

Licensing and Regulatory Affairs Committee
May 8, 2007

Final Minutes

Licensing and Regulatory Affairs Committee meeting was held at DMV Headquarters on April 8, 2007 in room 702.

Members present

Charlie Brown, Chairman
Roy Boswell
Ray Drumheller
Woody Herring
Curtis Hardison
Ray Hodge
Ron Miner
Gary Teter

Other Present

Steve Chumley
Benjamin Foster
Randy Seibert
Jeff Spencer
Daphane Phillips

Call to Order

The meeting was call to order at 12:52 p.m.

Old Business:

There was no old business

Minutes from the last meeting

Chairman Brown asked if everyone had seen the minutes from the last meeting. **Chairman Brown** called for a motion to approve the minutes. A motion was made and seconded. The minutes were adopted unanimously.

Public Comments

There were no public comments

Committee Business

Chairman Brown presented a draft of the future Regulation to the Board and the public for review. There followed a reading of the Document. Different Broad members were assigned a section on which they had questions and concerns. A copy of the draft is attached.

Adjournment

Meeting was adjourned at 2:46.

Minutes approved:

Date

Charlie Brown, Chair

Attachment

Part I. General Provisions

Purpose / Requirement for regulation.

Section 46.2-2805 of the Code of Virginia establishes the authority of the Board for Towing and Recovery Operators to establish requirements and oversight of towing and recovery operators and the towing and recovery industry, to ensure their possessing and maintaining minimal levels of competency for the public safety and welfare, to establish the necessary qualifications for licensure and regulation of towing and recovery operators, to ensure the competency and integrity of the regulated industry, to examine applicants, to establish renewal schedules, to administer fees to cover the administrative expenses of the regulatory program, and to take disciplinary action for violation of laws and regulations, and to provide oversight for and enforcement of authorized documentation of drivers of towing and recovery vehicles.

24 VAC 27-30-10. Definitions.

The following words and terms when used in these regulations, by the Virginia Board for Towing and Recovery Operators, or the Board's related documents, unless expressly stated otherwise, shall have the following meanings:

"Board" or **"BTRO"** means the Virginia Board for Towing and Recovery Operators.

"Class A operator" means a towing and recovery business towing vehicles of an unlimited gross vehicle weight.

"Class B Operator" means a towing and recovery business towing vehicles of a gross vehicle weight of 26,000 pounds or less.

"Driver" means a person who drives or is in actual physical control of a tow truck. A driver shall be authorized by the Board in order to drive a tow truck or provide towing or recovery services.

"Equipment" means any tow truck, vehicle or related machinery or tools used to provide towing or recovery services.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicle travel in this Commonwealth, excluding the streets and alleys in towns and cities.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of the Code of Virginia or local ordinances authorized by law.

"Operator" or **"Towing and recovery operator"** means a business, corporation, sole proprietor or any person offering services involving the use of a tow truck and services incidental to use of a tow truck. Such shall include but not be limited to those engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated. Such Operator or Towing and Recovery Operator shall be licensed by the Board as a Class A or a Class B Operator.

"Public Safety Tow," "Police-requested towing" or a "police towing request" means requests for towing and recovery services made by a law-enforcement officer of the county, city, or town or by a State Police officer within the county, city, or town pursuant to § 46.2-1217 of the Code of Virginia. Additionally, it shall mean towing requests made by a law-enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Towing and recovery of vehicles" or **"Towing and Recovery Services"** means services offered by a towing and recovery operator. Any person who in any way advertises himself as a towing and recovery operator or in any way conveys the impression that he is engaged in services of providing towing and recovery of vehicles shall be deemed to be engaged in towing and recovery services.

"Tow truck" means a motor vehicle for hire (I) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as defined in § 46.2-100 of the Code of Virginia.

“Tow Vehicle Authorization,” “Tow Vehicle Decal,” “Tow Truck Decal,” “Decal” or similar words shall mean a Board issued decal to be affixed to the driver side door of a tow truck owned, leased or operated by towing and recovery operator.

24 VAC 27-30-15. Fees.

A. The following fees shall be applicable:

Annual license renewal: Class A Operator	\$ 400
Annual license renewal: Class B Operator	\$ 300
Annual tow truck decal, per vehicle	\$ 15
Annual driver authorization documentation, per driver	\$ 25
Examination of Class A Operator	\$?
Examination of Class B Operator	\$?
Late renewal (operator, truck decal and driver)	150% of renewal fee (law requires)
Reinstatement penalty for a lapsed license .	\$ 100
Reinstatement following revocation or suspension of license	\$1,000
Verification of licensure to another jurisdiction or government entity	\$ 25
Returned check	\$ 50
Duplicate copy of license, tow truck decal or driver authorization	\$ 15
Out of state temporary operating permit (each permit).....	\$100

B. All fees are nonrefundable.

- C. Examination fees shall be determined by the Board.
- D. The BTRO shall operate with no more than a 10% surplus of its budget in keeping with state board requirements to be self funding.

24 VAC 27-30-20. General Requirements for Operator's licensure.

As a condition for licensure, all operators shall:

- A. Be a legal entity operating in the Commonwealth of Virginia.
- B. List the name of the business or parent entity of the licensee as that under which a license is applied for and if granted, maintained. However, the licensee at time of application and each renewal of license shall provide the Board with any and all trade or fictitious names under which the operator conducts or offers towing and recovery services.
- C. Designate and advise the Board of their main or principle office and the physical address of same. Should such change, the Board shall be notified within 30 days such change occurs.
- D. Shall be knowledgeable in all applicable state, federal or local laws and regulations related to those towing and recovery services offered or rendered by the operator.
- E. List the principle owner's name or owners' names on the application for license and advise the Board of any change of same.
- F. Provide the Board with information indicating all tow trucks owned, leased or used by the operator. Such information shall include a basic description of the type of tow truck and its license plate number and state issuing such license plate. Information shall be provided no less frequently than on an annual basis, at time of initial licensure or renewal of license.
- G. Provide the Board with a list of all Drivers to the BTRO on an annual basis.

24 VAC 27-30-25. Operator's Licensure without examination.

Applicants for licensure to take effect July 1, 2008 are required to:

- A. Submit the application for license, indicating Class of operator, and remit payment of fees applicable for application and first year license. Application shall include the operator's federal tax identification number.

- B. Validate in writing that they have read and understand the laws and regulations governing towing and recovery services.
- C. Submit evidence to the Board that the operator was actively engaged in the business of towing and recovery services on July 1, 2006. Such evidence shall include an applicable date and business name of the operator and may include but shall not be limited to copy of state or federal tax return, local business license, receipt for payment of personal property taxes, paid purchase order forms or similar documents related to repair, lease or purchase of a tow truck.

24 VAC 27-30-30. Operator's Licensure by examination.

Applicants for licensure of those not engaged in the towing and recovery business on July 1, 2007 are required to:

- A. Submit the application for license, indicating Class of operator, and remit payment of fees applicable for application and first year license. Application shall include the operator's federal tax identification number.
- B. For license as a Class A Operator, submit evidence of passage of all sections of Level I and of Level II of the Towing and Recovery Association's certification examination.
- C. For license as a Class B Operator, submit evidence of passage of all sections of Level I of the Towing and Recovery Association's certification examination.
- D. Applicants for Class A and Class B operator's license shall additionally successfully pass an open book jurisprudence examination provided by the Board on the laws and regulations governing towing and recovery operators.

24 VAC 27-30-35. Operator's Licensure by endorsement.

An applicant may receive licensure by endorsement providing they (1) provide evidence of passage of the applicable examination requirements, (2) submit evidence that they have been actively engaged in towing and recovery services in another state for the past five consecutive years, (3) provide a statement from a government entity in which they have been conducting business(es) in the past five consecutive years that the applicant's business has not violated or been disciplined for violation of their state laws and regulations governing towing and recovery services, (4) passed the Board required jurisprudence examination and (5) submitted the required applications and fees to the Board.

24 VAC 27-30-40. Exemptions.

The following shall be exempt from these regulations.

- A. "Rollbacks" when in use to transport storage sheds, similar or structures.
- B. "Automobile or watercraft transporters," "stinger-steered automobiles or watercraft transporters" or "tractor trucks" as defined in § 46.2-100 of the Code of Virginia. Such transporters are only exempt if capable of transporting five (5) or more vehicles and have appropriate and required interstate operating authority.
- C. "Household goods carriers" as defined in Section 46.2-100 of the Code of Virginia providing they have been issued a valid "certificate of public convenience and necessity" means by the Virginia Department of Motor Vehicles.
- D. Tow trucks solely owned and operated directly by a government entity used for public safety towing or non-commercial purposes, providing such do not impose a fee for services rendered.
- E. Tow trucks registered and domiciled in another state, providing such has appropriate and required interstate operating authority. Such tow trucks must obtain a temporary operating permit from the Board prior to operating in Virginia authorized by the Board. However, tow trucks registered and domiciled in another state are not exempt from licensure or provisions of applicable State laws or regulations of the Board if both pickup or hook up and delivery of a vehicle are in Virginia.
- F. Tow trucks owned by an Operator and used exclusively to transport vehicles providing there is no charge or acceptance of fees or payment for services. In such situations, ownership of vehicles being transported must be supported by possession of title, bill of sale, registration or other legal document while the vehicle is being transported and signage must be posted on both sides of said tow truck indicating "NOT FOR HIRE." Letters for such sign shall be each be at least 3 inches in height and each 1/4" in width and in a color contrasting with the tow truck's color.
- G. Tow trucks owned by tow truck dealers or tow truck manufacturers operating with a legally recognized dealer license plate. Such tow trucks may only be operated by an employee of the dealer or manufacturer for the sole purpose of transporting it to and from the location of sale or demonstration. Such tow trucks shall be required to have temporary or permanent lettering with the dealer's or manufacturer's name, city and state and the words "NOT FOR HIRE" displayed on both sides of the tow truck. Letters for such sign shall be each be at least 3 inches in height and each 1/4" in width and in a color contrasting with the tow truck's color.

24 VAC 27-30-45. Transfer of operator's license.

- A. An Operator's license is not transferable.
- B. Any potential buyer of a towing and recovery business must apply for and secure an Operator's license before purchase of that business is finalized.
- C. Transfer of an Operator's under emergency circumstances as agreed to by the BTRO director shall be granted an exception for up to 90 days.
- C. At any time in which 50% of more of an operator's towing and recovery business is sold or transferred, the Board shall be notified in writing within 10 days the sale or transfer occurred.

24 VAC 27-30-50. Unprofessional conduct.

It shall be deemed unprofessional conduct, and may be subject to disciplinary action or sanctions by the Board, for any licensed operator in the Commonwealth to violate any statute or regulation governing towing and recovery services or fail to:

- A. Employ any driver who fails to comply with the Board's requirements for drivers.
- B. Advise the Board in writing of any change in ownership, or in the licensee's mailing or principle business address within 30 days of such change occurring.
- C. Use only driver's employed by a licensed operator and whom have a valid driver's authorization documentation from the Board.
- D. Have the trade name, clearly indicated on all of the operator's tow trucks, required signage for posting of fees and invoices.
- E. Retain for a minimum of one year, from last date of service, records of services and fees charged or collected. If said records are not maintained at the operator's principle place of business, the location of such records shall be immediately made known to the Board at the Board's request.
- F. To refuse to allow an authorized agent of the Board to review or inspect, during regular business hours Monday through Friday, the operator's records of services rendered and fees charged or collected, facilities and equipment. Such shall be limited to that which is related to compliance of laws or regulations governing operators.

- G. Accept a valid Mastercard or VISA for payment of towing and recovery services. Such credit card may be considered invalid if the credit card processing company denies charges being applied to said card or if the card is not presented to the Operator for inspection. Operator may insist payment by credit card be made at their principle place of business or any location at which payment for fees or services is normally accepted.
- H. Post at the principle office, and at any location where payment is accepted, the maximum fees normally charged for basic services for towing, recovery and processing fees for vehicles weighing 26,000 pounds or less.
- I. Prominently display, for all businesses engaged in towing passenger vehicles without the consent of their owners, at their main place of business and at any other location where towed vehicles may be reclaimed, a comprehensive list of all their fees for towing and recovery or the basis of such charges. This requirement to display a list of fees may also be satisfied by providing, when the towed passenger vehicle is reclaimed, a written list of such fees, either as part of a receipt or separately, to the person who reclaims the vehicle. Charges in excess of those posted shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered without his consent. If the owner or representative or agent of the owner of the trespassing passenger vehicle is present and removes the trespassing vehicle from the premises before it is actually towed, the trespassing vehicle shall not be towed, but the owner or representative or agent of the owner of the trespassing vehicle shall be liable for a reasonable fee, not to exceed \$25 or such other limit as the governing body of the county, city, or town may set by ordinance, in lieu of towing.
- I. Provide, at the customer's request, a price list indicating the maximum fees normally charged for basic services for towing, recovery and processing fees for vehicles weighing 26,000 pounds or less. If storage fees are not included in said list of charges, the list shall include a statement indicating storage fees may be additional and vary according to size and condition of vehicle, length of time vehicle is stored and other costs which may be incurred by the operator when storing the vehicle.
- J. Have affixed on the driver's side all of the operator's tow trucks a tow vehicle authorization decal.
- K. To display his operator's license in a conspicuous place in the principal office in which he operates and display a copy of his operator's license at all other locations at which fees for payment are accepted.

24 VAC 27-30-55. Standards of practice.

Violations of a standard of practice may be subject to Board disciplinary actions or sanctions.

- A. All of an operator's places of business, including their offices and storage facilities shall comply with any required state or local building or zoning laws or codes.
- B. If required by the locality in which the operator designates as his principle place of business, an operator must maintain a valid business license from that locality.
- C. Any operator permanently ceasing to provide towing and recovery shall immediately notify the Board in writing and return the license for voluntary suspension or revocation of license.
- D. A licensed operator must maintain the following proof of insurance; A, \$750,000 for general commercial liability, B. \$50,000 garage keeper's liability, C. \$50,000 on hook coverage, D. worker's compensation as required by state and federal entities.
- E. Operators shall assure that only equipment designed and rated for the type of vehicle being transported is used. Operators shall additionally assure that at no time shall one of their tow trucks exceed the manufacturer's gross vehicle weight, for a Class B Operator a minimum of 14,500 pounds on a rollback and a minimum of 10,000 on a wrecker, for a Class A Operator a minimum of 33,000 gross vehicle weight pounds gross vehicle weight for a wrecker and or manufacturer's rated capacity for towing apparatus.
- F. All tow trucks shall meet all federal Department of Transportation and applicable Virginia regulations. Towing or rollback units shall be a factory manufactured unit and only used as designed and rated to haul the vehicle being transported. Tow trucks shall be able to retain 50% of its front axle weight during towing operations. Safety chains shall be used in all towing operations with such chains rated to secure the towed vehicle to the tow truck.
- G. Any and all advertisements, promotions, offers for services or invoices shall include the operator's name as it appears on their license, in addition to any trade or fictitious name if used by the operator.
- H. An operator shall be required to provide the owner of a vehicle, as defined in the Code of Virginia, with written notice of their rights to be reimbursed for towing and storage of their vehicle from the State Treasury.
- I. Operators shall be responsible for the supervision and all actions of their employees and drivers, including their compliance with laws and regulations governing towing and recovery services.
- J. An operator shall not provide a public safety tow service unless (1) authorized by the Board to provide

- public safety towing and recovery services, (2) providing such services under the direction and supervision of an operator authorized by the Board to provide public safety towing and recovery services, or (3) if specifically requested by law enforcement personnel to assist in an emergency situation.
- K. Whenever a trespassing vehicle is removed or towed without the owner's permission, notice of this action shall forthwith be given by the operator to the State Police or the local law-enforcement agency of the jurisdiction from which the vehicle was towed. Should the operator fail to report such action, it shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one day of storage and safekeeping. If the vehicle is removed and stored, the vehicle owner may be charged and the vehicle may be held for a reasonable fee for the removal and storage.
- L. In lieu of having a trespassing vehicle removed by towing or otherwise, the licensed operator, at the request of the property's or premise's owner, operator, lessee or authorized agent on which the trespassing vehicle is parked may immobilize the vehicle by a boot or other device that prevents a vehicle from being moved by preventing a wheel from turning, provided that the boot or other device does not damage the vehicle or wheel. The charge for the removal of any boot or device shall not exceed \$25 or such other limit as the governing body of the county, city, or town may set by ordinance.
- M. An operator shall comply with all local ordinances or contracts, if any, with which he has entered into an agreement or has accepted. The Board however shall not adjudicate conflicts between an operator and a locality regarding compliance with local ordinances or contracts.
- N. For vehicles towed or removed from private property, unless different limits are legally established by ordinance of the local governing body, an operator shall not charge a hookup and initial towing fee in excess of eighty-five dollars \$125. For towing a such vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of ten dollars no more than \$25 per instance may be charged.; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of twenty-four hours or less. Except for such stated fees, no other fees or charges shall be imposed during the first twenty-four-hour period.
- O. No operator shall impersonate a licensed operator of a like or different name;
- P. No operator shall publish or cause to be published in any manner an advertisement that is false, deceptive, or misleading, or violates regulations of the Board governing advertising by towing and recovery operators.
- Q. No operator shall provide any towing and recovery services for vehicles of a gross vehicle weight over 26,000 pounds unless licensed as a Class A Operator.

R. No operator shall:

1. Engage in fraud or deceit in the offering or delivering of towing and recovery services.
2. Conduct his business or offering services in such a manner as to endanger the health and welfare of the public.
3. Allow any use of alcohol or drugs to the extent such use renders the operator or his drivers unsafe to provide towing and recovery services.
4. Neglect to maintain on record at the licensed operator's principal office a list of all drivers in the employ of the operator.
5. Obtain any fee by fraud or misrepresentation.
6. Advertise directly or indirectly that which deceives, misleads, or defrauds the public.
7. Advertise or offering services under a name other than one's own name as set forth on the operator's license.
8. Fails to accept for payment cash, insurance company check, certified check, money order, at least either Mastercard or VISA.
9. Fails to display at the licensed operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles of 26,000 pounds gross vehicle weight or less.
10. Fails to have readily available, at the customer's request, the maximum fees normally charged by the licensed operator for basic services for towing and initial hookup of vehicles of 26,000 pounds gross vehicle weight or less.
11. Fails to provide at the consumer's request the phone number for which consumer complaints may be filed with the Board.
12. Knowingly charges excessive fees for towing, storage, or administrative services or charging fees for services not rendered.

13. Fails to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service.
14. Willfully invoice for payment any services not stipulated or otherwise incorporated in a contract for services rendered between the licensed operator and any locality or political subdivision of the Commonwealth that has established a local Towing Advisory Board pursuant to § 46.2-1233.2 of the Code of Virginia.
15. Employ any driver required to register as a sex offender as provided in § 9.1-901 in the Code of Virginia.
16. Remove or tow a trespassing vehicle, as provided in § 46.2-12341 in the Code of Virginia, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth.
17. Refuse at any operator's place of business where payment is accepted, to make change, up to \$100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle.
18. Violates, assists, induces, or cooperates with others in violating any provisions of law related to the offering or delivery of towing and recovery services, including the laws and regulations governing towing and recovery services.
19. Fails to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § 46.2-1209 of the Code of Virginia.

24 VAC 27-30-60. Operating without a license, penalties.

- A. Should the Board, after investigation, determine an operator is engaged in or offering towing and recovery services without a license, As authorized by the Code of Virginia, the Board may enjoin any person or business found to be engaged in or offering towing and recovery services without a license.
- B. Those found to be engaged in or offering towing and recovery services without a license may be subject to a Board imposed civil penalty of up to \$1,000 for each violation.

24 VAC 27-30-65. Expedited process to consider consumer complaints.

- A. With the exception of complaints related to possible harm or damage to person or property, the Board's Executive Director or his designated staff shall have the authority to attempt to address any consumer complaints submitted in writing and mailed to the Board's office. Such complaints must: (1) be in writing, (2) include the name, address and phone number of the party making the complaint, (3) clarify the nature and specifics of the complaint, and (4) what course of action would be necessary for the party making the complaint to consider it resolved. The Executive Director shall keep track and a record of all complaints against individual Operators and or Drivers and deliver the BTRO a summary review of complaints received at each meeting.
- B. Upon receipt of such information, the Board's Executive Director or his designated staff may phone the operator, advise them of the specifics of the complaint, and provide an opportunity for the opportunity to resolve the complaint to the consumer's satisfaction. Prior to discussing the complaint with the operator, the operator shall be advised of the nature of the call, that no comments nor information presented during the expedited process may be used against the operator should the complaint result in a hearing for disciplinary action, and that attempt by the operator to resolve the complaint will not be considered as an admission of a violation.
- C. The Executive Director or his designated staff shall not utilize the expedited process set forth in this section if there is evidence of repeated complaints or disciplinary action by the Board involving similar allegations.

24 VAC 27-30-70. Prerequisites for Application for Driver's Authorization.

- A. Applicants for a Board's driver's authorization shall require
 - 1. Provide the Board with finger prints of the applicant for the purpose of assisting the required criminal background check. Fingerprints must be submitted to the Board or its designated subordinate directly from the law enforcement agency arranging for such finger prints to be obtained. Cost of obtaining finger prints are the responsibility of the applicant.
 - 2. Authorization and applicable payment for the Board to conduct a criminal background check as required by the Code of Virginia (FBI criminal background check.) Results of the background check shall be sent directly to the Board office and maintained confidentially unless its contents are used to reject or place conditions upon a driver's authorization document.

3. Possess a valid driver's license. The driver shall be required to possess a commercial driver's license if applicable to the Class of Operator the driver is to be employed or the type of tow truck to be driven.
4. The applicant shall be required to sign a statement verifying they are not currently on any state or federal list as a sex offender.
5. Driver's authorization documents shall be valid for one year and subject to annual renewal on the anniversary date of the document being approved.

24 VAC 27-30-75. Requirements for Drivers.

All drivers shall:

- A. Possess a valid and appropriate driver's license within 60 days of employment.
- B. At time of application, provide evidence that he is employed or about to be employed by a licensed operator.
- C. Promptly advise the Board of the driver's employee who shall be a licensed operator.
- D. Maintain in their possession and have readily available for inspection, when providing towing and recovery services, their Board issued driver's authorization documentation. The driver's authorization document shall include the name of the driver and the driver's appropriate driver's license number of the state in which they hold a valid driver's license.
- E. Notify the Board immediately upon the driver being convicted of an offense in which the driver is required to be included in the state or federal lists of convicted sex offenders.
- F. Provide services in a safe manner.
- G. Review and read all regulations and laws related to standards of practice, unprofessional conduct and safety prior to operating a tow truck or providing towing and recovery services. The driver shall sign a statement to be retained by the operator who employs the driver verifying the driver's compliance with this subsection.
- H. Not lend their driver's authorization document to any person.

- I. Notify the Board within 15 days of any change in licensed operator who employs the driver. The driver's authorized documentation shall, within 30 days of any change in employer, reflect the current operator or operators whom employ the driver.
- J. As may requested by the Board, return their driver's authorization document should the Board determine the driver has violated laws or regulations governing towing and recovery services. The Board shall have the authority to rescind, revoke or deny driver's authorization documentation.
- K. The Board may issue a driver's authorization document to a driver employed by a towing and recovery operator from out of state and not otherwise eligible for license providing the out of state driver provides the Board with documentation of (1) their employment by an out of state operator, (2) their completing finger print, criminal background check requirements applicable to drivers employed by a licensed operator, and (3) evidence that they are not listed in any local, state or federal listing of sex offenders. Such out of state drivers must retain a log of dates, location of pick up and delivery and the type of towing and recovery services provided for inspection and review upon request of the Board. Out of state drivers must delivery the towed vehicles for storage at premises located in Virginia unless specified in writing in advance by the owner of the vehicle.

24 VAC 27-30-80. Renewal of licensure; reinstatement; renewal of fees.

- A. All those licensed by the Board as a towing and recovery operator shall, on or before July 1 of every year, submit a completed renewal application and pay the prescribed annual licensure fee.
- B. It shall be the duty and responsibility of each licensee to assure that the Board has the licensee's current mailing address. All changes of mailing addresses or change of name shall be furnished to the Board within 30 days after the change occurs. All notices required by law or by these rules and regulations are to be deemed validly tendered when mailed to the address given and shall not relieve the licensee of the obligation to comply.
- C. The license of every person or business who does not reply the completed form(s) and fee(s) by August 31 of each year may be renewed for up to one year by paying the prescribed renewal fee and late fee. After August 31, a license that has not been renewed is lapsed. Engaging in towing and recovery services with a lapsed license may subject the licensee to disciplinary action and additional fines by the Board.
- D. An operator whose license has been lapsed for more than one year and who wishes to resume providing services as a towing and recovery operator shall apply for reinstatement. The Executive Director may grant

reinstatement provided that:

1. The applicant can demonstrate continued competency;
2. The applicant has satisfied current requirements for continuing education for the period in which the license has been lapsed, not to exceed two years; and
3. The Board may require an applicant who has allowed his license to expire and who cannot demonstrate continued competency to pass all or parts of the Board approved examinations.

24 VAC 27-30-85. Requirements for continuing education.

- A. Exclusive of additional hours which may required of those recognized by the Board to provide Public Safety Towing and Recovery Services, each operator's license for renewal shall be conditioned upon submission of evidence to the Board of 16 hours of continuing education taken by the applicant during the previous license period.
 1. The required hours of continuing education shall be directly related to the safe and proper rendering of towing and recovery services, proper inspection and maintenance of equipment, and laws and regulations governing towing and recovery operators.
 2. Courses that are offered directly by or of which a majority of their content promote the sale of specific equipment or products or on augmenting income are excluded and will not receive credit by the Board.
- B. Each licensee shall attest to fulfillment of continuing education hours on the required annual renewal form prepared by the Board. All continuing education shall be completed prior to July 1 of each year unless an extension or waiver has been granted by the Board's Continuing Education Committee.
- C. Requests to the Board for consideration of waiver, reduction in the number of hours or extension for time to complete continuing education shall be in writing and must be received by the Board no later than April 1 of the year for which such request is being made. Such requests are only to be considered when based on documented illness or undue hardship.
- D. All continuing education courses shall be offered by an approved sponsor. Courses which are not offered by an approved sponsor shall not be accepted for continuing education credit.

- E. At least one-half of the required number of continuing education credit hours completed annually shall be through face to face instruction which requires the presenter and audience see and hear each other during the presentation.
- F. Courses presented via the internet or by correspondence must be (1) sponsored by a Board approved sponsor and (2) require a post-test with credit only to be granted for the licensee receiving a passing grade as indicated on the certificate of completion of the course.
- G. Licensees shall maintain documentation for a period of at least three years of the continuing education completed as required for renewal of license.
- H. At the discretion of the Board, a random audit of licensees may be conducted by the Board which will require that the licensee, within 21 days of the request, provide evidence substantiating participation in the required continuing education courses.
- I. Documentation of hours shall clearly indicate the (1) name of the sponsor of the continuing education, (2) name or title of the presentation or instruction, (3) name of instructor, (4) location instruction presented, (5) time period of instruction, (6) number of applicable continuing education hours received, (7) name of the licensee, and (8) either a signature, type of stamp or some other means to verify attendance. Documents failing to have the required information shall not be acceptable to the Board. Correspondence or internet courses shall be credited according to the date on which the post test was graded as indicated on the applicable continuing education certificate.
- J. One hour of continuing education credit shall require the licensee's presence and participation for at least 50 minutes.
- K. A licensee shall be exempt from the continuing education competency requirements for the first renewal following the date of initial licensure by examination in Virginia.