



STATE OF RHODE ISLAND

DIVISION OF PUBLIC UTILITIES & CARRIERS

Administration

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April 7, 2026

The Honorable Joseph J. Solomon, Jr.
Chairman - House Committee on
Corporations
State House
Providence, R.I.
02903

Re: H 8361 – Rhode Island Towing Industry Modernization and Regulatory Equity Act

Dear Chairman Solomon:

The Division of Public Utilities and Carriers (“Division”) is compelled to point out a number of glaring regulatory concerns regarding House Bill No. 8361 – the Towing Industry Modernization and Regulatory Equity Act.

The Division agrees with the overarching sentiment conveyed in Section 1 (i) and (ii) that tow truck operators undeniably perform essential public safety services, and often do so in unquestionably dangerous roadside conditions. The Division asserts, however, that those realities have always existed, and that those facts persist doesn’t necessarily suggest that the regulatory framework needs a thorough “modernization.”

Indeed, certificated for-hire towing operations have forever been defined as “common carriers” (here and in many other States) and, as such, are treated in Rhode Island law as “public utilities.” The same holds true for taxicabs, non-emergency medical transportation services, and household goods moving companies, and many other for-hire transportation services. That regulatory framework remains effective.

The provisions contained in the proposed 39-12.2-1, however, are wholly inconsistent with state and federal law, and traditional “common carrier” regulation, here and elsewhere. First, there exists no such term as a “certificate of public convenience.” We presume that was intended to identify a “certificate of public convenience and necessity” – commonly referred in years past as a CPCN. However, States have been prohibited through federal deregulation from issuing CPCNs in the property carrier industry for more than 30 years, since the Congressional passages of the ICC Termination Act and the Federal Aviation Act.

That federal preemption notwithstanding, when States *did* issue CPCNs in the property carrier arena, those CPCNs dealt with the *company* being “licensed” to provide a service; they never applied to *drivers* of vehicles. It has always been the responsibility of the certificated common carrier company to train all their employees, including drivers. To be sure, the rapidly-evolving arena of electric vehicles and self-driving vehicles has spotlighted the need to stay on top of training, but, simply put, the Division has no expertise whatsoever to establish training standards and continuing education. The Division has never played any part in hiring or training of drivers, and we know of no other regulatory body nationwide that participates in training of tow truck drivers. Lastly on that point, the provision in the bill that allows each municipality establish their own rules regarding tow drivers is a recipe for chaos, especially in light of federal deregulation and the provisions of Title 39, Chapter 12.

As for the bill’s intention to statutorily established a “Towing Advisory Board,” the Division has stood up such a board a number of times over the last two decades, with varying levels of success. We have gone through a few different iterations with differing compositions, but each board has always had representatives of industry, State and/or local police personnel, representatives from the Attorney General’s Office, the Administrator and/or Associate Administrator of the Division, and, at times, members of the state’s insurance industry.

Undeniably, the very nature of non-consensual towing – which is ultimately the crux of the matter – can be contentious. Indeed, towers are frequently caught in tough circumstances: trying to work on the dangerous roadsides, doing so at the direction of police officer intent on clearing a scene quickly (and safely) as possible, and working in a manner to not jeopardize their continued spot on a police rotational list – all the while striving to abide by state statute, Division regulations, and the terms of the approved tariff. The Division certainly understands that dynamic and always endeavors to be as reasonable as possible with regulated towers, and commits to that ongoing endeavor.

Sincerely,



Linda George, Esq.
Administrator, RI Division of Public Utilities and Carriers

Cc. The Honorable Representative Robert Craven
The Honorable Members of the House Committee on Corporations
Nicole McCarty, Esq., Chief Legal Counsel, Speaker of the House