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### Why Does a Federal Presence Matter?

**POLITICO INFLUENCE**

PLAYING IN: The Coalition Against Rigged Trucks will file the bill tomorrow with allies in the House to take action against the proposed increase of truck size and weight increases to help prevent undue transportation retribution that will...

U.S. Department of Transportation

**USDOT SUPPORTS STRONG PROTECTIONS FOR TRUCKERS AGAINST PREDATORY TOWING JUNK FEES**

Comment on FTC's proposed rule for ban on unfair practices with predatory towing junk fees  
 Playbook the rules that can call up in thousands of dollars and suggest having unnecessary and excessive fees. President Biden has called on federal agencies, Congress, and private companies to track down on hidden junk fees.

- **Keep allies in place** for when issues arise
  - i.e., Predatory towing/FTC Rule
- **Move the needle** on our issues
- **Unite the voices of state associations** to:
  - Create a network of Senators and Representatives who champion our issues
  - Share individual state stories with Senators and Representatives
  - Grow a larger, stronger presence on Capitol Hill

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**Regardless of who is in power, there is always opposition.**

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## What Was the Junk Fees Rule?

- A Biden Administration **initiative that banned businesses from charging hidden and misleading fees** and require them to show the full price upfront
- The issue was primarily aimed at tackling issues like Ticketmaster fees, airline baggage fees, car rentals, and hotel resort fees – all set fees that are known upfront and predictable
- Under the rule, companies that fail to comply could face monetary penalties and have to provide refunds to consumers
- The rule was done in conjunction with other rules like CFPB (overdraft, checking account, late payment) and even the DoT (airline fees for family seating)

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## How Towing Got Caught Up in the Rule

- **FMCSA published a comment on the last day of the comment window, implicating the towing industry** in the context of the proposed "junk fee" rule.
- The comment stated that, "**FMCSA is concerned that predatory towing companies are hiding fees until the tow is completed, charging for unnecessary or worthless service, and imposing an excessive number of fees for excessive amounts.**"
- **FMCSA stated its belief that towing was *already* covered by FTC's proposed rule, but suggested clarifications to improve its applicability to alleged predatory towing practices, including:**
  - Clarifying that each fee was a separate violation
  - Defining and banning "mandatory ancillary fee(s), fees that are essential to the primary good or service being purchased, which a customer cannot reasonably avoid."

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## Political Hornet's Nest

- **American Trucking Association (ATA)** – Republican leaning organization, lobbying Congress and the Biden Administration for the rule
- **Biden Administration** – pushing "junk fees" rule and facing tough re-election
- **Republican Members of Congress** – afraid to push against the ATA, and can have mixed results with the Biden Administration
- **Democratic Members of Congress** – afraid to publicly push against "junk fees" initiative

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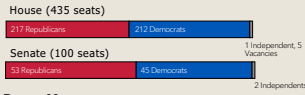
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# 119th Congress Today



- Power Map**
- GOP controls House and Senate
  - House margins remain razor-thin
  - Senate requires 60 votes for most legislation

- Pressure Points**
- Appropriations deadlines drive dealmaking
  - Moderates in both parties are key swing votes
  - Vacancies/retirements can shift House math

**Bottom Line:** Narrow margins mean targeted advocacy, bipartisan validators, and timing around must-pass bills matter more than broad lobbying.

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# Opponents are Actively Pushing the Predatory Narrative in Washington, D.C.

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# Appropriations Report Language

**FY24 House THUD Report:**

**Towing fraud.**—The Committee is aware that 49 U.S.C. 14501(c)(2)(C) makes the federal government the sole regulator of tow truck operators when towing a vehicle with the prior consent or authorization of its owner or operator, but that federal regulations have never been promulgated that prohibit excessive fees in these circumstances. After an accident or breakdown, consumers may be stranded on the side of the road and have little choice but to consent to the first available tow operator. While the vast majority of towing and storage firms are honest and well-intentioned, a few bad actors have abused consumers without accountability. The Committee encourages the FMSCA to consider implementing a consent towing fraud prevention outreach campaign to inform the public about excessive consent towing fees charged by dishonest tow truck operators and educate them on resources to protect themselves from these predatory practices.

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# Appropriations Report Language

## FY25 House THUD Report:

**Predatory towing.**—The Committee recognizes that unethical practices in nonconsensual towing and recovery are creating challenges for interstate motor carriers whose equipment, safety, and maintenance practices are regulated at the Federal level. The Committee urges FMCSA to facilitate discussions with local, state, and private sector stakeholders to develop guidelines for towing and recovery regulation at all levels of government.

## FY25 Senate THUD Report:

**Predatory Towing.**—The Committee is aware that 49 U.S.C. 14501(c)(1) makes the Federal Government the sole regulator of tow truck operators when towing a vehicle with the prior consent or authorization of its owner or operator; however, like the States, the FMCSA does not have explicit statutory authority to regulate towing fees, and Federal regulations have never been promulgated that prohibit excessive fees in these circumstances. While the vast majority of towing and storage firms are honest and well-intentioned, few bad actors have been allowed to operate in a regulatory gap without oversight or accountability. Predatory towing can lead to supply chain disruptions when motor carriers are held hostage to unethical practices in towing and recovery. The Committee directs the FMCSA to engage with local, State, and private sector stakeholders to study current practices concerning towing and recovery regulation and fees in order to ensure fair and equitable treatment of roadway safety clearance opportunities for motor carriers.

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# Appropriations Report Language

## FY26 House THUD Report:

**Predatory towing.**—The Committee directs the FMCSA to engage with local, State, and private sector stakeholders to study current practices concerning towing and recovery regulation and fees to ensure fair and equitable treatment of roadway safety clearance opportunities for motor carriers.

## FY26 Senate THUD Report:

**Predatory Towing.**—The Committee is aware that 49 U.S.C. 14501(c)(1) makes the Federal Government the sole regulator of tow truck operators when towing a vehicle with the prior consent or authorization of its owner or operator; however, like the States, the FMCSA does not have explicit statutory authority to regulate towing fees, and Federal regulations have never been promulgated to prohibit excessive fees in these circumstances. While the vast majority of towing and storage firms are honest and well-intentioned, some bad actors have been allowed to operate in a regulatory gap without oversight or accountability. Predatory towing can lead to supply chain disruptions when motor carriers are held hostage to unethical practices in towing and recovery. The Committee directs the FMCSA to engage with local, State, and private sector stakeholders to study current practices concerning towing and recovery regulation and fees in order to ensure fair and equitable treatment of roadway safety clearance opportunities for motor carriers.

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# Surface Transportation Reauthorization Amendment (2021)

**DID NOT PASS**

**SA 2470.** Mr. VAN HOLLEN (for himself and Mr. Kaine) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684; to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place in title III of division B, insert the following: SEC. 23III. FEDERAL AUTHORITY OVER INTRASTATE TRANSPORTATION. Section 14501(c)(2)(C) of title 49, United States Code, is amended by striking "performed without the prior consent or authorization of the owner or operator of the motor vehicle";

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# American Trucking Associations (ATA) Priorities

**Surface Transportation Reauthorization Priorities for the American Trucking Associations:**  
4/28/25

SAFETY & EMERGING TECHNOLOGY PRIORITIES				
Issue	Related Legislation	House Committee	Senate Committee	Notes
Allow hair testing as a federally accepted alternative to urinalysis.		T&I	CST	
Support the development of marijuana roadside testing technology & impairment standards.		T&I	CST	
Provide motor carriers with recurring access to FMCSA's Pre-Employment Screening Program.	Motor Carrier Safety Screening Modernization Act (H.R.3356*)	T&I	CST	
Provide states with greater resources and direction to combat passenger vehicle distracted driving on our nation's roadways.		T&I, E&C	CST	
Establish a federal framework for testing and deployment of autonomous vehicles to ensure that the U.S. is a global leader in developing this technology.		T&I	CST	
Direct DOT to study and report on the state-federal nexus related to the impact of predatory towing on carriers moving goods in interstate commerce, and to work with state and local entities on best practices to address the patchwork of regulations that exposes interstate commercial motor vehicles to predatory and unethical business practices.		T&I	CST	
Ensure FMCSA is taking appropriate actions with respect to Entry Level Driver Training (ELDT) to shield prospective drivers and the public from fraudulent training entities.		T&I	CST	

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**Predatory Towing Resource Hub**

Because there is a patchwork of regulations not only state-by-state, but also within a state, the conditions are ripe for predatory towing companies to prey on truck drivers and trucking companies.

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# State Level Attacks Across the Country

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