

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**HB 1492-FN**, relative to the regulation and appeal of motor vehicle towing from public highways and prohibiting the division of motor vehicles from suspending a license on the basis of debt owed to a private entity related to the towing or storing of a motor vehicle.

**Hearing Date:** April 9, 2026

**Time Opened:** 4:06 p.m.

**Time Closed:** 5:16 p.m.

**Members of the Committee Present:** Senators Gannon, Abbas, Altschiller and Reardon

**Members of the Committee Absent:** Senator Carson

**Bill Analysis:** This bill:

I. Extends the time period for a vehicle owner to appeal the reasonableness of towing and impoundment fees to the department of safety.

II. Requires that invoices generated from towing and impounding vehicles clearly indicate the process for appealing said tow or impoundment.

III. Prohibits the division of motor vehicles from suspending a person's license or driving privileges based on their failure to pay a debt related to a commercial entity's towing or storage of a vehicle.

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**Sponsors:**

Rep. Leishman

Rep. Cloutier

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**Who supports the bill:** Representative Thomas Walsh, Representative Peter Leishman, Representative Henry Giasson, Representative Seth Miller, Representative Daniel Popovici-Muller, Bob Scully (NHMTA), Carmine Saarno (M&S Logistics), Adam M. Sheppard (M&S Logistics), Representative Jonah Orion Wheeler, Janet Lucas, Stephanie Osborne, Nancy Donahue, Sheila Donahue, Richard Osborne, William Copeland Jr, and Diane Arsenault.

**Who opposes the bill:** Devin Karkos (NH Towing Assoc.), Jim Baily (Bailey's Towing), Mike Gilbo, Ralph Cresta (NH Towing Assoc.), Courtney Hart, Scott Reed, and Cory Stone.

**Who is neutral on the bill:** Jay O'Leary (NHADA), Capt. Matt Amatucci (State Police), and Roy Schweiker.

**Summary of the testimony presented:**

**Representative Peter Leishman** introduced the bill. He explained that the bill arose from concerns brought to him by constituents who received excessively high towing bills.

- He described a specific example involving a company whose concrete truck struck a guardrail, after which a local police department called the next towing company on its list.
- He stated that the invoice for towing the vehicle from Bedford to Milford, New Hampshire was over \$23,000. He explained that when the company owner questioned the charge, the towing company responded that it could charge whatever it wanted because New Hampshire has no oversight on towing fees. He stated that this and similar situations prompted the introduction of the bill.
- He explained that the bill includes five changes and noted that the House Transportation Committee worked on the bill and made improvements before it passed the House on a division vote of 256 to 84.
- He stated that the bill then went to the Finance Committee, which recommended it ought to pass on a 25 to 0 vote, and that it subsequently passed the full House on a voice vote.
- He stated that three provisions were of particular importance.
  - First, the bill requires towing operators to include on invoices notice that consumers have the right to appeal excessive charges to the Department of Safety, noting that while this right already exists, many people are unaware of it.
  - He explained that under current law, individuals have 15 days to file an appeal but must first pay the bill, which he described as unfair for individuals who cannot afford the charge.
  - He stated that the Transportation Committee added additional provisions addressing the suspension of driver's licenses for failure to pay towing bills and concerns about towing rates not being publicly available.

**Captain Matt Amatucci** testified as a captain with the New Hampshire State Police and raised concerns about the bill from a public safety perspective.

- He stated that a specific section of the bill, particularly the provisions related to license suspension, could negatively impact towing companies and their willingness to provide services to law enforcement.
- He explained that many abandoned vehicles are in poor condition and that under the proposed language, towing companies may be required to assume the cost of both towing and disposal without adequate reimbursement. He stated that this financial burden could lead towing companies to decline certain towing requests.
- He provided data on hearings requested by towing companies when vehicle owners fail to pay, stating that there were 177 hearings in 2025, 118 in 2024, and 167 in 2023, compared to approximately 6,000 towing requests.
- He explained that under current law, when a tow is initiated by law enforcement, failure to pay can result in suspension of both a driver's license and vehicle registration, while private tows may only affect registration. He stated that removing this enforcement mechanism could result in more declined tows, which would delay clearing roadways, increase traffic congestion, and strain public safety resources.
- He noted that the state police are already seeing this issue in rest areas involving campers, where towing companies are declining service due to concerns about nonpayment. He stated that the loss of this authority would exacerbate these issues and concluded by offering to answer questions.
- Senator Altschiller asked where in the bill the concerning language appears.
  - Captain Amatucci responded that it is located at the bottom of page 2, starting on line 35 and continuing through page 3, line 3.
- Senator Altschiller asked whether the underlying issue is that license suspension is being used to enforce payment of towing fees that may be inconsistent or excessive, and suggested that a standardized fee schedule might address concerns about abandoned vehicles and unpaid bills.
  - Captain Amatucci responded that towing fees must be "reasonable," but that reasonableness is subjective. He stated that there were approximately five or six hearings in the previous year regarding unreasonable fees, including both state police and local tows.
  - He explained that when a complaint is filed, the state conducts an investigation comparing similar towing situations, such as vehicle type and circumstances, to determine whether a fee is reasonable. He stated that in at least one case a fee was found to be unreasonable and that there is an appeals process to superior court following the administrative hearing.

- Senator Altschiller asked whether the overall rate structure may already be unreasonably high if comparisons are only made among existing towing rates, suggesting that the baseline itself may be inflated.
  - Captain Amatucci responded that the highest fees, such as those in the \$23,000 to \$28,000 range, are associated with heavy-duty wrecker tows and are not typical of standard towing situations. He stated that the state police maintain internal records of fee schedules submitted by towing companies and that those schedules are used for comparison purposes.
- Senator Altschiller asked why those fee schedules are not publicly available.
  - Captain Amatucci responded that each towing company submits its own fee schedule to the state police, and that those schedules are not public. He stated that his understanding is that the confidentiality exists to prevent companies from adjusting rates based on competitors' pricing, although he noted that this explanation was his understanding and not a definitive statement of legislative intent. He stated that the bill includes provisions that would make these fee schedules public.
- Senator Altschiller asked how towing companies are selected for the state police tow list and whether there is a cap on the number of companies.
  - Captain Amatucci responded that companies apply to be on the list and are approved based on need, which is determined by factors such as the number of towing requests, response times, and geographic coverage by town. He explained that companies may apply to serve multiple towns, but approval is granted only where there is a demonstrated need.
- Senator Altschiller asked whether towing companies on the list can see which other companies are on the list and whether they can view each other's fee schedules.
  - Captain Amatucci responded that the tow list itself may be known, but the fee schedules are not shared between companies and are not publicly available.
- Senator Altschiller asked whether there is a statute preventing disclosure of towing fee schedules.
  - Captain Amatucci responded that there is a statutory prohibition on releasing those fee schedules and referenced RSA 106-B:30 and RSA 106-B:31, stating that the final provision in that section requires the information to remain confidential.

**Representative Henry Giasson** testified in support of the bill. He stated that the bill was originally focused on informing individuals about the appeals process for

towing fees and referenced prior testimony indicating that over a three-year period there were approximately 380 appeals out of 6,000 towing incidents.

- He argued that this low number suggests not that fees are generally appropriate, but that people are unaware that an appeals process exists, stating that statistically more individuals would be expected to challenge fees if they knew they had that option.
- He explained that the bill expanded in scope in part due to concerns raised during committee discussions about towing fee schedules. He stated that when the committee asked about fee schedules, they were initially told information would be provided, but instead received statutory citations explaining why the information could not be disclosed.
- He stated that this lack of transparency, including the committee's prior unawareness of the relevant law, prompted the amendment requiring disclosure of fee schedules, particularly because the legislature funds law enforcement agencies that utilize these towing services.
- He addressed the issue of license suspension for unpaid towing bills and stated strong support for removing that provision as it applies to private towing companies.
- He argued that if abandoned vehicles are a concern, that issue should be addressed separately under laws governing abandoned vehicles rather than through license suspension. He stated that if unpaid commercial towing bills are the primary issue, then penalties should be directed at commercial entities rather than individuals.
- He emphasized that suspending driver's licenses removes individuals from the workforce and disproportionately impacts those of limited financial means who are unable to pay towing bills.
- He stated that such individuals are more likely to rely on their vehicles for employment and may be driven to continue driving without a license in order to maintain work, thereby creating additional legal problems.
- He argued that this approach effectively criminalizes individuals for inability to pay rather than addressing underlying issues.

**Representative Seth Miller** testified that he was closely involved in the development of the bill, including the amendments and revisions that led to its current form, and described the bill as something he helped shape significantly.

- He stated that he was available to answer questions about how the language of the bill was developed and focused his remarks on the license suspension provisions.
- He argued that the impact of suspending a driver's license is disproportionately severe compared to the financial impact on a towing company that is not paid for services. He stated that suspending a license removes individuals from the workforce, limits access to services, and effectively removes them from participation in the community.
- He emphasized that in New Hampshire, as in much of the country, having a driver's license is essential for maintaining employment and daily life. He stated that imposing such a consequence on individuals who were placed into a commercial transaction without the opportunity to negotiate terms at the time of towing is unjust.
- He expressed strong support for maintaining the provision in the bill that removes or limits license suspension in these cases and urged that it remain in the final version.
- Senator Abbas asked how many individuals per year have their licenses suspended under the current policy.
  - Representative Miller responded that, based on prior testimony from Captain Amatucci, approximately 180 hearings were held in the previous year, and roughly half resulted in license suspensions, meaning fewer than 100 suspensions per year.
  - He stated that while the number is relatively small, it reflects a limited financial exposure for towing companies compared to the significant impact on the individuals affected.
- Senator Abbas asked how many of those suspensions remain in effect long-term versus being resolved quickly through payment.
  - Representative Miller responded that he did not have exact data but referenced testimony from a parent of an individual whose license remained suspended for nine years due to confusion about the duration of the suspension, which was actually one year. He stated that this indicates issues with understanding and navigating the process.
  - He also emphasized that license suspension does not eliminate the underlying debt, meaning that even after a suspension period ends, the individual still owes the towing bill. He described the suspension as purely punitive rather than corrective. He added that his understanding is that New Hampshire may be the only state using this approach and reiterated that the impact on affected individuals is significant.

- Senator Reardon asked whether towing companies should still be paid when they are called by law enforcement to provide services.
  - Representative Miller responded that towing companies should be paid but argued that they should not be able to unilaterally impose fee schedules without negotiation, particularly in situations where individuals are unable to negotiate terms due to the circumstances of an accident.
  - He explained that individuals may be involved in accidents that are not their fault and are then forced into a transaction without consent to pricing. He acknowledged that towing companies may recover some costs through sale or disposal of vehicles, even if not fully compensated, and argued that this partial recovery should be weighed against the severe consequence of removing an individual from society through license suspension.
- Senator Reardon asked whether the state police could ensure reasonableness of towing fees by reviewing and approving fee schedules before placing companies on the tow list.
  - Representative Miller responded that he could not speak to whether companies are rejected based on fee schedules but explained that the bill initially proposed having the state set towing rates. He stated that this proposal would have placed rate-setting authority within the Department of Safety, allowing companies to opt into a standardized system.
  - He explained that this approach was ultimately not adopted due to concerns about administrative burden and cost, including the need to hire personnel to manage such a system. He stated that the committee determined that the state should not be in the business of setting rates at this time but acknowledged ongoing concerns that existing rates may be unfair. He stated that the bill represents an effort to improve transparency and protect both businesses and individuals while stopping short of full rate regulation.

**Representative Jonah Orion Wheeler** testified in support of the bill and stated that he was supporting Representative Peter Leishman’s legislation, noting that he would have liked to have been a co-sponsor.

- He stated that Representative Leishman used legislative experience to bring together stakeholders including the State Police, towing companies, and individuals who have received extremely high towing bills.
- He referenced examples of charges in the tens of thousands of dollars, including itemized fees such as \$30 for a shovel and \$30 for a box of gloves, and described the situation as akin to extortion. He explained that when an individual is

involved in a crash, that individual has no choice in where the vehicle is towed, as law enforcement determines both the towing company and storage location.

- He stated that individuals may not even be allowed to have their vehicle taken to their own home, even if it is closer, and shared a personal experience in which a vehicle was towed from Temple to Wilton rather than to his home, resulting in a bill of approximately \$1,200 for towing and storage over a short distance.
- He explained that if an individual cannot afford to retrieve the vehicle, it may be sold after a short period, stating that vehicles can be sold after 14 days, while individuals have 15 days to appeal the bill.
- He argued that, as seen in other contexts, individuals are often unaware of appeal processes or do not feel capable of navigating them, and that the low number of appeals reflects lack of awareness rather than fairness of fees. He stated that this should not be used as justification for maintaining the current system. He emphasized that under current law, a person's driver's license may be suspended for failure to pay towing or storage fees and stated that New Hampshire is the only state that does this.
- He argued that this consequence goes too far, particularly in a state where driving is essential for employment and daily life, and that license suspension can significantly impact a person's ability to work and live. He concluded that the bill's provisions increasing transparency and addressing excessive towing costs are a positive step forward.
- Senator Abbas asked about a provision in the bill on page 2, lines 27 through 34, which would allow individuals whose licenses have been suspended for unpaid towing or storage fees to have their licenses reinstated without paying a reinstatement fee if they are otherwise eligible to drive. The senator asked what the rationale was for applying this provision retroactively to individuals whose licenses are already suspended, rather than only applying it prospectively.
  - Representative Wheeler responded that he was not the author of that specific language and stated that he would hesitate to provide a rationale for that provision. He added that he did not want to engage in a detailed legal interpretation of that section.

**Bob Sculley** testified representing the New Hampshire Motor Transport Association, a trade association representing approximately 300 trucking companies in New Hampshire.

- He provided background on House Bill 1492, stating that when the bill was first introduced, it proposed establishing a towing fee schedule through the Department of Safety.

- He explained that after discussions with the commissioner, there was no support within the department for taking on that responsibility, and that similar proposals had failed in prior years. He stated that he then worked with Representative Peter Leishman to develop alternative improvements focused on the commercial motor vehicle industry.
- He outlined three key changes that resulted from those discussions. First, the bill extends the appeals period for towing charges from 15 days to 30 days. Second, it requires that invoices include notice that a company has the right to appeal the charges.
- He stated that the low number of appeals currently, estimated at five or six, is likely due to lack of awareness of the appeals process. Third, the bill allows companies to initiate an appeal prior to paying the bill, although the vehicle would still not be released until payment is made.
- He explained how towing occurs in practice when a commercial vehicle breaks down or is involved in an accident. He stated that law enforcement must act quickly to clear roadways and that the State Police typically select towing companies by proceeding down an established rotation list rather than based on pricing.
- He stated that, as a result, trucking companies do not know the towing rates in advance and only learn the cost after receiving the bill. He referenced examples he provided to the committee of two towing invoices from the same company approximately one year apart, noting that although the circumstances were similar, the costs varied significantly and included a range of charges. He explained that under the current system, if a case goes to a hearing, the burden is on the trucking company to prove that the charges are excessive, and if the hearing officer determines the charges are reasonable, they remain in place.
- He stated that issues with towing costs have been raised periodically over the past 40 years with limited success in achieving reform. He explained that when the bill was amended in the House, it incorporated additional provisions, including those related to license suspension, which were not originally part of his proposal.
- He stated that the inclusion of those provisions helped unify different groups and contributed to the bill's passage in the House by a vote of 256 to 84.
- He emphasized that removing the license suspension provisions at this stage would likely cause the bill to fail if it were returned to the House.

**Carmine Sarno** testified representing M&S Logistics in Candia, New Hampshire, and spoke in support of the bill. He stated that the bill would help establish a framework of transparency related to towing practices.

- He explained that his company operates primarily on the heavy-duty commercial side of the industry but believes the bill contains provisions that would benefit both businesses and the general public.
- He emphasized the importance of notification regarding the appeals or redress process for disputing towing bills that may be considered unfair.
- He stated that his own awareness of the hearing and appeals process came only through his involvement with the New Hampshire Motor Transport Association and Bob Scully, and that without that connection he would not have known about it. He stated that this demonstrates a lack of general awareness and supports the need for clearer communication of rights.
- He concluded that the bill would improve transparency across the system and benefit small businesses and citizens alike.

**Adam Sheppard** testified on behalf of M&S Logistics and spoke in support of the bill. He stated that one of the primary issues prompting his testimony was that current billing practices are often justified as necessary by industry experts, but those experts are the towing companies themselves, which have broad discretion to set their own rates.

- He stated that his company does not dispute that towing companies should be compensated for their work, but raised concerns about how charges are structured and itemized.
- He explained that invoices include excessive markups on consumable items such as personal protective equipment and other materials, as well as administrative fees calculated as a percentage of already marked-up costs.
- He stated that these administrative fees, often set at 5 percent of the total invoice, are not tied to the statutory requirement that charges be “reasonable and necessary.” He emphasized that towing companies are able to respond to incidents without publicly disclosing their fee schedules, leaving companies like his without knowledge of costs until after receiving the invoice.
- He stated that the ability to appeal these charges and the requirement that invoices include clear notice of that right are critical components of the bill.
- He reiterated that without the involvement of the New Hampshire Motor Transport Association, his company would not have known that an appeals process existed. He stated that the bill’s transparency provisions are the primary reason for his support.

- Senator Altschiller asked whether the invoices referenced in testimony were from his company.
  - Adam Sheppard confirmed that both invoices provided to the committee were from M&S Logistics.
- Senator Altschiller asked for clarification regarding the administrative fee listed on the invoice, noting a charge labeled as an administrative fee calculated at 5 percent of the total invoice, and asked whether any explanation was provided during the appeals process.
  - Adam Sheppard responded that the explanation given was that administrative costs reflect the effort required to generate the invoice and manage the work, which he stated his company does not dispute in principle. However, he argued that administrative costs should not scale as a flat percentage of total charges, particularly when those charges already include significant markups. He stated that the scope of the work does not justify a percentage-based administrative fee, especially when the invoice includes charges for individual items such as use of tools and consumables.
- Senator Altschiller asked whether the company retained any of the billed items, specifically referencing a shovel listed on the invoice.
  - Adam Sheppard responded that they did not receive the shovel.

**Devin Karkos** testified as the owner of Bob's Automotive in Dover, New Hampshire, and stated that he serves on the board of directors for the New Hampshire Towing Association. He testified in opposition to the bill.

- He explained that many towing companies in New Hampshire contract with local and state law enforcement agencies and, as part of those agreements, are required to accept every call, regardless of whether the job is profitable. He stated that this includes calls that may result in financial loss but are necessary to keep roadways clear.
- He explained that depending on the region, more than one-third of police-initiated towing calls may result in abandoned vehicles, including those from accidents, arrests, or vehicles left on the roadway. He stated that many of these vehicles are in poor mechanical condition, not roadworthy, or uninsured, which contributes to nonpayment.
- He addressed comparisons to other states, stating that while New Hampshire may be unique in suspending driver's licenses for nonpayment of towing bills, it is also unique in lacking insurance requirements that would otherwise help ensure towing companies are paid after accidents.

- He explained that the Department of Safety provides a process as a last resort for collecting payment, which includes requesting an administrative hearing. He stated that during this hearing, both the vehicle owner and the towing company present information, and the Department reviews documentation submitted to the title bureau for accuracy and compliance with legal requirements.
- He explained that if the process has been followed properly and payment has not been made, the individual's driving privileges may be suspended. He stated that this is currently the only effective enforcement tool available to towing companies to recover unpaid fees, and that licenses are reinstated once payment is made.
- He emphasized the operational costs associated with providing towing services, including paying drivers for nights, weekends, and holidays, fuel costs, maintaining equipment, and increasing insurance expenses.
- He stated that towing companies rely on state support to ensure they can continue providing these services and expressed concern that removing the license suspension mechanism would significantly impact smaller companies.
- Senator Altschiller asked whether towing companies voluntarily apply to be on the state rotation list and, in doing so, knowingly accept the requirement to take all calls, including those that may result in financial loss due to nonpayment.
  - Devin Karkos responded that this is correct. He confirmed that companies willingly take on that responsibility, including the associated risks such as fuel costs, labor, and the possibility of not being paid.

**Jim Bailey** testified as a small business owner operating a family-run towing business in Merrimack for approximately 45 years and spoke in opposition to the bill.

- He stated that towing companies play a role in enforcing laws enacted by the legislature, explaining that when law enforcement conducts traffic stops that result in situations such as driving while intoxicated or driving with a suspended license, towing companies are called to remove and store the vehicle. He stated that towing companies take every call and bring vehicles back to their facilities as part of that process.
- He provided an example involving a recent phone call from an individual in Florida who was attempting to register a vehicle and was informed by the Florida Department of Motor Vehicles that there was an outstanding issue in New Hampshire.
- He explained that the issue stemmed from a vehicle that had been towed three years earlier and for which the individual had never contacted the towing company or made any attempt to resolve the matter. He stated that there had

been no communication from the individual regarding the vehicle or associated costs.

- He described the current system, including license-related enforcement mechanisms, as a “safety net” that is not perfect but provides necessary leverage to encourage individuals to resolve outstanding obligations.
- He concluded with an analogy, describing an experience with his six-year-old niece while driving a tow truck. He explained that she noticed a roadside sign indicating that his company participated in an “Adopt-a-Highway” program and asked about it.
- He stated that he explained they clean up trash along the road, and she responded that people may litter because they know someone else will clean it up. He stated that he does not want a similar mindset to develop with abandoned vehicles, where individuals assume someone else will handle the consequences.

**Mike Gilbo** testified as Vice President of the New Hampshire Towing Association and owner of DNR Towing in Nashua and spoke in opposition to the bill.

- He stated that while other emergency responders at accident scenes, including fire departments, EMS, state police, and the Department of Transportation, are compensated automatically through payroll, towing companies are not and must rely on payment from the vehicle owner or insurance.
- He explained that in some cases individuals initially maintain insurance to finance a vehicle but later cancel it, leaving vehicles uninsured and ultimately abandoned. He stated that not all abandoned vehicles are officially classified as such at the time of towing, but become abandoned when owners fail to retrieve them or take responsibility.
- He emphasized that towing companies play a critical role in clearing roadways and addressing hazards such as leaking fuel or oil from damaged vehicles, which pose environmental and safety risks.
- He stated that the authority to suspend licenses and registrations was established as a tool to ensure vehicle owners take responsibility for their vehicles and do not abandon them.
- He compared abandoned vehicles to littering and stated that vehicles left on roadways create hazards similar to other forms of illegal disposal, noting that vehicles may leak gasoline or oil and require cleanup. He stated that his company has handled 18 abandoned vehicles since the beginning of the year and that while he has not exercised license suspension in those cases, the authority to do so is an important tool in negotiations to secure payment.

- He emphasized that towing companies often attempt to work with vehicle owners through payment arrangements before pursuing enforcement actions and that the goal is simply to be compensated for services rendered, including towing, storage, and disposal. He stated that while some recovery value may be obtained from scrapping vehicles, it often does not fully cover costs.
- Senator Reardon asked whether the ability to suspend a person's license is part of negotiations with vehicle owners.
  - Mike Gilbo responded that it is and stated that it is an effective tool, noting that he has been able to resolve payment issues without actually suspending licenses but that the option provides leverage.
  - He added that pursuing hearings requires time and resources, including scheduling and attending administrative hearings, and noted that many vehicle owners do not appear at those hearings, resulting in default decisions.
- Senator Altschiller asked whether the New Hampshire Towing Association would object to publishing or making public individual towing companies' fee schedules.
  - Mike Gilbo responded that he personally would not object and did not believe most members would object, though he noted he could not speak for every member. He added that while transparency is acceptable, in practice there is no opportunity at the scene of an accident to review fee schedules because law enforcement must quickly clear the roadway and calls the next company on the rotation list. He stated that while fees could be reviewed after the fact, the service has already been performed by that point.
- Senator Altschiller asked for clarification that his company is on the state tow list and whether his association represents companies on that list.
  - Mike Gilbo confirmed that his company is on the list and that his association represents many, though not all, towing companies on the list.
- Senator Altschiller asked whether the lack of insurance contributes to vehicles remaining in towing lots for extended periods.
  - Mike Gilbo responded that it does, explaining that vehicles without insurance are more likely to remain unclaimed. He explained that towing companies incur costs for storing vehicles, including maintaining secure, fenced lots as required by law enforcement and local regulations, and must carry insurance to protect those vehicles from damage or theft. He stated that these factors justify storage fees.

- Senator Abbas asked whether most cases in which individuals have difficulty paying towing bills involve uninsured vehicles.
  - Mike Gilbo responded that they do.

**Scott Reed** testified as the owner of a towing company operating in Newport and Claremont, New Hampshire, and stated that his company also provides services for both the New Hampshire State Police and the Vermont State Police. He spoke in opposition to the bill and stated that there is confusion surrounding high-cost towing bills.

- He explained that when large bills, such as those exceeding \$20,000, are presented, they are not typical towing situations but instead involve major incidents, often on federal highways, requiring extensive response and cleanup.
- He emphasized that these are not routine tows involving uninsured passenger vehicles, but rather large-scale recoveries involving commercial tractor trailers. He stated that such incidents may include highway closures and require significant resources.
- He explained that his company has incurred substantial costs, sometimes exceeding \$20,000, for subcontracted cleanup services related to these incidents, including hiring additional companies to assist with removal of cargo such as lumber, milk, or other materials spilled during crashes.
- He stated that many of these incidents involve commercial vehicles operated by drivers without valid commercial driver's licenses, without proper insurance, or with improper equipment. He referenced broader concerns about non-domiciled commercial driver's licenses and stated that this issue contributes to the complexity and cost of these incidents.
- He emphasized that these factors are part of the broader context of towing costs and are not always fully considered in discussions about billing.
- He addressed license suspension and stated that, in his experience, many individuals involved in smaller, light-duty towing situations who are unable to pay often do not have valid driver's licenses to begin with, which is frequently the reason for the initial law enforcement stop.
- He stated that these issues are interconnected with broader problems such as lack of insurance, failure to maintain inspections, and substance-related issues. He stated that his company does not actively seek to suspend licenses and instead attempts to work with individuals to resolve payment issues, describing this as a challenging aspect of the business.

- He emphasized that towing companies are responding to incidents to restore roadway safety and that the responsibility for the situation lies with the individual who caused the incident.
- Senator Reardon asked whether there is a noticeable difference between operating in Vermont and New Hampshire given that New Hampshire allows license suspension for unpaid towing bills and Vermont does not.
  - Scott Reed responded that he does not believe that difference is significant. He stated that a key difference is that Vermont requires vehicle insurance and enforces that requirement strictly, which reduces some of the issues encountered in New Hampshire.
  - He stated that his company generally has positive working relationships with local commercial trucking companies and that most problems arise with transient, out-of-state drivers who may not have valid licenses or insurance and may not speak English. He reiterated that towing companies are called to clear roadways for the safety of the public and that those responsible for incidents should bear the cost.
- Senator Altschiller asked whether he would object to making towing company fee schedules and the rotation list public.
  - Scott Reed responded that he would not object and stated that most towing companies likely would not object. He explained that while transparency is acceptable, there is no practical opportunity to review or negotiate fees at the time of an incident because roadway clearance must occur quickly, often within a short timeframe. He stated that while making fee information public could be helpful, it would not change the immediate circumstances under which towing services are performed.

**Jay O’Leary** testified representing the New Hampshire Automobile Dealers Association, a statewide trade association representing approximately 500 motor vehicle businesses, including towing and repair companies. He stated at the outset that the association supports the goal of increased transparency raised by the New Hampshire Motor Transport Association. However, he expressed concern with how the bill implements that requirement in statute.

- He explained that the bill places the invoice disclosure requirement within RSA 262, specifically referencing RSA 262:1 and the penalty provisions within that chapter. He stated that under RSA 262, any person who willfully violates a provision of the chapter, except as otherwise provided for title fraud, may be guilty of a misdemeanor if a natural person or a felony if another type of entity.

- He argued that placing the invoice requirement within that section could result in criminal liability for towing companies if the required notice about the hearing or appeals process is not printed on an invoice.
- He stated that this creates a situation where a towing company owner could potentially face criminal charges for a compliance issue, which he contrasted with the penalty for abandoning a motor vehicle, which he stated is typically a fine of approximately \$100.
- He stated that while the association supports including notice of the appeals process on invoices, it believes that requirement should be implemented through administrative rules rather than criminal statute.
- He referenced existing administrative rules under Saf-C 9400 as an appropriate framework for such requirements, stating that this approach would treat the issue as a regulatory or compliance matter rather than a criminal offense.
- He also addressed concerns about towing fees and stated that towing companies are required to absorb costs upfront at the time of service, including labor, equipment, and operational expenses.
- He stated that while companies may recover some value by selling unclaimed vehicles, they often incur losses, and repeated losses would ultimately affect pricing for other customers. He argued that if the enforcement mechanism of license suspension is removed, towing companies may need to adjust rates to offset increased risk of nonpayment.
- He stated that in other states, such as Massachusetts, insurance requirements ensure that towing costs are covered, which reduces the need for similar enforcement mechanisms. He concluded that New Hampshire's lack of mandatory insurance contributes to the issue.
- Senator Altschiller asked whether the association would object to making participation in the towing rotation list and individual fee schedules publicly available.
  - Jay O'Leary responded that he could not answer that question on behalf of the association without consulting its members and stated that any answer would be speculative.

**Roy Schweiker** testified as a resident of Concord and provided comments on the bill. He identified four primary concerns with the bill as drafted.

- First, he stated that the bill appears to intend to allow individuals to appeal towing bills before paying them, but argued that the current language does not accomplish that and still requires payment prior to appeal. He provided a hypothetical example of an extremely high bill, stating that if a person cannot afford to pay the bill, they would be unable to appeal it and could lose their

vehicle as a result. He argued that the bill should be clarified to explicitly allow appeals prior to payment.

- Second, he addressed provisions related to personal property left in vehicles. He stated that under the bill, items inside a vehicle may be withheld until the towing bill is paid, even if those items do not belong to the vehicle owner, and may be disposed of after 30 days. He described this as problematic, particularly in situations where the owner is unable to act quickly, such as in the case of a fatal accident where an estate must be settled. He argued that personal property, such as groceries or other belongings, should not be held as leverage for payment and should instead be returned to the owner if not of significant value, rather than being disposed of after a set period.
- Third, he addressed license suspension and stated that while suspending a vehicle's registration may be reasonable, suspending a driver's license is not. He argued that a driver's license is unrelated to the towing debt and noted that the vehicle owner may not have been the driver at the time of the incident, such as in cases involving theft. He stated that suspending a driver's license in these circumstances is unreasonable and should be removed from the bill.
- He also addressed a prior question from a senator regarding reinstating previously suspended licenses and suggested that the rationale is to correct past instances where licenses were suspended under what he considers an unreasonable policy.
- Fourth, he discussed the towing rotation list system and stated that it limits competition by restricting the number of towing companies that can operate in a given area. He argued that this system prevents new companies from joining if a town already has sufficient providers and does not account for price differences. He compared this to a hypothetical state procurement system that would ignore price differences when selecting vendors and described that as unreasonable.
- He suggested that the state should consider pricing when approving companies for the list and exclude companies whose rates are significantly higher than others, unless necessary. He also argued that the system should allow for more flexibility, including permitting law enforcement to call the nearest available towing company rather than strictly following a rotation list, particularly in urgent situations.
- He concluded by stating that consumer interests should be prioritized and suggested that if nonpayment rates are relatively low, costs could be spread across pricing rather than relying on license suspension as an enforcement mechanism.

**Ralph Cresta** testified as President of the New Hampshire Towing Association and stated that he owns National Wrecker in Portsmouth, New Hampshire, and also

operates a location in Eliot, Maine. He spoke in opposition to the bill and addressed several specific points.

- He stated that with respect to license suspension, commercial driver's licenses (CDLs) are generally not affected because the vehicles involved are typically owned by companies, and towing companies are not seeking to suspend the licenses of business owners.
- He stated that this issue has not been widely discussed and clarified that CDL suspensions are not a focus of enforcement.
- He stated that there are approximately 80 towing companies currently on the New Hampshire State Police rotation list and that the state has lost approximately 30 companies from that list over the past two to three years, which he described as a decline in participation.
- He stated that the association does not object to extending the appeals period from 15 days to 30 days and indicated openness to that aspect of the bill.
- He also stated that the association is not opposed to forming a committee or conducting a study to address the issues raised in the bill and to work toward a compromise solution.
- A senator asked whether he or members of the association would object to making towing company fee schedules public.
  - o Ralph Cresta responded that they would not object.