

# MAINE STATE LEGISLATURE

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Date: 5/10/17

L.D. 1022  
(Filing No. H- 153)

**TRANSPORTATION**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 724, L.D. 1022, Bill, "An Act Regarding the Contents of a Commercial Vehicle Towed without the Consent of the Vehicle's Owner"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 29-A MRSA §1861, first ¶**, as enacted by PL 2007, c. 150, §9, is amended to read:

A person holding or storing an abandoned vehicle, holding or storing a vehicle towed at the request of the vehicle's operator, owner or owner's agent or holding or storing a vehicle stored at the request of a law enforcement officer may hold the vehicle and all its accessories, contents and equipment, not including the personal effects of the registered owner, until reasonable towing and storage charges of the person holding or storing the vehicle are paid, except that a person may not hold the perishable cargo of a commercial motor vehicle, as defined in 49 Code of Federal Regulations, Part 390.5, as amended, when the perishable cargo being transported in interstate or intrastate commerce is not owned by the motor carrier or driver of the commercial motor vehicle being held and the person holding or storing the towed vehicle is presented with evidence of insurance, as defined in section 1551, covering the commercial motor vehicle and the vehicle's cargo. For purposes of this paragraph, "perishable cargo" means cargo of a commercial motor vehicle that is subject to spoilage or decay or is marked with an expiration date.

**Sec. 2. 29-A MRSA §1863** is enacted to read:

**§1863. Commercial motor vehicle nonconsensual tow**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commercial motor vehicle" has the same meaning as in 49 Code of Federal Regulations, Part 390.5, as amended.

**COMMITTEE AMENDMENT**

1 B. "Commercial motor vehicle nonconsensual tow" means the towing of a  
2 commercial motor vehicle, its contents or other items related to removing the  
3 commercial motor vehicle from a roadway or a parking area without the consent of  
4 the owner, possessor, agent, insurer or lienholder.

5 2. Requirement to itemize invoice. Before demanding payment for any charge  
6 relating to a commercial motor vehicle nonconsensual tow, the towing facility must  
7 itemize the invoice, in detail, for all costs incurred with the recovery, towing, cleanup or  
8 storage of the towed vehicle or its contents.

9 3. No liability without itemization. A customer who has received a commercial  
10 motor vehicle nonconsensual tow is not liable for any charge not itemized on the invoice  
11 under subsection 2.<sup>1</sup>

12 **SUMMARY**

13 This amendment strikes and replaces the bill. Like the bill, the amendment requires a  
14 person who tows a commercial motor vehicle without consent to provide an itemized  
15 invoice before demanding payment for any charge relating to a commercial vehicle  
16 nonconsensual tow. Unlike the bill, the amendment does not require that a person  
17 holding or storing a towed vehicle place on the invoice a notice to direct complaints about  
18 overcharging to the traffic division of the State Police. The amendment also does not  
19 impose a penalty for failure to itemize an invoice or post the required notice or for the  
20 improper impoundment of contents or cargo of a commercial motor vehicle, all of which  
21 are required in the bill.

22 Like the bill, the amendment defines "commercial motor vehicle" and "commercial  
23 motor vehicle nonconsensual tow." The amendment adds a definition of "perishable  
24 cargo."