

Virginia Board for Towing and Recovery Operators (BTRO)

September 26, 2007 - 9:30 AM
Department of Motor Vehicles, 7th Floor Conference Room (702)
2300 West Broad Street, Richmond, Virginia 23220

Draft Minutes

Virginia Board for Towing and Recovery Operators meeting was held on September 26, 2007 at the Department of Motor Vehicles Headquarters, 2300 West Broad Street, Richmond, Virginia 23220.

Board Members present:

Ray Hodge

Charlie Brown

Ron Miner

Cary Coleman

Roy Boswell

Ray Drumheller

Mark Sawyers

Randy Seibert

Gary Teter

Jo Anne Maxwell (Designee of the Commissioner of the Department of Motor Vehicles)

Board Members absent:

Vinay Patel

Woody Herring

Andy Alvarez

Lt. Curtis Hardsion

Staff present:

Benjamin Foster, Board Executive Director

Daphane Phillips, Administrative Assistant

John Beall, Attorney General Office

Victoria Simmons

Vacant:

Senate Appointee

4-year term expires on 6/30/10

Citizen Member

Called to order:

Chairman Ray Hodge called the meeting to order at 9:41 a.m.

Public Comments:

George Philbates, Philbates Auto Wrecking Inc., shared his concerns about grandfathering. He wanted to know if the Board will allow towers with years of experience, and a good business record, be grandfather into proposed regulations process.

Dave Adams, owner of Adams Wreckers Service stated that he is on the Federal and State list. Will the Board take this into consideration when it comes to background checks?

Ralph Wilcher, AAA Mid Atlantic, stated that the fees that the Board has put in the Purposed Regulations are directed to the small business owners. The fees are too high for them to pay in order to operate their business.

Doc Jones, owner of Doc Jones Auto Parts and Sales, stated that roll backs, and the heavy duty wrecker that the Board requires, will be a very expensive cost for his business. He would also like for the Board to reconsider the operator fees, and the definition of public safety tow.

Chairman Hodge closed the public comments sessions at 10:15 a.m.

Chairman Hodge recessed the Board for Towing and Recovery Operators meeting at 10:17.

Licensing and Regulatory Affairs Committee will convene at 10:20 a.m. in review of the working document.

Reconvene:

The full Board reconvened at 11:53 a.m.

Acceptance minutes:

Chairman Hodge asked the members if they reviewed the minutes from the last meeting. Seeing no questions, Chairman Hodge called for a motion to approve. Motions were made by Ray Drumheller and second by Randy Seibert. The minutes were adopted unanimously.

Chairman Report:

Mr. Hodge stressed the importance of the work that the board is doing. In the last months a lot of process has been made throughout the Board and the Committee's. He thanked Mr. Foster for bring aboard Vickie Simmion a retiree form the Department of Planning and Budget. He stated that her expertise in writing Regulation will be a welcome asset to the Board. Mr. Hodge stated that Licensing and Regulatory Affairs Committee will present the Propose Regulations Document to the full Board for a vote today in order to send it to the Legislator.

Executive Director's Report:

(A) Office Space – The Lawyers are still in negotiations regarding the lease. Mr. Foster has not heard anything prior to this meeting but will keep Chair Hodge up to date with any change in progress. He will be meeting with member of DMV (Mike Baxter) who will assist in getting subcontractors that will be connecting the equipment in the space. Mr. Foster will also be looking at purchasing furniture at the end of the week.

(B) The Public Participation Guideline Regulations – Mr. Foster stated that the Document had to be completed before the Regulations Document can go to the next step. This document will be the first set of Regulations to go out to the public.

(C) Contact Card Information – The board has sent out 1800 contact cards to the Towing Company and Police and Sheriff Departments in the Commonwealth. The Boards has received 547 responses from the tow operators from the state. Basic on the information that was submitted there are one thousand nine hundred and sixty drivers (1,960). The number of trucks is two thousand one and twenty one (2,121).

(C) Budget – Mr. Foster presented a two year Draft of the Budget for the Board to review at the last meeting. The Draft will remain the same until Mr. Foster meet with the Department of Planning and Budget and DMV's Budget staff. A presentation will be ready for the next full Board meeting.

(D) The Process – See Attached

(E) The Budget – See Attached

Committee Reports:

Licensing and Regulatory Affairs Committee

Mr. Brown reported that the discussions were about striking continuing education from the Proposed Regulations. Mr. Miner made the motions to leave the section of continuing education in as a place holder and strike out all the language pertaining to this section. The notions to bring it back within the year. The Committee voted 3 to strike, 3 accept and 1 sustained, the motion failed. Mr. Miner made an amendment to the motion. The motion was to bring this document to the full Board with the notions that this was a split decision. The Committee voted 5-2 in favor of the new amendment.

The Committee adopted the new regulations and will present it to the full Board for vote under action item.

The Chairman asked for comments from members on Mr. Brown's report. Seeing none, He asked for the next report.

Administrative Affairs Committee

Mr. Ray Drumheller will give the overview of the last meeting in the absent of Mr. Herring. The committee discussion was about filling in the amount for the new fees. Mr. Foster stated that the Department of Planning & Budget will not allow the Committee to set the fees to high for the small business owners. A motion was made and second by Mr. Brown to put the new fees in the proposed regulations.

The Chairman asked for comments from members on Mr. Drumheller's report. Seeing none, He asked for the next report.

By- Laws and Policy Committee:

Mr. Seibert summarizes the report from the last meeting. They discussed the finger printing process, and gave the suggestive language to Counsel, who moved it to the Regulatory Committee, and now is part of the Regulations. The Committee voted to decline the finger printing presentation from the last meeting.

Communications Committee:

Mr. Coleman committee discussed ways of getting out information to the public. Mr. Coleman introduced Mr. Drummond from Power and Tate, who company deals with media relations.

Mr. Drummond explained that the main focus were to get out a large amount of information to the public through the Media Relation Program. The cost for this program will consist of two factors:

1. Direct response and the cost will be \$ 37,000.
2. Media Relations and the cost will be \$ 26,000.

The total budget for this expense is \$ 63,752.

Second Signature Ad Hoc Committee:

Mr. Sawyers committee had some changes with the proposed document. Mr. Hodge made the motion that second signature send this document back to the Committee to make the necessary changes and present it to the full Board at the next meeting. The motion was seconded.

New Business:

Mr. Beal spoke on the Legislative changes.

See Attached

Mr. Drumheller made the motion to accept all the Legislative changes that was made by Mr. Beall, second by Mr. Coleman, all in favor of changes.

Mr. Hodge called for a vote from that will allow the Executive Director to make legislative changes to the document per Mr. Beall. Motion made by Mr. Seibert, second Mr. Sawyers, all was in favor and none apposed.

Motion to Adopt Regulations:

Mr. Hodge made the motion to adopt the Purposed Regulation. Motion was made by Mr. Drumheller, second Mr. Miner, all in favor and none apposed.

Mr. Miner made the motion to amend section § 24 VAC 27 -30- 15. (A) Fees. He states that under where it states class (A) and (B) operator. He asked that here will be only on driver authorization fee. The motion was made and second, all in favor none apposed.

Adjourned:

Ron Miner made the motion to adjourned at 1:47, all in favor.