

Towing Vehicles from Private Ways and Property

Massachusetts General Law Chapter 266 § 120D permits the removal of a motor vehicle from a private way, lot or other property by a tow truck company upon the order of the property owner or person in lawful control of that property.

Before a vehicle may be towed at the expense of that vehicle's owner, the following procedures must be followed.

Fair Notice

The person who has lawful control of such private property must forbid the operator of the vehicle from parking it or letting it stand upon that property either by informing the operator directly or by a posted notice (e.g., "NO PARKING – TOW-AWAY ZONE"). Such posted notice must be prominently posted at each entrance to the property in such a way that a reasonable person will have known that parking at that location without permission will result in the towing of that vehicle.

Police Notification

No such vehicle shall be removed by the person in control of the property until he/she has notified the Police Department that he/she is going to have it removed. Notification must be made in person at the Falmouth Police Department (750 Main Street) or via fax (508-457-2531).

Such notification shall include:

- The address from which the vehicle is being towed.
- The address and telephone number of the storage facility.
- Vehicle description to include registration plate and state, make, model and color.
- The name and address of the person (property owner or person in lawful control of the private property) who is directing that the tow be conducted at the expense of the vehicle's owner.
- The name and address of the tow truck company and name or employee number of the tow truck operator.

Towing, Transportation and Storage Fees

The registered owner of such towed vehicle is liable for the charges of towing, transportation and storage. The person or company holding the vehicle may hold that vehicle until the registered owner pays the removal and storage charges fees.

Failure to Comply, Fine

Any property owner or person in lawful control of the private property who fails to comply with the aforementioned procedures may be charged under Massachusetts General Law Chapter 266 § 120D punishable by a fine of not more than one hundred dollars. The employer of such person, if any, shall also be punished by a fine of not more than one hundred dollars.

Reference

Massachusetts General Law Chapter 266 § 120D

<https://malegislature.gov/laws/generallaws/partiv/titlei/chapter266/section120d>