

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—
H.P. 724 - L.D. 1022

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

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

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.

B. "Commercial motor vehicle nonconsensual tow" means the towing of a commercial motor vehicle, its contents or other items related to removing the

commercial motor vehicle from a roadway or a parking area without the consent of the owner, possessor, agent, insurer or lienholder.

2. 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 recovery, towing, cleanup or storage of the towed vehicle or its contents.

3. 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 under subsection 2.