another year if he remains in the President's position. I hope I can talk the Board into having a nominating committee since we are still so uncertain about the virus.

Hope you have a great weekend.

Thanks,  
Betty

---

**From:** Louis Campion <louis@mdtrucking.org>  
**Sent:** Friday, December 18, 2020 8:34 AM  
**To:** 'Betty Cornwell' <bettycornwell@hotmail.com>  
**Subject:** FW: Letter

Betty,

Thanks for the discussion yesterday. When we were talking, I was a little distraught because you mentioned that Andrew had sent you our letter/information that was going to the MSP. I actually sent it to you on November 6 – see the email below and the attachment. Did you not receive it?

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---

**From:** Louis Campion <[louis@mdtrucking.org](mailto:louis@mdtrucking.org)>  
**Sent:** Friday, November 6, 2020 3:25 PM  
**To:** 'bettycornwell@hotmail.com' <[bettycornwell@hotmail.com](mailto:bettycornwell@hotmail.com)>  
**Subject:** Letter

Betty,  
Per our discussion, here is the letter sent to the MSP.

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Maryland Motor Truck Association  
Towers Meeting - January 25, 2018

**Agenda**

- Introductions
- Background of issue for trucking
  - Accidents responsibility
  - No role in selection of tower handling vehicle
  - No control over cost
- Police dispatch tows
  - Pre-qualification of towers
    - Licensing
    - Subcontracting
    - Required equipment
  - Emergency selection process
    - How selection occurs
    - Maintenance and purging of tower rotation
    - Reporting requirement of tows performed?
    - Abuse reporting?
- Options
  - Required insurance
  - Rates

**Meeting Summary**

- Participating companies: TRPM, MMTA, SHA, MSP, Cowan Systems, DM Bowman, Mark's Equipment, Tim's Towing, Morton's Towing, Sullivan & Sons, Jess Jr. & Sons
- Background: The trucking industry has been frustrated with the cost of police dispatch tows after an accident. While the priority of SHA and the MSP is to clear the roadway for safety and traffic flow, trucking companies are the end users of the towing services and the responsible parties for payment, with no control over the selection process or the rates charged.
- Frequency: SHA reports that there are approximately 100 accidents in Maryland on the Interstates or state roads that involve overturned commercial vehicles that result in a road lane closure.
- Towing challenges: In recent years as congestion has increased, towing companies are under far greater pressure and scrutiny to clear the roadway as quickly as possible. The cost of equipment and retaining drivers has skyrocketed. The information shared by law enforcement when dispatching a tower about the severity of the accident is limited, leaving the tower with no choice but to come "loaded for bear" with enough equipment to ensure it can respond to any incident if the company wishes to remain on the approved tow list. Once a tower arrives, it often is unable to leave the scene, and often must wait for lengthy periods for accident investigators to complete their work, particularly if a fatality has occurred.
- Regulations: Currently qualification of towers and the process used by the State Police is handled through internal policy guidelines with dispatch handled by the local barracks. Regulations are being developed cooperatively between the MSP, SHA and industry. These will address issues like required insurance, equipment, experience, etc. It is expected to make it much harder for "rogue" towers to qualify on the MSP's dispatch list. The next meeting between the parties is February 7.
- Options for trucking companies:
  - State Police claims there is an existing method for companies to complain about a tower if they feel they have been wronged. Companies should contact the local MSP barracks that dispatched the tower, who will initiate an investigation.
  - In some cases, if a trucking company in an accident has a relationship with a nearby tower who is on the approved MSP tow list, & the trucking company immediately contacts that tower, the MSP will defer when it arrives at the scene and allow the use of the trucking company's tower. Challenges arise when the tower does not arrive quickly, leaving the MSP upset that it should have done its own dispatch. Therefore, it is recommended that the trucking company and its preferred area tower agree that the tower will contact the MSP barracks, advise that it is on its way to the scene, and provide an estimated time of arrival when called.
  - If the accident does not involve a blocked road lane (e.g. the vehicle is on the shoulder or not impacting traffic flow), current procedures dictate that the MSP will dispatch the motor carrier's tower of choice.

**Next steps:**

- MMTA will pursue a meeting with the various barrack supervisors to discuss police acceptance of trucking companies dispatching their own towers if they are on the approved barracks list.
- MMTA is attempting to retrieve a list of the approved towers in each barracks, with a focus on high traffic lanes.
- MMTA will put out a survey of key trucking company members to gauge the extent of this problem in Maryland.



×

# Conference call with Towers and OOIDA

Aug 14, 2015

10:00am

to

10:30am

Aug 14, 2015

Time zone

☐ All day

Does not repeat ▾

Event Details


Find a Time



Add Google Meet video conferencing



Add location



Notification ▾

10

↕

minutes ▾


×

Add notification



Louis Campion

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Busy ▾

Default visibility ▾

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