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H.B. 6558 -- Towing and storage rates

Transportation Committee public hearing -- March 8, 2013

Testimony of Raphael L. Podolsky

Recommended Committee action: REJECTION OF THE BILL

Although this bill is titled as a bill about the "quick clearance of state highways," it is primarily a bill about raising the fees that towing companies can receive for non-consensual tows and immunizing them from responsibility for damage negligently caused during a non-consensual tow. Section 1 attempts to raise towing charges by splitting the towing fee into numerous constituent parts and then allowing a separate charge to be imposed for each one, in addition to the ordinary "towing" fee. Section 2 provides that "no liability shall be incurred" by anyone towing a vehicle at the request of a police officer. We strongly oppose the bill.

Under existing law, the Commissioner of Motor Vehicles establishes maximum rates for non-consensual tows. The Commissioner has long set the towing fee as an all-inclusive rate. In other words, the towing fee includes all the essential aspects of the tow -- driving the wrecker to the scene, hooking the car to the wrecker, driving the wrecker to the storage lot, unhooking and siting the car in the lot, allowing the car owner to inspect to the car, and moving the car to the point at which the owner can take it back. The Commissioner, with support from consumers, has repeatedly rejected industry efforts to add on charges for hooking and unhooking the car, moving it out of secure storage, and other similar matters that are an integral part of the tow and the release. Under the existing statute and regulations, the Commissioner has also looked carefully at proposed towing rate increases and has accepted those that are reasonable and necessary and rejected those that are not.

Section 1 is an effort to get around those decisions by forcing the Commissioner to allow the imposition of supplemental fees. It also appears to prohibit the Commissioner from setting uniform fees for all towing companies by requiring that fees be individualized to the specific costs of each specific towing company. The existing statute and regulations are fair both to towing companies and to motor vehicle owners and should not be changed.

We also oppose Section 2 of the bill, which proposes to immunize towing companies from liability if they negligently damage a motor vehicle or its contents in the course of a tow that was directed or requested by a police officer. Towing companies are presumably insured and bonded, and there is no good reason why they should not be responsible for damages that they cause. This section, like Section 1, should be rejected by the Committee.