

## Draft Minutes

Licensing and Regulatory Affairs Committee  
October 30, 2007 – 10:20 AM  
Department of Motor Vehicles, 7<sup>th</sup> Floor Conference Room (702)  
2300 West Broad Street, Richmond, Virginia 23220

Licensing and Regulatory Affairs Committee meeting was held at the, Department of Motor Vehicles, 7<sup>th</sup> Floor Conference Room (702) 2500 West Broad Street, Richmond, 2500 West Broad Street, Richmond, Virginia.

### **Members present:**

Charlie Brown  
Roy Boswell  
Ray Hodge  
Gary Teter  
Ron Miner  
Woody Herring  
Lt. Curtis Hardsion

### **Members absent:**

Ray Drumheller

### **Others Board Members present:**

Randy Seibert  
Cary Coleman  
Jo Anne Maxwell

### **Staff present:**

Benjamin Foster, Board Executive Director  
Daphane Phillips, Administrative Assistant  
John Beall, Attorney General Office  
Victoria Simmons

### **Call to order:**

The meeting was call to order at 12:18 p.m.

### **Public Comments:**

Ralph Wilcher, with AAA Mid-Atlantic had a comment in regard to the letter Mr. Keeney submitted. The area of concern Mr. Wilcher referring to is training. He agrees that training needs to take place, but he feels that it should not come from only one source. He would like for the board to consider looking into other sponsors of training. (See letter attached)

### **Minutes from the last meeting**

None

### **Committee Business**

§ 24 VAC 27-50-50

24 VAC 27-50-50 General Requirements for Office and Storage Area  
(Combined A and B of last Draft Language)

As a condition for Licensure as a Public Safety Tow Operator:

- A. The public safety tow operator shall have an office location for towing and storage. The office must be for the use of the towing operator and meet the following minimum criteria:
  1. Be at a permanent structure of at least ~~250~~ 144 square feet and equipped for answering inquiries in person and via telephone, receiving mail so that business may be discussed out of the elements and where electricity and heat are available. The location may also have a storage facility located at the same address if permitted by local laws, ordinances, or regulations.
  2. In jurisdictions where the public safety tow operator has a valid business permit to operate from their residence, the public safety tow operator must advertise the storage lot location where owners of vehicles towed or their agents may go to recover their vehicle. The storage lot must have telephone, electricity and heat available and be a structure of a minimum ~~200~~ 144 square feet where business pertinent to the release of a vehicle may be conducted out of the adverse weather conditions.
  3. When the main office of the business is not located at the storage lot, the public safety tow operator must be able to respond to the lot when summoned by telephone to release a vehicle within one (1) hour of an owner calling the advertised number for the public safety tow operator.

4. All signs and notices required to be posted at the main office must be posted at the remote office.
5. If the mailing address for the public safety tow operator is a post office box, a street address must be listed on all advertisements, receipts and official or business related records.
6. Business hours for the storage lots and main office, ~~if not a residence,~~ must be prominently posted at the street address so that it is visible from the portions of the property open to the public.
7. The main office or storage lot, whether a private residence or commercial property must be open and manned for normal business between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, except for state and federal Holidays recognized by the Commonwealth of Virginia. **Ron to add additional language**
8. The “normal business hours may be shared between the remote storage lot and the main office if the business hours for each are posted at each location and are stated on the application to the Board of Towing and Recovery Operators.

(This language was a result of research from the Code of Virginia, Texas and Georgia statutes)

#### **Draft Language for 24 VAC 27-50-90 (H)**

Any tow operator not licensed for Public Safety Towing, who arrives unsolicited at the scene of a motor vehicle accident or incident, or is in violation of sections I or J of this regulation, may have their license to tow revoked for a period not less than one calendar year from the date of offense or adjudication by the Board, which ever is longer. This shall in no way preclude other measures deemed appropriate and authorized by the Board from being imposed.

Public safety tow operator s shall only respond to locations when it is specifically requested to do so by a law enforcement agency or official. If any tow operator responds to a scene without having been requested by a law enforcement agency or official, or the vehicle owner or a responsible authorized agent as defined in these regulations, the law enforcement official on the scene may direct the tow operator to leave even if that operator would have been called for the public safety tow in accordance with the applicable contract, memorandum of understanding or other local rotation list. In such instances, the law enforcement official reserves the right to direct the tow operator to provide services when immediate assistance is necessary to protect persons or property. If the public safety agency requests a public safety tow operator to respond, but a tow operator requested by the vehicle’s owner or responsible agent prior to the public safety request arrives first, or simultaneously, the public safety tow operator may be directed to leave the scene without collecting any fees at the discretion of the on-scene public safety official. Similarly, the tow operator requested by the owner may be directed to leave the scene if, in the sole discretion and judgment of the

law enforcement official on the scene, the tow operator is not skilled or equipped to handle the situation.

Whenever a public safety tow operator is requested to remove a vehicle and the owner of the vehicle or their authorized agent or driver is not at the scene at the time of the tow, the law enforcement agencies are encouraged by the Board to complete a locally prepared form that lists at a minimum the:

-Owners name and address , if known

-Description of the Vehicle and any visible prior damage

-Storage facility name and address

-Inventory of accessible contents of the vehicle

-One copy should be given to the tow operator's driver, one copy to the owner of the vehicle and one retained by the law enforcement agency

**Recovery:** to bring a vehicle back to back to normal position or condition; i.e.; back to a position that would normally be used when in operation.

**Towing:** to draw or pull along a vehicle behind licensed tow truck or haul a vehicle on a platform attached to a registered tow vehicle.

**Adjournment:**

Ron Miner made the motion to adjourn, second by Gary Teter.

Meeting was adjourned at 1:40 p.m.