

SB613 - Cowan Systems - Support.pdf

Uploaded by: Herman Funk

Position: FAV



4555 Hollins Ferry Road
Baltimore, Maryland 21227
Phone: 443-297-1314

HEARING DATE: February 24, 2022

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

COMMITTEE: Senate Finance Committee

POSITION: **Support**

Good Afternoon, and thank you for the opportunity to voice our strong support for Senate Bill 613. I am Herman Funk, General Counsel at Cowan Systems. Cowan Systems, LLC is headquartered in Baltimore, County, Maryland and is the largest transportation provider headquartered in Maryland, with 2,900 employees and contractors, operating 2,300 power unit nationwide.

Maryland business is being preyed upon by unscrupulous operators who avoid competition with the unwitting assistance of law enforcement. SB 613 would provide transparency and competition in rates and billing practices, give Maryland business a mechanism for adjudicating complaints and remove unscrupulous operators from the process.

After a simple one-vehicle rollover accident in 2020, Cowan Systems was invoiced \$72,000 by the tow operator. This sort of tow ordinarily costs \$25,000 to \$30,000. The invoice in question used a fictional "per pound" billing method, and included "misc. truck restocking fees" and charges for food and drinks for the tow operator's employees.

Recently we received an invoice from a Maryland tow operator charging \$2,500 per hour for use of a rotator crane. Customarily, invoices for this equipment range from \$900 to \$1,250 per hour. Currently, there is no competition and no mechanism for regulating these rates.

After a recent crash, the tow company sent us two invoices, one for the tractor and one for the trailer, each in excess of \$25,000, just for *towing* a slightly damaged tractor and a completely undamaged trailer approximately three miles. These invoices were also calculated using the fictional "per pound" billing method, and a fictional 80,000 pound weight for the tractor-trailer (our truck actually weighed less than 36,000 pounds at the time of the crash).

Invoices often include hourly charges for time spent waiting. Often an "administrative fee" of thousands of dollars is appended. Equipment and cargo is unlawfully detained to compel payment.

These practices unfairly prey on small business and require larger businesses like ours to expend time and money on unnecessary litigation.

Thank You.

For Further Information, please contact: Herman Funk, Jr. at 443.297.1314

SB613 - Lightning Transportation - Support.pdf

Uploaded by: Kenny Bishop

Position: FAV



“SHIP TO SHORE AND BEYOND”

Hearing Date: February 24, 2022

Bill No./Title: Senate Bill 613 – Commercial Vehicles - Nonconsensual Towing - Requirements

Committee: Senate Finance Committee

Position: Support

Lightning Transportation Inc., has been in business since 1987 and is a For-Hire – Property Carrying Motor Carrier, based in Hagerstown, MD, that provides ocean container drayage services, including imports and exports through the Ports of Baltimore, MD, Norfolk, VA, Charleston, SC, Savannah, GA and rail service in Atlanta, GA. Lightning Transportation Inc. provides delivery service with approximately 335-350 Owner Operators and their trucks, to a variety of customers, delivering furniture, tires, machinery, equipment, and a multitude of other various goods. We utilize over 75 drivers in the Baltimore Port Region, each of which is a small business owner, who depend on their truck as their sole livelihood.

I am Kenneth Bishop, Safety Manager for Lightning Transportation Inc. I have over 37 years in the trucking industry in the state of Maryland. I have 11 years in the Safety arena and have responded to and investigated numerous road accidents and dealt with the recovery of cargo and equipment on many occasions.

I am writing to you in support of Bill 613, which will help protect Maryland’s Motor Carriers and Owner Operators against predatory towing fees charged by towing companies in Non-Consensual Tows dispatched by the Maryland State Police (MSP) or other law enforcement agencies. These tows can place a tremendous financial demand on the carrier, the Owner Operators and delay the delivery of goods to both Maryland and outlying state’s customers, further encumbering our vital supply chain.

When a towing company is called out by the police, without the consent or knowledge of the motor carrier, it allows the towing company to monopolize their services and charge literally any price they want to, to the motor carrier. Usually, by the time the motor carrier is notified of the accident, their equipment may have already been towed or the towing company could already be on the scene, leaving the motor carrier with no option or means to control their cost. In almost every case I have been associated with, the towing company holds both the truck and trailer, including the cargo inside, until the entire bill is paid. Even when different insurance companies are responsible for the

equipment and offers to pay a partial invoice for the trailer and cargo release are requested, they are usually denied. This is leveraged to force you to pay the outrageous price or accrue more storage fees for each piece of equipment. I would also add that it typically takes days, if not weeks, to even receive an invoice, which is also a tactic to accrue more storage fees. I believe strongly that the other reason for the delay in providing an invoice is because there are no guidelines or regulatory perimeters set for towing companies to provide standard fees, so they take their time creating an invoice with exorbitant fees, hoping the carrier will want their equipment badly enough to just pay it.

I want to provide you with a few examples:

1. Baltimore City - Truck and trailer, loaded with cargo, that was leaning against a utility pole on the driver side. Police called a towing company, local response, and they brought two rotator trucks out to hook cables to the truck and trailer and lower it down on the passenger side wheels. They were on scene under 1 hour! Our driver then drove his truck and trailer less than 1 mile to our yard and dropped the loaded trailer. The towing company called and demanded \$11,000 for payment over the phone. We declined to pay the charges over the phone until the charges could be discussed further. The tow company then came onto our property, hooked to the loaded trailer with no permission, and took it to their yard to hold hostage until payment was made. We paid \$1,000 to an attorney to send the tow company a letter, demanding release of our cargo, which they refused. Since the chassis was damaged, the loaded container needed to be lifted onto another chassis to deliver it to our customer, which they agreed to do if we paid the \$11,000. It took nearly a week to have this work completed before our load and equipment was released.
2. Hagerstown – MD State Police - Empty trailer and a truck fire on I70, just a few miles from our home office in Hagerstown. MSP called a towing company without giving us the opportunity to call someone on our own and we were charged \$10,182.50 and the trailer was not released for nearly two weeks.
3. Myersville – MD State Police - Loaded container and another truck fire resulting in a driver fatality in Myersville, MD., MSP called a tow company from Gaithersburg, MD., who charged \$30,155.39 just for the initial towing and response.

These are just some examples of actual events that occurred. Keep in mind, that there are many other costs associated with the delays caused by these tows. The steam ship line imposes daily per diem fees

on containers not returned to the port of \$150-\$300 after the free time allowed has expired. Chassis providers charge \$15+ per day for rentals, which can add up over time. Not only is the carrier losing potential for revenue, so is the Owner Operator, while they are waiting for their truck to be released and damages assessed before repairs or settlement can be made. During this time the driver is not working, not making money, not paying bills!

The laws of supply and demand and free market do not apply in the case of the "Non-Consensual tow". There is no competition here, only a monopolizing towing company that had the good fortune to be called out by the police and given a blank check to fill out for the motor carrier to get their equipment returned.

Thank you for the opportunity to provide testimony on this issue.

Contact: Kenneth Bishop, (c) 301-302-6180

16820 C Blake Road ♦ Hagerstown, MD 21740

Phone: 301-582-5700 ♦ Fax: 301-582-5896 ♦ <http://www.lightningtrans.com>

SB613 - Maryland Motor Truck Association - Support

Uploaded by: Louis Campion

Position: FAV



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



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 Orems 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

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 Campion 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

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
410-644-4600 x 115 (o)
443-623-4223 (c)
410-644-2537 (f)

Louis Campion

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.

Louis Campion
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9256 Bendix Road, Suite 203
Columbia, MD 21045
louis@mdtrucking.org
410-644-4600 x 115 (o)
443-623-4223 (c)
410-644-2537 (f)

Louis Campion

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
Columbia, MD 21045
louis@mdtrucking.org
410-644-4600 x 115 (o)
443-623-4223 (c)
410-644-2537 (f)

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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Sent: Thursday, December 17, 2020 4:02 PM
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Subject: Towing Meeting with MMTA

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Thanks to you both. Merry Christmas.

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louis@mdtrucking.org
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443-623-4223 (c)
410-644-2537 (f)

Louis Campion

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
President & CEO
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Columbia, MD 21045
louis@mdtrucking.org
410-644-4600 x 115 (o)
443-623-4223 (c)
410-644-2537 (f)

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?

Louis Campion
President & CEO
Maryland Motor Truck Association

9256 Bendix Road, Suite 203
Columbia, MD 21045
louis@mdtrucking.org
410-644-4600 x 115 (o)
443-623-4223 (c)
410-644-2537 (f)

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

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

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

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 ● ▾

 Busy ▾ Default visibility ▾ ?

  **B** *I* U    

Final Written Testimony (Support SB 613).pdf

Uploaded by: Michael Matousek

Position: FAV



Owner-Operator Independent Drivers Association, Inc.

National Headquarters: OOIDA Building, I-70 at Grain Valley Exit
1 NW OOIDA Drive, P.O. Box 1000, Grain Valley, MO 64029
Tel: (816) 229-5791 Fax: (816) 427-4468
Email: ooida@ooida.com web site: www.ooida.com

Hearing Date: February 24, 2022

Bill No. / Title: Senate Bill 613

Committee: Judicial Proceedings

Position: Support

The Owner-Operator Independent Drivers Association (OOIDA) submits the following testimony in support of SB 613, legislation that would establish basic consumer protections for truck drivers and motor carriers that are involved in a nonconsensual tow in Maryland.

OOIDA is a national trade association that represents roughly 150,000 small-business motor carriers and professional truck drivers, including nearly 7,000 who reside in Maryland. Our members are the victims of unscrupulous towing and recovery companies that exploit the system, often times inflating their invoices by tens of thousands of dollars.

For purposes of this discussion, a nonconsensual tow includes those dispatched by the Maryland State Police (MSP) to assist with the towing and recovery of a commercial motor vehicle. The problem is not with MSP, but rather with those companies that price gouge. There are no rules in place to prevent towing companies from charging whatever they want, which is something they clearly use to their advantage.

As SB 613 is being considered, I want to make a few points:

1. The towing and recovery industry opposes regulations or consumer protections of any kind. In their own words, the "Towing and Recovery Association of America asserts that there is no legitimate legislative need for state and local regulation of towing companies that perform nonconsensual towing at the direction of law enforcement officials [See Page 2 of Exhibit 1]."
2. We are coming to the legislature as a last resort. Again, the towing and recovery industry has no interest in addressing our concerns in any meaningful way.
3. The towing and recovery industry is unable to self-police itself. This is precisely why communities across Maryland have consumer protections in place for personal automobiles. People who own or operate big trucks should have similar protections.

4. The fraudulent activity we are seeing in Maryland from towing and recovery companies is much bigger than just a “few bad apples.” It is a statewide problem that large segments of the industry continue to exploit with impunity.
5. Despite what you might hear, the proposed rules in SB 613 should have little to no impact on towing and recovery companies that do things the right way. Other states are already doing what is being proposed in Maryland and honest towing and recovery operators are doing just fine.

I would also like to address concerns about the cost of towing and recovery equipment, in particular heavy-duty rotators and wreckers. Let us consider the following scenario:

Let us assume that a towing and recovery company buys a brand new heavy-duty rotator with all the bells and whistles for \$1,000,000 – even though you can buy quality pre-owned rotators for much less than half of this amount. They put no money down and finance it over seven years – though in reality, they would likely have some sort of down payment and it might even be financed over a longer period of time.

This means that there would be 84 monthly payments of \$11,904 (excluding interest). Please turn your attention to Exhibits 2 and 3 where you will see that in a matter of hours on a single nonconsensual recovery, companies are covering their monthly payment and making a profit. The Auto Barn, for example, has \$41,500 in heavy-duty wrecker charges. Obviously these calculations do not include insurance, taxes, and other costs but it still highlights the excessive invoicing that is prevalent in Maryland.

It is worth noting that some heavy-duty recoveries can be complicated, but some are relatively simple as well. Towing and recovery companies should charge a fair price for the work they perform, but many invoices are tens of thousands of dollars more than the competition would charge – not just in Maryland, but across the country. Further, simply because something is complicated does not negate the problem itself, nor should it prevent consideration

SB 613 would mitigate the longstanding abused in Maryland by (1) establishing a complaint process, (2) prohibit the use of per pound billing, (3) clarify that towing companies have no right to a lien, and (4) give truck drivers and motor carriers the option to use their tower or choice. These are basic consumer protections that would mitigate – not prevent – the damage being inflicted upon unsuspecting truck drivers and motor carriers by fraudulent towing and recovery companies in Maryland.

Thank you for your time and support of SB 613. Please contact me directly at (816) 229-5791 ext. 1603 or mike_matousek@ooida.com should you have any questions or require additional information.

Exhibit 1

The Voice of America's Towing Industry

TOWING & RECOVERY ASSOCIATION OF AMERICA, INC.

700 12th St. NW
Suite 700
Washington DC 20005



Website: www.traaonline.com
Email: contact@traaonline.com
Phone/Fax: 888.392.9300

Via electronic mail only

November 9, 2015

Members of the Conference Committee on H.R. 3763
Surface Transportation Reauthorization and Reform (STRR) Act of 2015

**RE: Amendment No. 42 (11/3/15):
Authorizing state and local regulation of nonconsensual towing**

Dear Conference Committee Member:

Towing and Recovery Association of America (TRA) is the national trade association for automotive towing businesses. TRAA membership includes towing businesses in all 50 states.

Last Tuesday Rep. Chris Van Hollen (Md.-8th) and Donald Beyer (Va-8th) proposed an amendment to the highway reauthorization bill, H.R. 3763, which would amend Title 49, Section 14501(c)(2)(C) of the federal transportation code to expand the authority of state and local governments to regulate nonconsensual towing operations. Amendment No. 42, printed in Part B of House Report 114-325, was approved by the House shortly after 8:00 p.m. on Tuesday by voice vote.

TRA asserts that the amendment is overbroad. Clearly, the target of the legislation is "predatory" towing operations — *i.e.*, the practice of snatching vehicles from parking lots and charging exorbitant fees. However, because the statute would permit state and local regulation of *all* tow truck operations "performed without the prior consent or authorization of the owner or operator of the motor vehicle," the law could negatively impact the business relationship between law enforcement agencies and the towing companies that provide nonconsensual towing services on their behalf.

The specifics of the amendment are as follows:

(C) [Federal preemption of the regulation of intrastate motor carriers of property] does not apply to the authority of a State or political subdivision of a State to enact or enforce a law, regulation, or other provision relating to ~~the price of for-hire motor vehicle transportation by a tow truck, if such transportation is the~~ regulation of tow truck operations performed without the prior consent or authorization of the owner or operator of the motor vehicle.

In the automotive towing industry, the transport of vehicles without the prior consent or authorization of the owner or operator of a motor vehicle is commonly referred to as "nonconsensual towing." Certainly, the impounding of an improperly parked vehicle from a

posted “NO PARKING” or “CUSTOMERS ONLY” private parking lot, *e.g.*, restaurant, bar, or shopping center, in situations where the owner or operator is not present is a nonconsensual tow. That type of towing has an inherent potential for price-gouging by unscrupulous towing companies and is frequently referred to as “predatory towing” in the news media and by legislators. TRAA is certainly aware of limited, though highly publicized, instances of abusive practices by private property impounding companies. Despite being trespassers, the drivers or owners of illegally or improperly parked vehicles are nevertheless entitled to protection from abusive practices.

Pursuant to Amendment No. 42, *all aspects* of the nonconsensual impounding of vehicles from private parking lots would be subject to regulation by state and local governments. *To that extent*, TRAA does not oppose the amendment that was adopted last Tuesday night.

However, there is *another*, far more common, type of nonconsensual towing that does not necessitate regulation by the legislative bodies of local governments. That is the nonconsensual towing which occurs when a vehicle is towed without the authorization of an owner or operator but *at the direction of a law enforcement official*. For example, when the driver of a vehicle is incapacitated by reason of injury or intoxication and, thus, unable to give their effective consent or authorization for the tow of their vehicle, a police officer will typically direct the tow of the vehicle. As a further example, vehicles are frequently abandoned on public roadways due to mechanical failures, accidents, or financial distress of the owner. Those vehicles are impounded at the direction of a law enforcement officer.

All of the towing situations noted in the above paragraph are, technically, “nonconsensual” tows falling within the scope of the amendment because there is no consent or authorization by the owner or operator of the vehicle; however, there is a critical distinction between those type of tows and nonconsensual tows from private parking lots – *a law enforcement official is directing the tow*.



TRAA asserts that there is no legitimate legislative need for state and local regulation of towing companies that perform nonconsensual towing at the direction of law enforcement officials. The business relationship between law enforcement agencies and the towing companies performing nonconsensual towing at their direction is typically governed by contract or internal rules and regulations implemented by the law enforcement agency. Those contracts and informal rules set forth equipment criteria, insurance requirements, towing rates and price ceilings, etc. Towing companies violating the rules are subject to discipline including suspension and termination. TRAA contends that the control of police-directed nonconsensual towing is best left to the internal procedures of the state and local law enforcement agencies that procure that type of nonconsensual towing.



There is yet a further compelling reason to exclude police-directed nonconsensual tows from the regulatory authority that would be extended by this amendment to Title 49, U.S. Code, Section

Members of the Conference Committee on H.R. 3763
November 9, 2015
Page 3

14501(c)(2)(C). Authorizing state and local legislative bodies to impose laws and regulations relating to police-directed law enforcement towing may well generate conflicts with the “tried and true” internal police department towing policies already in place throughout the nation. It is not difficult to envisage the enactment of a politically-motivated law relating to police-directed towing that directly conflicts with the police department’s own well-established internal rules and procedures.

In light of the foregoing, TRAA seeks your support of a simple amendment to H.R. 3763 that would limit the scope of Amendment No. 42 to that which was clearly intended by Representatives Van Hollen and Beyer — predatory towing. TRAA suggests the following:

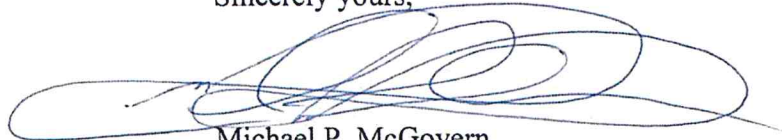
(C) does not apply to the authority of a State or political subdivision of a State to enact or enforce a law, regulation, or other provision relating to the regulation of tow truck operations performed without the prior consent or authorization of the owner or operator of the motor vehicle, **or a law enforcement official.**

That amendment would allow *full regulation* of private parking lot nonconsensual impounding while avoiding the unnecessary disruption of the existing systems for police-directed nonconsensual towing.

In closing, I trust you will agree that most tow truck operators — even those who perform the unpleasant task of nonconsensual towing from private parking lots — are honest, hard-working small businesspersons who charge a reasonable fee for their services. On behalf of the Board and members of TRAA, I extend our support of Amendment 42 to H.R. 3763 with the caveat that nonconsensual towing performed at the direction of law enforcement agencies be excluded from its reach.

I would, of course, be pleased to speak with you or your staff in greater detail about this important issue.

Sincerely yours,



Michael P. McGovern
TRAA Legislative Counsel
(865) 686-4891
michael@themcgovernlawfirm.com

Members of the Conference Committee on H.R. 3763
November 9, 2015
Page 4

MPM:rld

cc: The Honorable Bill Shuster, Chairman
House Committee on Transportation and Infrastructure
The Honorable Chris Van Hollen
The Honorable Donald Beyer
TRAA Board of Directors
Int'l Association of Chiefs of Police
National Sheriffs' Association
American Association of State Highway and Transportation Officials
Conference of Northeastern Towing Association

Exhibit 2

The Auto Barn Inc

2930 James St (Tow yard: 2125 W Lafayette Ave), Baltimore MD 21230
 Phone: 410-362-0117 / 410-646-2610 | Fax : (410) 646-2011

Impound Invoice

Printed 2/19/2021

Invoice #	27476	VIN Number	_____
Purchase Order #	_____	Model	_____
Driver initials	_____	License Plate	_____
Driver initials	_____	Towed from	west 50 @ patuxent river rd
Account	MD State Police MSP Glen Burnie	Stored at	The Auto Barn Inc. 2125 W Lafayette Ave, Baltimore MD 21217
Date/Time Impounded: 2/14/2021 5:30 AM			

Storage charges	Quantity	Price	Line Total
(Storage - Storage Fees) Storage (Police - MSP - Daily Rate)	5	\$450.00	\$2,250.00
Towing charges			
	Quantity	Price	Line Total
(Towing) Hourly Rate (Wrecker #16)	8	\$1,500.00	\$12,000.00
(Towing) Recovery (Rotator used)	7	\$2,500.00	\$17,500.00
(Towing) Clean Up	7	\$750.00	\$5,250.00
(Towing) Hourly Rate (Rollback #49)	7	\$750.00	\$5,250.00
(Towing) Safety Manager / Supervisor	1	\$2,275.00	\$2,275.00
(Towing) Labor - (Equipment - Forklift / Backhoe / Etc) (Recovery truck)	6	\$1,200.00	\$7,200.00
(Towing) Hourly Rate (Wrecker #19)	8	\$1,500.00	\$12,000.00
(Towing) Hourly Rate (Landall #51)	7	\$950.00	\$6,650.00
		Towing Subtotal	\$68,125.00
		Storage - Storage Fees Subtotal	\$2,250.00
		Subtotal	\$70,375.00
		Taxes	\$0.00
		Grand Total	\$70,375.00
		Amount Due:	\$70,375.00

By signing you are attesting that you are legally authorized and entitled to take possession of the vehicle described and all personal property therein. For questions and/or concerns regarding this invoice, the reason for your impound, or the condition of your vehicle, please see the cashier at the Reclaim Window to request an incident report. Incident Reports must be filed within 24hrs of reclaiming the vehicle. All incident reports are forwarded to the General Manager, Ronald Rucker, and will typically be responded to within 3-5 business days. ----- *****Towing from Private Property Facilities is regulated by CITY CODE ARTICLE 31, SUBTITLE 21 and by CITY CODE ARTICLE 15, SUBTITLE 22. For complaints please call the Baltimore City Towing Board at 410-545-3377 ----- *****Towing from Private Property Facilities is regulated by COUNTY CODE, TITLE 24, ARTICLE VI, SECTION 24.221, ET. SEQ. For complaints please call the Department of Permits and Development Management at 410-887-3616 ----- *****If you vehicle was towed from Howard County and you have questions or wish to obtain a copy of the law, Contact the Office of Consumer Affairs at 410-313-6420******

Signature: _____ Date: _____
 USDOT: 608721

Exhibit 3

PHILLIPS GARAGE, INC. EASTERN SHORE RHINO LININGS

P.O. Box 213 / 119 East Main St.
Sudlersville, MD 21668
(410)438-3183
292 ADMG

Year Make. 2020 Towing Service
Engine L4 1.6L Vin:-
License CARGO_001
MLG in/out 0000 / 0000
Vin
RECOVERY

Date 06/20/20 Schedule 06/20/20 **INVOICE :** _____ 10:14 am Page 1

REMARKS AND LABOR DESCRIPTIONS	HRS	PRICE	PARTS & LUBRICANTS	QTY	PRICE	TOTAL
-- MSP CALL OUT FOR ACCIDENT / RECOVERY OF LOADED, OVERTURNED TRACTOR TRAILER ON RT. 301 CHURCH HILL, MD. ARRIVED TO FIND LOADED TRUCK AND TRAILER ON ITS SIDE IN THE NUD IN CENTER MEDIAN. TRAILER WAS FULLY LOADED WITH MANGOS. BOXEX WERE BROKEN AND LOOSE. ATTEMPTED TO UPRIGHT THE TRAILER WITH AIR BAGS AND ROTATORS. WAS NOT ABLE TO UPRIGHT. TRAILER WAS BREAKING. UNLOADED MANGOS BY HAND AND PUT IN 30 YARD CONTAINERS. PHILLIPS SENT OUT RESPONSE TEAM OF 2 50 TON ROTATORS ALONG WITH AN ADDITIONAL 75 TON ROTATOR, SERVICE TRUCK, ROLLBACKS WITH SKID STEERS AND BUCKETS. SPILL RESPONSE TEAM WAS ALSO ON SIGHT. 80,000 PONDS @ .95 PER	80000.	76000.0				

DATE TIME PHONE APPROVED AMOUNT _____ I acknowledge notice and oral approval of an increase in the original estimated price	All Parts Are New Unless Shown As (U) Used or (R) Rebuilt	Labor Sublet	Parts & Lubricants EPA Shop Supplies Gasoline Sub Total Sales Tax Deposit Disc. Applied
--	--	-----------------	---

CHARGE

X _____
A C C E P T A N C E S I G N A T U R E
 I accept the charges and terms of this agreement.

**TOTAL
BALANCE DUE**

PHILLIPS GARAGE, INC.

EASTERN SHORE RHINO LININGS

P.O. Box 213 / 119 East Main St.
Sudlersville, MD 21668
(410)438-3183
292 ADMG

Year Make. 2020 Towing Service
Engine L4 1.6L Vin:-
License CARGO_001
MLG in/out 0000 / 0000
Vin
RECOVERY

Date 06/20/20 Schedule 06/20/20 **INVOICE :** 10:14 am Page 2

REMARKS AND LABOR DESCRIPTIONS	HRS	PRICE	PARTS & LUBRICANTS	QTY	PRICE	TOTAL
POUND			OIL DRY MATERIAL			
--- LOT / ADMIN FEE	1.00	275.00		1.00	75.00	75.00
--- DISPOSAL SERVICE FOR CLEAN UP OF MANGOS. TRI AXLE TRUCK WITH CONTAINERS - 7.0	7.00	2625.00				
--- DISPOSAL SERVICE FOR TAKING CONTAINERS TO LAND FILL - 4.5	4.50	1687.50				
--- ESTIMATED DIPOSAL FEES FROM LAND FILL - 2001 PETERBILT - VIN #j	1.00	1281.50				
TRAILER - 2012 UTILITY TRAILER VIN						
--- TOWING OF TRACTOR & TRAILER BACK TO SUDLERSVILLE	1.00	575.00				
--- STORAGE OF TRACTOR @ 110.00 PER DAY	10.00	1100.00				
--- STORAGE OF TRAILER @ 110.00 PER DAY	10.00	1100.00				

DATE	TIME	PHONE	APPROVED	AMOUNT	All Parts Are New Unless Shown As (U) Used or (R) Rebuilt	Labor Sublet	Parts & Lubricants
I acknowledge notice and oral approval of an increase in the original estimated price							EPA Shop Supplies Gasoline Sub Total Sales Tax Deposit Disc. Applied

CHARGE

X

.....
ACCEPTANCE SIGNATURE
I accept the charges and terms of this agreement.

**TOTAL
BALANCE DUE**

PHILLIPS GARAGE, INC.

EASTERN SHORE RHINO LININGS

P.O. Box 213 / 119 East Main St.
Sudlersville, MD 21668
(410)438-3183
292 ADMG

Year Make. 2020 Towing Service
Engine L4 1.6L Vin:-
License CARGO_001
MLG in/out 0000 / 0000
Vin
RECOVERY

Date 06/20/20 Schedule 06/20/20

INVOICE :

10:14 am

Page 3

REMARKS AND LABOR DESCRIPTIONS	HRS	PRICE	PARTS & LUBRICANTS	QTY	PRICE	TOTAL
** ESTIMATED TRACOR RECOVERY PORTION - 38000.00 PLUS STORAGE *** ESTIMATED TRAILER RECOVERY PORTION - 38000.00 PLUS STORAGE						

DATE	TIME	PHONE	APPROVED	AMOUNT	LABOR	PARTS & LUBRICANTS
					Labor 84644.00 Sublet 0.00	Parts & Lubricants 75.00
I acknowledge notice and oral approval of an increase in the original estimated price					This charge represents costs and profits to the motor vehicle repair facility for miscellaneous shop supplies or waste disposal.	
					EPA 0.00 HAZ MAT 22.50 Gasoline 0.00 Sub Total 84741.50 Sales Tax 5.85 Deposit 0.00 Disc. Applied 0.00	

CHARGE

X

ACCEPTANCE SIGNATURE
I accept the charges and terms of this agreement.

TOTAL 84747.35
BALANCE DUE 84747.35

I authorize the above repairs and necessary materials. Your employees may operate vehicle for inspection, testing, delivery at my risk. You will not be responsible for loss or damage to vehicle or items left in it. I agree to pay reasonable storage on vehicle left more than 3 working days after notification that job is completed. Labor is guaranteed 90 days or 4000 miles whichever occurs first. All other guarantees are made by the manufacturer. Warrantee work based on this bill must be performed at this shop. All parts are new unless specified as (U) used or (R) rebuilt. REMOVED PARTS WILL BE DISPOSED OF UNLESS I INITIAL HERE _____.

SB613_MAPDA_fav (2022).pdf

Uploaded by: Mike O'Halloran

Position: FAV



Mid-Atlantic Petroleum Distributors Association
P.O. Box 711 ★ Annapolis, MD 21404
410-693-2226 ★ www.mapda.com

TO: Senate Judicial Proceedings Committee

FROM: Mid-Atlantic Petroleum Distributors Association

DATE: February 24, 2022

RE: **SUPPORT SENATE BILL 613** – Commercial Vehicles – Nonconsensual Towing – Requirements

On behalf of Maryland’s convenience stores and energy distributors, MAPDA offers its support to SB613 – legislation that would establish protections for motor carriers and truck drivers that are involved in a nonconsensual tow dispatched by the Maryland State Police.

A nonconsensual tow is a term used when a tow company is dispatched, often times by the Maryland State Police (MSP), to the site of an accident without the go-ahead from the vehicle owner or operator as to which tow company is used. Often times, our truckers fall prey to abusive practices by tow companies. Those practices include exorbitant fees and holding vehicles and/or cargo hostage until those invoices are settled.

SB613 would require the MSP to establish and publish approved rates for towing. The bill will also clarify existing law that no lien on equipment, cargo, or vehicles may be placed as the result of a nonconsensual tow. Also included is the establishment, by MSP, of a comprehensive process by which drivers can file a complaint against tow companies listed on the MSP’s tow list. Finally, and perhaps most importantly, SB613 would also give vehicle owners and operators the option to choose their own towing company provided it can be done safely and within a reasonable amount of time.

For these reasons, MAPDA supports SB613 and **requests a favorable committee report.**

Feeding and fueling the economy through gas, coffee, food, heating oil and propane.

MAPDA is an association of convenience stores and energy distributors in Maryland, Delaware & the District of Columbia.

SB 613 Coalition Letter Consensual Towing APCIA Fa

Uploaded by: Nancy Egan

Position: FAV



Coalition Against
Insurance Fraud



American Property Casualty
Insurance Association
INSURING AMERICA apci.org



MRA

Maryland Retailers Association



Senate Judicial Proceedings Committee
SB 613 Commercial Vehicle-Nonconsensual Towing-Requirements
February 24, 2022

Letter of Support

We write to you in support of House Bill 487, legislation that would establish some basic consumer protections for our nation's motor carriers and truck drivers that are involved in a nonconsensual tow in Maryland. We appreciate your consideration of this important issue.

When a big truck is involved in an accident, generally a towing company is dispatched by the Maryland State Police (MSP) as part of their effort to aid those involved and protect both lives and property. These are referred to as "nonconsensual tows." Currently, neither the MSP nor Maryland law provide any consumer protections to address longstanding abusive practices used by fraudulent towing companies engaged in nonconsensual towing.

Unfortunately, there are far too many examples of towing companies that charge excessive rates, in some cases inflating their invoices by tens of thousands of dollars. In short, they can charge whatever they want because there is nothing that says they can't, nor is there any practical or meaningful recourse for a motor carrier, truck driver, insurer, or any other entity that is directly or indirectly impacted by a fraudulent towing company.

These inflated bills are submitted to insurance carriers for payment and when an insurance carrier rightfully refuses to pay, it drives a wedge between the policyholder (motor carrier, truck driver, or both) and their insurer when neither have done anything wrong. Or, by illegally asserting a lien on the truck, trailer, and/or cargo, many of these towing companies can effectively coerce carriers, drivers and insurers to pay their outrageous charges.

HB487 does the following:

1. Defines nonconsensual tow to include all Maryland State Police dispatched tows;
2. Requires the Maryland State Police to establish approved rates, similar to what the Maryland Transportation Authority already has in place;
3. 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;

4. 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;
5. Clarifies existing law by restating that there is no lien created on any equipment, vehicle, or cargo as a result of a nonconsensual tow; and
6. Establishes a comprehensive complaint process to ensure that towing companies charge fair and equitable rates for the service they provide.

Despite our good faith efforts over the last several years working directly with the towing industry and the MSP, we have been unable to address any of our concerns. Our members – and ultimately Maryland consumers – deserve basic protections from unscrupulous towing companies that have been exploiting the system for decades. This legislation accomplishes that and it was written with our shared goal of minimizing the impact these new protections would have on reputable towing companies in Maryland.

Our coalition represents tens of thousands of businesses involved in trucking and insurance. We hope HB 487 will be approved by the Maryland General Assembly and signed into law by Governor Hogan as soon as possible so we can begin what will be a relatively lengthy, transparent, and fair process to implement these necessary consumer protections.

Respectfully,

Louis Campion
Maryland Motor Truck Association

Mike Matousek
Owner-Operator Independent Drivers Association

Cailey Locklair
Maryland Retailers Association

Matthew Smith, Esq.
Coalition Against Insurance Fraud

Nancy J Egan, nancy.egan@apci.org 443-841-4174
American Property Casualty Insurance Association

John Lynch
American Trucking Associations

SB0613_FAV_NWRA_Commercial Vehicles - Nonconsensua

Uploaded by: Pam Kasemeyer

Position: FAV

Maryland-Delaware Solid Waste Association

a chapter of the

**National
Waste & Recycling
AssociationSM**

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*

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:

Pamela Metz Kasemeyer

J. Steven Wise

Danna L. Kauffman

410-244-7000

SB 613_MAA_FAV.pdf

Uploaded by: Rachel Clark

Position: FAV

CHAIRMAN:
Rob Scrivener
VICE CHAIRMAN
Brian Russell

MARYLAND ASPHALT ASSOCIATION



SECRETARY:
David Slaughter
TREASURER:
Jeff Graf
PRESIDENT:
G. Marshall Klinefelter

February 24, 2022

Senator William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB 613 – FAVORABLE – Commercial Vehicles – Nonconsensual Towing – Requirements

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Asphalt Association (MAA) is comprised of 18 producer members representing more than 47 production facilities, 24 contractor members, 24 consulting engineer firms and 41 other associate members. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

Senate Bill 613 would require the Maryland State Police to establish a schedule of approved towing rates for "nonconsensual tows," in which a company is dispatched to tow a vehicle that has been involved in a collision, along with a comprehensive complaint and disciplinary process to handle allegations of violations. The bill would also give vehicle owners and operators the option to choose their own towing company in these circumstances, so long as the company in question can arrive on the scene and tow the vehicle safely and within a reasonable amount of time. Lastly, the bill would prohibit the use of per pound billing based on the registered weight of the vehicle and clarify that nonconsensual tows do not create any lien on the equipment, vehicle, or cargo being towed.

MAA supports SB 613 because it would increase consumer choice and improve transparency in the towing industry. Currently, neither the Maryland State Police nor the Transportation Article of the Maryland Code provide any consumer safeguards against abusive practices used by fraudulent towing companies engaged in nonconsensual towing. Nothing prevents these towers from charging excessive rates because the motor carrier has no ability to select the tower of its choice, and many then file illegal liens on the property to force drivers and operators to pay the inflated charges. This bill would standardize the nonconsensual towing practice and implement a process to address any grievances associated with it.

We appreciate you taking the time to address this important issue, and we urge a favorable report on Senate Bill 613.

Thank you,

Marshall Klinefelter
President
Maryland Asphalt Association

SB 613_MTBMA_FAV.pdf

Uploaded by: Rachel Clark

Position: FAV



February 24, 2022

Senator William C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB 613 – FAVORABLE – Commercial Vehicles – Nonconsensual Towing – Requirements

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials. We proactively work with regulatory agencies and governing bodies to represent the interests of the transportation industry and advocate for adequate state and federal funding for Maryland’s multimodal transportation system.

Senate Bill 613 would require the Maryland State Police to establish a schedule of approved towing rates for “nonconsensual tows,” in which a company is dispatched to tow a vehicle that has been involved in a collision, along with a comprehensive complaint and disciplinary process to handle allegations of violations. The bill would also give vehicle owners and operators the option to choose their own towing company in these circumstances, so long as the company in question can arrive on the scene and tow the vehicle safely and within a reasonable amount of time. Lastly, the bill would prohibit the use of per pound billing based on the registered weight of the vehicle and clarify that nonconsensual tows do not create any lien on the equipment, vehicle, or cargo being towed.

MTBMA supports SB 613 because it would increase consumer choice and improve transparency in the towing industry. Currently, neither the Maryland State Police nor the Transportation Article of the Maryland Code provide any consumer safeguards against abusive practices used by fraudulent towing companies engaged in nonconsensual towing. Nothing prevents these towers from charging excessive rates because the motor carrier has no ability to select the tower of its choice, and many then file illegal liens on the property to force drivers and operators to pay the inflated charges. This bill would standardize the nonconsensual towing practice and implement a process to address any grievances associated with it.

We appreciate you taking the time to address this important issue, and we urge a favorable report on Senate Bill 613.

Thank you,

A handwritten signature in blue ink, appearing to read "Michael Sakata", is written over a faint, light blue circular watermark or seal.

Michael Sakata
President and CEO
Maryland Transportation Builders and Materials Association

SB 613-TRPM-Nonconsensual Towing-OPPOSE.pdf

Uploaded by: Andrea Mansfield

Position: UNF



Towing & Recovery Professionals of Maryland

P.O Box 905 * Huntingtown, Maryland 20639

410-414-5406 * 1-800-244-0102 * Fax 410-414-5408

MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and Members of the Judicial Proceedings Committee

FROM: Jeffrey O. Hurley, Sr, President, Towing & Recovery Professionals of Maryland
Ted Dent, 1st Vice President, Towing & Recovery Professionals of Maryland

DATE: February 24, 2022

RE: **SB 613 Commercial Vehicles – Nonconsensual Towing - Requirements**

POSITION: **OPPOSE**

The Towing Recovery Professionals of Maryland TRPM OPPOSE SB 613. While TRPM has no concerns with language in the bill to create a fair and equitable tow list and making the tow list and rates available to the public, the bill seems to be lacking in process and raises a number of concerns with how rates will be set and operations. These concerns are listed below.

Approved Rates (Pg. 2, lines 1-4) – The definition of approved rates fails to recognize the complexity of doing so. The cost of towing varies by region and by the type of equipment that is necessary. While the bill refers to rates approved by the Department of State Police, there is no process to draw upon the expertise of the industry to determine how rates will be set.

Definition of Heavy-Duty Towing and Medium-Duty Towing; Add Ultra-Heavy-Duty Towing (Pg. 2, lines 8-13) – Definitions are inaccurate. Medium-Duty Towing should be defined as 14,001-26,000 lbs. Heavy-Duty Towing should be defined as 26,001-59,999 lbs. Ultra-Heavy-Duty should be defined as over 60,000 lbs.

Definition of “Nonconsensual Towing” (Pg. 2, lines 14-17) – Definition in the bill is contradictory. Nonconsensual towing does not include when the owner or operator gives consent to the towing. One option for addressing this is striking the definition of “nonconsensual towing” and clarifying the type of towing situations in which this bill would apply.

Per Pound Billing (Pg. 2, lines 18-22 and Pg. 3, lines 5-8) – This method of billing has been an industry standard. The Maryland Motor Vehicle Administration uses weight to determine registration fees and currently bills tow trucks by the pound. Trucks transporting freight are also weighed on our highways. While TRPM would support the establishment of reasonable rates with a process to do so, per pound billing should be a component of that and not discontinued. This would be the fairest approach to determining rates.

Release of Vehicle and Cargo Generally and When a Dispute Arises (Pgs. 4 and 5) – This language is of great concern to TRPM and establishes a precedent where towing companies may not receive payment for their work. Pg. 4, lines 22-28 allows the vehicle owner/operator to access and collect any personal property or cargo contained in the vehicle regardless of payment. What incentive does an owner/operator have to pay the towing company if they already have their personal belongings and cargo out of the vehicle.

Should a dispute arise over the charges, sometimes a placing a lien on the vehicle is the only way a tower can receive payment for services. Language on page 5 of the bill specifies that if a dispute arises there is no requirement that the vehicle owner pay any portion and the tow company shall release the vehicle and cargo. Towing companies cannot provide a reasonable service without the assurance of being paid for those services.

TRPM understands the importance of this issue and appreciates the conversations thus far with the sponsor. This is a complicated issue, particularly the setting of fees, and it will take time to get it right. TRPM would like to continue working cooperatively with the Committee to address mutual concerns.

MD SB0613_ TRAA_2022 2 23.pdf

Uploaded by: Cynthia Martineau

Position: UNF

The Voice of America's Towing Industry

TOWING AND RECOVERY ASSOCIATION OF AMERICA, INC.®

700 12th St. NW
Suite 700
Washington DC 20005



Website: www.traaonline.com
Email: contact@traaonline.com
Phone/Fax: 888.392.9300

February 23, 2022

The Towing and Recovery Association of America, Inc.® (TRA) is the voice of the towing industry. The towing and recovery industry in the United States is comprised of over 35,000 towing companies operating more than 210,000 commercial motor vehicles and employing over 350,000 professionals nationwide. As the only national association for the industry, TRAA represents every one of them.

Tow operators perform an essential service in clearing the roadways as quickly as possible. According to the National Highway Traffic Safety Administration (NHTSA), nearly 35% of all secondary incidents occur because of congestion related to an original incident. Furthermore, motor vehicle crashes on our nation's roadways cost society roughly \$7,300 per second. Clearing roadway incidents in a safe and expedient manner must be performed by professional tow operators with the proper equipment.

TRA has reviewed the proposed Commercial Vehicles – Nonconsensual Towing – Requirements legislation (SB0613). TRAA shares in your desire to promote public safety, professionalism, and uniformity in the towing industry as it relates to non-consensual towing and recovery in the state of Maryland. The current legislation has some admirable proposals and language, such as creating a fair and equitable tow list, establishing certain requirements, and making the rates available to the public (pg. 1, line 3). However, we have serious concerns regarding the implementation of those requirements and rates:

1. Firstly, the definition of "Approved Rates" raises concerns (pg. 2, sec. 2). While on the surface this seems simple, the reality is much more complicated. The cost of performing a towing and recovery for the service provider varies greatly by region. For example, operating in a large city requiring more equipment, staff, and higher overhead costs than a small town. The current legislation does not address how the rates will be determined or by whom. Rate regulation must be done in a fair and equitable manner allowing for a reasonable profit margin. In the same way as our incident management fire, police, and EMS partners, towing companies must be ready to respond to an incident at a moment's notice. That readiness to respond 24/7 generates additional staffing and equipment costs. As with any small business, towing companies will not be able to keep providing the service if companies are not allowed to realize a reasonable profit and the safety of both roadside responders and the motoring public will suffer.
2. Second, the definition of heavy and medium-duty towing is inaccurate (pg. 2 sec. 4 & 5). Medium-duty is defined as 14,001-26,000 lbs. and heavy-duty is 26,001-59,999 lbs. Additionally, the legislation does not mention ultra-heavy-duty tow trucks over 60,000 lbs.
3. The definition of "Non-Consensual Towing" is contradictory (pg. 2, sec. 6). A customer request is when the customer gives consent for the tow company to perform a service and, therefore, is by definition a consensual tow.
4. The "Per Pound Billing" method has been utilized for decades within the industry (pg. 2, sec. 7). In fact, the acceptance of this method has already been set with the Maryland DMV using weight to determine registration fees. Note, the Maryland DMV currently bills tow trucks by the pound using five different weight categories. Additionally, United States Postal Service (USPS), FedEx, and United Parcel Service (UPS) all use per pound

billing. TRAA questions the legality of banning an independent business billing practice, especially one that is utilized in other industries and by Maryland state agencies (pg. 3, sec. D, 1).

5. Lastly, the proposed legislation gives a great deal of latitude to the Department of State Police without reasonable check and balances (pg. 2 sec. 8 - pg. 3). A few of the most egregious sections are:
 - a) There is no mention of how the requirements and qualifications will be determined or who is going to adjudicate complaints. Other states with compliant resolution mechanisms in place clearly defined in the legislation.
 - b) Has law enforcement been consulted regarding the consensual towing response to a scene within 30-minutes from when law enforcement arrives on-scene? Per the National Highway Traffic Safety Administration (NHTSA), every 1 minute a travel lane is shutdown causes a 6% increase in secondary incidents which seriously endangers both roadside responders and the motoring public.
 - c) It is unrealistic to expect towers to provide an emergency response service in clearing the roadway and risking their own safety without being compensated. While towing companies prefer to be paid through standard methods, sometimes a lien on a vehicle is the only way a tower can get compensated for providing the service. The proposed legislation prevents a towing company from placing a lien on a vehicle involved in a non-consensual tow (pg. 4, sec. B, 2). Additionally, the legislation also states that, *"the tow company shall release a vehicle and any cargo that was the subject of a non-consensual towing immediately"* (pg. 5, sec. 2, II). The proposed legislation even prevents towing companies from charging storage to cover the overhead on the land or space holding and protecting the towed vehicle (pg. 5). Who decides the reasonableness or amount of the fees? As mentioned above, other states with compliant resolution mechanisms and parameters in place clearly defined in the legislation. Towing companies cannot provide a reasonable service without the assurance that they will be paid for those services.

The current version of Commercial Vehicles – Nonconsensual Towing – Requirements legislation (SB0613) would have a devastating effect on the Maryland towing industry and result in delayed roadway clearance, increased secondary crashes, and create an unsafe environment for all roadside responders.

In closing, TRAA would like to work cooperatively with the state legislature and the Towing and Recovery Professionals of Maryland (TRPM) for the betterment towers and the motoring public of Maryland. We are available to discuss our mutual concerns and assist in drafting a fair and reasonable version of this legislation.

Thank you for your time and consideration.

Sincerely,



Joanne Blyton
President