

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1022

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H.P. 724

House of Representatives, March 14, 2017

**An Act Regarding the Contents of a Commercial Vehicle Towed  
without the Consent of the Vehicle's Owner**

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PARRY of Arundel.  
Cosponsored by Senator COLLINS of York and  
Representatives: BRYANT of Windham, GILLWAY of Searsport, McLEAN of Gorham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §1801, sub-§§1-A and 1-B** are enacted to read:

3 **1-A. Commercial motor vehicle.** "Commercial motor vehicle" means a self-  
4 propelled or towed motor vehicle used on a highway in interstate commerce to transport  
5 passengers or property when the vehicle:

6 A. Has a gross vehicle weight rating or gross combination weight rating or a gross  
7 vehicle weight or gross combination weight of 10,001 pounds or more, whichever is  
8 greater;

9 B. Is designed or used to transport more than 8 passengers, including the driver, for  
10 compensation;

11 C. Is designed or used to transport more than 15 passengers, including the driver, and  
12 is not used to transport passengers for compensation; or

13 D. Is used in transporting material found by the United States Secretary of  
14 Transportation to be hazardous under 49 United States Code, Section 5103 and  
15 transported in a quantity requiring placarding under regulations prescribed by the  
16 United States Secretary of Transportation under 49 Code of Federal Regulations,  
17 Subtitle B, Chapter 1, Subchapter C.

18 **1-B. Commercial motor vehicle nonconsensual tow.** "Commercial motor vehicle  
19 nonconsensual tow" means the towing of a commercial motor vehicle, its contents or  
20 other items related to removing the commercial motor vehicle from a roadway or a  
21 parking area without the consent of the owner, possessor, agent, insurer or lienholder.

22 **Sec. 2. 29-A MRSA §1861, first ¶,** as enacted by PL 2007, c. 150, §9, is  
23 amended to read:

24 A person holding or storing an abandoned vehicle, holding or storing a vehicle towed  
25 at the request of the vehicle's operator, owner or owner's agent or holding or storing a  
26 vehicle stored at the request of a law enforcement officer may hold the vehicle and all its  
27 accessories, contents and equipment, not including the personal effects of the registered  
28 owner, until reasonable towing and storage charges of the person holding or storing the  
29 vehicle are paid, except that a person may not hold the cargo of a commercial motor  
30 vehicle, as defined under section 1801, subsection 1-A, when the cargo being transported  
31 in interstate or intrastate commerce is not owned by the motor carrier or driver of the  
32 commercial motor vehicle being held.

33 **Sec. 3. 29-A MRSA c. 15, sub-c. 4** is enacted to read:

34 **SUBCHAPTER 4**

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**COMMERCIAL MOTOR VEHICLE NONCONSENSUAL TOWING**

**§1871. Commercial motor vehicle nonconsensual tow**

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

**2. No liability without itemization.** A customer who has received a commercial motor vehicle nonconsensual tow is not liable for any charge not itemized on the invoice.

**3. Notice of requirement to itemize.** A towing company shall place the following notice on each invoice. The notice must be placed in such a manner as to be easily seen when reviewing the invoice.

"Itemization of invoice is required by law. Complaints of overcharging should be directed to the Maine State Police Traffic Division 207-624-8934."

**4. Complaints of overcharging.** The traffic division of the State Police shall record any complaints of overcharging for a commercial motor vehicle nonconsensual tow on a form developed and approved by the Chief of the State Police.

**5. Penalties.** The penalty for failure to itemize an invoice or post the required notice or for the improper impoundment of contents or cargo of a motor vehicle is a fine of the greater of \$500 and 10% of the total cost of the charge for the commercial motor vehicle nonconsensual tow.

**Sec. 4. Report.** No later than January 30, 2019, the State Police shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters in the First Regular Session of the 129th Legislature on the number of complaints received and citations issued for noncompliance with the Maine Revised Statutes, Title 29-A, section 1810.

**SUMMARY**

This bill requires a person who tows a commercial motor vehicle without consent to provide an itemized invoice, including a notice to direct complaints about overcharging to the traffic division of the State Police, and provides for a fine for failure to itemize an invoice. It provides a definition of "commercial motor vehicle" in language modeled on 49 Code of Federal Regulations, Section 390.5. It provides that a customer is not liable for a charge not included on the itemized invoice. It also prohibits a person holding or storing a commercial motor vehicle from holding the vehicle's cargo.