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1 COMMONWEALTH OF VIRGINIA
2 BOARD FOR TOWING AND RECOVERY OPERATORS

3
4 PUBLIC HEARING IN THE MATTER OF:
5 Public Safety Towing Regulations
6

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9
10 DATE:
11 Thursday, August 21, 2008

12 TIME:
13 6:00 o'clock, p.m.

14
15
16 LOCATION:
17 Fairfax County Government Center
18 Board Auditorium
19 12000 Government Center Parkway
20 Fairfax, Virginia 22035

21
22
23 Reported by: Loretta A. McManus

LM08-106

1 BTRO STAFF APPEARANCES:

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9 BOARD MEMBER APPEARANCES:

10 **RAY DRUMHELLER**, Board Chairman
11 Senate Appointee
12 Waynesboro, Virginia

13 **MARK SAWYERS**, Board Vice Chairman
14 Speaker of the House Appointee
15 Hampton Roads, Virginia

16 **ROY BOSWELL**, Senate Appointee
17 Stafford, Virginia

18 **RAY HODGE**, Senate Appointee
19 Fredericksburg, Virginia

20 **RON MINER**, Governor Appointee
21 Oakhill, Virginia

22 **GARY TETER**, Governor Appointee
23 Harrisonburg, Virginia

24 **CARY COLEMAN**, Speaker of the House
25 Appointee
26 Fredericksburg, Virginia

27 **WOODY HERRING**, Speaker of the House
28 Appointee
29 Fairfax, Virginia

30 **SCOTT WYATT**, Speaker of the House Appointee
31 Mechanicsville, Virginia

32 **LT. CURTIS HARDISON**
33 Virginia State Police Designee

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P R O C E E D I N G S

1
2 MR. DRUMHELLER: Good evening. I'd like
3 to welcome all of you to this meeting.

4 And I'd like, if you would, members of the
5 board, starting with Gary, identify yourselves and where
6 you're from.

7 MR. TETER: I'm Gary Teter, with Teter's
8 Exxon, in Harrisonburg, Virginia.

9 LT. HARDISON: I'm Curtis Hardison, a
10 lieutenant with the Virginia State Police, currently
11 assigned to the Chesapeake area.

12 MR. HODGE: I'm Ray Hodge, from
13 Fredericksburg, Virginia.

14 MR. COLEMAN: Cary Coleman,
15 Fredericksburg, Virginia.

16 MR. SAWYERS: Mark Sawyers, Hampton Roads,
17 Virginia.

18 MR. BOSWELL: Roy Boswell, Stafford,
19 Virginia.

20 MR. DRUMHELLER: I didn't introduce
21 myself; I am Ray Drumheller, from Waynesboro, Virginia,
22 and I do chair this board.

23 MR. HERRING: And I'm Woody Herring, from

1 Fairfax, Virginia.

2 MR. MINER: Ron Miner, from Northern
3 Virginia, citizen appointee.

4 MR. WYATT: Scott Wyatt, Hanover County,
5 citizen appointee.

6 MR. DRUMHELLER: At this time, I would
7 like to introduce to you Marc Copeland, the interim
8 Executive Director for the BTRO board, and let him go
9 with the meeting.

10 MR. COPELAND: Thank you, Mr. Chairman.

11 Welcome, everyone. I want to make a
12 special welcome to, and introduce in the audience,
13 Delegate Dave Marsden, who's on the Transportation
14 Committee.

15 He's here just to take a peek at how the
16 public hearings are going. Welcome.

17 Mr. Chairman, members of the Board, and
18 audience members, we're just going to go through a brief
19 overview of the Board, a very, very short presentation.

20 We're here tonight to talk about public
21 safety towing issues that may be out there. We have to
22 -- the Board is required to regulate who is assigned to
23 public safety tows, and we'll get to that on the last

1 slide.

2 But I wanted to mention that that's why
3 we're here. If you have any other comments to make that
4 are outside that purview, if you can wait until the end
5 of the meeting to make those comments, because we will be
6 looking for comments tonight.

7 But if you could wait and hold off on
8 anything not related to the public safety towards the
9 end, that would be great; that would let us get to the
10 forefront of why we're here.

11 So I appreciate that very much. And
12 without any further ado, we'll go through these slides
13 fairly quickly, I hope.

14 **BTRO SLIDE PRESENTATION**

15 MR. COPELAND: This is background on the
16 Board. It was established by law, on July 1, 2006,
17 required to license, regulate, and enforce the standards
18 of practice, and that will go into effect on January 1,
19 2009.

20 On and after that date, it will be
21 unlawful for any person to engage in business in the
22 Commonwealth as a towing and recovery operator, without
23 first obtaining a license as a Class A or Class B

1 operator.

2 Violations are subject to a Class 1
3 misdemeanor, which is up to a \$2,500 fine, and up to 12
4 months in jail; either or both.

5 And I want to stress something to everyone
6 in the audience: those fines are out there as a stick, in
7 some ways, for folks who aren't going to be in
8 compliance; who don't want to be in compliance and are
9 outside the law.

10 I don't think anyone here tonight is going
11 to fall into that category.

12 And I think I speak for the Board, to say
13 that our main objective, over the next several months and
14 into the first of the year, is to get people in
15 compliance.

16 We're not coming out looking for you, and
17 trying to put you out of business; we're going to get you
18 in compliance with what the law requires, and that's
19 going to be our main push.

20 So I realize these may be frightening
21 numbers to you, and frightening things, but they're out
22 there for a reason, and I doubt anyone's going to be
23 impacted by those, that are here tonight.

1 The Board consists of 15 voting members;
2 nine members, three of which are licensed as Class A
3 operators, three are licensed as Class B operators, and
4 three are licensed as either Class A or Class B
5 operators;

6 There are three citizen members of the
7 Board; they're appointed at-large. They have no direct
8 or indirect interest, other than as consumers in the
9 towing and recovery industry;

10 The Commissioner of the Department of
11 Motor Vehicles and his designee are also a member, as
12 well as the Commissioner of Agriculture and Consumer
13 Services, and the Superintendent of the State Police.

14 And these are just some of the general
15 powers and duties of the Board:

16 They're required to establish
17 qualifications of licensure, and examine and license
18 qualified applicants as Class A or Class B operators;

19 Required to levy license fees and special
20 assessments necessary to cover the expenses of the Board;

21 Required to revoke, suspend, or fail to
22 renew a license for violations of law:

23 To receive complaints concerning the

1 conduct of persons and businesses licensed by the Board,
2 and to take disciplinary actions if warranted;

3 Establish means and procedures by which
4 the Board may attempt to mediate and resolve in an
5 expedited manner, complaints filed against those licensed
6 or otherwise regulated by the Board;

7 And to do all things necessary and
8 convenient, to carry into effect the provisions of law or
9 regulations promulgated by the Board.

10 Just a quick overview of the complaint
11 process: A majority of the review panel involved in the
12 complaint process, will consist of towers;

13 BTRO will hire investigators to assist in
14 the complaint process, as well as other issues pertaining
15 to violations of statute and regulations, or both;

16 Towers, citizens, and law enforcement will
17 be able to call BTRO if they feel a company or a driver
18 is operating illegally, if there are issues with pricing,
19 or for any other type of complaint;

20 BTRO will have a hearing process. If
21 complaints are not resolved, guilty parties could be
22 subject to civil penalties, license revocation, or both;

23 BTRO will constantly be updating

1 information on its website and newsletters.

2 And if you have any questions or concerns
3 in the meantime, please don't hesitate to call.

4 General regulations have been developed by
5 the Rules and Regulatory Affairs Committee.

6 They are based on input and information
7 gathered from towers, the public, and other interested
8 parties from across Virginia, as well as other states
9 with similar towing boards.

10 BTRO conducted 15 public meetings related
11 to the general regulations. The suggestions and concerns
12 expressed by public testimony, and in hundreds of letters
13 and phone calls, have been addressed in the general
14 regulations.

15 They were promulgated under the standard
16 regulatory process; they've been approved by the Board as
17 of August 14th of this month, approved by the Secretary
18 of Transportation on August 18th, and are awaiting final
19 approval of the Governor.

20 And there are copies of those, the final
21 text of the regulations, on the table down here, for
22 those who are interested. They're also on line as well.

23 Now, why are we here? BTRO must establish

1 regulations to allow for Class A and Class B operators to
2 provide public safety towing and recovery services, which
3 are those services, by definition, requested by state and
4 local law enforcement agencies.

5 These regulations will establish minimum
6 requirements, including qualifications, standards, and
7 necessary equipment.

8 These regulations will also address public
9 safety concerns, necessary and appropriate to permit a
10 Class A or Class B operator to provide public safety
11 towing and recovery services.

12 No operator will be able to provide public
13 safety towing and recovery services unless they meet the
14 criteria established in these regulations.

15 BTRO must maintain an up-to-date list of
16 towing operators who meet the criteria for providing
17 public safety towing and recovery services.

18 And I'm sure that many of you are aware
19 that there were some public safety regulations that had
20 been proposed. And I believe it was -- last year is when
21 it was started, and those are on hold.

22 As a matter of fact, I believe they're
23 going to go away in total; they will be revamped based on

1 what we hear in these public meetings, and what's
2 developed over the next coming months.

3 We are -- these public meetings have been
4 required to be held, to make sure that everyone is heard
5 on these issues.

6 So without any further ado, unless the
7 Board has anything to say, we'll take any comments that
8 anyone has.

9 And, please, if you can, come on down;
10 I'll give you the mic and you can speak into it, or you
11 can come down to the podium, either one.

12 JASON PENCE: I'll jump up and be first.

13 MR. COPELAND: And the podium is live, so
14 you can go right to it.

15 MR. DRUMHELLER: Welcome, Jason.

16 - - -

17 COMMENTS BY:

18 **JASON PENCE**

19 Valley Towing

20 5497 Main Street

21 Mt. Jackson, Virginia 22842

22 (540) 477-9510

23 MR. PENCE: Howdy. How are you,

1 gentlemen? As you guys all know, I'm Jason Pence,
2 representing Valley Towing and Keller Towing, out of Mt.
3 Jackson.

4 We've got some serious concerns, as do an
5 obvious majority of towers from all areas of the
6 Commonwealth, with the form of the proposed draft public
7 safety regulations that y'all had promulgated.

8 They were kicked out of the door by Senate
9 Bill 707; obviously, we're supposed to -- y'all are
10 supposed to start from scratch.

11 But, candidly, it's going to be naive of
12 us to -- us being the Commonwealth at-large -- to believe
13 that that won't be at least a starting point in the back
14 of someone's mind.

15 Candidly, y'all are required by statute to
16 draft regulations governing public safety towing. Our
17 recommendation is that that regulation read something
18 like this:

19 Quote, "Any towing and recovery operator
20 who performs public safety towing, shall perform those
21 tasks and duties in accordance with the general
22 regulations of the BTRO, and additionally shall comply
23 with any requirements set forth by either the local

1 contracting agency or the law enforcement agency who
2 administers the rotation list." Close quote. End of
3 regulation.

4 The towing and recovery industry has been
5 working quite well, from my discussions with various law
6 enforcement agencies across the Commonwealth, for the
7 last 100 years, as long as there have been tow trucks, or
8 cars with chains pulling 1903 whatevers off the side of
9 the road.

10 At this point, the law enforcement
11 agencies that administer the rotation lists, or the local
12 governments that administer the contracts, have become
13 pretty adept at determining what works in their area.

14 The regulations that you gentlemen set are
15 going to be minimum, state-wide. The regulations that a
16 given municipality, like Fairfax County or Shenandoah
17 County, or any other county, cannot be less than those
18 minimum regulations.

19 Given that, the regulations that I've
20 seen, coming to as many of the meetings as I have, have
21 been a solution in search of a problem, quite candidly,
22 and I believe that what you're doing, is, you're
23 attempting to kill a fly with a 105mm Howitzer.

1 In the discussions I heard with law
2 enforcement officers who have talked to the Board, they
3 don't have a problem administering the regular rotation
4 list.

5 If they have a tower that is not competent
6 or does not have proper equipment, they either kick him
7 off the list, or they have him do what needs to be done.

8 I don't believe that the Board needs to
9 address these issues, other than in very broad strokes,
10 because what's going to happen is, you're going to run a
11 whole lot of people out of the towing business.

12 And, gentlemen, if your mandate is to
13 preserve public safety, then the regulations are going in
14 exactly the wrong direction.

15 Because I've heard from more than one law
16 enforcement agency, who has testified before the Board,
17 that many or all of their current rotation towers can't
18 comply with those standards, whether they be lot
19 standards or equipment standards, or whatever.

20 And, candidly, you're going to have a
21 situation where people are going to be in an accident,
22 and there won't be any tower who can legally respond
23 under the public safety regulations.

1 If that's not a public danger and a
2 threat, having an accident on the side of the road that
3 you can't clear, I don't know what is.

4 Thank you, gentlemen.

5 MR. DRUMHELLER: Thank you, Jason.

6 MR. COPELAND: Is there anyone else?

7 - - -

8 COMMENTS BY:

9 **SGT. JEFF THOMPSON**

10 Fairfax County Police Department

11 Towing Coordinator

12 SGT. THOMPSON: Good afternoon, gentlemen,
13 and folks. I am Sergeant Jeff Thompson, with the Fairfax
14 County Police, and I am our towing coordinator for the
15 county.

16 And we adhere to a contract, which we're
17 in negotiation with right now. And I have a few notes
18 here I've made; if I could read them to you, and we'll go
19 from there.

20 We feel, in Fairfax, it's good to have
21 state regulations for the use of public safety towing.
22 Having basic equipment in serviceable condition, and
23 properly trained individuals, is paramount to the safety

1 of the motoring public, as well as the public safety
2 officials with whom the towing industry works.

3 For every incident where traffic in high-
4 volume areas is stopped, there are always secondary
5 incidents that occur as a result of that; rubbernecking,
6 and so forth.

7 NHTSA, which is the National Highway
8 Transportation Safety Agency, and the U.S. Department of
9 Transportation, have found that through their studies,
10 that for every minute that traffic is blocked on the
11 interstate or a primary road, there's a four-minute back
12 up as a residual result of that.

13 Traffic incident management is comprised
14 of detection, response, clearance and recovery, and the
15 towing industry, of course, is primarily responsible for
16 the clearance, with the exception of hazardous materials.

17 Police and fire responders are trained to
18 adhere to specific safety regulations, as these are
19 incidents where all responders must work as a team to
20 mitigate the impact on surrounding roads and the public.

21 Tow truck operators must have proficiency
22 in the latest recovery and towing methods, the best of
23 the equipment, and the personnel must be trained in the

1 operation of the equipment, and how to react with the
2 rest of the responders, as a result.

3 While true that there are differences in
4 the capabilities available in many areas around the
5 state, there must be basic levels of equipment training
6 and standards; there is such a thing as having 40 years
7 of experience, and having one year of experience 40
8 times.

9 People need to stay up with the equipment,
10 and best perform the task as well as the masses that can
11 better complete the task.

12 I support the regulations that would lay
13 the basic foundations of the public safety towing and
14 recovery capability, in the areas of equipment,
15 facilities, personnel training and standards, while
16 realizing that more stringent rules may be set by larger,
17 more densely populated areas that could enhance these
18 basic requirements.

19 Generally, the public has no choice in who
20 responds to them at the scene of a traffic incident; the
21 tower comes with a rotating list, as a contract with the
22 government.

23 The government, therefore, has a duty to

1 assure the public that their property will be handled
2 properly and in accordance with the manufacturer's
3 directions, and damage-free towing will result, or at
4 least commensurate with the situation.

5 They also have the right to recover their
6 property in a timely manner, in a location that is safe
7 and offers its basic needs.

8 For public safety needs, the towing
9 response, they need the varsity. And what I mean by
10 that, is, they need people who are well-trained and know
11 what they're doing, to respond and take care of it.

12 They don't need someone who has a mom and
13 pop operation; not a third-string, or one who has never
14 had to come out and needed to play in the field.

15 I hope that this forum will take the
16 public safety needs, and the public's needs into
17 consideration, as well as the tow companies, when
18 creating these basic regulations that will establish the
19 minimum requirements across the state.

20 As I stated before, areas that need more
21 regulation, in-depth training and sophisticated
22 technology, and added equipment, can react only when the
23 legislature has provided additional resources, but the

1 basics should be the same across the Commonwealth.

2 Thank you, gentlemen.

3 MR. DRUMHELLER: Thank you.

4 MR. COPELAND: Anyone else?

5 (No response.)

6 MR. COPELAND: All right, let's not be
7 quiet now. (Laughter)

8 (No response.)

9 MR. COPELAND: Mr. Chairman, did you want
10 to -- or any other members, did you have anything you
11 wanted to address the audience with?

12 MR. DRUMHELLER: I'm surprised we don't
13 have more speakers; I know there have got to be concerns.

14 There were things published that were just
15 on the table, that never actually went anywhere. Public
16 safety towing, we have been directed to readdress, which
17 we won't be doing until after the first of the year; we
18 need to get these general regs into effect first.

19 AUDIENCE MEMBER: Is there a basic list of
20 standards that --

21 MR. DRUMHELLER: Would you come down to
22 the podium?

23 AUDIENCE MEMBER: Okay.

1 MR. COPELAND: And please introduce
2 yourself.

3 - - -

4 COMMENTS BY:

5 KIM (Last name not provided.)

6 Marshall, Virginia

7 KIM: Hi, I'm Kim, with (unintelligible),
8 out in Marshall. Is there a basic list of the standards
9 and regulations somewhere; just basic, not this, that,
10 and --

11 MR. DRUMHELLER: There's definitely not
12 one for public safety towing.

13 KIM: There is?

14 MR. DRUMHELLER: No.

15 KIM: No? Why not? How are we supposed
16 to know if there's no list, what your standards are?

17 MR. DRUMHELLER: There was a list that got
18 spread around --

19 KIM: -- but there isn't one now. So we
20 don't know what we're trying to meet.

21 MR. DRUMHELLER: Not to my knowledge.

22 KIM: That's seems kind of hypocritical,
23 if we don't know what we're trying to meet, the

1 standards. Where are they coming from, who made them up,
2 when did they get made up?

3 MR. SAWYERS: Mr. Chairman, if I could ask
4 her a question, maybe I could --

5 MR. DRUMHELLER: Go ahead.

6 MR. SAWYERS: Are you talking about
7 general regulations or public safety?

8 KIM: Both.

9 MR. SAWYERS: All right. General, I
10 believe are on the desk, Mr. Copeland?

11 MR. COPELAND: That's correct.

12 MR. SAWYERS: That's what's coming down
13 the pike.

14 KIM: All right. But that's a basic, one,
15 two, three, four list?

16 MR. SAWYERS: Yes, that's -- it's not
17 completely official yet, probably won't be until the
18 first of October.

19 KIM: All right.

20 MR. SAWYERS: But that's pretty much
21 what's coming, and what we're going to need to -- all
22 towers are going to have to comply to, come January 1.

23 KIM: Right. Now, how does it become

1 official? It's already set, it just -- does it -- it's
2 just -- we're waiting for that date for it to come into
3 effect?

4 MR. SAWYERS: There's a couple of more
5 tails; I'll let Mr. Copeland take that question.

6 MR. COPELAND: Right now, following the
7 standard regulatory process, these have been through
8 public hearings, through public input, through tower
9 input, through many deliberations.

10 They've been approved by the Board,
11 they've been approved by the Secretary of Transportation;
12 again, this is part of the regulatory process.

13 And the final step of approval at this
14 point, is with the Governor. And we're expecting the
15 Governor to approve pretty much any day now.

16 KIM: Okay.

17 MR. COPELAND: Once they are approved,
18 they will be published. And, again, part of the
19 regulatory process is, there's a publication date;

20 Thirty days after the publication date,
21 they will be final.

22 KIM: Okay. Now, this is for every towing
23 company in Virginia --

1 MR. COPELAND: That is correct.

2 KIM: -- or just towing companies that are
3 also towing for the police; any towing company, that
4 picks up any type of self-propelled piece of equipment,
5 whether it be a vehicle, a tractor, whatever -- every
6 towing company?

7 MR. COPELAND: They are general towing
8 regulations. They are, if I'm not mistaken -- Board
9 members, please step in if I'm mis-speaking --

10 There are a handful of exemptions from
11 what is considered a towing operator, in terms of need
12 for licensure and need for authorization, a driver
13 authorization.

14 But there are just a handful, and they're
15 --

16 KIM: And that's in this list?

17 MR. COPELAND: They're enumerated in the
18 general regulations, a copy of which is over on that
19 table.

20 KIM: Right, I have that.

21 MR. COPELAND: Okay.

22 KIM: Yes, I just got that. Okay. So if
23 we know of another company that's not complying after

1 we've all complied, who do we turn that in to?

2 If we're all going to comply, then they
3 need to make sure they're compliant.

4 MR. COPELAND: We at BTRO would love to
5 hear from you.

6 KIM: And then what happens?

7 MR. COPELAND: Obviously, there would be
8 an investigation, as far as what the allegations were; we
9 would work to get that particular company in compliance,
10 if they were not in compliance.

11 If they were in compliance, we'd certainly
12 get back to the person making the complaint, and letting
13 them know what the disposition is.

14 KIM: All right. And do you have a
15 proposed amount of time for that company to get in
16 compliance; 30 days, 90 days --

17 MR. COPELAND: I think it's fair to say
18 the Board's going to be working to get them in compliance
19 as soon as possible.

20 KIM: All right. But you don't know what
21 it is yet?

22 MR. COPELAND: And, again, it --

23 KIM: -- I -- I --

1 MR. COPELAND: -- certainly --

2 KIM: -- it sounds like there's just a lot
3 of things that are, like, unanswered; a lot of things,
4 like, maybes or ifs, or something.

5 MR. COPELAND: Well, I guess it obviously
6 will all depend on what the lack of compliance pertained
7 to.

8 KIM: Right. Well, if they pick something
9 up and --

10 MR. COPELAND: -- and they're not
11 licensed?

12 KIM: And they're not licensed.

13 MR. COPELAND: Well, then we're going to
14 work our darndest to get them licensed.

15 KIM: Does their license get -- does their
16 truck get pulled off the road, or what?

17 MR. COPELAND: What would happen with a
18 non-licensee, is what you're asking?

19 KIM: Correct.

20 LT. HARDISON: Mr. Chairman, if I may --
21 if I could speak on this.

22 Right now, there are two sets of
23 regulations, as Mr. Sawyers said -- or, I'm sorry, one

1 set of regulations only, only the general regulations.

2 KIM: Uh-huh.

3 LT. HARDISON: And what we're looking to
4 do, is to get all the towers in the Commonwealth to be
5 licensed, starting January 1.

6 KIM: Okay. Whether they tow for you or
7 not?

8 LT. HARDISON: No police towing at all,
9 let's just talk about tow trucks in general.

10 KIM: In general.

11 LT. HARDISON: Anyone who puts a hook on
12 something --

13 KIM: Right.

14 LT. HARDISON: -- to remove it, and has
15 nothing to do with police.

16 KIM: Okay.

17 LT. HARDISON: That's what these general
18 regulations are.

19 KIM: Okay.

20 LT. HARDISON: Now, the police towing
21 regulations have not been promulgated yet. That is, they
22 are --

23 KIM: -- you may require something

1 different?

2 LT. HARDISON: Ma'am?

3 KIM: You may require something different,
4 or something that's --

5 LT. HARDISON: Those are a totally
6 different set of regulations.

7 KIM: -- in addition to that?

8 LT. HARDISON: Yes, ma'am.

9 KIM: Okay.

10 LT. HARDISON: And what we have done, and
11 the State Police has done, is, we have gone out to every
12 tow truck, just so we know --

13 Look, we're not exactly sure of everybody
14 who has a tow truck at this point --

15 KIM: Sure.

16 LT. HARDISON: -- who has a towing vehicle
17 that may be towing something else.

18 KIM: Right.

19 LT. HARDISON: So what we have tried to
20 do, because public safety, meaning the police towing, is
21 such a hot topic or a huge issue with everyone, we have -
22 -

23 The State Police has gone out and done a

1 survey for everybody that is on our State Police list
2 across the state, so we can tell exactly what type of
3 vehicles are out there, whether it be a rollback, a
4 wrecker, a large wrecker; whether it be hydraulic or
5 mechanical.

6 Now, if someone is towing other than --
7 just that is not licensed as of January 1, that's what
8 we're looking to do, is license everyone first.

9 KIM: Okay.

10 LT. HARDISON: Now, your question to Mr.
11 Copeland was, how long will it take you to regulate
12 everyone? Well, it depends on how many people initially
13 sign up.

14 For us to put a date of 30 days -- or, if
15 most of the towers sign up and get their license, then we
16 can try to work on the ones who didn't, as quick as
17 possible.

18 KIM: Right. What are you going to do to
19 them if they don't? You're going to pull them off the
20 road, tell them to park their truck;

21 I don't want to see you guys out on the
22 road, slap them on the wrist, or they're going to pay a
23 fine?

1 I mean, I see the \$2,500 fine, but is that
2 going to be enforced?

3 LT. HARDISON: Well, our first attempt is
4 to try to get everyone licensed.

5 And then, the complaints that come in, we
6 will review them as they come in, and then we will take
7 action accordingly.

8 As Mr. Copeland said, our first object
9 after that will be to contact them, to see -- to make
10 sure they knew about it.

11 KIM: Uh-huh.

12 LT. HARDISON: We're looking -- we have an
13 administrative affairs section, we have a communications
14 committee, and they're trying to get information out to
15 everyone across the state.

16 KIM: Right.

17 LT. HARDISON: But still, we may have --

18 KIM: -- some that don't know.

19 LT. HARDISON: -- 50 people that have
20 never heard of anything, and who --

21 KIM: Right, right. And I was reading in
22 this thing, it says, "Ignorance is not an excuse."

23 LT. HARDISON: Well --

1 KIM: I understand that.

2 LT. HARDISON: -- we still -- we still
3 want to work with everyone.

4 KIM: Right.

5 LT. HARDISON: However, we are going to be
6 regulated as of January 1.

7 KIM: Okay.

8 LT. HARDISON: And we're looking to -- if
9 you call us, if you call Mr. Copeland at the Board, and
10 say that towing company B does not -- they are not
11 licensed, then Mr. Copeland or his staff are going to get
12 in touch with them as expedient as possible.

13 KIM: Okay.

14 LT. HARDISON: And try to make sure that
15 they, either A) knew about it, or B) we'll take further
16 action after that.

17 KIM: Right. Okay. That's fine. Now,
18 where is the money going that's being collected for this;
19 is it being used for something, like highway improvements
20 or -- do you know what I'm talking about?

21 LT. HARDISON: Absolutely. Mr. Chairman,
22 would you like to --

23 MR. DRUMHELLER: Actually, the monies that

1 we -- that are coming into the Board, will go directly to
2 the state.

3 And then we will be allotted an amount of
4 money according to our budget.

5 KIM: Correct. Like a (unintelligible),
6 or whatever.

7 MR. DRUMHELLER: No, this is not a profit
8 deal.

9 KIM: Right. Well, no, what I mean is, is
10 it going to benefit the highways or the road, or is it
11 like another tax, an imposed tax?

12 MR. DRUMHELLER: I'm going to let Mr.
13 Miner answer that question.

14 MR. MINER: This Board is set up just like
15 the Motor Vehicle Board and some other ones, and it is
16 self-funding, which means it has to bring in enough money
17 to conduct its operations.

18 If it brings in more than that, then the
19 General Assembly lowers the fees; if it doesn't bring in
20 enough, then the Board can ask the General Assembly to
21 raise the fees.

22 But it's mandated to not make money, and
23 to not lose money, so the money should just operate the

1 Board.

2 And we're not paid, by the way.

3 KIM: All right.

4 MR. MINER: So it should just be a break
5 even point, whatever the fees are.

6 KIM: Okay. So if the Board is going to
7 handle -- sorry, I don't mean to take a lot of time --

8 If the Board is going to handle complaints
9 and problems, and everything, basically, you're like our
10 lifeline for the towing industry, is that correct?

11 MR. MINER: We would be the regulatory
12 function of it.

13 If there's a complaint received from a
14 citizen, or by one tower about a tower that's not
15 licensed, it would come in to the Board, it would be
16 investigated by the Board, and if it needed to be, it
17 would be adjudicated by the Board.

18 The initial attempt is for voluntary
19 compliance, or signing up. If someone absolutely refuses
20 to do that, or drags their feet for a long period of time
21 to determined, we have the authority to, A) initiate
22 legal action on our own.

23 And the State Code already has penalties

1 in there, and we could have those as well.

2 KIM: Right. But if we have problems, we
3 can come to you, and you are behind us, you're backing
4 us?

5 MR. MINER: We are your sounding board.
6 And we're supposed to not only regulate it, we're
7 supposed to make sure that you're able to do your
8 business.

9 KIM: Okay.

10 MR. MINER: So we're an advocate for the
11 towing industry, as well as a regulator of the towing
12 industry.

13 KIM: Okay. So, with that in mind, what
14 about the cars that we've been picking up that have been
15 abandoned, or they don't have insurance or something like
16 that, can we finally get satisfaction from those people?

17 Is that -- I mean, the way I look at it,
18 and maybe I'm wrong, but if someone leaves a car on the
19 side of the road, that's abandoned, that's a piece of
20 crap, that's littering.

21 So why can't we impose, or enforce a fine
22 for that, and then tow truck driver gets a part of that?
23 That company that picked it up, wasted their time, their

1 fuel, their driver; can we finally get something out of
2 that?

3 MR. DRUMHELLER: There is an ad-hoc
4 committee that will be meeting next Thursday; is anyone
5 here familiar with the time and place?

6 MR. BOSWELL: It's 1:00 o'clock, I
7 believe.

8 MR. DRUMHELLER: 1:00 o'clock. This Board
9 has nothing to do with abandoned vehicles, nothing we can
10 do.

11 KIM: But if you're dealing with -- if
12 you're a Board for the towing, why not; you should be a
13 Board for the towing all the way across the whole
14 spectrum.

15 MR. DRUMHELLER: That's not mandated to us
16 by the General Assembly. The General Assembly does have
17 us -- handed off to me -- studying right now abandoned
18 vehicles.

19 KIM: Will that take care of that?

20 MR. DRUMHELLER: The --

21 KIM: Are you on our side with that, or
22 not?

23 MR. DRUMHELLER: On your side of what?

1 KIM: That we should get paid for that
2 somehow; for picking up the abandons, the ones that don't
3 have any insurance, any --

4 MR. DRUMHELLER: Well, I can assure you,
5 every tower here --

6 KIM: -- do you agree with that?

7 MR. DRUMHELLER: -- every tower here is in
8 the same situation.

9 KIM: So, I mean, I guess my question is,
10 are you going to be that voice that goes to ad-hoc and
11 says, look, I'm on this Board for towing regulations --

12 MR. DRUMHELLER: No, that would have to be
13 done through your association, or by yourself
14 individually.

15 KIM: Right. But if --

16 MR. DRUMHELLER: That's my understanding
17 about the meeting next Saturday.

18 KIM: Right. But if we're all going to
19 comply with the regulations to be a tow truck diver or
20 tow truck company, why can't you be our voice to those
21 places
22 where --

23 MR. DRUMHELLER: That's what your

1 associations are for, to be your voice in the General
2 Assembly; this is a general board.

3 KIM: But then we have to comply with you,
4 but you're not going to help us?

5 That's where I'm going with this; why
6 can't we get any help? If you're going to be the Board -
7 -

8 MR. DRUMHELLER: Because that is not --
9 that is not the function of this Board.

10 KIM: Why can't it become the function of
11 the Board?

12 MR. MINER: Mr. Chairman? The General
13 Assembly specified what this Board is allowed to do.

14 KIM: All right, so we need to go to them?

15 MR. MINER: What you can do -- and I think
16 he left; Delegate Marsden was back there.

17 But you could go back to your local
18 delegate or senator, and ask them to change the charter
19 of the Board in some fashion. We're not allowed to do
20 that, we can only do those things which were authorized.

21 But that doesn't mean that the General
22 Assembly can't add to our tasks.

23 MR. SAWYERS: Mr. Miner, Mr. Chairman.

1 Now, you can ask the General Assembly to have the Board
2 take that issue up; they've done that in another case
3 with a second signature issue.

4 KIM: Okay.

5 MR. SAWYERS: You can ask your delegate to
6 have the Board take that up.

7 KIM: All right.

8 MR. SAWYERS: Then we could do it, we'd
9 have to have authority to do it.

10 KIM: Right. And you don't mind doing it?

11 MR. SAWYERS: No, absolutely not.

12 KIM: I mean, you know, I guess my big
13 thing is, if we're going to do all these things to
14 comply, then we should have some help where we need help,
15 not just, you do, do, do, do, do, do, and then we don't get
16 anything in return. Does that make sense?

17 MR. SAWYERS: Absolutely.

18 KIM: Okay. And if we're going to do all
19 these things; licensures and all these trainings, and all
20 this, why can't we compromise on the cost of that, split
21 the cost?

22 If we need to come into compliance with
23 all these things, for those of us who have been towing, I

1 think we should be under some type of a grandfather thing
2 if we already have a company, and we're set up with the
3 police, and all that.

4 Why can't we have some type of thing,
5 where it's, like, okay, we'll split the cost of these for
6 you all, but anybody new coming on, here's what you need
7 to do?

8 MR. DRUMHELLER: Well, basically, if you
9 were in business January, 1, 2006, you are exempt from
10 the exam.

11 Anyone going into business after that
12 date, will take a -- what we call the Juris Prudence
13 examination. For anyone coming into the business from now
14 on, will take that examination.

15 KIM: Will take that examination. What is
16 that going to consist of; just real quick, because I know
17 you don't have time to go through it all?

18 But just making sure you know what you're
19 doing when you're out there, obviously --

20 MR. DRUMHELLER: It's the laws and
21 regulations.

22 KIM: So to obtain this license, we don't
23 have to pay for it if we're already doing it?

1 MR. DRUMHELLER: No, I didn't say that.
2 Everyone will pay for --

3 KIM: What do you mean, "we're exempt"?

4 MR. DRUMHELLER: You're exempt from taking
5 the examination.

6 KIM: Okay. And that's \$500, or
7 something, right?

8 MR. DRUMHELLER: That really doesn't have
9 anything to do with the \$500 license fee, you just don't
10 have to take the exam to get your license.

11 KIM: Okay, so you just go somewhere and
12 get it? Where do we go to get it?

13 MR. DRUMHELLER: You'll get your license
14 through the Board.

15 As soon as we're able to -- the governor
16 signs off on it, and they know in 30 days, when we're
17 able to get the information out to you, we will.

18 You fill out an application and send it
19 back in to BTRO.

20 KIM: All right. Okay. I think that's
21 it. If I have any more questions, I'll let you know.

22 MR. COPELAND: Ma'am, if you have any more
23 questions, please hang around after the meeting, and

1 we'll be glad to answer as many questions as you have.

2 KIM: Okay. Great. Thank you.

3 MR. COPELAND: Thank you.

4 MR. DRUMHELLER: Does anyone else have any
5 questions?

6 MR. SAWYERS: Please introduce yourself.

7 MR. DICKEY: Yes, sir.

8 - - -

9 COMMENTS BY:

10 **ABRAHAM DICKEY, JR.**

11 Bus Mechanic

12 Prince William County Public Schools

13 12353 Hoop Road

14 Bristow, Virginia

15 (703) 361-7414

16 MR. DICKEY: Good afternoon. My name is
17 Abraham Dickey, Jr., and I'm employed with Prince William
18 County Public Schools.

19 I'm also one of the wrecker drivers there,
20 that operates one of the 30-ton recovery vehicles.

21 My question for the panel here tonight,
22 is, how would a school board play a role in these
23 discussions that we're talking about, or have you not

1 made a decision at all to this?

2 MR. DRUMHELLER: That comes under some of
3 the objections. I'm not sure about what the school
4 board -- did they?

5 MR. BOSWELL: Yes.

6 MR. DRUMHELLER: They object?

7 (Pause.)

8 LT. HARDISON: If it is a state agency, as
9 far as the licensing is concerned, yes, sir.

10 MR. DICKEY: Yes, sir. Okay. Thank you.

11 MR. COPELAND: Please come on down.

12 COMMENTS BY:

13 **JOHN FEE, CHAIRMAN**

14 Fairfax Co. Trespass Towing Advisory Board

15 Fairfax County Government Center

16 (703) 278-8700

17 MR. FEE: How do you do? I am John Fee.

18 I am the Chairman of the Fairfax County Trespass Towing
19 Advisory Board.

20 And I'm really glad that you're here
21 tonight, because it's mostly a learning experience for
22 me, to hear what people are saying in other parts of the
23 state, and what you bring to us. So I thank you for

1 that.

2 The aspect that interests me the most is
3 the trespass towing from apartment complexes,
4 condominiums, shopping centers, and so on.

5 The public safety side of this is
6 important, too, but that's not the advisory board that I
7 serve on.

8 And I guess one of my concerns has been
9 all along -- it's sort of a process thing -- that there's
10 not enough citizen reps on these groups; I'm the only one
11 in Fairfax.

12 And as it's currently set up, we do have
13 two police and two towers, and we are all good folks.
14 But I'm sort of caught trying to balance the management
15 of condominiums and apartment complexes, and shopping
16 centers, versus sometimes the person who has been towed.

17 And in that regard, too, I'm concerned
18 about the whole thing that we're setting up here, and the
19 perception of someone who's been towed has to deal with
20 Richmond, rather than something more local.

21 But those are just sort of the only
22 thoughts I have at the moment, and I commend your search
23 for a solution to these things. Thank you.

1 MR. DRUMHELLER: Thank you. Anyone else?

2 MR. COPELAND: And please identify
3 yourself.

4 - - -

5 COMMENTS BY:

6 **TIM SCALLEY**, Battlefield Towing
7 Northern Virginia

8 MR. SCALLEY: My name is Tim Scalley, with
9 Battlefield Towing, Northern Virginia.

10 I just want to make sure that I'm getting
11 this straight, that, January 1st, everyone has to have a
12 tow truck driver's license? I mean, we've been looking
13 at this for about three years now.

14 And, I mean, I went to all the web sites,
15 and everything, and this meeting itself wasn't even on
16 the website; the last meeting on the website was August
17 15th.

18 I'm just curious, how are we supposed to
19 get this information, as being tow truck drivers? I'm
20 not a politician in any way, so where are we to find this
21 information?

22 Are we going to be contacted, or is it
23 guesswork, or what are we going to have to do, to make

1 sure all our drivers are licensed in three months?

2 It seems a little far-fetched to me, from
3 looking at it for the last three years. I mean, is this
4 going to be on your website, or is it going to be mailed?

5 We had State Police drop by and drop
6 information off to us, but all that was, was a paper to
7 fill out that we'd already filled out.

8 I mean, it was the second time we filled
9 out this paper and sent it back, and, you know, we don't
10 get anything in return. It seems a little silly, almost.

11 MR. COPELAND: Mr. Chairman.

12 I would tend to agree that it seems pretty
13 silly to kind of being around and not getting to where
14 you want to be at the end of the day, and I think we are
15 almost there, with regard to the regulations.

16 But I would say, as far as the meeting
17 notices, they've been out on the website, they've been
18 out on the Town Hall, they've been out on the
19 Commonwealth calendar, and I apologize that you haven't
20 been able to access those.

21 And we do try to get mailing notices out
22 as well, to all those who have contacted us.

23 But I would say to you, that once -- we

1 have one other hurdle to go through, and that is
2 finalization of the licensing process, which should occur
3 next week.

4 And once that happens, I think you'll be
5 hearing from us more than once, on how to get licensed,
6 the best way to get licensed, what you have to do to
7 comply; you'll be hearing a lot from the Board.

8 And the only reason you haven't been
9 hearing is because we haven't been able to do it, until
10 --

11 MR. SCALLEY: I mean, I looked today on
12 the BTRO website, and meeting notes and dates, all it
13 says is August 15, 2008; it didn't say anything about
14 tonight's date.

15 So whoever runs the website didn't put
16 tonight on there. We found this out from CTA, some new
17 towing association.

18 MR. COPELAND: And I appreciate that
19 information. I'll tell you what has happened to us, even
20 in the office, is, our browser has maintained an old
21 iteration of the website.

22 And if you refresh it, it becomes a new
23 iteration, and has the updated information on it. So

1 again, I --

2 MR. SCALLEY: Well, I went to BTRO.com, or
3 whatever, and it brought me right to it, and all's it
4 said was August 15th. I did it three times.

5 MR. COPELAND: We'll definitely look into
6 it. But I can safely say, the last time I looked at the
7 website, the information was available.

8 MR. SCALLEY: So we'll be notified, is
9 what you're telling me?

10 MR. COPELAND: You will definitely be
11 hearing from us.

12 MR. SCALLEY: All right.

13 MR. COPELAND: Particularly if you've
14 already notified us, if you've filled out one of our
15 contact sheets.

16 MR. SCALLEY: We sent it out once, and the
17 State Police came back, and we sent it in again.

18 MR. COPELAND: You'll be hearing from us,
19 maybe twice.

20 MR. SCALLEY: Thank you.

21 LT. HARDISON: If I could address the
22 issue of why the State Police came by the second time.

23 The first time that the State Police went

1 to most of you in your areas, was because we were trying
2 to get the information out that there was a state board.

3 It was just a way to let everyone know
4 across the state that this -- what these regulations are;
5 we were trying to inform everyone.

6 When the troopers came by your area or
7 your establishment, for some reason, some of the towers
8 chose not to send any information in to BTRO.

9 So to make sure that everyone -- and we
10 did the best that we could, we sent them by a second
11 time, to see that it was done.

12 And then, because of the public safety
13 side of it, that's why we -- it's possible that
14 somebody's come by a third time or called you, or faxed
15 the survey to you.

16 So when it does become a public safety
17 regulated issue, we can look across the state and see
18 what equipment is in each locality across the state, so
19 it benefits the towing industry.

20 (Pause.)

21 MR. DRUMHELLER: This is your meeting.
22 Does anyone else have any other questions or comments?
23 We're really looking for comments about public safety

1 towing, but we will take any questions.

2 (Pause.)

3 MR. COPELAND: And please introduce
4 yourself.

5 - - -

6 COMMENTS BY:

7 **CURTIS MILLER**, Owner

8 Valley Towing/Keller Towing

9 5497 Main Street

10 Mt. Jackson, Virginia 22842

11 (540) 477-9200

12 MR. MILLER: Curtis Miller; I own Valley
13 Towing, Keller Towing.

14 I know this list of required equipment
15 that was out before; I don't know where the list came
16 from.

17 I'm from Mr. Teter's area. We have two --
18 in three counties; Shenandoah, Page and Rockingham
19 County. Nobody could comply within this area of towing;
20 that's 60 miles of interstate that no tow company could
21 cover.

22 They're looking for quick response times.
23 If you're bringing somebody from 100 miles away, I don't

1 think that complies public safety.

2 I don't think it's reasonable to think
3 that working a wreck out here on the mountain, and
4 working a wreck on 495 is the same thing; it doesn't
5 require the same equipment.

6 I don't think that you can lay a standard
7 as great as you laid it earlier; I don't think that
8 complies to the whole state, and doesn't do the whole
9 state any justice at all.

10 I think you need the minimum requirements.
11 I agree with that; you have to have a certain amount of
12 equipment, a certain amount of knowledge.

13 But you need to be realistic in the next
14 list that you put out, because the last list was, in my
15 opinion, very unrealistic, and very crippling.

16 And if you take a lot of the tow companies
17 out of it, and you take the free enterprise system out of
18 it -- which, now you have ten tow companies, and you
19 narrow it down to two --

20 You know, if there's only two tow
21 companies, these guys are going to put their heads
22 together and they're going to raise the rates. They're
23 going to do it, it's the natural way that things work;

1 raise the rates way up.

2 Instead of having one guy out here on the
3 side of the interstate with a rollback, picking up a car
4 that's broke down, or whatever, you're going to have
5 Larry, Moe and Curly out there with a pick-up truck and a
6 trailer. I don't think that complies with public safety.

7 I agree that some things need to be done,
8 but we need to be a little more reasonable in how we do
9 it. Thank you.

10 MR. DRUMHELLER: Thank you, sir.

11 MR. SAWYERS: Mr. Chairman, may I ask the
12 gentleman a question?

13 MR. DRUMHELLER: Yes.

14 MR. SAWYERS: Do you have a suggestion for
15 what you would like to see, equipment-wise, in public
16 safety?

17 And I would ask the same question of
18 anybody that speaks; if you have recommendations for what
19 you'd like to see, let us know.

20 MR. MILLER: When you all -- the State
21 Police did a survey, I'm guessing statewide?

22 LT. HARDISON: Yes, sir, we did. And to
23 address what you said with the regulations that you had

1 heard of previously, sir, they had had some.

2 And the reason that we did the survey,
3 was just to answer the question that you just had;

4 Was because, I know what's out there in
5 Shenandoah, and I know what's out there in Page, and
6 that's why we're looking to look after the towing.

7 MR. MILLER: Okay. But do you see what
8 I'm saying; you can't say that we need the same equipment
9 out there, that they need in --

10 LT. HARDISON: Absolutely, sir. The
11 industry doesn't push -- the industry is just not there
12 for the --

13 MR. MILLER: Right. If we don't -- of all
14 the business that we do here, we can't justify for
15 another \$25,000 for one truck.

16 LT. HARDISON: Yes, sir. And to answer
17 the question that Mr. Sawyers said, do you have any
18 recommendations for the public safety?

19 MR. MILLER: I'd say, take that list --

20 LT. HARDISON: That list is done away --
21 oh, you're talking our list?

22 MR. MILLER: The new list.

23 LT. HARDISON: Okay. Yes, sir.

1 MR. MILLER: I don't think it's accurate.
2 I think there's a lot of people that are going to be
3 lying on that list, me not being one of them.

4 I gave you an accurate inventory of what I
5 have. And it was a very hard thing, to take what I have
6 and adapt it to your list.

7 It was extremely difficult in figuring how
8 to do it, as far as the way the paper were written out.

9 MR. SAWYERS: Mr. Chairman, can I have a
10 follow-up question, please?

11 MR. DRUMHELLER: Certainly.

12 MR. SAWYERS: When you say that the towers
13 lie about the list --

14 I mean, it said, what trucks do you have;
15 do you have a large truck, or do you have a small truck?

16 MR. MILLER: Right. They were a little
17 inaccurate, some of them told me. I've heard different
18 reports, some -- whether they were lying to you then, or
19 not, I --

20 MR. SAWYERS: Right.

21 MR. MILLER: They said they had stuff they
22 didn't have, and some of them didn't say what they did
23 have.

1 MR. SAWYERS: Well, if they said that they
2 had more than what they did, that's -- you know, that's
3 possibly raising the bar for them.

4 And if they said, you know, that they had
5 less -- you know, so I can only go off of what was given
6 to the department.

7 MR. MILLER: Right. Of course, you've
8 got -- in each district you've got an officer in charge
9 of towing.

10 MR. SAWYERS: Yes, sir.

11 MR. MILLER: They know what their
12 operators have, because they're the ones out there on the
13 road.

14 MR. SAWYERS: Well, we sent the survey
15 out, acting in good faith, in hopes that the towing
16 industry, because they knew the regulations were possibly
17 coming soon, for them to be honest and up-front with us.

18 And that's going to be how the public
19 safety regulations will be considered, is off of what was
20 turned in.

21 MR. MILLER: If you -- compared to what's
22 actually out there doing the job now.

23 MR. SAWYERS: Exactly. And when you're

1 talking about Shenandoah and Page County, and things like
2 that, we feel --

3 MR. MILLER: There are a lot more rural
4 counties than us. There are some counties in the state
5 that have fewer than two tow companies in the whole
6 county.

7 MR. SAWYERS: Yes, sir.

8 MR. MILLER: And, you know, you're going
9 to keep them off the rotation lists, which --

10 MR. SAWYERS: That is not our intention,
11 sir --

12 MR. MILLER: Right. But that's what
13 you're --

14 MR. SAWYERS: -- our intentions are for
15 the motoring public to be assisted out there, and for us
16 to have tow truck operators with equipment they can move,
17 you know, and get the roads open as quickly and expedient
18 as possible.

19 MR. MILLER: Right. Are we going to have
20 licenses by January 1st?

21 LT. HARDISON: Mr. Copeland?

22 MR. COPELAND: Thank you, Lt. Hardison.
23 It is certainly planned.

1 Right now, we're waiting for -- as we've
2 explained, we're waiting for the governor to approve the
3 regs, the general regulations; we are in the process of
4 finalizing the licensing process, which should take place
5 next week.

6 There will be a plethora of activity
7 occurring between next week and the first possible
8 effective date of the regulations, which would be October
9 16th, at this point.

10 But the effective date has not been
11 finalized, so the earliest that the regs would be
12 finalized would be October 16th.

13 October 16th, if they are final at that
14 point, that is when we would start the licensing process
15 in earnest. But we plan on doing a lot, lot, lot of
16 preliminary activity to get the folks ready to go on
17 October 16th, assuming that's the date.

18 MR. MILLER: Thank you.

19 MR. DRUMHELLER: Any further comments or
20 questions?

21 MR. PENCE: Mr. Chairman, I'd like to make
22 a follow-up question, if I could?

23 MR. DRUMHELLER: Come on down, Jay.

1 MR. COPELAND: And please reintroduce
2 yourself.

3 - - -

4 FOLLOW-UP COMMENTS BY:

5 **JASON PENCE**

6 MR. PENCE: Since everybody's forgotten
7 who I am, I'm Jason Pence. I work for Mr. Miller, who
8 last spoke, representing Valley and Keller Towing in Mt.
9 Jackson.

10 I heard Lt. Hardison, and other police and
11 law enforcement officers, talking about public safety,
12 public safety, public safety.

13 I guess I'd like to know what exactly has
14 been the issue? And if there is an issue with tow
15 companies not properly serving the public safety need,
16 why haven't y'all dealt with it yet?

17 In Shenandoah County, I think the troopers
18 and the Shenandoah County sheriffs do a generally pretty
19 good job -- obviously, nobody's perfect -- but they do a
20 generally pretty good job of keeping house.

21 If there's such an overwhelming problem
22 statewide, why haven't y'all dealt with it?

23 LT. HARDISON: Thank you for the question.

1 (Laughter)

2 MR. PENCE: I have a couple of more, too.

3 LT. HARDISON: First, I -- seriously, I
4 appreciate his question and comments for everybody,
5 because that's why we drove to Fairfax.

6 And I would like to hear from everybody
7 that has a question or a comment this evening also, as
8 well as the other board members.

9 But the answer to Mr. Pence's question is,
10 when we get a complaint about a wrecker, we do look into
11 it; a supervisor investigates it, they receive a letter
12 from me.

13 If it's from one of the seven divisions,
14 it's from the headquarters lieutenant. They receive a
15 letter after they have been investigated, and a finding
16 comes out, whether it be a verbal warning or a
17 suspension, or totally removed off the list.

18 Some of the complaints that come in are,
19 you know, bad equipment; we investigate those.

20 Some equipment complaints that come in are
21 towing bills that come in too high; we investigate those.

22 If their equipment is not up to speed, we
23 go out and we look at it, and right it up. And if they

1 need to be removed, or given time to get their equipment
2 corrected, they're placed on a suspension.

3 And then before they are put back on our
4 list -- and I can only speak for the State Police; I
5 can't speak for Fairfax or Arlington, or any other police
6 agencies in here -- only.

7 At the end of their suspension time, we go
8 back and look at their equipment, put them back on the
9 list if they're in compliance.

10 If someone charges too much, now who is to
11 determine how much is too much? And that's one of the
12 reasons why it's here today, also to answer that
13 complaint.

14 But you asked the question; on the State
15 Police side, again, we send a supervisor out to the
16 towing firm and investigate, after they have received a
17 complaint, and they write it up.

18 We, at that point, compare the bill
19 against other bills, comparable bills;

20 Whether it be over a ditch bank, a two-
21 mile tow, where they've charged somebody \$1,000 to carry
22 the vehicle five miles, you know, and all they had to do
23 was put a hook on it.

1 But that seems a little bit extreme. And
2 at that point, we take action. Again, if it's something
3 minor or minute, we issue them a written warning, a
4 suspension, or removal.

5 And, again, on behalf of the State Police,
6 we act on it quickly and swiftly.

7 MR. PENCE: Sir, from what it sounds like,
8 you all don't have a problem dealing with issues that
9 crop up.

10 And I know through observance in
11 Shenandoah County, there have been towers -- not us --
12 but there have been towers that have been suspended from
13 the list, so I see from observation that that works.

14 I guess my question is, I keep hearing --
15 the gentleman from Fairfax County said -- alluded to the
16 fact that, you know, we needed this regulation to protect
17 the public safety.

18 What's the overwhelming problem wherein,
19 up until this moment, public safety has been affected,
20 compromised, or at risk, that law enforcement is
21 currently incompetent, unable, or unwilling to handle?

22 And I've asked that question a number of
23 different times, in a number of different ways, and

1 nobody has ever been able to come up with an answer.

2 And I suspect that the reason nobody has
3 ever been able to come up with an answer, is because that
4 answer does not exist.

5 Because, as you just said, Lieutenant, and
6 in my own observation, whatever police agency is
7 maintaining the rotation list, be it the State Police, be
8 it Shenandoah County Sheriff's Office, or be it Fairfax
9 County with their contract, or Arlington County with
10 their contract, if there's a problem, they generally will
11 handle it within their --

12 And it may take them a little while, but
13 they generally do handle the situation.

14 LT. HARDISON: Yes, sir.

15 MR. PENCE: So here again, how has public
16 safety been impacted over, let's say, the last five
17 years, ten years;

18 Let's say the last year, let's say since
19 2005, when Senator O'Brien's study committee came out
20 with, the towing industry needs to be regulated; why?

21 And nobody's ever really been able to
22 say -- other than I've heard anecdotally, State Police
23 have four or five tow companies statewide that they had

1 an issue with, mostly overcharging in different areas of
2 the state --

3 But nobody, to my knowledge, has been out
4 here -- other than on individual occasions -- and I know
5 companies have been out here on the rotation list, unable
6 to recover a vehicle in a reasonable amount of time,
7 absent other extenuating circumstances.

8 LT. HARDISON: If you're stating that the
9 Board of Towing and Recovery was formed because of the
10 Department of State Police, that is an incorrect
11 statement to make.

12 MR. PENCE: No, sir, I was not at all
13 saying that.

14 LT. HARDISON: The complaints that we
15 have, we deal with.

16 MR. PENCE: I think I just said that,
17 Lieutenant.

18 LT. HARDISON: All right.

19 MR. PENCE: I completely agree with that.

20 LT. HARDISON: As far as the Board --

21 MR. PENCE: No, my point really is, I
22 would like us all to be on the same page; Fairfax County,
23 law enforcement, the citizens and the towers, all of us

1 need to be on the same page.

2 Let's not use the stalking horse, ladies
3 and gentlemen, of, we're here to protect the public
4 safety, by gosh and by golly.

5 Because, okay, we're here to protect
6 public safety. We have laws against murder because
7 people murder people; okay, I have no problem with that.

8 That's protecting the public safety,
9 that's a solution that has a problem. Right now, as I
10 said in my earlier comments, we have a solution that's
11 desperately looking for a problem.

12 In this whole public safety regulations,
13 what, again, has been the issue that local agencies
14 cannot handle, that requires the BTRO to come up with a
15 Christmas wish list, that was the direct public safety
16 regulations that Senate Bill 707 kicked back?

17 That's the clearest way I can phrase that
18 question; what has been the dire situation impacting
19 public safety, that either you gentlemen or the local
20 agencies cannot deal with?

21 MR. COPELAND: Mr. Chairman, if I may?
22 And being new to the -- being new to this arena, I can
23 probably answer it from perhaps an objective standpoint,

1 in terms of regulations, and I've worked in the
2 regulatory arena for over 17 years.

3 I would say typically, what you're looking
4 at here, is you're looking for standardization; you're
5 not looking for a curmudgeon, you're looking for
6 standardization. And I think --

7 MR. PENCE: I'm sorry, a curmudgeon?

8 MR. COPELAND: Right. We're not looking
9 for something to -- a stick to knock anybody over the
10 head with, what you're looking at is to make things --

11 MR. PENCE: I think you meant cudgel, but
12 okay.

13 MR. COPELAND: -- consistent, to make
14 things -- curmudgeon, maybe I used the wrong term, sorry.

15 But what I think we're trying to do here,
16 is standardize what the practices are for dealing with
17 public safety towing, and that's one of our mandates.

18 MR. PENCE: Understood.

19 MR. COPELAND: And we're following that
20 mandate. Please try to get out of your mind the initial
21 dread that --

22 MR. PENCE: No, I understand that --
23 believe me, you're new, so I think anyone of these

1 gentlemen can tell you that I'm intimately familiar with
2 the BTRO.

3 I've been to every -- pretty much -- I
4 think I've missed two meetings in the last year-and-a-
5 half.

6 I'm tired of hearing politicians and law
7 enforcement people using public safety as a stalking
8 horse, for coming up with a Christmas wish list of major
9 regulations statewide.

10 I don't have a problem with Fairfax County
11 having a set of their own regulations, because they've
12 got, what, four, five interstates, if you count 395,
13 within their area, and a lot of truck traffic.

14 If they want to require eight or ten
15 rotators, I don't have a problem with that, because
16 that's their specific area and that's what's going to
17 work for them.

18 What I have a problem with is huge blanket
19 regulations statewide, that apply equally to Fairfax
20 County, as to a county in far southwestern Virginia, that
21 doesn't even have anything larger than a two-lane road in
22 the whole county.

23 MR. COPELAND: And if I may translate what

1 I'm hearing, you want to make sure that these public
2 safety regulations take all that into account.

3 MR. PENCE: Well, if we're going to talk
4 about what the Board is mandated to do by the Code of
5 Virginia, well, then let's talk about word "minimum."

6 It says right in there, the Board shall
7 promulgate minimum public safety regulations. Let's all
8 remember "minimum," because when you talk about your
9 mandate, that's your mandate.

10 The General Assembly said "minimum," they
11 didn't say get a Howitzer out to kill a mosquito.

12 MR. COPELAND: Right.

13 MR. PENCE: And here again, if law
14 enforcement or anybody else is going to say, well, we
15 need to protect public safety by coming up with a lot of
16 regulations, okay, fine.

17 Let's not just use a sound bite; say,
18 we're trying to address the problem that we have of X; an
19 incompetent tow truck driver, a drunk tow truck driver, a
20 tow truck driver who showed up with a pick-up truck with
21 a sliding sling lift to recover a turned over 24-foot box
22 truck.

23 Let's give some real life examples, some

1 real life problems, and let's come up with some solutions
2 right there.

3 But let's not -- let's -- let's all be
4 real clear, and let's all be on the same page, and let's
5 get away from the political sound bites of public safety.

6 Because, God, it sounds good, and nobody
7 is going to be against public safety; I certainly am not.

8 I don't have a problem with it, because
9 I'm one of the members of the public that would like to
10 remain safe.

11 But let's be realistic. And anything that
12 we come up with, public safety regulation-wise, let's
13 make sure that we're actually addressing a problem, and
14 not just somebody's Christmas wish list.

15 LT. HARDISON: Well, that's -- and I
16 appreciate those comments, and I think you're very
17 correct in the general regulations.

18 And that's why a survey was done, to see
19 what the minimum is out there already.

20 MR. PENCE: But here again, Lieutenant,
21 what problems have you all had that you've been unable to
22 solve; any?

23 MR. WYATT: Mr. Chairman, can I make a

1 little comment? And I'm talking of Mr. Pence, when I say
2 that Mt. Jackson is well-represented here in Fairfax
3 County this evening.

4 I hope to see you next week in Richmond.

5 MR. PENCE: Yes, sir, we'll be there too.

6 MR. WYATT: But I -- and I guess my point
7 -- and I'm probably the -- I'm the newest member here.

8 And I think -- and the General Assembly
9 spoke loud with the senate bill; they want minimum
10 regulations.

11 So I think this board understands minimum
12 regulations. I don't think the intent through the last
13 session of the General Assembly --

14 MR. PENCE: Right, they made sure of that.

15 MR. WYATT: -- how loud they spoke to this
16 Board, that their intent, from my perspective -- and the
17 other members may want to comment -- is to put no one out
18 of business.

19 And the other folks here, that maybe were
20 not in Wytheville, there were 200 operators there, or 200
21 people in the audience at that public meeting.

22 So it's -- we know, or I know, that you
23 can't paint the same brush here in Fairfax County as you

1 can in Wise and Lee County, Patrick County in
2 southwestern Virginia; you get two entirely different
3 animals.

4 I found out today driving up from
5 Richmond, when I hit the traffic on the beltway and 66 --

6 MR. PENCE: Welcome to Northern Virginia.

7 MR. WYATT: So, you know, it's, yes, my
8 perspective, and I don't think those old public safety
9 regs that were proposed, you don't have to concern
10 yourself with those.

11 I think this Board is well-aware of a path
12 it doesn't want to go down again. And believe me --

13 MR. PENCE: I will believe it when I see
14 it.

15 MR. WYATT: -- I myself--

16 MR. PENCE: I believe you, I believe that
17 you're --

18 MR. WYATT: -- and a lot of the
19 individuals on this board have no intent of putting a
20 small operator -- anybody in Mt. Crawford --

21 MR. PENCE: Mt. Jackson.

22 MR. WYATT: -- or Mt. Jackson, anywhere up
23 and down the 81 corridor, the small operator out of

1 business.

2 So be rest assured we're hearing you loud
3 and clear. Thank you.

4 MR. PENCE: Then my job is done here,
5 except for me to find out if Lt. Hardison has an answer;

6 Is there any issue impacting public
7 safety, with regards to towing and recovery, that, to
8 your knowledge, your agency has not been able to
9 satisfactorily address?

10 LT. HARDISON: You know, if you're asking
11 me if I've arrested a drunk tow truck driver, the answer
12 is yes; did we take him off our list? Yes, we did.

13 MR. PENCE: Okay.

14 LT. HARDISON: Have we had issues with
15 charging too much? Yes, we have; have we taken them off
16 the list? Yes, we have.

17 MR. PENCE: So you've dealt with --

18 LT. HARDISON: Have we gone out there and
19 cables have broken? Yes, they have; did we take them off
20 the list? Yes, sir.

21 And there are a lot of issues with public
22 safety towing, but --

23 MR. PENCE: But you've addressed them.

1 LT. HARDISON: Correct.

2 MR. PENCE: I mean, you just said,
3 problem, solution; problem, solution --

4 LT. HARDISON: Yes, we have.

5 MR. PENCE: -- problem, solution. And --
6 all right, let me repeat the question one more time:

7 Is there, to your knowledge, any issue
8 that your agency has not been able to satisfactorily
9 address; yes or no, it's a very simple question with a
10 very simple answer, Lieutenant.

11 MR. COPELAND: Mr. Chairman, I don't --
12 and I could probably respond to that, because, attending
13 some of the first meetings, when some of the operators
14 were coming to the General Assembly in Richmond,
15 complaining about the old regs.

16 And I'm sure the State Police, probably
17 they may know, but a lot of you members don't; there was
18 no database, they didn't know who the towers were in the
19 locality: in New Kent County, Patrick County, Shenandoah
20 County, Westmoreland County, Northumberland County.

21 I guess if you don't know who your
22 operators are, it's a good start to create a database
23 with --

1 MR. PENCE: Lt. Hardison just said that
2 he's aware of who the majority of the operators are,
3 because he's sending out the letters, or did I
4 misunderstand?

5 LT. HARDISON: No, you're correct, sir.

6 MR. PENCE: Okay.

7 LT. HARDISON: But now, we've just
8 received
9 that too.

10 MR. PENCE: I'm sorry, I understood you to
11 say that, when Joe's Towing Company had an issue, a
12 letter of reprimand, or a letter would go out with your
13 signature on it. I apologize.

14 LT. HARDISON: For each division, for each
15 division --

16 MR. PENCE: Oh, okay.

17 LT. HARDISON: -- not from me, personally.

18 MR. PENCE: I apologize, I misunderstood.

19 LT. HARDISON: As I stated, it was a
20 headquarters lieutenant for each division that handles
21 those issues.

22 MR. PENCE: I apologize, I misunderstood
23 that. But -- so you don't know of any situation

1 impacting public safety that your agency has not be able
2 to satisfactorily address?

3 LT. HARDISON: If you're talking about the
4 entire towing --

5 MR. DRUMHELLER: Mr. Pence --

6 MR. PENCE: I'm just trying to get an
7 answer, that's all.

8 MR. DRUMHELLER: I think this board, along
9 with the State Police, if there are any situations --
10 like in of them I mentioned, there was higher pricing for
11 local pricing, and overcharging; we had one complaint
12 this week, tower wanted to overcharge him.

13 And that's something that the Board can
14 take care of; we can relieve the State Police of that,
15 that type of complaint.

16 MR. PENCE: Sure.

17 MR. DRUMHELLER: It's going to give the
18 public a place to --

19 MR. PENCE: -- a centralized place to --

20 MR. DRUMHELLER: -- where they can call
21 and make a complaint, besides the State Police.

22 MR. PENCE: Yes.

23 MR. DRUMHELLER: Go ahead, Mr. Miner.

1 MR. MINER: You've been hammering at,
2 where's the list; one of the reasons there is no list is
3 because there was never a place to compile that list.

4 I was in the public safety --

5 MR. PENCE: The list -- listen, but --

6 MR. MINER: Let me talk; you've been
7 talking for 40 minutes, let me say something.

8 MR. PENCE: A list of what --

9 MR. MINER: The public safety entities
10 around this state -- which, I used to head up the
11 Incident Management Group for the state -- came back to
12 Northern Virginia, that's an animal in and of itself,
13 with anecdotal evidence or incidents, of a tow truck
14 driver coming up and pushing a car up and down the road
15 for 30 minutes, and finally we had to call another
16 wrecker to come in.

17 Did anybody log that in? No, but it's
18 there.

19 We've had citizens call in and say, I felt
20 like I was in a scene from Deliverance; I was afraid for
21 my life. There was a dog that chased me out of the lot,
22 and the owner couldn't control it; things like that, that
23 came up.

1 Did anybody compile that? No, they
2 didn't. But enough legislatures were brought -- had
3 these things brought to them, and one of them was up here
4 in Fairfax, and went to the General Assembly and
5 sponsored a bill.

6 Well, there had to be other people to say
7 okay to that; it wasn't, you know -- there's probably a
8 thousand bills that get brought up, too, and get passed
9 every year.

10 But those are the things that came up.
11 There was enough anecdotal evidence to say we need a
12 board; that's why this board is here.

13 And we're all in agreement with you, it's
14 supposed to be minimal.

15 MR. PENCE: Okay.

16 MR. MINER: It probably went overboard
17 last time, you know, so we're back at square one.

18 But to say that there's no problem because
19 there's no list, you're dead wrong on that; there's just
20 no list.

21 MR. PENCE: Well, then that, in and of
22 itself's the problem.

23 MR. MINER: I think that's plenty here.

1 MR. PENCE: Okay.

2 MR. MINER: I think we're all on the same
3 side. You and I can sit here for the next three hours
4 and go back and forth.

5 But there is no list, and we're starting
6 over from scratch; that was our mandate. Yes, somebody
7 will have something in their head that they want to bring
8 it up again, that's just human nature.

9 But I think the Board is in agreement,
10 we're looking new ones.

11 MR. PENCE: Okay. Gentlemen, thank you
12 all. And on a personal note, I do thank each and every
13 one of you for your time, energies and efforts on the
14 Board.

15 I know it is a thankless job sitting up
16 there, taking pot shots from me and everybody else, but I
17 do appreciate it all.

18 MR. DRUMHELLER: Any other comments or
19 questions?

20

- - -

21

COMMENTS BY:

22

NICHOLAS OMPS

23

Brian Omps Towing & Repair, LLC

1 275 Lenoir Drive
2 Winchester, Virginia 22603
3 (540) 678-0063

4 MR. OMPS: My name is Nicholas Omps. I
5 represent Brian Omps Towing, out of Winchester.

6 Basically, I just wanted to give you some
7 thoughts on how to conduct this public safety.

8 Basically, since the beginning of the
9 process, or since we were first let known of the process
10 that was to come forth as it is, in January probably, we
11 haven't really been able to get much information about
12 the public safety part of it.

13 And I know we've brought pressure, and
14 stuff like that. And I've heard that the -- obviously,
15 because as you all said, is gone now, and starting from
16 scratch.

17 Well, just part of the reason that I think
18 people might have lied or fudged when they were
19 completing their surveys, would be because of fear that
20 they wouldn't have the equipment to cover it, and would
21 hinder their business in the future.

22 Which, I mean, I know from being from
23 Winchester, there's surrounding counties that don't have

1 the power and the wreckers and stuff that we have, that
2 we're supposed to be taking out into those counties to
3 help out our rotation list.

4 That's works out pretty good. But I feel
5 that to be fair, would be to go ahead and -- I know it
6 would be a lot of manpower, but to spot-check the tow
7 companies on the list they gave to you, because that's
8 what it's all about, public safety time.

9 And if they can't produce that type of
10 equipment, what they say they have, or some proof they'd
11 have that equipment in a certain amount of time, then
12 that would be grounds for review.

13 But I do feel that to take an area of
14 which a towing company, or the compiled lists in the
15 counties, it would be fair to take -- like, give them
16 power to decide, under your all's supervision, of course,
17 with minimum standards still considered, and use that
18 information from that county or counties in the local
19 area, with the average amount of equipment they have, and
20 what they'd have to have, would be a fair assumption as
21 to how to set that area up.

22 So that's pretty much what I would think
23 would be fair, especially being in the spot check.

1 There's obviously going to be a lot of people that aren't
2 going to take that survey that serious, because people
3 aren't taking this whole thing serious.

4 And they just feel that they can put
5 whatever they want to on there, in hopes that it will
6 bump their image up, to help them in the future be that
7 tower.

8 So I think a spot check would be very
9 helpful with the process of deciding. Thank you.

10 MR. DRUMHELLER: Thank you. Any other
11 questions or comments?

12 - - -

13 COMMENTS BY:

14 **RICK JUDGE**

15 Blair's Towing

16 MR. JUDGE: How you all doing tonight?
17 I'm Rick Judge, with Blair's Towing; a local guy, and I
18 assume you guys are personally, too.

19 I really didn't get a chance to review
20 what you all had proposed; it sounds like a lot of that's
21 gone out the window and you're starting from scratch,
22 which is probably a good thing.

23 If you want my personal opinion what a

1 minimum requirement would be, I'd say a rollback and a
2 wrecker; you know, let's just start there.

3 You want to talk heavy-duty stuff, you
4 might talk about a couple of your municipalities that are
5 small; the Town of Vienna, the City of Falls Church, a
6 couple of square miles.

7 You want me to go out and buy a medium-
8 duty, like a 25 or 35-ton, a heavy-duty to respond to no
9 calls a year? I'll do it, if I have to.

10 You know, pride can be a very expensive
11 thing, and I'll do it. If I have to buy a truck and let
12 it sit there, I'll do it, but I don't want to.

13 And if I do that, guess who has to pay for
14 that truck? The public. When the police call for a
15 disabled tow, and I've got to pay for a 35-ton truck
16 sitting there, guess who's going to pay for it? Joe
17 Smith, on the side of the road with his flat tire.

18 Sorry.

19 You know, that's my requirements, that's
20 what I have to have in order to do this.

21 Some of the other issues is, have we been
22 called out for a box truck? Yeah, we've been called out
23 for a box truck.

1 A box truck is a little vague, isn't it?
2 It could be a 14-foot Safeway delivery truck, or it could
3 be a 24-foot furniture delivery truck.

4 So I know you guys have tried to do this
5 in the past, but educate the law enforcement maybe a
6 little bit, to tell us what we're going out to and what
7 it is; you know, an easy GVW.

8 I mean, you guys are running the tag, you
9 can tell us what the truck is; a box truck is a little
10 bit vague.

11 So if you're talking about incident
12 management and public safety, including the roadways, et
13 cetera, that's a good place to start; give us the correct
14 information right from the beginning.

15 If you've got a disabled vehicle, tell us
16 what that disabled vehicle is, so we can make sure we
17 send the right equipment the first time. You know, it
18 plugs up the roadways, and you guys have the information.

19 When I'm speaking with you, the State
20 Police or any police, for that matter, they can run the
21 tag, where they can get the information and give it to
22 us, so we can respond accordingly with the right
23 equipment.

1 If we can't handle it, then they would go
2 onto the next one, or whatever situation is in the
3 locality.

4 We've responded to the equipment list a
5 couple of times, since the State Police have a couple of
6 locations; they came by a couple of places and left the
7 stuff, and I sent it back in.

8 And I actually sent an equipment list with
9 it, that gave the VINs and et cetera. So if you're
10 trying to spot-check, or if you want to check on these
11 people that are returning this list, trying to pump
12 themselves up, and make themselves look a little bit
13 better by saying they have this equipment they may not
14 have, you just ask them for an equipment list with a VIN.

15 You know, I don't know if you can do that.
16 But tag numbers -- you know, ask for the tag numbers, and
17 you can run the tags just to verify the equipment they've
18 got. It seems pretty simple to me.

19 But I know we're kind of all in this
20 together, so let's hopefully see if we can work it out.

21 LT. HARDISON: If I could ask you a
22 question, why would somebody say they had large
23 equipment, or something that it didn't actually have?

1 MR. JUDGE: Oh, I have no idea. Like one
2 of the other people said, just to make themselves look
3 better, because they may think, if I don't tell them I
4 have this equipment, I won't be considered to be on the
5 list.

6 That's the only reason I can think of.
7 And I didn't even think it was an issue until I heard
8 other people saying people were putting down equipment
9 that they don't have.

10 LT. HARDISON: Okay.

11 MR. JUDGE: And that's when I said --
12 well, you know, that's when I said to myself, just ask
13 them for the --

14 LT. HARDISON: The reason we sent that out
15 was so we could give all towers across the state, the
16 benefit of the doubt what the minimum regulations should
17 be.

18 MR. JUDGE: I understand.

19 LT. HARDISON: And that is why the survey
20 went out.

21 MR. JUDGE: It was just a suggestion. I
22 don't have an issue with my list, and I don't care what
23 anyone else puts on their list, because I'm only going to

1 tell you what I've got.

2 LT. HARDISON: Yes.

3 MR. JUDGE: So, you know, it was just a
4 thought, as far as, you know, the guy was saying spot
5 check; that takes some manpower, et cetera, to actually
6 follow-up.

7 It would be real easy to just make phone
8 calls and faxes; here's a list, put your VIN numbers on
9 there. And, you know, it will be done, and you can check
10 it if you want.

11 LT. HARDISON: Yes, sir. Thank you.

12 MR. JUDGE: Thank you, sir.

13 MR. DRUMHELLER: Mr. Omps.

14 - - -

15 FOLLOW-UP COMMENTS BY:

16 **NICHOLAS OMPS**

17 MR. OMPS: Just to basically follow that
18 up, I think that the problem with the list would come
19 mostly from like the heavy-duty towing.

20 Because I know an officer came to our shop
21 personally, did the review, and questions were asked;
22 give us, like, any kind of information on loaders, dump
23 trucks, stuff like that, where people could get them

1 readily, but they're not under their names.

2 Like, you've got a friend; yeah, he's got
3 a loader, I can go use it whenever I want to. That's not
4 really -- in that situation, can he write that thing
5 down?

6 But it just so happens that day, that
7 tractor is getting worked on, or he's using it on a job,
8 somewhere where you can't get to it.

9 That's what I'm talking about, as far as
10 fudging the list, not saying that you have a big wrecker
11 if you don't; more or less air bags, or something like
12 that.

13 You don't have it in your possession, but,
14 yeah, your buddy does, and let's use this teamwork to try
15 to keep the big companies out of the area, basically.

16 It's with the theories, I think, of what
17 the first public safety was; nobody knew what the
18 regulations were going to be, so nobody knew, really,
19 what you all wanted to know, as far as what equipment
20 they really do have.

21 But now that being out of the arena
22 completely, it helps a lot where people can be honest,
23 and stuff like that, you know, more.

1 I just feel like the VIN thing would be
2 excellent. I'm sure you check VINs on equipment, or
3 something like that, or proof of purchase of, like, air
4 bags or --

5 It doesn't have to be manpower to go out
6 and see; it just may be a paperwork thing, I'm not sure.

7 It just seems like a good idea before, now
8 that everything's changing, or it's restarting, It makes
9 a big difference, I think, compared to when the survey
10 was done, and we weren't aware of what was actually going
11 on, as far as the future regulations.

12 Does that make sense now?

13 LT. HARDISON: Yes.

14 MR. OMPS: Okay. I didn't want to make it
15 seem like that whole -- okay. Thank you.

16 MR. DRUMHELLER: Thank you. Any others?

17 COMMENTS BY:

18 GENE BERNHARDT, Owner

19 Hunt Country Automotive

20 9036 John Mosby Highway

21 P.O. Box 544

22 Upperville, Virginia 20185

23 (540) 592-7081

1 MR. BERNHARDT: I'm Gene Bernhardt, from
2 Hunt Country Automotive.

3 I've been trying to make sense of all
4 this. I guess under the public safety aspect, you all
5 have a basic layout here, and maybe the State Police is
6 going to have their own rules and regulations; is this
7 basically true, a minimum requirement?

8 MR. DRUMHELLER: The State Police had --
9 were going to put their own requirements out, but they
10 stopped when the General Assembly formed this board. So
11 they don't have one right now, to my knowledge.

12 MR. BERNHARDT: Okay. So they don't --

13 MR. DRUMHELLER: I'm not sure what you
14 have there.

15 MR. BERNHARDT: Well, this is what I got
16 off the table here.

17 MR. DRUMHELLER: General regs?

18 MR. BERNHARDT: Yes, the regulatory
19 intended filing -- the regulations for towing and
20 recovery.

21 MR. DRUMHELLER: That's the general regs.
22 Those are the ones we hope to have in effect, which will
23 --

1 MR. BERNHARDT: Which you all call minimum
2 requirements, right?

3 MR. DRUMHELLER: No, that doesn't have
4 anything to do with equipment or training.

5 MR. BERNHARDT: Okay.

6 MR. DRUMHELLER: That will come under
7 public safety towing.

8 MR. BERNHARDT: So you all have nothing
9 about the minimum requirements of equipment right now?

10 MR. DRUMHELLER: Not right now, no.

11 MR. BERNHARDT: And who's going to be
12 setting that up; through this board, is that what you
13 mean?

14 MR. DRUMHELLER: This board will be doing
15 it. Those requirements will not go into effect until
16 January the 1st of 2010, and we'll be starting from
17 scratch on that.

18 MR. BERNHARDT: Okay.

19 MR. DRUMHELLER: And there will be public
20 hearings; you all are welcome to come to the board
21 meetings in Richmond, where there's always a comment
22 period.

23 You could the office with your comments,

1 you could email or -- not email, but -- I guess email
2 Town Hall and put your comments on there, or on the BTRO
3 website.

4 MR. BERNHARDT: Right. Okay. So under
5 equipment, there's nothing --

6 MR. DRUMHELLER: -- there's nothing in the
7 general regs, as far as equipment.

8 MR. BERNHARDT: I mean, I agree about that
9 there should be some standard, that you just don't want a
10 bunch of guys with a bunch of tow trucks running around;
11 I completely understand that.

12 MR. DRUMHELLER: Yes, when you see them
13 running around with improper tags and no names on them,
14 and that sort of thing.

15 MR. BERNHARDT: Yes, I understand that.
16 Now, I mean I noticed in this one thing right here -- I
17 mean about fingerprinting -- which has these bumps for
18 me.

19 I mean, I don't mind having a background
20 check, and I don't -- you know, I know even if you take
21 my fingerprints, nothing's going to be brought up because
22 there's nothing out there, that I know of anyway.

23 But it just seems like that's going a

1 little bit overboard, at least in my opinion.

2 MR. DRUMHELLER: The background checks are
3 specifically asked for by the State Police, and there's a
4 good reason for it.

5 I had a friend in Deltaville that had run
6 a wrecker service; he knew of the state background check.
7 And the guy he hired, the guy worked well for a year, and
8 got back into drugs.

9 Broke into his place one night, stole his
10 money and then set his house on fire. But he had come
11 from New York; had he had the FBI background check, the
12 man never would have hired him in the first place --

13 MR. BERNHARDT: Well, that's probably
14 true.

15 MR. DRUMHELLER: -- because that's just
16 one example of why background checks need to be done.

17 MR. BERNHARDT: Well, how about -- you
18 know, I mean, do you have to do fingerprints? I mean,
19 it's like nobody's, you know --

20 LT. HARDISON: Mr. -- I'm sorry, is it
21 Bernhardt?

22 MR. BERNHARDT: Bernhardt, correct.

23 LT. HARDISON: If I may, Mr. Chairman?

1 MR. DRUMHELLER: Yes.

2 LT. HARDISON: The reason for the
3 background check, and one of the laws that was sent out,
4 was that you couldn't be a sex offender; that would be an
5 automatic disqualifier.

6 MR. BERNHARDT: Right.

7 LT. HARDISON: And that was right out of
8 the gate on that.

9 And the reason for the checks, themselves,
10 are, we have no way of knowing if we have someone that is
11 a sex offender, and they are with a towing company or
12 something like that, unless they write it down.

13 So when they submit their prints to the
14 Board, that would be an automatic disqualifier.

15 Because you would not want your wife or
16 your child to be out in the middle of the night, at 2:00
17 a.m., and being picked-up by anyone that shouldn't be.

18 And that was one of the reasons why that
19 disqualifier was put in there, for the safety of, you
20 know, everyone.

21 MR. BERNHARDT: Okay.

22 MR. MINER: Mr. Chairman, just to amplify
23 that, the only way they can do a background check is with

1 a fingerprint; you can't do it otherwise.

2 Because I could tell them my name is
3 yours, and --

4 MR. BERNHARDT: Well, that might be true.
5 I mean, of course I had a background check when I became
6 a state inspector, too, and they didn't ask for
7 fingerprints either.

8 MR. MINER: They would now -- well, no,
9 not on -- are you talking about vehicle inspection?

10 MR. BERNHARDT: Yes, vehicle.

11 MR. MINER: Different animal; your 18-
12 year-old daughter is not being picked-up on the side of
13 the road by a state vehicle inspector. It's very common
14 to have those done.

15 Now, the fingerprints are not kept. The
16 fingerprints go to the State Police; once they're run,
17 they destroy them. They're not allowed to keep them, so
18 they can't be used again.

19 MR. BERNHARDT: Okay. And where do you go
20 to get those done at? Does anybody -- I mean, I know
21 this is probably --

22 MR. MINER: You can go to the Virginia
23 State Police office, or any local police or sheriff; some

1 of them have certain dates and time that they do it.

2 We were told State Police does them seven
3 days a week -- seven days a week?

4 LT. HARDISON: Well, usually during normal
5 business hours, or 8:00 to 5:00 for most of them.

6 But the area offices, if there's a trooper
7 there, then they certainly would assist you in that
8 matter, or as well as the sheriffs' departments and
9 police departments around the state.

10 MR. BERNHARDT: Okay. I guess the -- I
11 know a lot of the operators, like where I'm at in
12 Fauquier County, northern sector, okay --

13 I mean, I know probably most of them ain't
14 been to the meetings, if they even heard of them, or who
15 might have stopped over.

16 And I know you all said the old list is
17 thrown out, we don't have to worry about it --

18 LT. HARDISON: That is correct, sir.

19 MR. BERNHARDT: And this might be a little
20 bit too soon to say anything about it, but I will say it
21 anyway.

22 LT. HARDISON: It's not too soon, say it.

23 MR. BERNHARDT: All right. Under public

1 safety, I mean there's four that are supposedly towing.

2 I think there's been a couple of more
3 added since the beginning of the year, but I won't get
4 into that one, though.

5 But there's a few of us that are small,
6 independent guys, that definitely help out in the
7 snowstorms and the rain. I mean, I go out all the time
8 in the middle of the night, holidays, weekends.

9 And we have -- our little area of
10 interstate is only 22 miles. So, I mean, I have a small
11 rollback, and a large rollback.

12 I feel like, if I'm going to go out and
13 spend another \$40,000 or \$60,000 on a medium-size
14 wrecker, I'm not going to do it.

15 Because if you're talking about public
16 safety, there's no need to go out, unless tow truck
17 operators are out there to fulfill the needs when you
18 need them, under that point in time.

19 LT. HARDISON: Absolutely. And we could
20 probably -- if the State Police concur, then the mom and
21 pop organizations that are out there, that are the single
22 truck operators that are out there making a living and
23 assist us -- and we appreciate that.

1 And the reason why I don't go into the
2 negative side of towing that was asked before, is because
3 we appreciate everyone that's out there.

4 And you provide a service to us. And you
5 provide a great service to the motoring public, and for
6 that, we appreciate it.

7 And we're looking, sir, for just a
8 minimum, a minimum standard.

9 MR. BERNHARDT: Okay. I mean, it just --
10 like I said, there's a lot of people scared about, you
11 know, you will require a wrecker and a rollback.

12 LT. HARDISON: Yes, sir, I understand
13 that.

14 MR. BERNHARDT: With out little small
15 sector that we do have, I mean, there is one guy that's
16 got a medium-size wrecker, but why would all four of us
17 have to have it?

18 After the 12 years that I've been towing,
19 I can only think of about four times that I could have
20 used a big wrecker. I had one at one time, which went on
21 that big wrecker.

22 It sat there and rotted in my driveway. I
23 finally did have to trash it, because, I mean, it just

1 didn't get used.

2 LT. HARDISON: In some areas, the industry
3 just doesn't push it, sir; it doesn't, and we --

4 The reason the survey was sent out is, we
5 could not state what was in Fauquier County --

6 MR. BERNHARDT: Oh, I understand that.

7 LT. HARDISON: -- without a -- and I can
8 only speak on behalf of the State Police list, I cannot
9 speak on behalf of the people that have a list for a
10 sheriff's department, or a local police department.

11 Because -- just because they're on the
12 State Police list, they may not be on the sheriff's list
13 or the local police office list, and I cannot speak on
14 their behalf.

15 But the reason the survey was done, was
16 just to give us a base line for actually what was out
17 there.

18 MR. BERNHARDT: Right. But I guess what
19 I'm still -- I mean, I know you probably can't answer it;

20 Do you all think, at one time, at some
21 point in time, if we're going to be required to have both
22 type trucks, and I guess I ain't gonna get an answer to
23 that.

1 MR. DRUMHELLER: I don't think we can give
2 you that answer this evening.

3 MR. BERNHARDT: So I guess we'll just have
4 to wait and see.

5 So you will be sending out papers and
6 stuff for the license, and stuff like that to come?

7 LT. HARDISON: Yes, sir.

8 MR. BERNHARDT: And most of this is the --
9 the Class B operator's is going to be like a \$250 fee?

10 There's been a lot of rumors, of \$2,000
11 for this and that, and --

12 MR. DRUMHELLER: Up to two trucks, \$250.

13 MR. BERNHARDT: Right.

14 MR. DRUMHELLER: An additional \$50 for
15 each truck, up to \$500.

16 MR. BERNHARDT: Okay. All right. I
17 appreciate your time.

18 MR. DRUMHELLER: There will be charges for
19 the decals --

20 MR. BERNHARDT: Right, I understand that.

21 MR. DRUMHELLER: -- where every licensed
22 operator will have decals on each truck. And what were
23 we talking, \$10 a decal, or something?

1 MR. BERNHARDT: Yes, like the interstate,
2 the little decal that we used to have on the tow trucks.

3 MR. DRUMHELLER: It's not going to cost
4 you very much --

5 MR. BERNHARDT: Right.

6 MR. DRUMHELLER: -- I would imagine.

7 MR. BERNHARDT: Okay. Thank you.

8 MR. SAWYERS: Mr. Chairman, may I ask the
9 gentleman a question?

10 Sir, do you have a recommendation of what
11 you'd like to see, for a light-duty or heavy-duty towing,
12 as far as equipment goes?

13 MR. BERNHARDT: I think it's got to be
14 just brought up on each locality. I mean, you know, I
15 can't see where everybody's going to have to have the
16 same type equipment.

17 I mean, if, like in my district, you know,
18 it would be a shame if all of us were spending quite a
19 bit of money for a bigger wrecker, and it just sits there
20 and goes to waste.

21 So I don't have a problem, and I know all
22 the other associates that I work with don't have a
23 problem, by calling one guy when they do need, you know,

1 the big wrecker.

2 MR. SAWYERS: Yes, sir.

3 MR. BERNHARDT: Nobody complains about
4 that.

5 MR. SAWYERS: You said you had a small
6 rollback?

7 MR. BERNHARDT: I've got a 17-foot, and
8 I've got a 21-foot --

9 MR. SAWYERS: Okay. Okay. And it --

10 MR. BERNHARDT: -- which is one of 650. I
11 bought that because, especially in my area up in Fauquier
12 County, we're having all these horse farms with crew
13 cabs;

14 You've got to have a longer bed to carry
15 these diesel crew cab deals.

16 MR. SAWYERS: Right.

17 MR. BERNHARDT: I mean, that's the bottom
18 line.

19 And of course, like the other gentleman
20 said, it would be nice if -- I've seen the downside of --
21 that dispatch doesn't have the slightest idea what type
22 of vehicle --

23 LT. HARDISON: Correct.

1 MR. BERNHARDT: -- that it's calling for.

2 LT. HARDISON: And I say that, and I can
3 only speak on behalf of the department, sometimes the
4 trooper does not give pertinent information; they should.

5 MR. BERNHARDT: But some of them don't
6 know.

7 LT. HARDISON: When you say he doesn't
8 know, I mean, he knows he's looking at a car; he knows
9 it's a car and not a motorcycle.

10 MR. BERNHARDT: I understand that. But if
11 you get into a truck, okay, I'd like --

12 Like I said, I've got a 17-foot and a 21-
13 foot; most of the time, I always take the 21-foot.

14 LT. HARDISON: Right.

15 MR. BERNHARDT: Because I'll ask the
16 dispatcher, well, what size truck it is. If it's a
17 regular pick-up, I can get it on the 17.

18 LT. HARDISON: The dispatcher is not going
19 to know that most of the time.

20 MR. BERNHARDT: But what I'm saying, I ask
21 the dispatcher to call the trooper; she does: I don't
22 know.

23 It's a little hard. I mean it's not a big

1 problem --

2 LT. HARDISON: I understand.

3 MR. BERNHARDT: It's not a big problem,
4 but sometimes I think they also need to learn the towing
5 situations.

6 LT. HARDISON: Yes, and I concur with you.
7 And I've dealt in several different divisions of the
8 state.

9 There are seven of them in the state, and
10 we're trying to get that information out, in what we call
11 area meetings, to the troopers, to assist you all; tell
12 them it's over an embankment, it has three tires that are
13 flattened.

14 One of the things, just so you know, we
15 don't request whether it be a rollback or a conventional
16 wrecker, and the reason why, is because that was a
17 complaint that we fielded.

18 Because if the trooper asks for a -- send
19 a rollback to assist the wrecker driver, and if the
20 company by chance didn't have a rollback, then that
21 company would be skipped, and we did not like that
22 happening.

23 We just tell them what the damage is, and

1 to send a wrecker. And when they get out there, if they
2 need to dial in, or if they need to put it on the record,
3 then that's fine.

4 MR. BERNHARDT: Right.

5 LT. HARDISON: So, I mean, I promise you,
6 we're trying our best.

7 MR. BERNHARDT: Oh, yes, I understand
8 you're trying. It's a hard job; I respect your all's
9 job, believe me. I mean, I know you all are out there,
10 even for our safety, the public safety.

11 I know cars don't always get over on the
12 interstate, and they're zooming by at 75 miles an hour;
13 I've seen a couple of state troopers take off after them.
14 Truthfully, I'd like to see more of that done.

15 I guess -- I know it's not directed to the
16 Board, it's kind of directed to the State Police.

17 LT. HARDISON: Yes, sir.

18 MR. BERNHARDT: But there are a lot of
19 good guys out there.

20 LT. HARDISON: We appreciate that, sir.

21 MR. HERRING: Mr. Chairman, may I ask him
22 another question?

23 Do you -- would you generally agree with

1 the language that Jason just posed a while ago, about the
2 local police department, whether they require any
3 regulations, or the local government in their area?

4 MR. BERNHARDT: I think it would be a good
5 idea, basically, to have a minimal -- I mean very minimal
6 regulations, and to allow either the county or the state
7 district to set their own regulations, because they know
8 what they more need, each district.

9 MR. HERRING: I think that's generally
10 what he was saying, is whatever the local jurisdiction
11 requires.

12 MR. BERNHARDT: Right, yes. And I also
13 think you -- for us owners, I think we need something a
14 little bit more -- not as glamorous.

15 When you all get this made up, something
16 that's not so -- it takes a lawyer to read all this
17 stuff, to understand it; we're not politicians, we need
18 something basic.

19 MR. HERRING: Once they get in their mind
20 we are not -- no, actually, it was our towers. We feel
21 your pain. (Laughter)

22 MR. BERNHARDT: Thank you.

23 MR. DRUMHELLER: Thank you. (Applause)

1 Anyone else? Mr. Baker, I thought you
2 were going to come down.

3 MR. BAKER: No, absolutely not.

4 MR. DRUMHELLER: Any other comments or
5 questions, now's your chance.

6 UNIDENTIFIED SPEAKER: I've got one quick
7 question, and I really don't need to come down:

8 Where does repossession companies stand
9 with the Board, as far as licensing and all that?

10 MR. DRUMHELLER: They will have to be
11 licensed. They will not be required to have their names
12 on the truck, but they will have to have the BTRO
13 sticker.

14 That's a federal privacy law that says
15 they don't have to have their names on the truck.

16 MR. COPELAND: I'm sorry, Mr. Chairman. I
17 just wanted you to identify yourself for the record, sir.

18 CHUCK: My name is Chuck. I own On-The-
19 Hook recovery, up in Stephen City.

20 MR. COPELAND: Thank you.

21 MR. DRUMHELLER: Did that answer your
22 question, sir?

23 CHUCK: Yes, oh, yes. I don't know if

1 that's the answer I want it to be, but you answered my
2 question.

3 MR. DRUMHELLER: Any other comments,
4 questions?

5 (No response.)

6 MR. DRUMHELLER: Any comments for the
7 members of the Board?

8 (No response.)

9 MR. DRUMHELLER: Mr. Copeland, do you have
10 anything else to add?

11 MR. COPELAND: No, Mr. Chairman. I just
12 want to thank everyone for their comments. I think it's
13 been a great, great night; it started out a little slow,
14 but we got going.

15 And I appreciate everything, and I have
16 nothing else to add.

17 MR. DRUMHELLER: I, too, appreciate you
18 being here. I thought we'd see a lot more; maybe it
19 didn't get publicized as it should have.

20 But I do appreciate you being here, I
21 appreciate your comments. And that's what we were here
22 for, to hear what you had to say, and I thank you.

23 (Whereupon, at 7:45 o'clock, p.m., the hearing

1 was adjourned.)

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CERTIFICATE OF COURT REPORTER

I, LORETTA A. MCMANUS, a Verbatim Court Reporter, do hereby certify that I took the notes of the foregoing public hearing by voice writing and thereafter reduced the same to written format; that the foregoing is a true record of said public hearing to the best of my knowledge and ability; that I am neither related to nor employed by any individual or organization represented by the parties thereto, nor financially or otherwise interested in the action.

LORETTA A. MCMANUS
Court Reporter