

MASSPIRG

To: Department of Public Utilities (DPU)

Fr: Deirdre Cummings, Legislative Director, MASSPIRG

RE: Docket number (D.P.U. 23-145), In opposition to increasing towing fees without including common sense consumer protections

1/17/24

MASSPIRG is a 50-year-old, non-profit and non-partisan consumer advocacy organization working to protect consumers from dangerous products and unfair or deceptive business practices.

MASSPIRG opposes the Department of Public Utilities proposed increases to the maximum towing rates without also including the adoption of long overdue consumer protections.

Every year, millions of Americans have their cars towed without their consent from a private property or public street. Too often, the unknown rationale behind these tows and what to do next can leave drivers stranded and confused. While getting towed is a justified consequence of parking in the wrong place or for too long, we must offer drivers the decency of basic consumer protections such as access to their wallets, medicine and possessions, or the ability to pay with debit/credit card.

Under the best circumstances, getting towed is an ordeal, even when justified. For many drivers, however, the situation is compounded because the current regulations lack important consumer protections.

MASSPIRG Education Fund identified 14 common sense towing protections that should be available to consumers in every state. Our report, [Getting Off The Hook of a Predatory Tow](#), outlines protections ranging from who is responsible for damages caused by careless towing, to the maximum rates and fees owed when towed, to whether you are guaranteed the option to pay by credit card. We also released, [Getting off the Hook of a Predatory Tow, Part II](#), which looked specifically at new laws and regulation prohibiting kickbacks.

Specifically, the DPU should consider adopting the following consumer protections as part of any update to the towing regulations including the proposed increases in towing rates;

- Require motor vehicle storage facilities to allow the owner of a car to remove any possessions from the car if the individual is unable to pay the tow and storage fee in full.
- Prevent car storage facilities from charging anything other than the towing and storage charges.
- Require both the car storage facility and tow trucks to have credit card readers to accept debit and credit cards in addition to cash.
- Require towing companies and storage facilities to provide itemized receipt of charges.
- Require private property owners to include the towing and storage fees on their signs notifying tow areas.
- Require tow companies to take a picture of the vehicle parking/standing in a private right of way before towing.
- If vehicles are damaged during the towing or in the storage process, the towing company must reimburse the owner.
- Towing companies must be prohibited from paying kickbacks to property owners, parking employees or law enforcement in exchange for referring or recommending tows.
- Require tow companies to notify law enforcement in the community the vehicle was towed from within 30 minutes of leaving the property.
- Require storage facilities to have set business hours during which your vehicle must be accessible for pickup.