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VIRGINIA BOARD OF TOWING AND RECOVERY OPERATORS

PUBLIC SAFETY PUBLIC HEARING

November 13, 2008

6:00 p.m. - 8:30 p.m.

Public Safety Building

101 North Main Street

Harrisonburg, Virginia

REPORTED BY: DARLENE JOY OWINGS, COURT REPORTER

1 APPEARANCES OF BOARD:

2

3 Ray Drumheller, Chairman

4 Ron Miner

5 Gary Teter

6 Lt. Curtis Hardison

7 Mark Sawyers

8 Woody Herring

9 Roy Boswell

10 Randy Seibert

11 Scott Wyatt

12 Archie Orr

13

14

15 ALSO PRESENT:

16 Daphane Phillips

17

18

19 (NOTE: NAMES ARE WRITTEN PHONETICALLY UNLESS

20 SPELLING WAS PROVIDED)

21

22

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24

25

1 (Commencing at 6:00 p.m., November 13, 2008)

2

3 P R O C E E D I N G S

4 MR. DRUMHELLER: I'd like to welcome
5 all of you here. This Board is here tonight
6 to hear your comments and suggestions for the
7 safety regs. I'd like to introduce the Board
8 to start off with.

9 I'll let Ron start by introducing
10 yourself.

11 MR. MINER: Ron Miner, I'm a citizen
12 appointee from Northern Virginia.

13 MR. TETER: Gary Teter, Teter's Exxon,
14 Harrisonburg, Virginia.

15 LT. HARDISON: Curtis Hardison, I'm a
16 Lieutenant with the Virginia State Police,
17 assigned to the Tidewater area.

18 MR. COPELAND: Mark Copeland, acting
19 Executive Director to the Board.

20 MR. DRUMHELLER: Ray Drumheller,
21 Drumheller's Towing, Waynesboro, Chair of the
22 Board.

23 MR. SAWYERS: Mark Sawyers, Portable
24 Towing, Hampton Roads, Virginia.

25 MR. HERRING: Woody Herring, Well

1 Springs Towing.

2 MR. BOSWELL: Roy Boswell, Boswell's
3 Towing, Stafford, Virginia.

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

6 MR. ORR: Archie Orr, citizen appointee
7 from Abingdon, Virginia.

8 MR. DRUMHELLER: Thank you.

9 Before we get into the meeting, I'd
10 like to -- I wrote up a little thing here, a
11 statement.

12 I apologize for having postponed the
13 Board meeting that had been scheduled for this
14 afternoon. This decision was made on Monday
15 afternoon after finding out that only four
16 Board members had responded as to their
17 attendance, and knowing because of the health
18 reasons of others would not be able to attend.

19 I, myself, on Monday after being sick
20 for a week and a half, felt as if it had gone
21 into pneumonia possibly would not be able to
22 attend today. While I'm not still over the
23 bug, I suppose the antibiotics have finally
24 kicked in because I am feeling somewhat
25 better.

1 This Board has gone beyond the
2 requirements of the General Assembly in having
3 hearings across the State to hear from the
4 public and towers concerning their concern
5 related to regulations.

6 While this Board is autonomous of any
7 association, we welcome comments from their
8 various representatives. However, these
9 representatives should not have control or
10 dictate what this Board must do. In recent
11 months this problem has not been occurring.
12 As long as I am Chair of this Committee, this
13 Board, I will not accept such interference in
14 the operation of BTRO.

15 At this time I'm going to turn the
16 floor over to Marc for comments and to maybe
17 explain a little of how the Board originated.

18 MR. COPELAND: Okay. You want the full
19 monty, okay.

20 Welcome everybody, first. It's a very
21 nice turnout and I see everybody from all over
22 the state here. As Ray has indicated, there
23 were four meetings required by law to deal
24 with public safety towing issues in getting
25 comments from across the state.

1 Those meetings, those previous meetings
2 were held -- those required meetings were held
3 in Wytheville, Richmond, Fairfax and Virginia
4 Beach. We've also had a meeting in Danville.
5 We've got the meeting tonight, and we've got
6 another meeting next week in Fredericksburg.

7 And just to make it clear, there will
8 be a Board meeting. It's scheduled for
9 2 o'clock in Fredericksburg, at the
10 Fredericksburg/Stafford location. And that is
11 out -- been out since Wednesday on our
12 website, and it's also out on the Town Hall.
13 So we encourage you to keep track of what's
14 going on by visiting our website as frequently
15 as possible, but there will be a Board meeting
16 at 2 o'clock, same agenda basically.

17 Again, the meetings have been required.
18 We've expanded those meetings. And we're here
19 to hear your comments about public safety
20 tows, those tows that are requested by law
21 enforcement; any issues you may have; dispel
22 any misconceptions that you may have about
23 what's going on.

24 I can tell you there are no regulations
25 in the pipeline at this point. We're

1 listening to comments right now. And I can
2 also tell you we've got our hands full getting
3 you guys up and running by the end of the
4 year, so don't expect to see anything on that
5 anytime soon, at least I hope not from my
6 perspective.

7 So without any further adieu, who has
8 comments tonight?

9 PARTICIPANT: Jason Betts, on behalf of
10 Valley Towing and Keller Towing in Mt.
11 Jackson.

12 I do appreciate the Board going above
13 and beyond what the General Assembly had laid
14 on you all, and trying to be, I guess, more
15 inclusive to other areas of the state that
16 don't often see, you know, folks from
17 Richmond.

18 Same comments that I basically had at
19 every other meeting. Leave it to the
20 localities to determine, bottom line. I
21 recommend that the text reads something like
22 this, quote, any towing and recovery operator
23 who performs public safety towing shall
24 perform those tasks and duties in accordance
25 with the general regulations of the BTRO, and

1 additionally shall comply with any
2 requirements set forth by either the local
3 contracting agency or the law enforcement
4 agency who administers that rotation list,
5 closed quote, end of regulation.

6 Anything else, I'll submit to you
7 gentlemen is wasting your time and the time of
8 others who are going to have to stand up and
9 argue against it because it's been
10 demonstrated time and time again over the last
11 year and half that what works in Northern
12 Virginia or what works in Virginia Beach, does
13 not necessarily work in Harrisonburg or
14 Shenandoah County or Abingdon or Culpeper or
15 other areas of the state. It's been working
16 quite well based on everything I've heard from
17 every law enforcement agency I've talked to
18 over the last year and a half.

19 If they have a problem, they handle it
20 internally. And they're perfectly capable of
21 handling their problems as they come up. They
22 don't need the Board to lay large amounts of
23 regulations that will then become the minimum
24 bar.

25 The key word gentleman is minimum

1 regulations. Don't go over and above, and try
2 to eat the whole apple.

3 Thank you, gentlemen. As always, I
4 appreciate all of your all's energies and
5 efforts on behalf of the industry.

6 MR. DRUMHELLER: Thank you, Jason.

7 Next?

8 PARTICIPANT: I'm Carroll Payne,
9 Payne's Body Shop. I've been towing vehicles
10 for probably over 40 years, and I've towed a
11 little bit of everything. I've been wasting a
12 lot of time coming to all of these meetings
13 that I didn't feel was necessary.

14 I don't know what the problem is or
15 who's trying get into the thing, but somebody
16 is trying to get something going that's not
17 right. Our government today will tell us
18 that -- tell us to put a five gallon bucket of
19 water in a gallon bucket, and the majority of
20 them would try it.

21 That's about how this law is going to
22 work that you all have got going, I think.
23 And we ought to leave everything as it was to
24 our local law enforcement agencies. Let them
25 take care of it. And I've not made my mind up

1 for sure, just to say to throw it all away and
2 forget the wrecker service over this whole
3 situation. There are a lot of things going on
4 here that people are in here trying to get
5 into. And the only thing you all are going to
6 enforce, I'd like to say it right out, is the
7 laws that you're putting against us that we're
8 going to have to pay for our license. We're
9 going to have to pay all this money out and
10 we're not going to get no benefit from it.
11 Somebody will and it's not going to be us.

12 Now that's what the whole situation is,
13 if I see it right. And I would like to oppose
14 the whole situation and just leave it to our
15 law enforcement agency. Thank you.

16 MR. DRUMHELLER: Thank you, Carroll.

17 PARTICIPANT: I'm Wayne Wilkins from
18 Wilkins Towing and Repair Shop. I think the
19 whole thing -- I don't know where you all got
20 your statistics from. I wish you all would
21 have asked me questions.

22 Where have we been so unsafe that we
23 need this Board? Can any of you answer me?
24 What's the statistics on what we've done so
25 wrong that we've even got this Board?

1 MR. HERRING: I'll answer you. I agree
2 with you.

3 PARTICIPANT: That's what I'd like to
4 know. Everything's done by statistics. But
5 what have we done so wrong, unless somebody
6 wants a lot of money for nothing out of our
7 pockets. And we'll have to go up on wrecker
8 service for all the time we've got involved in
9 this thing and stuff like that. I don't
10 understand where you all are coming from.

11 MR. DRUMHELLER: It comes back from the
12 General Assembly is going to regulate the
13 towing industry. It's a question of how or
14 why they're going to regulate. You hear all
15 kinds of stories.

16 I know about five years ago I was at a
17 transportation hearing, a House Transportation
18 Committee Hearing. And I heard one delegate
19 get up and they were talking about the tower.
20 And there was a towing bill, and I don't even
21 remember what it was.

22 But he related his experience of going
23 with a friend to pick up a car that had been
24 towed, finally found the place. And here the
25 guy had a patch over one eye and carrying a

1 gun. And this former Delegate Black painted
2 every tower as a one-eyed, gun-toting crook in
3 a full committee hearing of the Transportation
4 Board.

5 That's just the attitude that the
6 General Assembly has had for many years about
7 towers. Of course, you hear about Senator
8 O'Brian's wife getting towed. It's not just
9 one thing.

10 They were going to regulate it. And
11 the question came up as to who was going to do
12 the regulating. It was suggested that the DMV
13 do it. And that's when towers associations
14 got together and said, no, if we're going to
15 be regulated, we want to regulate ourselves.

16 PARTICIPANT: Well, that's one
17 instance. Does one person make the law?

18 MR. DRUMHELLER: I said that was just
19 one instance. There are two actually --

20 PARTICIPANT: Well, give me a couple
21 more.

22 MR. DRUMHELLER: The General Assembly
23 makes the law.

24 PARTICIPANT: Right. I know they make
25 the law. But how many have you got, just one?

1 MR. TETER: I think a lot of it boils
2 down to the fact that we're going to be
3 regulated. It's a question of how.

4 PARTICIPANT: They want money. That's
5 what it's boiled down to. Everybody wants
6 money and they don't care how they get it.

7 MR. TETER: Let me ask you a question.
8 Who would you rather have working with the
9 Code industry? Would you rather have a Board
10 made up of us towers, or would you rather have
11 DMV or VDOT?

12 PARTICIPANT: I'd rather have the state
13 police. They're there. They're the ones
14 we've got to work with.

15 MR. TETER: And they're so short-handed
16 right now.

17 PARTICIPANT: Well, then how are we
18 going to enforce these new laws then?

19 MR. TETER: There's going to be
20 compliance officers.

21 PARTICIPANT: Oh, so we're going to pay
22 more money to pay him. Who's going to pay him
23 or her?

24 MR. TETER: They'll be paid for by the
25 Board. The money is collected by the Board.

1 PARTICIPANT: Don't we pay for the
2 Board?

3 MR. TETER: That's what your fees go
4 for.

5 PARTICIPANT: Well, I'm against the
6 whole thing. I'm going to tell you the truth.
7 And that's the way I feel about it because I
8 haven't heard no statistics yet.

9 One, one guy makes the law, huh?

10 (Thereupon, Randy Seibert joins Board.)

11 MR. TETER: I guess in this case it was
12 one or two that got the ball rolling. Nobody
13 was there to stop them.

14 PARTICIPANT: I know. Nobody knew
15 about it. That was the whole problem.

16 And another thing that ought to be
17 going on is all of this stuff ought to be put
18 in newspapers and stuff so the general public
19 knows that they're going to pay more for a
20 tow. After all this comes down, they're going
21 to pay more.

22 MR. DRUMHELLER: We have done a couple
23 of news releases, and the news media is not
24 picking it up. Lynchburg did. I can't think
25 of her name from Channel 3 here in

1 Harrisonburg, she picked it up, but it hasn't
2 been broadcast.

3 PARTICIPANT: Well, we put money into
4 the Board. They might as well pay for a
5 newspaper.

6 MR. DRUMHELLER: You have no idea what
7 it would cost to put it in newspapers all
8 across the State, an ad.

9 PARTICIPANT: You put it in the main
10 newspapers --

11 MR. DRUMHELLER: If you can't get them
12 to pick it up as a news release, you have to
13 pay for ads.

14 PARTICIPANT: Because all of these laws
15 are going down and the people does not know
16 about it. The general public does not know
17 about it. Even some of the state police I've
18 talked to, they didn't know it was going down
19 at the time it was going down. They didn't
20 understand what was going on either.

21 LT. HARDISON: Well, I'll go ahead and
22 address that, since you brought it up.

23 As far as the laws coming out, the road
24 troopers actually do not know about the
25 towing. And because they were not signed by

1 the governor, there were a lot of drafts, a
2 lot of changes made throughout the process.
3 And until the final draft was submitted to the
4 governor and signed off by the governor, we
5 did not send it out to them.

6 And, yes, you are correct, the road
7 troopers actually did not know it. It has
8 been sent out to the different divisions.
9 There are seven different divisions in the
10 state. And as the hearing goes along, we'll
11 go into it farther, but it has gotten out to
12 each of the -- it has gotten to different
13 parts of the state where it hadn't, say a year
14 ago, you are correct. But as of now,
15 information has been sent out to them.

16 PARTICIPANT: And like tonight, the
17 only way I knew about it was Mr. Bowman called
18 me. Nobody sent me any papers in the mail,
19 nobody called me or anything like that. The
20 only way I knew is Mr. Bowmen called me.

21 They're not getting the paperwork out
22 so people know about it. This room would be
23 probably fuller than this if you all got the
24 paperwork out.

25 MR. COPELAND: Mr. Chairman, I would be

1 glad to comment.

2 We made a change to this meeting at a
3 very late date. We could not get that out
4 other than on the internet, which is
5 electronic means. It's what we're required to
6 promote as a state agency. And that's
7 typically what we do. Mailings, mass mailings
8 cost you money. So we tried to avoid --

9 PARTICIPANT: They waste it everywhere
10 else, they might as well --

11 MR. COPELAND: We try to avoid mass
12 mailings. We try to get e-mails. We try to
13 urge folks, get to an internet site. Just
14 take a look at our site. We're keeping it up
15 to date. It's got the latest information on
16 it.

17 PARTICIPANT: And I don't have that
18 stuff.

19 MR. COPELAND: Right. And I'm just
20 saying, though, that is one of the easiest
21 ways to keep in touch with what's going on
22 with this Board.

23 PARTICIPANT: So we need to buy
24 computers so that we know when the meetings
25 are and keep in touch with you?

1 MR. COPELAND: Either that, or get
2 access to a computer. There are libraries
3 that have computers that anyone can use.

4 PARTICIPANT: It's kind of hard to find
5 the time to go to the library when we've got
6 to waste all this time coming up here for all
7 of these meetings.

8 MR. COPELAND: And since you're
9 speaking, if you don't mind identifying
10 yourself for the court reporter, that would be
11 great.

12 PARTICIPANT: My name is Chris Tangle.
13 I run Shenandoah Towing in Woodstock.

14 MR. COPELAND: Great. Thank you.

15 PARTICIPANT: And another thing I would
16 like to address, it doesn't concern this Board
17 or anything, but at these accident scenes
18 they're talking about public safety. And
19 they're getting entirely too many lights out
20 there. I've even had troopers say that
21 they've had to tell the trooper ahead of them
22 to cut off their blue lights, that it was
23 blinding them.

24 MR. DRUMHELLER: We appreciate, Mr.
25 Wilkins, your comments. That's what we're

1 here for is to hear about public safety. We'd
2 like to hear a little more about that. We've
3 discussed that, actually.

4 PARTICIPANT: You pull up on the
5 accident scene and there's them blue lights
6 that are flashing in your eyes and you can't
7 see. And they're real bright.

8 LT. HARDISON: Yes, the blue lights
9 that the departments are buying now are
10 brighter than before. It went from a straight
11 beacon, to the strobe, to now the LED lights.

12 And it's for protection for the
13 troopers themselves to get the light cast
14 farther. We call it the blue light syndrome
15 because somebody fixates on the light itself
16 and then comes over into our cars. But the
17 lights are brighter than they were say --

18 PARTICIPANT: I've come up on -- excuse
19 me.

20 LT. HARDISON: Yes.

21 PARTICIPANT: I've come up on accident
22 scenes where there's a trooper out there
23 directing traffic with a flashlight. And all
24 of them blue lights, you can't see the
25 trooper. And I've seen them chew out people

1 right and left because they run by them.

2 Well, I know why they run by them.

3 They didn't see them. They go real slow
4 through the thing, but then they get chewed
5 out. So we've got to cut down on some of
6 these lights that's blinding people,
7 especially at accident scenes.

8 MR. DRUMHELLER: Thank you,
9 Mr. Wilkins.

10 LT. HARDISON: Thank you, sir.

11 MR. DRUMHELLER: Next?

12 PARTICIPANT: My name is Paul Redmond
13 and --

14 REPORTER: Can you speak up, please?

15 PARTICIPANT: Paul Redmond from
16 (inaudible) I've been in the business for 24
17 years now. I have 13 employees that work for
18 me. This is pretty much my life blood. I'm
19 only 45 years old. I'm not looking for
20 another career after this. This seems to be
21 it. I think most of the people in here at a
22 younger age feel that way also.

23 But the problem that we see with the
24 regulations, in particular, the paperwork that
25 we've seen circulated over the past year and a

1 half, the requirements are just real in
2 excess, especially with the state of the
3 economy. You've got fuel prices that have
4 been out of sight for the past year. Right
5 now we're enjoying lower fuel, but it's not
6 going to last. We can't fool ourselves.

7 Most of the guys in here know their
8 profit margin is gone. And now you're
9 implicating more expenses on them for public
10 safety and the requirements of that. Given
11 the state of the economy, you're going to send
12 quite a few people out of business.

13 And that should be -- I keep hearing
14 Board members in the past saying that's not
15 the intent. Whether that's the intent or not,
16 that's going to be the consequences. And
17 you're only going to have a few left when it's
18 over with if they're able to comply, if they
19 go forward with the paperwork we've seen in
20 the past.

21 MR. DRUMHELLER: Are you referring to
22 that original --

23 PARTICIPANT: It's totally in excess.
24 You know what happens when you have a few
25 people running the hen house there, you're

1 going to wind up with monopolies.

2 MR. DRUMHELLER: Hopefully, thanks to
3 you people that's all going to change.

4 PARTICIPANT: Let the localities handle
5 it. Right now, like I said, I've been doing
6 this for 24 years. On the Southside in
7 particular and the peninsula back when I first
8 started it was a cutthroat business. I mean,
9 there was some pretty nasty stuff going on.
10 Things are going along pretty good right now.

11 Now, if the Board goes forth with the
12 public safety, you're going to have people
13 bidding against each other and it's going to
14 go back to cutthroat. They're going to be
15 trying to turn each other in for petty stuff
16 or false allegations, whatever it takes.
17 Because the one guy that's still on the
18 list -- you know, the guy off the list is
19 going to be going after him. That's the way
20 it's going to be. You're threatening the
21 livelihood.

22 I strongly suggest the Board strike the
23 public safety completely. We don't need it.
24 If the problems are so bad up in Northern
25 Virginia, I'm sure there are laws on the books

1 to handle what's going on in Northern
2 Virginia. It's not going on down our way. If
3 they would address those problems in the
4 locality with the existing laws, we wouldn't
5 even be sitting here today.

6 MR. DRUMHELLER: I know when I was in
7 Virginia Beach I complimented Virginia Beach
8 on the way they operated. And I think you're
9 probably right that everybody else --

10 PARTICIPANT: There's not a contractor
11 I can't go to right now and buy a car out with
12 a check. Before I can remember when it was
13 cash only, period.

14 Now people are doing checks and taking
15 credit cards when they don't have to take a
16 credit card. Don't ruin a good thing. You
17 all are going to ruin a good thing. That's
18 all I have to say.

19 MR. DRUMHELLER: I appreciate your
20 comments.

21 Next?

22 PARTICIPANT: My name is --

23 REPORTER: Her name again, please?

24 MR. DRUMHELLER: Can you start over?

25 PARTICIPANT: I am Meredith Russell. I

1 work for Century Towing Service in Virginia
2 Beach, Virginia. I'm not a public speaker, so
3 bear with me.

4 I think that it would be fair for me to
5 say that I'm here to say that we're concerned
6 as many people in Tidewater are. We've done
7 the Senate Bill 707 for statewide hearings,
8 and now we're on the sixth. And it's causing
9 a little bit of confusion, and maybe a little
10 bit of concern.

11 I heard your point from Kellers. Some
12 of us feel like if you're not going the
13 answers you want, just keep on meeting until
14 you do. And that seems a little bit off
15 center.

16 You know, we've traveled four hours in
17 the rain for no reason but just to ensure that
18 we're on public record because we don't know
19 how many meetings you'll continue to do to get
20 whatever the sought response is.

21 Perhaps there are problems in the
22 towing community here that need to be
23 addressed. However, in Tidewater, I think
24 that we more than clearly demonstrated to the
25 Board that the public safety regs are hardly

1 necessary for us. We have five different
2 municipalities that came in, a letter from the
3 Mayor of Newport News, we even had the
4 Virginia Beach City Attorney saying that this
5 isn't something they want and it's not
6 something they support.

7 In Tidewater, I'm telling you we all
8 have a few rebels that, of course, we'd like
9 to see shape up, but you have accountability
10 and you have comradery as I was talking about
11 earlier. And we've managed to keep safe,
12 affordable and available to the mainline
13 public without a huge problem. Of course,
14 everybody has a few bad apples.

15 It occurred to me again, and I think
16 you referenced it, our needs are just so
17 different. When we're going to the mountains
18 I can only imagine what it's like to recover a
19 vehicle dangling off of a cliff.

20 However, I'm sure nobody here recovers
21 vehicles using the tide in Chesapeake Bay to
22 get vehicles out. It's two separate scopes of
23 work and I don't imagine that a blanket of
24 regulations can accommodate everybody where
25 it's safe for towers or the public.

1 I believe that this Board absolutely
2 has the ability to go to the General Assembly
3 and say that there is no warrant for this. If
4 I hear, "They're making us do it", one more
5 time I think I'll scream.

6 They respect you enough for you to
7 write this regulation or to promulgate
8 regulation. I would assume they respect your
9 opinions as the Board. And I ask that you do
10 it.

11 Marc and Roy, you guys came out and you
12 kind of pioneered and you spearheaded your way
13 into your lives in Tidewater, and I commend
14 both of you for it. I think you all sat down
15 with us on our terms, really created a level
16 of respectability and it changed definitely
17 the flow and view of the Board, I think. And
18 I know very many people in our area respect
19 both of you for that.

20 Marc, I know that you have been very
21 sympathetic to a lot of our position and a lot
22 of our opinions and concerns that we share.
23 And I can only encourage you to use your vote
24 and voice to protect us from what could
25 happen.

1 Again, we're not even close to seeing
2 anything. And I think that was said by your
3 own admission when it started, don't expect to
4 see much because they're inundated with work
5 that they can't handle. And that's why I'm
6 here tonight after four hours of a beautiful
7 rainy drive.

8 And I would be an absolute coward if I
9 didn't address one last issue before I leave
10 here tonight. I'm very disappointed to not
11 see Mr. Coleman here after our last meeting.
12 And I do feel as Board members you have a
13 responsibility to be respectful toward these
14 people that are putting their time in here.
15 And the towers in my area, I'm extremely
16 passionate about, and he couldn't have been
17 any more rude to those people with his
18 shrugging of his shoulders. And I'm so
19 disappointed he's not here right now.

20 Body language is everything. And those
21 men were not shown any respect by him and it
22 was a disgrace. And it should definitely be
23 something that I wouldn't be proud to be
24 sitting on a Board next to anybody who treats
25 people that way.

1 I think it's very unfortunate because
2 these people work hard. A lot of them drove
3 far, and some may have drove around the
4 corner. I don't know. But they're here and
5 there's a hundred other places they want to
6 be. And to be treated or to be dismissed or
7 to have eyes rolled or shrugged because you
8 don't like what you hear, then I'm not sure
9 why -- nobody likes what's going on here.

10 MR. DRUMHELLER: Thank you.

11 Next?

12 PARTICIPANT: Gentleman, welcome to
13 Harrisonburg. I'm Lee Bowman from Bowman's
14 Towing.

15 I've sat here and listened to the
16 comments, and I've been to several of these
17 meetings criss-crossing this state. I have
18 seen no meeting, other than maybe a small
19 portion in Wytheville, that's in favor of this
20 public safety towing.

21 I've asked, and Ray, you and I have
22 discussed this. When you look at this, do it
23 with a minimal effort, please.

24 There's one other thing that I would
25 like to address that Mr. Wilkins touched on.

1 I understand your mode of communications is a
2 computer. But I'd like a show of hands of
3 people in this room that was either called me
4 by myself, AAA, or Mr. Layman to attend this
5 meeting, please?

6 (Thereupon, hands were raised.)

7 PARTICIPANT: If you took those away,
8 you wouldn't have much of a meeting, would
9 you?

10 MR. DRUMHELLER: You're right.

11 PARTICIPANT: And we left earlier this
12 morning and we found out at the last minute
13 about the cancellation, less than 24 hours.
14 That's something that needs to stop guys.

15 PARTICIPANT: Yeah, that's something
16 that needs to stop.

17 PARTICIPANT: I understand that you're
18 running an organization here. And I know that
19 everyone sitting here has independent views.
20 I ask that you use those views and vote as you
21 think, not as you're encouraged to vote. It
22 makes a difference. One vote on this staff
23 makes a difference.

24 Do you agree, Ray?

25 MR. DRUMHELLER: I agree.

1 PARTICIPANT: With that said, welcome
2 to Virginia -- welcome to Harrisonburg and you
3 all take over.

4 MR. DRUMHELLER: Thank you, Lee.

5 MR. COPELAND: Mr. Chairman, if I could
6 address the communications.

7 I think there are some here that did
8 get a call from me. And I did ask a number of
9 the leaders of the associations to get the
10 word out. So that's probably why you did get
11 phone calls. So we are trying to utilize what
12 we know of as a network that's out there that
13 can get the word out quickly. And we're sorry
14 that it had to happen that way, but it was a
15 very quick turn around, even for me.

16 So I'm glad that you're able to make
17 it, I really am. And I appreciate everyone
18 that I contacted contacting you to get the
19 word out. I appreciate that, too.

20 PARTICIPANT: My name is Rick Bennett.
21 I work for Layman's Automotive and Towing. My
22 boss, Dale, she's the secretary/treasure of
23 the company is ill. She wanted to be here.
24 She wrote a letter and she asked if I could
25 come and read it to you guys. So without

1 further adieu, I'd like to try.

2 My name is Dale Laymen, secretary and
3 treasurer of Layman's Automotive and Towing
4 Service. I've been involved in the towing
5 industry my entire life, 47 years.

6 Being the only child of one of the best
7 tow truck operators in the business and much
8 to the dismay of my mother, her little girl
9 started riding with dad by the age of 6. By
10 12, I was able to operate most of the
11 equipment we owned and operated. I absolutely
12 loved being in a truck. At any opportunity I
13 was riding. I was quick to critique anyone's
14 technique, and quicker to tell them my daddy
15 wouldn't do it that way.

16 From 16 to the late 30s I was a
17 full-time, 24/7 tow truck operator preferring
18 a rollback. Never did I return without what I
19 went after. Currently I'm managing eight
20 pieces of equipment, four full-time drivers,
21 several part-time drivers, not counting my
22 dad, my uncle or myself.

23 Since the creating of BTRO, I've had my
24 concerns. First, how could members of two
25 small organizations be the only people chosen

1 to represent such a large industry? No
2 insurance companies, no motor clubs, no
3 property owners, no consumers and no tow truck
4 owners or operators. Nobody outside the
5 chosen few, in my opinion.

6 These big boys and "yes" men set out to
7 monopolize the whole towing industry using
8 only their guys and then appointing an
9 executive director with little or no knowledge
10 of the towing industry. Other than the
11 information given to him by those chosen Board
12 members, what other opinion could one assume?

13 If these two organizations, less than
14 100 combined owner/operators, had all the
15 answers or even some, would one not assume
16 more of the towing industry would be
17 participating?

18 Since the beginning of this mess I know
19 new associations have been created in the
20 interest of the little guy, knowing that the
21 Commonwealth Tower Association has formed with
22 multiple chapters and a growing interest that
23 is projected to reach 100 active
24 owner/operators before the end of 2008. What
25 have they done any different except listen to

1 the concerns of all involved in the towing
2 business? Participation does matter,
3 gentlemen.

4 All the years since 1967, we have
5 serviced the towing industry and I feel we've
6 seen it all. Never working with new equipment
7 or high tech novelties, I feel we have always
8 been able to perform the service required -
9 vehicles in second floor buildings, in creeks,
10 rivers and reservoirs, over mountains, in
11 ravines, between guard rails, in medians,
12 wrapped around trees, right-side up and upside
13 down, working with only dependable, not new
14 equipment, good help and one old man that lead
15 the way.

16 I'm extremely aggravated this Board
17 feels they can tell us what equipment is
18 needed or required to participate in parts of
19 their program. Regardless of what we're led
20 to believe, cars, trucks and road tractors, to
21 my knowledge, haven't changed. And I believe
22 we have always provided professional,
23 efficient, responsible, dependable, respected
24 and honest service, without anybody telling us
25 what kind of equipment we need to achieve

1 this.

2 At this time I would like to say I
3 think BTRO has done more than enough. Because
4 of a few big boys and "yes" men, towers all
5 across this state are aggravated and downright
6 mad. Enough's enough. At no point in my
7 career have I felt the need for someone to
8 advise us how to run this business. If you
9 want to save the world, find someone else or
10 other group who needs your help.

11 You know the old saying, if it's not
12 broke, don't fix it. In my -- I'm in
13 objection to any further action by BTRO.

14 Sincerely, Dale L. Layman. Thank you.

15 MR. DRUMHELLER: Next?

16 PARTICIPANT: My name is Dirk Dole.
17 I've been in the towing business all of two
18 years because I started this business,
19 basically invested in this business to help
20 facilitate the employment and profession of my
21 son, Kenny.

22 Now, as a matter of background since I
23 don't have a lot of towing experience, it
24 doesn't sound like I deserve to be up here.
25 But I'll give you just a brief background.

1 I am a mechanical engineer and educated
2 in the great State of Virginia, and have been
3 in Virginia my whole life. I'm currently
4 employed and have been employed for the last
5 34 years as an engineer here in the Valley.
6 So, I look at this as a new profession.

7 And I wanted to just mention, not that
8 there's anything new to say, because of
9 particularly the words that were just spoken,
10 is an eloquent expression of I think the
11 feelings of the grass roots people that have
12 been in this business for many years.

13 But in looking at this and in trying to
14 understand what I needed to do to become an
15 operator and professional in this business,
16 I've become aware of these regulations. And
17 so I said, let's look at the purpose of
18 government. The basic purpose of government
19 is to maintain basic security and public
20 order.

21 What's the purpose of Virginia Board of
22 Towing and Recovery Operators? The State and
23 Code of Virginia is to establish minimum
24 requirements, including qualifications,
25 standards and necessary equipment to provide

1 public safety for towing and recovery
2 services. And I think we ought to focus on
3 the fundamentals, which are to provide
4 minimum.

5 Now, the only comparison that I have,
6 since I have such a short history here, is to
7 look at the general regulations. And the
8 proposed general regulations, as I read them,
9 seems to go well beyond what I would consider
10 to be a minimum requirement.

11 I think things to improve education and
12 improved communication, I think primarily from
13 my observation of Senate Bill 707, that
14 allowed a greater discussion. And as a result
15 the final regulation seemed to be much
16 improved toward the issue of minimum and not
17 overregulation.

18 As I said, being in the industry for
19 the last three or four I'm aware of a couple
20 of things. One is regulation. And if you
21 don't think that overregulation in industry
22 has a very negative impact on the
23 profitability and the viability of business,
24 then you're wrong. It does have an impact.
25 And you're about to embark on the first step

1 of a long series of growing regulation. And
2 I'm just leary of that, so I'm cautious. And
3 I'm glad to see the general reg move in the
4 right direction. Although, I don't know for
5 sure if they've moved far enough.

6 What would be the purpose? One of the
7 purposes of this organization, your
8 organization, I think it should focus on the
9 issue of safety. And industry safety is
10 important. And already I've seen in my own
11 case I need to educate myself and be aware of
12 safety, not only safety equipment, but safe
13 practices.

14 So I support any advisory type of
15 communication, but I think regulation should
16 be done at the local level. I am impressed
17 with the interaction that we've had with the
18 local police force in terms of monitoring our
19 equipment to make sure we meet their
20 standards, and our interaction because they're
21 the ones we deal with.

22 So the concern I have is when you
23 centralize control at a high level and try to
24 mandate that across a broad and diverse
25 population, that tends to be more expensive

1 and less efficient, and doesn't meet the
2 needs. It's better from the state level to
3 education and communicate your local
4 organization so that they can help, because
5 the local police forces are well-motivated to
6 help us.

7 I'm sure people in insurance who are
8 essentially our customers in public safety,
9 are very interested in working and
10 communicating with us so that we provide a
11 quality service at a reasonable price.

12 If I look right now and I've called,
13 there is no proposed regulation for public
14 safety at this time. I called yesterday. And
15 I talked to a fine lady in Richmond. There is
16 none.

17 I'm not trying to be critical. I'm not
18 trying to be harsh. But, when I went to
19 college, if I had worked on something for two
20 years and had nothing to show for my effort, I
21 would have flunked. So think about it.

22 Now, I do have a copy of the first
23 proposed regulation on public safety. And the
24 only thing that I observed in it that
25 concerned me is that referring to equipment

1 and operations, it placed a rather high bar of
2 equipment necessary even to operate as a Class
3 A or a Class B.

4 Now, a large barrier of entry for new
5 or small companies eliminates competition.
6 That's counter to our basic principle in this
7 United States about encouraging competition
8 and encouraging entrepreneurship. Small
9 businesses represent 60 percent of the gross
10 national product in the United States. And it
11 seems to me that we should focus on
12 encouraging an entrepreneurship and help
13 provide for regulation only to the extent to
14 provide safety and those minimum things that
15 it takes to ensure a quality product.

16 So when I look at what, you know, you
17 can predict future behavior based on past
18 performance. So as a Board, are you ready to
19 change and move toward a more restrained
20 approach than what you've already published?
21 And I hope so. And I think by listening to
22 the people that really are in the business day
23 to day will help accomplish that.

24 So let me leave one last comment, not
25 to take too much time. The Commonwealth of

1 Virginia played an important part in the
2 development of the United States of America.
3 Thomas Jefferson, James Madison, these are
4 people that came from the very soil that we
5 live on today and we should be appreciative of
6 it.

7 So I will leave you with a quote from
8 Thomas Jefferson. Excessive debt is a means
9 by which governments oppress the people and
10 waste their substance. So we should be a bit
11 more conscious, we should be more aware of how
12 we are increasing costs and creating
13 unnecessary waste. We should focus on being
14 more efficient with our money. And as
15 servants of the Commonwealth of Virginia, I
16 hope you will focus on being efficient.

17 Those are my thoughts. Thank you.

18 MR. DRUMHELLER: Thank you.

19 Next?

20 PARTICIPANT: I'm David Adams from
21 Adams Wrecker Service down in New Kent.

22 You've been hearing folks here say that
23 they'd like these public safety regulations
24 left up to the localities. Where they need
25 it, they'll do it; where they won't, they

1 won't get done.

2 How many people in here want to see the
3 public safety regulations just done away with?
4 Raise your hands.

5 (Thereupon, hands were raised.)

6 PARTICIPANT: And I think you're seeing
7 that all across the state. It's not just here.
8 You're seeing it -- you saw it in Danville.
9 You saw it in Virginia Beach. You saw some of
10 it in Richmond. So I think you need to listen
11 to these folks.

12 We've got a system that's basically not
13 broken. It doesn't need fixing. And you've
14 got the general regs. We'd like for you all
15 to ask the General Assembly to do away with
16 them and keep the general regs, and go from
17 there. And that's my feeling, anyway.

18 In dealing with this thing a long time,
19 I think the Board -- oh, one more thing. I am
20 disappointed that you didn't have the whole
21 meeting today, too. I think a lot of folks
22 are. And you've got a good crowd here that I
23 think could have done it. So thank you,
24 anyhow.

25 MR. DRUMHELLER: Anyone else?

1 PARTICIPANT: My name is Raymond

2 Pullen --

3 BOARD MEMBER: Your last name again?

4 PARTICIPANT: Pullen, P-U-L-L-E-N.

5 We have four companies in my county.

6 We're in between Luray and Culpeper. Most of
7 the time late at night you're going to narrow
8 it down to one or two out.

9 REPORTER: I'm having problems hearing
10 the gentleman. I'm sorry.

11 PARTICIPANT: What I'm saying is, in my
12 county it's four tow companies. And late at
13 night you have one or maybe two that come out
14 light at night. What are you going to do if
15 they quit? If that one or two gets out, then
16 we're back to nobody.

17 And I've had troopers to tell me before
18 I went into business -- I've done this since I
19 was 15 years old. I do it because I enjoy
20 doing it. And when I got hurt, my wife went
21 into it with me and my son did. We do it as
22 sort of a family thing. That's all we do is
23 towing.

24 I bought my last tow truck from Mr.
25 Boswell, and he's an honest man. And I think

1 he'd say the same thing about me.

2 I'm honest, but if you all put all this
3 stuff on me, I've got to go out of business.
4 Now, I agree with the trooper, when he has a
5 problem, he come to me. He addresses the
6 problem.

7 Now, I'm in a small county. I'm not up
8 in Northern Virginia. I don't know nothing
9 about Northern Virginia. I might haul up
10 there maybe once or twice a year. That's what
11 I know about Northern Virginia.

12 MR. DRUMHELLER: Thank you, Mr. Pullen.
13 Next?

14 PARTICIPANT: Curtis Miller of Valley
15 and Keller Towing.

16 When you are asked what brought this
17 on, everything I heard was private property
18 impound towing. And I think my understanding
19 is, this all started because of private
20 property impound towing or the majority of it.
21 But as of right now, I don't know of any
22 regulation that you all have on private
23 property impound towing. Anybody arguing that
24 point?

25 I think you all are supposed to go this

1 way; you went this way. I think you bit off a
2 whole lot more than you can chew. I agree
3 with public safety. Some things need to be
4 done.

5 This thing about coats, I think is a
6 good idea. But telling us what equipment we
7 have to have to do the job we've been doing
8 for years isn't necessary, though. Leave it
9 up to the localities.

10 That's all I've got to say.

11 MR. DRUMHELLER: Thank you, sir.

12 PARTICIPANT: Hi, I'm Sonya Miller, and
13 actually I'm with Valley and Keller Towing,
14 but I don't want to speak on behalf of the
15 companies. I want to speak on behalf of the
16 consumer.

17 My degree happens to be in home
18 economics, and I'm teaching kids to manage
19 money. It's a difficult thing to do. And
20 it's difficult for the consumer right now to
21 manage anything, to be honest, with the
22 economy.

23 You're going about to implement fees
24 that are going to devastate our customers
25 because we have no choice but to pass those

1 costs on to consumers.

2 You're in business to make money. We
3 don't make a lot of money, I'm going to be
4 honest with you, because we treat our
5 customers fairly. We have people who we've
6 serviced from Alaska here in Virginia, right
7 here in Harrisonburg who we didn't even charge
8 who sent us a wonderful letter, pictures and,
9 you know, blessing that we were there for
10 them.

11 We're going to have to stop some of
12 that. And we have calls from state police who
13 ask us, will we please help this person out.
14 They have no money.

15 How many of you have helped someone out
16 who has no money?

17 (Thereupon, hands were raised.)

18 PARTICIPANT: On Christmas Day.

19 PARTICIPANT: New Year's Eve.

20 PARTICIPANT: Okay. We're going to
21 have to stop doing that. Who's going to go
22 out and help those people? Because when we
23 look at our bottom line, we have to make
24 enough money to purchase trucks. We have to
25 make enough money to pay our employees. And

1 we like to eat.

2 So, as speaking for a consumer I'm
3 concerned. You know, it doesn't concern me
4 half as much because I'm going to call my
5 husband to come get me or one of our other
6 guys, but not everyone has that option. And
7 you're going to put, in an economy like ours
8 right now, you're going to slap that on a
9 consumer on top of it all.

10 And what are you going to do, sir, with
11 that person when they're broken down? They
12 have no money and none of us can afford to
13 come out there and help them. What do you do
14 then?

15 LT. HARDISON: Ma'am. . .

16 PARTICIPANT: Oh, you put him on the
17 hot seat.

18 PARTICIPANT: I'm so sorry, because I'd
19 rather do that to someone else because I know
20 you guys are doing -- you know, you have a lot
21 of laws to enforce. You have a lot to be
22 responsible for. No questions asked about
23 that.

24 And I know you guys don't want any more
25 to enforce either. Am I right? You have

1 enough.

2 LT. HARDISON: We're going to do our
3 job.

4 PARTICIPANT: Right. But, please,
5 think twice about making regulations so tough.

6 And I have to be honest with you, we go
7 to the tow show. And when we did this last
8 year they were advertising for a tow company
9 to be on TV. The show's called Wrecked. How
10 many of you have seen that?

11 We were watching it the other night.
12 Every once in a while we'll actually be at
13 home to catch it. They were using a half
14 million dollar truck to do a tow that should
15 have been done with a light-duty wrecker. And
16 we're looking at this and going, who are they
17 billing?

18 What's going to happen there? You're
19 going to ask us to buy all this equipment to
20 meet this need. And then when we take that
21 truck out there and you operate that kind of
22 truck, what kind of money do you have to
23 charge to operate that truck?

24 And you gentlemen sitting there in the
25 towing business know what I'm talking about.

1 When you have to maintain that equipment, you
2 have to buy it, you have to pay for it,
3 period.

4 So that is, once again, that's going to
5 be passed on to the consumer. How do you
6 sleep at night when you are doing this to
7 consumers?

8 I know there are people in the business
9 who probably sleep at night and they do the
10 wrong thing. But, for those of us who do the
11 right thing and try to treat our customers
12 fairly, and for those of us out there trying
13 to help that person in need, you are doing
14 them and us a great disservice. Thank you.

15 MR. DRUMHELLER: Next? Ralph? Did
16 Sandy tell you what to say today?

17 PARTICIPANT: Pardon me?

18 MR. DRUMHELLER: Did Sandy tell you
19 what to say today?

20 PARTICIPANT: Not yet. I'm sure she'll
21 get around to it.

22 MR. DRUMHELLER: Anyone?

23 PARTICIPANT: I'm Lowing Frasier from
24 Hillbilly Towing, Edinburg, Virginia. And I
25 actually become an owner because of this

1 Board. The gentleman who come before me was
2 an older gentleman who didn't want to deal
3 with the BS, so he sold me the company. I was
4 his employee.

5 I have quite a bit of years experience
6 running a tow company as an employee, not as
7 an owner. Now I'm an owner and I'm
8 overwhelmed with the amount of paperwork that
9 I have to do and meetings that I have to keep
10 up with. And even on the computer I spend
11 hours looking for what I need to run my
12 company. I have no list of what I need.

13 It's a small company. I've got three
14 trucks. If I got to go out and buy new
15 trucks, I'll have to do what my other boss
16 did, and I'm going to have to get rid of the
17 company.

18 So I'm like everybody else here. Keep
19 it minimum. Leave it to the localities on
20 what needs to be done.

21 And if we've got to buy new trucks,
22 we're going to have to charge more. That's
23 what it is. But a lot of times we can do the
24 jobs with the equipment we have because we're
25 familiar with it.

1 You take somebody like myself who's
2 been doing it with older trucks for years, you
3 give me a new truck, I don't know how to
4 operate it. I'm used to the old way is what
5 I'm used to.

6 A perfect example is a sling wrecker.
7 How many sling wreckers do you all see running
8 up and down the road now? Very few. Most
9 everybody's gone to rollbacks and wheel lifts.
10 I can still run that same piece of equipment
11 and do the job efficiently. Don't make me go
12 buy something different to do the same job
13 that I can't afford to do. I can do my job.
14 I'm fairly qualified with it.

15 The same thing with that in there about
16 us going to classes. For those of us who've
17 been doing it for years, why do we need to go
18 to class to prove to the Board that we know
19 how to run out own trucks?

20 That's more time away from me. Me
21 being a small company, it's me and a helper.
22 So if I've got to take off a weekend to go to
23 Baltimore and spend a couple of hundred
24 dollars to become certified to do what I've
25 already been doing for 15 or 20 years, that's

1 money out of my pocket and somebody's got to
2 pay for it. Like she just said, it's going to
3 get passed on to the consumers.

4 My tow bills are going to go up. And
5 now I've got an employee who's got to do the
6 same thing. He's also been in the towing
7 business for years. He knows what he's doing.
8 We don't need to go back and spend more money
9 for stuff we already know how to do.

10 And like she mentioned about, not to
11 put the trooper on the scene, but we do get
12 those calls. And I do haul cars away for that
13 car. That's how we get paid for scrap metal.
14 Well, that's gone like everything else, and
15 that ain't even worth going out to get either.

16 So how are we going to pay for running
17 up and down the road? And everybody is
18 talking about safety. Okay, if I can't afford
19 my truck out there, you're going to have Joe
20 Blow with a pickup truck and a come-a-long and
21 his tow dolly. How safe is that on the side
22 of the interstate with no lights? That's
23 another safety issue. How is the trooper
24 going to address that? That brings up a whole
25 another thing.

1 The other question that I have other
2 than what my requirements are going to be is,
3 we're all on a state rotation list. We're not
4 making our living off that state rotation
5 list. So what happens when we pull ourselves
6 off that list? Are we still going to be able
7 to be in business or are we going to have to
8 find something else to do? That's not in any
9 of the paperwork on what happens as far as
10 that goes.

11 Those are questions that as a new owner
12 that I have. Because, no, I don't want to
13 drop the issue for the state and for the
14 counties, but I don't make enough money there
15 to justify me spending thousands of dollars to
16 be on that state list. I'll drop it and keep
17 on it for all my local customers.

18 If I can't do that, then I'll have to
19 go do something else and go to work for
20 somebody else in a bigger company that I'm
21 qualified to run their trucks.

22 So it needs to be kept minimum on
23 what's going on. And like I say, if we're
24 going to pass anything, we ought to know what
25 we've got to do to meet those standards.

1 That's like saying you need to graduate from
2 high school, but you don't know what you've
3 got to do to get there. That's what you all
4 have pretty much done to us. You've got to
5 meet these requirements, but we don't know
6 what the requirements are yet. So we need to
7 know what we need to be able to get
8 equipment-wise and money-wise what it's going
9 to cost us bottom dollar to be able to stay in
10 business.

11 And I'll end like everybody else here,
12 if we're going to have a Board to regulate us,
13 keep it local. Keep it to the minimum of what
14 we can afford. Otherwise, we're going to run
15 small towing companies out of business and
16 it's going to become a monopoly.

17 MR. DRUMHELLER: Thank you, Mr.
18 Frasier. If we proceed on into public safety
19 regs, the law requires public meetings, public
20 hearings, but I thank you for your comments.

21 PARTICIPANT: Mr. Chairman, Eric Fly,
22 Virginia Beach Wrecker Association,
23 Commonwealth Towing Association. I apologize
24 for not returning your phone call, but I'll
25 get around to that.

1 I'd like to thank the Board members for
2 coming out. I know a lot of you have driven
3 a long way and you put a lot of effort in. I
4 do appreciate the effort that you all have
5 done. And I greatly appreciate Mr. Sawyers
6 who represent the Tidewater area for his
7 efforts he has.

8 But I want to address this issue of
9 safety, public safety tow. You know, the
10 public safety tow regulations are not about
11 minimum regulations versus maximum
12 regulations. It's not about minimum equipment
13 requirements.

14 What the public safety tow regulations
15 that you're contemplating that you have to do
16 if the General Assembly doesn't change the
17 legislation, what you're actually talking
18 about with the public safety tow regulation is
19 this Board taking the Commonwealth of Virginia
20 down a very dangerous path. It's not about
21 minimums. It's about taking a step down a
22 path that's dangerous to the Commonwealth.

23 Right now this Board is on a path of
24 general regulations. They're pretty benign.
25 They don't hurt a lot of things. You're on a

1 path.

2 But public safety is a turn to the
3 left. It's a step down a path where we, this
4 Board, begins the process of removing police
5 towing away from the police. And in my
6 opinion and the members of our associations,
7 this is a dangerous path. What public safety
8 tow regulations, if you continue down the path
9 of creating them and you don't recommend to
10 the General Assembly to take out 46.2-2826 as
11 a statute in state regulation -- state
12 legislation, what you're going to do is you're
13 going to go down, you're going to start to
14 step down that path. And whether you do no
15 more regulations that are still just minute at
16 this point, you still take the Commonwealth of
17 Virginia and you take that first step down
18 that path that starts separating police towing
19 away from police agencies. And that is a
20 dangerous thing. And that will decrease
21 public safety, not increase public safety.

22 So, you know, our talk tonight really
23 shouldn't be on, well, we hope the Board
24 doesn't pass anything but minimum regulations.
25 I hope you don't require me to have additional

1 equipment.

2 What we should be talking about is this
3 very, very dangerous path that this Board will
4 take the Commonwealth of Virginia down, and
5 all of its citizens. And I would ask again,
6 as I have in other meetings that you put a
7 resolution forward that the General Assembly
8 strike your requirement to produce public
9 safety tow regulations. Don't lead us down
10 this path because 20 years from now, 30 years
11 from now, 40 years from now, we'll all be
12 dead. Who knows where this path is going to
13 lead? And the further you remove police
14 towing from law enforcement agencies, there's
15 no good that can come from that. None.

16 Police and law enforcement are
17 dedicated to keeping the public safe. It
18 should be left in their hands, not in this
19 Board's hands. It should be left right there
20 in the localities.

21 This State of Virginia that we live in,
22 as the gentleman who spoke before, I was born
23 and raised in Virginia, is too diverse. You
24 know, we have sand in Virginia Beach, and clay
25 in the Piedmont, and then we come into the

1 mountains. There's no way, even if you wanted
2 to, to come up with a set of regulations that
3 would fit the entire Commonwealth. It can't
4 be done. So it's a very dangerous path that I
5 ask you not to go down. And I ask you to ask
6 the General Assembly to relieve you of that
7 duty.

8 Now, I want to make a comment on some
9 statements that were made earlier about
10 regulations. And I'm not going to go too far.
11 We've debated this before.

12 The statement was made that the General
13 Assembly was going to regulate the towing
14 industry, so we had to step in and do
15 something, and that for years the state was
16 represented -- the towing industry in the
17 State of Virginia was represented by two
18 towing associations.

19 Well, as a lobbyist my question is, if
20 we were represented by two towing associations
21 and it was their responsibility to protect the
22 towing industry and they failed, why now
23 should we be expected to follow them down this
24 path of this legislation and this regulation
25 which they've promoted? Totally confused on

1 that one, Mr. Chairman, completely.

2 They failed their first time up
3 protecting and if it's true what you say, that
4 the General Assembly is going to regulate us,
5 they've failed once. They created the
6 legislation that puts us here tonight down
7 this dangerous path. They failed again. And
8 I, for one, am not going to follow any
9 association that does not protect both large
10 and small towers.

11 And I thank you for your time.

12 MR. DRUMHELLER: Thank you.

13 I'm not here to debate this, okay?

14 Next? Mr. Mays?

15 PARTICIPANT: How are you all doing
16 this evening? My name is Floyd Mays. I'm an
17 insurance agent. I insure about 1,100 tow
18 trucks throughout Virginia and Maryland.

19 First, I want to thank the Board
20 because without what you guys have stirred up
21 we would never have all of these guys meeting
22 together and supporting one another here and
23 throughout the state. This is a good thing.

24 But I'm -- my position is a little
25 different than some of the folks that have

1 spoken. I am not interested in minimum public
2 safety requirements. I am interested in zero
3 public safety requirements, and I'm going to
4 tell you why.

5 For the last 18 months or about that
6 long I have been involved with what's going on
7 here. What I've seen is, you know, a very
8 well-financed association whose membership
9 list is not published, but we presume to have
10 at least two or three members on this Board
11 who have hired a very high paid lobbyist. And
12 he stepped on the wrong toes, so we don't see
13 him as publically as we used to. But I still
14 see the bruises on people's arms where he has
15 been twisting them, so he's out there. He's
16 getting the job done for his employer.

17 There are only 15 members on this
18 Board. Nine of them are towers. If three or
19 four of those, two belonging to the
20 association, maybe three and pick up one more,
21 then the towers are pretty well split. And
22 then the arm twister will easily get the other
23 eight, or enough of them so we are likely to
24 have an eight to seven split on just about
25 anything that really matters in the industry.

1 And it really concerns me that even if
2 the decision was made by the Board to do away
3 with the public safety regulations and all the
4 regulations that fall under the general regs,
5 that it would pass. I'd to see it, but if a
6 motion came forth to carry to the General
7 Assembly to take that responsibility off of
8 the Board, I would be pleased, but shocked if
9 it did get through you guys. I'd expect an
10 eight to seven, or that kind of split. That's
11 the way it's been in the past.

12 So I am encouraging you all of you guys
13 that are here tonight, you've got a couple of
14 things you can do. In the first place, liquid
15 contributions are public record. You can see
16 who these associations have been supporting
17 politically, and you need to vote them out of
18 office. That's Number One.

19 And Number Two, the people that are
20 supporting you politically, you need to be
21 supporting them. Put a sign in your yard,
22 bumper stickers, giving them contributions and
23 working with them to keep them elected.

24 And if we need to go to the Assembly to
25 get this done, if the Board can't do it and we

1 need to go to the Assembly to get this public
2 safety towing regulations removed from the
3 Board, and it can be done, you need to be
4 prepared to do it. And we can do it. I'm
5 going to be there to help you. Thank you.

6 MR. DRUMHELLER: Next?

7 Mark, you drove all the way up there
8 here from Virginia Beach.

9 PARTICIPANT: I'm Mark Walker from
10 Virginia Beach and Virginia Beach Towers
11 Association.

12 I think all of you all just about
13 covered everything. I'll just say again, I
14 don't see no safety regulations. I see the
15 City of Virginia Beach, if this goes through
16 they don't have no control over it. And we've
17 already been regulated from them. We don't
18 have no problems. And I can't see any reason
19 for us to have the safety.

20 I'm not against the safety, the rules
21 of having everybody listed so they know who's
22 who. But we're going to put a lot of people
23 out of business. And a lot of people can't
24 keep up with all the regulations we've got now
25 that we don't need.

1 But for all of this trouble, we need --
2 go ahead and have everybody listed and let the
3 police and the localities handle it all, and I
4 don't think we'll have no more problems.
5 Thank you.

6 MR. DRUMHELLER: Thank you. And I
7 appreciate your comments.

8 Anyone else?

9 PARTICIPANT: My name is Mike Jarrett
10 and I've been in this business approximately
11 30 years now. I was in it in the past and got
12 back in it.

13 But I went to the meetings and I
14 listened. And I find that if you go by the
15 equipment list, you don't need it. The amount
16 of public service tows you get, they're not
17 paying for that equipment.

18 I think what we need to concentrate on
19 is the laws that are already on the books.
20 You've got towers and police on the side of
21 the interstate, and you've got laws on the
22 books that says if you're going down the
23 highway and there's an emergency vehicle,
24 you're to change lanes. These laws aren't
25 being followed.

1 If you want to concentrate on public
2 safety, then concentrate on that. Concentrate
3 on advertising to the public so they know what
4 the laws are to protect the law enforcement
5 officers and how they're doing their job on
6 the highway.

7 As far as, you know, we've got to spend
8 all of this money to be in business, I think
9 it's a waste. Like everybody said, leave it
10 to the localities.

11 MR. DRUMHELLER: Thank you, Mike.

12 Next? Anyone else?

13 PARTICIPANT: I'm Butch Christian from
14 Salem, Virginia, Professional Auto Towing.

15 Out of the nine towers -- this is the
16 first meeting I've ever been to. There's nine
17 towers on the Board, I think I heard. How
18 many of you all are large companies, say
19 compared to a five truck operation like ours
20 in Salem. Four?

21 I don't know who I'm talking to, and I
22 was trying to see what -- we're a small
23 operation out of Virginia, out of Salem, and
24 I'm just trying to see who's large and who's
25 small.

1 MR. HERRING: So was I at one time, and
2 I can talk your language, believe me.

3 PARTICIPANT: Well, the equipment, the
4 equipment thing is crazy. We don't have no
5 trouble operating it, and I don't like
6 somebody telling us, you know, what equipment
7 we're going to have to operate with in our own
8 home town. I just don't like that, and I was
9 just curious to see who I was dealing with.

10 PARTICIPANT: I'm Phil Langford, from
11 Salem, Virginia. And I don't know if I'm out
12 of order or whatever. I'm not familiar with
13 the rules of order.

14 But I was wondering, the gentlemen up
15 there that are towers, could I hear just
16 briefly what you all think about these general
17 regs, not the general regs, but the public
18 safety reg? I don't mean like a whole -- like
19 we've heard these guys. A lot of people speak
20 very eloquently, and I don't, but just how you
21 all feel as towers about the public safety
22 towing. I don't know if it's out of order or
23 not. But if it is, that's fine.

24 PARTICIPANT: I think he's right. I
25 think we deserve to know where you stand.

1 You're on the Board.

2 PARTICIPANT: I would like to know how
3 the Trooper stands, too.

4 LT. HARDISON: I'm going to tell you.
5 I'm going to get my time. You can strike that
6 if you don't mind.

7 PARTICIPANT: It's already in there,
8 Curtis.

9 MR. DRUMHELLER: Is there any member of
10 the Board, tower on the Board?

11 MR. TETER: I'd like to tell you my
12 thoughts on it. I would like to see emphasis
13 put on training. And as far as equipment
14 goes, I don't think we need a whole lot on
15 that. I think most of us know what equipment
16 we need to do the job. I would just like to
17 see the equipment be kept in good working
18 order, which with a lot of the police
19 departments inspecting, that should take care
20 of that.

21 But training is the one main thing I
22 want to see. I want to see safety as part of
23 that training. I would like to see part of
24 the training being teaching everybody how to
25 keep records on their equipment to see what it

1 costs per mile to operate.

2 If a tow company fails today it's
3 usually because of the financial things. If
4 they're undercutting, they think they're
5 making money but they're not, I mean, after
6 you factor in replacing their equipment as it
7 wears out. And that's what I'd like to see.

8 PARTICIPANT: So you're for the Board,
9 you say you're for regulation?

10 MR. TETER: I am for regulations as
11 long as it says pretty close to minimum.

12 PARTICIPANT: What do you want the
13 safety regs to cover?

14 MR. TETER: I you would like to see it
15 cover everything. But I do think that more
16 training is needed for public safety towing,
17 which is general towing.

18 PARTICIPANT: Were you part of the
19 original Board that created the regulation to
20 get it tossed?

21 MR. TETER: I was in on discussions
22 with them.

23 PARTICIPANT: Excuse me, sir?

24 MR. TETER: Yes.

25 PARTICIPANT: You said that you would

1 like the training to be on what it costs us to
2 run our trucks up and down the road, and
3 whatnot?

4 MR. TETER: Yeah, that's part of it.
5 It's a business.

6 PARTICIPANT: All right. This is
7 public safety. I don't think that any of us
8 would be here in this room if we didn't know
9 how to run our business.

10 MR. TETER: Okay. What I'm saying is,
11 do you know how much it costs to run your
12 truck per mile?

13 PARTICIPANT: I know what it costs to
14 run my truck.

15 MR. TETER: A lot of people don't.

16 PARTICIPANT: I'm very young. I'm 23
17 years old and I run a small business. But
18 we're here for public safety. And we're going
19 to pay extra money to learn how to run our
20 business? If we want to do that, we can go to
21 a local community college.

22 MR. TETER: Let me just give you an
23 example of what I've run into in our location.

24 We had a guy come in and pick a vehicle
25 up for an insurance company here a couple of

1 months ago. His emergency brake wouldn't
2 work. He had to get one of my guys to put his
3 foot on the brake while he loaded the vehicle.

4 And he flat out told us, he said, the
5 money I charge I don't make enough money to
6 fix my truck.

7 PARTICIPANT: That there is a safety
8 factor. Doesn't that violate State inspection
9 law?

10 MR. TETER: Yes, but that's once a
11 year.

12 PARTICIPANT: And here we're going
13 again. We're going to create more rules that
14 aren't being enforced, but with the ones we
15 have, it's not necessary.

16 PARTICIPANT: Did you turn him in?

17 MR. TETER: Turn him into who?

18 PARTICIPANT: It's illegal in the
19 state.

20 MR. DRUMHELLER: Okay. Let's not get
21 carried away too much here with debating.
22 We're not here to debate. We're here to hear
23 you guys, hear your thoughts, listen to you.
24 We can start debating and we'd be here all
25 night.

1 Is there anyone else?

2 MR. HERRING: I'd like to --

3 MR. DRUMHELLER: Go ahead, Woody.

4 MR. HERRING: Most of you all know me,
5 I'm not bashful. I don't mind giving you my
6 opinion.

7 If I had to vote tonight, I would
8 probably vote for the exact thing that Jason
9 keeps throwing out. Leave it to the
10 localities.

11 As far as training, as far as running
12 your business, we've heard people here tonight
13 that's been in business for years and years
14 and years, and I honestly don't think you need
15 anybody to show you how to run your business
16 or operate your trucks.

17 PARTICIPANT: Then you don't support
18 regulation?

19 MR. HERRING: I would support tonight
20 the language that Jason said to leave it to
21 the localities, which to me is the same thing
22 as no regulations as how it stands right now.

23 PARTICIPANT: How about enforcing the
24 laws on the books now? How many police
25 officers are killed in the state on the side

1 of the interstate because of the general
2 public, you know, they see the emergency
3 vehicles on the side of the road and they
4 don't move over? Those laws aren't being
5 enforced. You know, I think that would help.

6 PARTICIPANT: I've got a question. I'm
7 Jimmy Mason, Staunton Truck and Auto Repair.

8 Is a wrecker classified as an emergency
9 vehicle in the State of Virginia now?

10 MR. DRUMHELLER: No.

11 PARTICIPANT: I didn't think so. It
12 doesn't cover wreckers. They don't have to
13 move over. They don't have to slow down.

14 That should be classified as an
15 emergency vehicle.

16 MR. DRUMHELLER: It should be.

17 PARTICIPANT: And that should be one of
18 the recommendations of the Board.

19 PARTICIPANT: I believe VDOT trucks are
20 in the law, I won't swear to that, but I
21 believe VDOT and construction trucks are, but
22 we're not.

23 PARTICIPANT: A wrecker needs to be
24 classified as an emergency vehicle as far as
25 that all goes, but maybe not for some of the

1 rest of us, though. I mean, I guess you can't
2 classify as an emergency vehicle unless it's
3 under all of the regulations.

4 PARTICIPANT: Some states now --

5 LT. HARDISON: That would have to be
6 addressed to the General Assembly, sir.

7 PARTICIPANT: Where do you guys stand;
8 is there anyone else, a tower that's willing
9 to tell us where he stands?

10 MR. SAWYERS: I agree. We're perceived
11 as the big, bad wolf, the Board. You guys
12 should know not everybody on the Board has the
13 same sentiment as everybody else.

14 I like Jason's statement for public
15 safety, as Woody has said. The problem is, I
16 think it leaves the door open for future
17 regulations. Someone can change it later on
18 down the road. That's the problem with it. I
19 like the language, but it's still there. I
20 would personally support removing 2826.

21 PARTICIPANT: Mr. Chairman, if I could
22 speak real quick?

23 MR. DRUMHELLER: Jason?

24 PARTICIPANT: Following up with what
25 Mr. Sawyers said, it seems to me that the

1 Board is and has been taking a pretty hard
2 beating over all these public safety meetings.

3 And it seems to me that especially
4 tonight a couple of the gentlemen who were
5 pushing a lot of the public safety regulations
6 aren't here. I understand that there was some
7 health issues, but by the same token this is
8 not the first time they haven't been, one or
9 another, haven't been at a meeting. And the
10 rest of you gentlemen have had to take their
11 butt kickings for them.

12 MR. SAWYERS: I agree with that
13 statement.

14 PARTICIPANT: And I cleaned that up a
15 little bit.

16 MR. DRUMHELLER: Thank you, Jason.

17 MR. SEIBERT: Yeah, I'll go, if we're
18 all going to go down.

19 I also support the idea that local
20 government, local law enforcement, should have
21 the most control. I like the metaphor of
22 using the tide in Virginia Beach when you
23 wouldn't know anything about doing it in the
24 mountains. I agree. I'm right up there on
25 the same page with you. So if there is to be

1 public safety regulation, I think the local
2 law enforcement should say what that is versus
3 someone statewide.

4 MR. BOSWELL: And I am also in support
5 of that. The only way I think this is going
6 to work is if it's left up to the localities
7 because there's no one size fits all in the
8 towing industry. It's not going to work any
9 other way.

10 And as far as the Board members up
11 here, if you have one truck you have
12 representation on here. And if you've 20
13 trucks, you've got representation up here.
14 And I think Mr. Mays put it best, the Board is
15 split.

16 And that document that you guys have
17 was given to us by the Chair of the Licensing
18 and Regulatory Committee. I don't think that
19 that ever had a chance of getting through here
20 anywhere close to what you have in your hands.
21 I mean, not with me voting for it, and the
22 rest can speak for themselves.

23 But I know there are several others
24 here that wasn't going to vote for anything
25 even close to that. I know when you look at

1 it, it scares the heck of you. It was off the
2 chart. I mean, that's what we were handed,
3 and that's what we started to work off of.
4 But it never ever had a chance, I don't
5 believe, of getting through here, not in that
6 form.

7 And I am in support of one truck,
8 either or, wrecker or rollback to do public
9 safety towing if that's what your locality
10 wants. There's localities out here that have
11 towers out here of just the rollback, I don't
12 think we need to change anything. I don't see
13 anything wrong with that. That's where I'm
14 at.

15 MR. DRUMHELLER: You can check my
16 records, from the time I've been on this Board
17 I have voted consistently against the two
18 truck thing, be it a small -- or be it a
19 rollback and a wrecker, or be it having to
20 have two large trucks. I have always voted
21 against that.

22 As far as public safety regulations, I
23 do believe in continuing education. And I
24 know I've been in business 40, almost 42
25 years. And any class that I go to I learn

1 something. I've picked up something from
2 continuing education. And I strongly
3 recommend that we have some type of education.

4 But I'm with you guys on the equipment,
5 and have been from Day One. I have maintained
6 from Day One that we stick to minimum
7 regulation. And all these people on this
8 Board have heard me say it, time and time
9 again. The General Assembly said, minimum
10 regs, and that's what this Board needs to do
11 and stick with.

12 PARTICIPANT: Mr. Drumheller, would you
13 support a motion to go to the General Assembly
14 to get rid of this because it's not warranted?

15 MR. DRUMHELLER: No, I would not.

16 Citizen members, do you want to say
17 anything?

18 MR. MINER: I came from a local police
19 department that had a big problem. We took it
20 over, we handled it. I still have some
21 questions about whether the local or state
22 police are handling it in their jurisdictions.
23 And what I hear is that's throughout the
24 state.

25 What I would support is that the Board

1 come up with minimum regulations unless there
2 is a local towing Board that already has
3 their's set up. And that could be a local
4 Board under the police department, the sheriff
5 or a panel made up. But I think there needs
6 to be somebody looking at it some place in the
7 state.

8 PARTICIPANT: Mr. Chairman, if I could
9 ask Mr. Miner a question?

10 MR. MINER: I'm not going to answer a
11 question.

12 PARTICIPANT: Could I ask the question
13 anyway just to place it on the record?

14 MR. DRUMHELLER: This is a public
15 meeting.

16 PARTICIPANT: Okay. If I understand
17 what Mr. Minor has said, what he is asking of
18 the Board is to promulgate regulations to make
19 up for the failings of or incompetence or
20 inability to deal with a given situation of a
21 local police department. I think that that's
22 pretty much what he said, that he was not sure
23 that local agencies or police departments are
24 able --

25 MR. MINER: Chairman, this is a public

1 hearing. There is a court reporter here, and
2 I violently object to somebody putting words
3 in my mouth. That is not what I said.

4 MR. DRUMHELLER: Okay.

5 PARTICIPANT: It is possible that the
6 court reporter could read back what Mr. Minor
7 said?

8 PARTICIPANT: Explain yourself.

9 MR. MINER: Mr. Chairman, I will resign
10 at this time if that's allowed to happen.

11 PARTICIPANT: See ya.

12 MR. DRUMHELLER: No. I don't believe
13 that's what he said, Jason. We're not going
14 to fool with that.

15 PARTICIPANT: Okay. That's fine. That
16 was my interpretation. For the record, that
17 is what I understood him to say. I didn't
18 mean to say that was a verbatim statement of
19 what he said. I'm not a court reporter and I
20 don't have a photographic memory.

21 MR. DRUMHELLER: Mr. Orr, would you
22 like to comment?

23 MR. ORR: Just to give you a little bit
24 of background. I'm a retired trooper. I've
25 dealt with the towing industry by being a

1 trooper.

2 Prior to being a trooper, I've helped
3 run a -- I was employed part time at a service
4 station that had a small wrecker years ago.
5 After retiring, I had a friend that's in the
6 towing and a large tower. And I used three
7 pieces of his equipment to run my own towing
8 service. So I'm -- I can appreciate where you
9 towers are coming from.

10 My position to any more regulations as
11 far as public safety would be very minimal, at
12 a very minimum. I fully support the small
13 tower. They make up a large percentage of our
14 towing folks in the Commonwealth. I have
15 friends that's in both, little and large. So
16 I've got all of your all's interests in any
17 vote that I may make as a member of this
18 Board.

19 MR. DRUMHELLER: Thank you, Archie.

20 Mr. Wyatt?

21 MR. WYATT: Mr. Chairman, I would
22 support not seeing pubic safety regs being
23 addressed by this Board. And as you heard
24 tonight, I am -- if you all don't know, I am
25 one of the newer citizen appointees just

1 coming on in August. So, yes, I would support
2 no public safety regs. Currently I see the
3 citizens that come out here, Wytheville,
4 Danville, there were twice as many, three
5 times in Wytheville when we were there,
6 Virginia Beach, twice as many here.

7 So, I haven't seen any evidence by any
8 local municipality agency saying that
9 regulations are needed. You know, and I
10 support the local law enforcement and the
11 state police. If there are no problems, why
12 fix it? Are we just creating more government
13 to regulate an industry?

14 Public safety, I agree with Mr. Fly
15 that it may be a road that we don't want to go
16 down right now. I can assure you from what he
17 said, and I've seen Garrett, Senator
18 Obenshain's legislative assistant was here
19 tonight. This General Assembly session, when
20 we start talking about this, these guys are
21 going to be back down there again this
22 session.

23 So right now, I can't support any
24 public safety regs. And I would say, yeah,
25 you've heard the Board be divided. And I

1 really hope, sincerely hope, that members of
2 this Board have a high level of integrity that
3 they're not putting, trying to position their
4 company to get rid of some competition. I
5 really have heartburn with that, for somebody
6 to serve on a State Board to try to regulate
7 an industry to get rid of some of their
8 competition.

9 They should not be serving on this
10 Board. When they're sitting behind this table
11 they should be wearing their Commonwealth or
12 their BTRO hat. And it's unfortunate that
13 someone mentioned some public safety regs that
14 were floating around that were out there a
15 year ago and right now, they're right, there
16 are none at all. And from the folks that I
17 have seen come out and comments from Virginia
18 Beach from the Commonwealth's Attorney and
19 local law enforcement, they don't need any.

20 So I can't support any public safety
21 regs at this time.

22 MR. DRUMHELLER: Thank you.

23 LT. HARDISON: First off I'd like to
24 say I appreciate everybody coming out tonight
25 because without hearing what you have to say

1 the Department of State Police can not make an
2 educated decision on any and all regulations
3 that the Board has. So that's what I want to
4 first state.

5 A lot of things have gone on in the
6 past two years. We try to get the information
7 out to you as far as the State Police is
8 concerned about the Board in general. The
9 troopers came and brought some information by.
10 And that was so that you would know what the
11 Board was going to be doing as far as
12 regulations or public safety towing.

13 If you are on our state police list,
14 then that information was brought to you. If
15 you were not and we didn't know to bring it to
16 you, then those individuals were not served.

17 At one time, because a lot of people
18 are asking, why have they kept coming by?
19 I've had that complaint of, why are the state
20 police keep coming by? The reason they came
21 back a second time was because we went to
22 these public safety meetings and people are
23 still saying they were on our list, however
24 someone had not come by to see them. So I
25 asked them to go statewide again to attempt to

1 make sure that everybody was contacted that is
2 on our state police list.

3 Again, that fell on deaf ears, it
4 seemed like. So I got together with the
5 Deputy Superintendent and the Superintendent.
6 And to again to try and make what is best for
7 the towing community, I sent out a survey to
8 go and find out exactly what equipment was out
9 there before these public safety talks were
10 actually going to come to a close.

11 We got the information back. We're
12 taking that all into consideration. But a lot
13 of the -- something else that we did also to
14 get the information out there was we sent the
15 information to all inspection stations, to
16 BTRO, and asked them to send it out so that we
17 didn't miss anybody that we knew about, the
18 ones that were not on our list, we still
19 wanted everyone to know the information.

20 As far as the regulations are
21 concerned, the General Assembly required us to
22 hold four public hearings because the other
23 public safety regulations were just so far
24 fetched and so far out there, that it was
25 going to put some towers out of business.

1 The state police needs you. I'm not
2 qualified to be a tower. I'm probably not
3 smart enough to be tower. I take my hat off
4 to each and every one of you in the room. And
5 I appreciate you coming out to help me at 2
6 o'clock in the morning.

7 I'm sure that I will end up stopping on
8 the way home for a disabled motorist, someone
9 that hit a deer, someone that's run out of gas
10 that may or may not have any money, that some
11 tower is willing to come out and assist.

12 You chose that profession. And again,
13 I tip my hat off to you for that. We are not
14 looking to put anyone out of business at all.

15 It is certainly been my pleasure to
16 serve on the Board when I was called upon to
17 assist with the towing industry. I've been
18 doing my profession for over 20 years. Over
19 two decades I've served the Commonwealth and I
20 have dealt with the towers from everything
21 from a child that's been killed in an accident
22 that I've seen the towers cry on the side of
23 the road as well as the police officers; from
24 6 o'clock in the morning where a drunk had run
25 into somebody to 4 a.m. where they just fell

1 asleep. I need you. Virginia State Police
2 needs you. The local sheriffs and the local
3 police needs you.

4 As far as -- and the gentleman,
5 Mr. Langford, he's here. It would not be
6 reasonable and prudent because we have one
7 more affair, public safety meeting, for the
8 Virginia State Police to state where their
9 stance is on the public safety towing, only
10 because of what the General Assembly has
11 requested of us. And we have one more public
12 safety hearing to go.

13 With that, I hope I have explained
14 myself to you to say that we're here for you.
15 We're not going to let you down. However, I
16 am bound by the General Assembly to do my job,
17 as well as to carry the torch for the Deputy
18 Superintendent and the Superintendent. We
19 will go public with our information. However,
20 I want to be fair and there be no
21 misunderstanding that I will not make any
22 statement tonight on that.

23 So with that being said, again, I
24 apologize. I'm not going to be vague and try
25 to send you down a path of less resistance,

1 about not answering you in giving you a
2 definitive answer, but at this point in time
3 there's not going to be a conclusive answer as
4 far as where the Virginia State Police stands
5 on the public safety towing. Thank you.

6 MR. DRUMHELLER: I appreciate what
7 everybody said here.

8 MR. ORR: Mr. Chairman, may I make one
9 further comment?

10 MR. DRUMHELLER: Go on.

11 MR. ORR: I got out of the towing
12 business five years ago or five plus years
13 ago. And as a citizen member, I couldn't be a
14 citizen member of this Board if I was still in
15 the towing industry. So I no longer have any
16 contact with the -- or no interest in the
17 towing industry.

18 MR. DRUMHELLER: Thank you, Archie.

19 LT. HARDISON: Mr. Chairman, if I
20 could?

21 You all came to ask questions. If you
22 have a question for me, that's what I'm here
23 for, whether it be now in front of the Board
24 or afterwards. And usually that's why I said,
25 I'm going to get my time on the question and

1 answer period. I want to say I'm here to take
2 them. Thank you.

3 PARTICIPANT: Well, how many complaints
4 have you all had about towers being unsafe?

5 LT. HARDISON: Sir?

6 PARTICIPANT: How many complaints have
7 you all had about towers being unsafe and
8 stuff like that?

9 LT. HARDISON: With all due respect,
10 honestly, I have worked in the Richmond area
11 for years. I have worked in the Tidewater
12 area for years. I've traveled all over the
13 state dealing with this. And we do have a
14 significant number -- now, you've asked this
15 question.

16 PARTICIPANT: Right.

17 LT. HARDISON: And I'm willing for some
18 follow up when it comes to it.

19 PARTICIPANT: I want numbers.

20 LT. HARDISON: We get several
21 complaints on taking too long, response times
22 to get to the calls; several complaints of
23 charging too much, but we deal with them on a
24 case by case basis. When the complaint comes
25 in it may have been, the tower may have had to

1 travel 50 miles to go assist somebody. And we
2 look at it on a case by case basis. You know,
3 where a bill was \$250 compared to \$50. And we
4 look at that to see if it was reasonable. And
5 that's what we do.

6 But your first question was, do you get
7 a lot of complaints; yes, sir. We do. But
8 most of them are people just wanting to vent.

9 PARTICIPANT: In other words, you all
10 take care of them.

11 LT. HARDISON: Yes, sir, we do.

12 PARTICIPANT: If you've got a problem
13 with a tow company, you go to them.

14 LT. HARDISON: Yes, sir.

15 PARTICIPANT: Okay. That's the way to
16 do it.

17 MR. DRUMHELLER: Bruce?

18 PARTICIPANT: Bruce Eagle, Eagle
19 Towing, Chesterfield, Virginia, also
20 representing the Commonwealth Towers
21 Association.

22 Mr. Chairman, I have the upmost respect
23 for your position that you've been thrown
24 into, but you stated earlier that you're
25 required to provide minimal public safety

1 regulations, correct?

2 MR. DRUMHELLER: I didn't say -- I said
3 I was required to?

4 PARTICIPANT: Yes.

5 MR. DRUMHELLER: I was asked if I
6 supported minimum --

7 PARTICIPANT: No, no, no. As far as
8 public safety regulations go, the General
9 Assembly requires a --

10 MR. DRUMHELLER: As I understand it --

11 PARTICIPANT: -- standard of minimal
12 regulations.

13 MR. DRUMHELLER: -- minimal
14 regulations.

15 PARTICIPANT: And I believe you stated
16 something to the effect that that's what you
17 were going to try to do starting fresh with a
18 clean slate.

19 Isn't that what this Board was required
20 to do originally when they came up with this
21 stack of regulations that was going to put
22 everybody out of business? It's still the
23 same regulation.

24 MR. DRUMHELLER: It's still the same
25 thing.

1 PARTICIPANT: I just wanted to clarify
2 that it's the same thing that you've been
3 asked to do again, except we're starting over.

4 As far as training is concerned, you've
5 got a lot of those people in here that have
6 been towing for 40, 50, 60 years. You can
7 train them as much as you want, but you can't
8 make them use their training. If that's what
9 they're used to, that's what they're going to
10 keep doing.

11 So I feel that training can be
12 important in some aspects. You've got some
13 towers in here that have been towing two,
14 three or four years. Maybe they could benefit
15 from some things, but people that have been
16 towing for 40 years, I think it's a waste of
17 time for them to be required to take training.

18 MR. DRUMHELLER: I appreciate your
19 comments.

20 PARTICIPANT: You're welcome.

21 I just want to make one more statement,
22 please.

23 To every tower in this room, don't
24 forget November 24th is the new federal law
25 for your ANSI-rated reflective vest. It has

1 to be worn on every federally funded roadway
2 when you're out of your truck.

3 That's all. Thank you.

4 MR. DRUMHELLER: Thank you.

5 LT. HARDISON: Also, if I could.

6 Again, I don't want to take any more of your
7 time than necessary. But these rules and
8 regulations go into effect January 1, 2009.
9 It is a Class I misdemeanor to operate a tow
10 truck after December 31st if you're not
11 licensed by the Board.

12 PARTICIPANT: A loaded tow truck.

13 LT. HARDISON: For hire.

14 PARTICIPANT: A loaded tow truck.

15 They've changed -- they amended the regulation
16 such that you do not, as I understand it,
17 please one of you gentlemen correct me if I'm
18 wrong, but you do not require tow truck
19 driver's authorization document to drive a tow
20 truck that is not loaded with a car.

21 MR. DRUMHELLER: He is correct.

22 PARTICIPANT: I have a question about
23 the general regs situation. Have there been
24 any new provisions made for new hires so that
25 you can temporarily place them in a truck

1 until the document can get to them or has
2 there been any kind of grace period that's
3 been set aside, because this is going to
4 propose a huge challenge for new hires.

5 MR. SAWYERS: Mr. Chairman, I think the
6 best way to go about that, I think it's in the
7 State Code. But I think it's going to have to
8 be a General Assembly issue.

9 PARTICIPANT: They will address that?

10 MR. SAWYERS: I don't know. It may be
11 better for you guys to bring it up. The Board
12 had talked about supporting it. Somewhere in
13 there it states that you must be -- you must
14 have a driver's authorization to tow a
15 vehicle. So it kind of hamstring the Board
16 in that respect.

17 PARTICIPANT: Are they going to be able
18 to get the licenses out by the first of the
19 year?

20 MR. COPELAND: Mr. Chairman, we have
21 received the stock to print the driver
22 authorizations on. We're waiting for the
23 stock for the decals and the license
24 certificates.

25 We're still targeting this month to

1 start getting those driver authorizations out.
2 We've already approved a number of driver
3 authorizations at this point.

4 I would say without giving away the
5 store that we're still having a little IT
6 problem in terms of getting the infrastructure
7 that we've set up connected so we can produce
8 the documentation. But we've been working on
9 that, and are expecting to get the driver
10 authorizations out next week.

11 PARTICIPANT: (Question was posed.)

12 REPORTER: I can't hear. I'm sorry.

13 MR. COPELAND: Are you talking about a
14 driver authorization? All right. A driver
15 authorization document is a \$50 application
16 fee and a \$37 processing fee because we
17 include a fingerprint and background check.
18 And the \$37 applies to anyone applying.

19 If you are applying with your driver
20 authorization and your license, you're exempt
21 from that \$50.

22 PARTICIPANT: Where do you pay this?

23 MR. COPELAND: Mr. Chairman, do you
24 have the applications at this point?

25 PARTICIPANT: No.

1 MR. COPELAND: Okay. We have some here
2 tonight. If you don't mind, we can talk to
3 you after this and get you squared away on
4 that.

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

7 PARTICIPANT: Dennis Engleman.

8 On this education thing that you all
9 was talking about, and I know everybody's got
10 a different rule, but why don't you go back to
11 what the two year state inspection program
12 used to do where you'd be in a room like this
13 and throw some ideas around, and maybe you all
14 have a speaker like what you're talking about,
15 and you learn things from other people?

16 I mean, eight hours of training, eight
17 hours of this, and eight hours of that, that's
18 a bunch of bull. I mean, you can learn
19 more -- like, what you're talking about. You
20 go to the meeting and you can learn something,
21 and that's education. That whole state
22 inspection program is that way. You can do it
23 simple. You don't have to do it so big. And
24 they you'll have two years to go.

25 I mean, these guys, they can't come

1 every night. It don't have to be a big thing.
2 You know, you'll have two years or one year
3 whatever. They don't have to be trained every
4 day.

5 I mean, I know the state police goes
6 through a lot of training, but you learn a lot
7 from another meeting from the training before.
8 These guys understand what I'm saying.

9 PARTICIPANT: Yes, Mr. Chairman. I've
10 got all of my notes from Sandy now, so I'm
11 good to go.

12 I first off want to thank all the
13 members of the Board for being here. You have
14 a tough job, no matter how it got started or
15 whatever. It was given to you in State Code
16 that you're going to do the things that you've
17 got to do. And I think for the most part most
18 of you objectively are looking at it, and we
19 appreciate that.

20 With that, I have a few comments that
21 I'd would like to make, and then some
22 administrative questions that I think are
23 affecting a lot of the towers that are in
24 here.

25 First off, let me just introduce myself

1 really briefly. Most everybody here already
2 knows me. I've spoken many times at other
3 places at other public safety meetings, and
4 during the crafting of the general
5 regulations. My name is Ralph Wiltron. I'm
6 working with AAA Mid Atlantic. I'm a fleet
7 manager. I have a fleet up in Northern
8 Virginia that I run that has 40 trucks and 54
9 people that work for me. So, it would be
10 considered basically a large operation up
11 there.

12 Sandy Childress, who is also our
13 territory manager for this area, she basically
14 does all the territorial manager things when
15 it comes to contracting and all that other
16 kind of stuff.

17 But all the regulations that this Board
18 has adopted in the past, I have to follow the
19 same things that you as a local tower have to
20 do. So those things basically are being
21 experienced by us also.

22 With that being said, and if I go too
23 fast let me know --

24 REPORTER: Thank you, so much.

25 PARTICIPANT: AAA Mid Atlantic's

1 position has never changed. AAA mid Atlantic
2 feels that it's best that the public safety
3 regulations and requirements are left up to
4 the localities, not basically as for an
5 overall general regulation.

6 We are for anything that is going to
7 enhance public safety of the motorists of the
8 Commonwealth. We are a safety advocate for
9 that. But there's two views on that.
10 Reduction of service providers out on the road
11 to the law enforcement community, or to
12 service those people broke down on Virginia's
13 road are not enhancing safety, however it was
14 put out of business either by regulation or
15 costs or whatever. So, again, we ask you to
16 keep that in mind and that is still what our
17 position is.

18 What I'd like to ask, Mr. Chairman, is
19 that I've heard many times already in
20 Danville, I've heard it in Virginia Beach by
21 law enforcement officials, I've heard it at
22 almost every meeting, and for those that have
23 traveled here the long distances, if they're
24 planning on traveling to Fredericksburg
25 meeting, I'm asking, is there going to be a

1 motion put forward at the Fredericksburg
2 meeting for this Board to vote on whether or
3 not they're going to recommend to the General
4 Assembly to remove the requirement for this
5 Board to create public safety regulations?

6 If that is the case, then I'm sure that
7 there are many people that would be interested
8 in how that vote would go. And from there it
9 would help the Board understand which
10 direction it really needs to go.

11 And again, Mr. Chairman, by adding more
12 public safety regulations meetings, I know a
13 lot of people are tired coming to the
14 meetings, but you've really have set the bar
15 high in allowing everybody to express
16 themselves, and I appreciate that.

17 But in Danville I had asked the Board
18 to consider if they would add one more
19 meeting. And I did not know whether or not
20 that was approved or if that's still under
21 consideration, that that meeting would be
22 specifically designed for the law enforcement
23 community to attend, open to the public, so
24 that the public and the towers can get with
25 their local law enforcement officials and come

1 to that meeting and basically express to you
2 what their views are, if the public safety
3 regulation is still going to be crafted by
4 this Board.

5 I think it's very important. And I
6 think due to that fact that you will hear a
7 lot of different opinions on what the needs
8 are, that would help you if you continue to
9 pursue crafting that regulation.

10 In addition to that, I would also state
11 that the Board may want to look at the state
12 police's version of that regulation that was
13 already created. I have not had any view to
14 it. I don't know about it, but I do know that
15 it was being worked on. And I believe that it
16 was very general in its terms, so that may
17 even be a starting point from there.

18 With Lt. Hardison, I'm sure that
19 whether or not it would be shared, that it
20 might be something to be considered if it
21 would be undertaken by this Board.

22 And again, I do ask, that I think once
23 and for all for the many people that have
24 asked many times that may probably solve it
25 once and for all by having a vote brought to

1 this Board in the Fredericksburg meeting.

2 Some general questions I have basically
3 go to Mr. Copeland, if you don't mind. It's
4 administrative. But I think it's going to
5 affect a lot of people that's here. And it's
6 some of the things that I'm experiencing now.

7 Sir, what's the current status of the
8 licensing? I know you had stated in the
9 website that most of the licensing will start
10 to be available at the end of November; is
11 that right?

12 MR. COPELAND: That's correct.

13 PARTICIPANT: So the tow truck stickers
14 and all that?

15 MR. COPELAND: As I've just mentioned a
16 moment ago, we are awaiting the stock on the
17 license and the decals. That is supposed to
18 be in before the end of November. We
19 should -- and once we're able to put the
20 correct printing on there and interface with
21 our application process, we'll go to print
22 those and send them out. And again, we're
23 still targeting November to start that
24 process.

25 One thing that I will add, though, to

1 what I didn't say in answer to Jim's question,
2 we really at this point, we've had minimal
3 response to the application process, given
4 what we've sent out. And I think this is just
5 a very natural thing. It's a new program.
6 People are taking their time with it, and
7 they're wanting to submit as close to the
8 recommended deadline as possible.

9 So we're going to do the best that we
10 can given the volume that we get when we get
11 it. Right now the volume is not severe, and
12 we should be able to handle that very easily.

13 If folks wait to the last minute and
14 get their applications in, that's going to put
15 the possibility in getting them out in a
16 timely manner in a little jeopardy.

17 So I would urge you, if you've got
18 them, fill them out and get them to us as soon
19 as you can. That way we can get them on our
20 books and get them processed as quickly as we
21 can.

22 And as I said, we're going to be in the
23 review process of background documents as well
24 on some of those, but we've already processed
25 a number. So we're going to move forward on

1 everything we can as quickly as we can.

2 PARTICIPANT: Well, Mr. Copeland, I was
3 one of the -- or I was participating in some
4 of the ground creation of Senate Bill 707.
5 And one of those catalysts for 707 at the time
6 the Executive Director, Ben Foster, made
7 assurances that the Board was going to be able
8 to license everybody during that time frame.
9 And then finally it came out to a point to
10 where the Board was not going to be able to
11 meet that requirement.

12 Now, in here what's going to happen is
13 that due to an administrative delay, possibly,
14 even with people that have applied for those
15 licenses and done the things that they
16 basically need to do, from what I'm hearing
17 there's a possibility that they may not be
18 able to get their license back in a timely
19 fashion; is that correct?

20 MR. COPELAND: I don't think that's
21 correct. I think what I said was, if you
22 don't get the application in in a timely
23 manner, that's where the delay can come in.

24 PARTICIPANT: And that deadline you're
25 recommending is?

1 MR. COPELAND: We've recommended before
2 December 1st or by December 1st. And that's
3 probably cutting it close. So I think it's
4 fair to say that we may have received a sixth
5 of what we sent out.

6 PARTICIPANT: Well, the other problem
7 that we have is that when it's talked
8 about the -- I think somebody already brought
9 up before about training a new driver. And I
10 think there were remarks made before.

11 Because of the high turnover in this
12 industry, once you get a new driver in and you
13 start training him, if you cannot put him
14 behind the wheel because of an administrative
15 delay on his training doc or his driver's
16 documentation, that these companies are
17 basically going to absorb the cost of keeping
18 that driver paid salary for him to feed his
19 family, and so on and so forth.

20 As it was talked about with the General
21 Assembly, that that might be possibly
22 something that needs to be moved towards them,
23 I'm not quite sure that's true because this
24 Board, if you look at the regulations and the
25 statutes that you were given, I believe that

1 licensing and temporary permits were given to
2 you already as the authority.

3 And I know while we were crafting the
4 general regulations, a recommendation made by
5 me at that time was there needs to be
6 provisions in the general regulations for a
7 temporary permit. And I believe that was
8 voted down on that.

9 So again, I know that you had made a
10 statement possibly that there might be the
11 ability to give these companies a paper or
12 something indicating that that driver has
13 applied or that it's currently being reviewed.
14 Maybe I'm misunderstood that, but is there
15 something that there is a provision that
16 possibly this Board can undertake to resolve
17 that?

18 MR. COPELAND: Mr. Chairman, I would
19 say that what we're looking at, at least in a
20 general manner, is improving the process that
21 we have to make sure that these kind of
22 situations where the need is to get a new
23 hire, a novice driver trained to get them
24 hired, or someone who already has the training
25 but doesn't have the authorization yet, get

1 them in and get them out as quickly as
2 possible.

3 And have a standardized process; we
4 want to work with our partners at the state
5 police to have a standardized process where we
6 can get these in and out on a very expeditious
7 manner. And we have been working on that. We
8 plan on working on it further.

9 And if there are any other
10 possibilities that need to be addressed
11 through the General Assembly, I think those
12 need to be considered by the Board. And if
13 the Board wants to go in that direction, then
14 that's certainly what they would want to do,
15 and we can look into those as well.

16 PARTICIPANT: Thank you, Mr. Copeland.
17 And I just have one more thing.

18 Due to the high turnover in the
19 industry, the employees, there's a lot of
20 times, and in my case right now I've already
21 submitted drivers applications to you for two
22 employees that I'm going to terminate.

23 So while they're in that process, which
24 I've already paid for those, which I think
25 they're going to experience some of the same

1 things, is there something that they can do to
2 contact you to stop that process and possibly
3 get the money refunded or to keep that money
4 held in an account for future applications?

5 MR. COPELAND: I can give you the good
6 answer, and the bad answer. Mr. Chairman, if
7 I may go out on a limb.

8 The bad answer first. All application
9 fees are nonrefundable. Having said that, I
10 think what we would -- we don't want to be
11 unfair, but we're going to have to go with
12 what we've got as far as with that particular
13 rule right now, but if there is something that
14 has not been processed, we're certainly glad
15 to take any notifications that you have and
16 try to verify whether or not it's been
17 processed and see what we can do to stop the
18 process.

19 PARTICIPANT: Can I e-mail you?

20 MR. COPELAND: Absolutely. I'll get it
21 over to our folks that are processing the aps,
22 and see if they've got anything. If they
23 don't, we'll go there.

24 Now, the issue there is we're talking
25 about if everybody in this room does that and

1 says, whoa, whoa, whoa, whoa, we've got to
2 back off and do this and that. It's just
3 going to slow up the issuance process.

4 PARTICIPANT: Welcome to towing.

5 MR. COPELAND: Well, again, our law and
6 our regulations state, no fees are refundable.

7 PARTICIPANT: Well, thank you,
8 Mr. Copeland. And thank you, Mr. Chairman for
9 your time.

10 MR. DRUMHELLER: Thank you, Ralph.

11 LT. HARDISON: Mr. Chairman, if I could
12 respond to two of the things that were brought
13 up?

14 About five years ago there were some
15 towers that had gotten with the State Police
16 and had come up -- had tried to talk about
17 regulations and regulating towing years ago.
18 I spoke to the individual that was involved in
19 that earlier today.

20 They have some notes, but there is no
21 draft because rumor was, if the Board fails,
22 then the State Police is going to run
23 everybody out of business. And I hope that
24 you know now and have dealt with the State
25 Police and other police departments for years,

1 we need you. And if that rumor ever surfaces
2 again by someone that may be trying to run the
3 gauntlet with that, that it is not true.

4 So what we have had for each division
5 is that they have a set of regulations and we
6 have the state police manual. And because --
7 going back to the sand and the rock and the
8 different diversities of the state, there is
9 no set regulations that the state has across
10 state lines, across the state in entirety
11 right now.

12 MR. DRUMHELLER: Thank you.

13 LT. HARDISON: Yes, sir.

14 PARTICIPANT: Mr. Chairman, Eric Fly,
15 Virginia Beach, Wreckers' Association,
16 Commonwealth Towing Association.

17 I have just two quick questions to
18 clarify some confusion in my mind, if you
19 would. The first goes back to Mr. Miner's
20 statement.

21 First, I appreciate and respect the
22 public enough not to enter into a debate. And
23 if I misquote here or misstate, I apologize in
24 advance. But was the statement made, did Mr.
25 Miner make a statement as a Board member that

1 if a locality had a local Towing Board, then
2 towers were not subject to this Board's
3 regulations; was that the statement I heard?

4 MR. MINER: No.

5 PARTICIPANT: That's the way it is now.

6 LT. HARDISON: Say it one more time.

7 PARTICIPANT: The question I have is
8 Mr. Miner's comment, was his comment that if a
9 locality or a municipality had a local towing
10 board, then towers in that area were not
11 subject to this Board's regulations?

12 MR. DRUMHELLER: The local towing board
13 can have more stringent regulations than what
14 this Board would put forth.

15 If this Board, if we get into it, say
16 one truck only. Well, Harrisonburg already
17 has a regulation, as I understand it, Gary,
18 that you're required to have a rollback in the
19 City of Harrisonburg. That would still be
20 legitimate.

21 PARTICIPANT: So if the Board were to
22 create public safety tow regulations, those
23 regulations would supercede the local
24 regulations; is that true?

25 MR. DRUMHELLER: No.

1 PARTICIPANT: They would not? I'm
2 asking the question.

3 MR. DRUMHELLER: Local regulations
4 would supercede -- now, I'm not --

5 PARTICIPANT: Because typically a state
6 board's regulations would trump a locality's
7 Board, unless the locality is more strenuous.

8 BOARD MEMBERS: That's right.

9 PARTICIPANT: Okay. So I'm trying to
10 clarity the statement that was made. I don't
11 want any confusion on myself.

12 MR. BOSWELL: You're right.

13 PARTICIPANT: So the statement I heard
14 is wrong? Is that yes or no?

15 MR. BOSWELL: Once the State sets
16 regulations, the locals cannot go below them.

17 PARTICIPANT: Cannot go below them.

18 MR. ORR: They can go up.

19 PARTICIPANT: So public safety
20 regulations, if this Board were to produce
21 any, would be enacted upon the localities
22 unless the locality would be more strenuous?

23 MR. DRUMHELLER: That would be correct.

24 PARTICIPANT: I just wanted to make
25 sure I understood what Mr. Miner said on that

1 because I was a little confused.

2 All right. Thanks.

3 MR. DRUMHELLER: Thank you.

4 PARTICIPANT: I'm Tom Courtney.

5 REPORTER: Corky?

6 PARTICIPANT: "Courtney".

7 REPORTER: Thank you. I've got this
8 air conditioner right here. And when you all
9 are over there, I'm having a lot of difficulty
10 hearing you.

11 PARTICIPANT: Public safety towing,
12 that's what we're here for. Now the general
13 regs, if you're going to report the statements
14 of who we are, I'm all for that. But I'm very
15 against this Board being my competitors
16 superceding the State Police with the local
17 police enforcement. They are the controlling
18 body.

19 If I have your inspector come and try
20 to pull me over on the side of the road, I'm
21 going to be hesitant. If the Trooper puts his
22 blue light on, I'm going to pull right over.
23 There will be no questions.

24 We're talking about accident scenes.
25 Well, who's in charge? Incident management,

1 State Police, Fire Department, local police,
2 now we're going to bring someone else in it,
3 BTRO.

4 It's overregulation. It's too much
5 bureaucracy. Keep it simple stupid. That's
6 my motto. Keep it simple. But what I hear is
7 we want minimum public safety. But if you
8 control the public safety then you can make it
9 minimum or maximum. You're taking the state
10 police and the local police out of the
11 equation. That's wrong.

12 You say you're mandated by the
13 legislature. They made a mistake. Own up to
14 it and say, hey, this is wrong. You shouldn't
15 have made these regs. Thank you.

16 MR. DRUMHELLER: Thank you.

17 Anyone else?

18 LT. HARDISON: If I may comment on one
19 thing he said.

20 Sir, one of your statements was, who's
21 in charge of the accident scene? And when the
22 police, the state police -- and I can only
23 speak on behalf of the state police. I know
24 we had another officer in here somewhere. I
25 don't know if he's still in here.

1 If we call you to our scene and you are
2 not licensed by the Board, then we're going to
3 have to turn you around. So if that answers
4 your question on that, because it's going to
5 be a Class I misdemeanor to tow a vehicle for
6 the state police at that point.

7 PARTICIPANT: My point was, it's
8 confusing enough already as to who is in
9 charge of the scene. The fire department's on
10 the scene, are they in charge; or the state
11 police on scene, are they in charge? Then we
12 get the little guy with the incident
13 management vest on, then he says he's in
14 charge. Now we're going to have somebody else
15 in charge.

16 MR. DRUMHELLER: No, BTRO is not going
17 to be in charge of incidents on the highway.

18 PARTICIPANT: Well, it's cloudy at
19 best.

20 MR. DRUMHELLER: I hear what you're
21 saying.

22 PARTICIPANT: With that statement being
23 made, if the state police call us out to the
24 scene, okay. But what if the owner who just
25 wrecked their vehicle calls us out there, we

1 show up and not licensed?

2 LT. HARDISON: It would be against the
3 law to tow the vehicle away.

4 PARTICIPANT: And along those lines,
5 our cards, for the money we had to pay for our
6 background checks, what if we've already had a
7 background check done? Why do we need to pay
8 the money again?

9 LT. HARDISON: That's a good question.
10 We get that at every public hearing. And I'm
11 glad you asked because a lot of people have a
12 concealed weapons permits in here and they
13 think -- once your fingerprints are run
14 through the system, we do not save them at
15 all. They're destroyed.

16 PARTICIPANT: Okay.

17 LT. HARDISON: Now that is -- not if
18 you're a criminal, not you, but someone else
19 is a criminal, we save those. But once your
20 fingerprints are run through the system for
21 something else, they're destroyed and the
22 information is going to be sent back to BTRO
23 just advising them that there is no criminal
24 record or whatever. And it'll be a green
25 light or a red light.

1 PARTICIPANT: That was part of my deal,
2 both me and the gentleman who helps me, both
3 have copies of all that stuff that was done,
4 because he is also a retired police officer.

5 Can we just submit that to you all with
6 our application?

7 LT. HARDISON: You are required to
8 submit your fingerprints, and that is written
9 in the Code. That is not a BTRO issue. That
10 came out through the -- that's law.

11 PARTICIPANT: Right. But the only
12 concern that I have is if I pay you all \$50 to
13 get my background check, okay; and then six
14 months down the road I have to pay another \$50
15 for something else like my concealed weapons
16 permit because they throw it away once they
17 look at it?

18 LT. HARDISON: That's correct.

19 PARTICIPANT: So every three years when
20 these come due, I'm going to pay twice for the
21 same thing?

22 LT. HARDISON: Well, if you're asking
23 me to speak on behalf of the Board of Towing
24 and Recovery Operators, you are going to be
25 required to submit your fingerprints.

1 PARTICIPANT: Okay.

2 LT. HARDISON: And it's up to you on
3 the other part, whether you choose to get a
4 concealed weapons permit.

5 PARTICIPANT: I'm just saying, like
6 some other things, it just seems like this
7 Board is going over more redundancy at the
8 same thing.

9 LT. HARDISON: You're talking apples
10 and oranges. You're talking guns and
11 wreckers.

12 PARTICIPANT: But it's still the same
13 background process, is it not?

14 LT. HARDISON: As far as submitting
15 your application and fingerprints to the Board
16 of Towing and Recovery Operators, that's a \$37
17 deal for the state police to send them to the
18 FBI. And if you choose to do the other,
19 that's your choice.

20 PARTICIPANT: Right. And I'm aware
21 it's our choice, but I'm just saying that's
22 just a redundancy. Just like everybody is
23 complaining about the other laws that we're
24 not enforcing already. We're already
25 volunteering that information to you all, and

1 we're having to pay for it again. And if I'm
2 in business for another 40 years, every three
3 years when that license comes due, I'm going
4 to have to pay for that again in three more
5 years.

6 MR. COPELAND: Mr. Chairman, I would
7 say as Lt. Hardison has said, we've heard
8 this. We are exploring ways to piggyback on
9 our existing processes that we know are out
10 there. It's one of the first things I heard
11 at the first public hearing I was at was, how
12 come we have to do this because we do this
13 already?

14 Well, I can assure you we're going to
15 look at a way to try to work it out so that
16 it's not a redundant process. It's a one-time
17 process at the most, if we can possibly do it.
18 But given the way the printing is done and
19 whether or not it's retained or not, I'm not
20 sure how successful we're going to be on that,
21 but we're certainly going to try to give it a
22 go. So it doesn't have to happen the way it
23 does.

24 If somebody is getting them done that
25 year, then perhaps we can get that information

1 and work with that.

2 PARTICIPANT: The license you're going
3 to issue, how long is that valid?

4 MR. COPELAND: It's valid until
5 December 31st of 2009.

6 PARTICIPANT: Okay. So in 2009, do we
7 have to go through the same process again? Or
8 is that a one-time fee is what I'm asking, as
9 long as we're in the towing business and we're
10 a towing operator, that fee is out front?

11 MR. COPELAND: The fee, the application
12 fee is an annual fee. So, yes, every year
13 you'll be paying that. As far as the
14 fingerprinting, that'll be every three years.

15 PARTICIPANT: Now, that gets right back
16 to the same thing that falls within the
17 redundancy.

18 MR. COPELAND: Exactly. And like I
19 said, we've got a couple of years to figure
20 out how to get rid of that redundancy. So
21 hopefully we'll be able to do that.

22 PARTICIPANT: But the first year, we're
23 just going to have to soak it up and deal with
24 it, is what you're telling us?

25 PARTICIPANT: That's what the law is

1 telling us, yes.

2 PARTICIPANT: Okay.

3 PARTICIPANT: Let me say one thing
4 about the state police. They side with us a
5 lot of times at all of these meetings and
6 helped us, so I think we ought to give them a
7 hand for the state police.

8 (Applause.)

9 LT. HARDISON: We are also, just so if
10 anybody wants to come to the next meeting,
11 we're also going to have three printers from
12 the state police to get everybody through,
13 also.

14 I don't want there to be any
15 misunderstanding. At the next public hearing
16 on November 18th, we are not going to charge
17 at that location. And we're going to do it
18 from 3 to 8. That's what they did here
19 tonight, 3 to 8 p.m. And we're going to do it
20 there.

21 But if you go to an area office or to
22 another local agency, they may charge you.
23 But if you go to the public hearing next
24 Tuesday, we will not be charging for
25 fingerprints.

1 PARTICIPANT: Where's it at?

2 MR. COPELAND: At the Stafford County
3 Administration Center, the Board Room, the
4 Board meeting room. Not to plug our website,
5 again, but the location is on our website. At
6 2 o'clock will be the Board meeting, and
7 6 o'clock will be the public safety towing
8 meeting. And the printing will start at 3.

9 MR. TETER: Mr. Chairman, I could also
10 say, right now the Rockingham County
11 Sheriff's Department is offering
12 fingerprinting at no charge, too. So anybody
13 that needs it done, just come to the Sheriff's
14 office.

15 PARTICIPANT: Is that good for the
16 drivers, so if he transfers from one tow
17 company to another, his card is still good?

18 MR. DRUMHELLER: He takes his card with
19 him.

20 PARTICIPANT: And the age; 18, 20 or
21 21?

22 MR. DRUMHELLER: I think that's
23 probably up to your insurance company. I
24 have -- mine has to be 21.

25 MR. COPELAND: And as far as the age

1 limit, they have to have a driver's license.
2 So as long as they old enough to have a
3 driver's license and they fit in with the
4 other.

5 PARTICIPANT: I have a question about
6 the license process. You just mentioned that
7 a driver will take his card with him. Don't
8 they still have to notify the Board on a
9 change of employment as part of the
10 application process? The card is not a
11 blanket card to go from company to company
12 without authorization from the Board; is that
13 correct?

14 MR. SAWYERS: I think they just have to
15 notify. I don't think they have to get
16 authorization. They could actually tow for
17 you and another tower at the same time.

18 PARTICIPANT: And another thing, the
19 fingerprinting, why is it that we have to do
20 it every three years? What changes are there
21 in three years?

22 LT. HARDISON: If I could, as far as
23 what changes every three years as far as your
24 prints are concerned, the prints are only good
25 the day you take them.

1 And I'll use myself as an example. If
2 I get my prints done and send them to the
3 state police on November the 13th, and I go
4 out and actually commit a crime on November
5 the 15th, and get arrested, my prints are no
6 good.

7 So they have to be in the system to be
8 run through at that time. So the following
9 year or the follow three years, if you commit
10 a crime during that three year time period and
11 they would be on file, and that's how somebody
12 would be protected again.

13 PARTICIPANT: Couldn't that be put in
14 the application process that you do every
15 year, the fingerprints?

16 LT. HARDISON: We're not keeping the
17 prints at all.

18 PARTICIPANT: The problem that I have
19 is having to do it every three years, why?
20 You're having to do the license every year.

21 LT. HARDISON: Right, but if I could
22 use this as an example. One of the
23 disqualifiers is being a sex offender, okay?
24 And it's an automatic disqualifier.

25 As of November 13th you were printed

1 and you went through the system and everything
2 was fine. Say February the 2nd of next year
3 you become a sex offender. Well, you didn't
4 notify the Board you had been arrested, but
5 when the prints go into the system again --

6 PARTICIPANT: Then it's a case -- you
7 have to list your driver's license number or
8 Social Security number. Every year when you
9 renew, I know you can run into the NCIC with
10 the Social Security number.

11 LT. HARDISON: You can run it as far
12 as -- and all that's going to come back is
13 what we consider a hit. All that is if you
14 already have a warrant on file.

15 And there are other avenues of doing a
16 paper trail, but the only 100 percent way of
17 checking is to do it by fingerprints. Some
18 people want to do it by name and date of
19 birth, and submit it that way and do it a
20 cheaper way.

21 But is your wife or your child, your
22 son or your daughter, is their life worth the
23 5 percent that may slip through the cracks on
24 that? And I'll just throw that out there to
25 you.

1 If you do it by prints, we're as close
2 to 100 percent that we can get it. If you do
3 it by name and date of birth, somebody can
4 change their name, change their date of birth
5 and slip through the cracks.

6 PARTICIPANT: Just one quick question.
7 I just want to ask, if by some quirk of fate
8 you don't receive what you need to print what
9 you need to send us, the stickers or whatever,
10 what happens?

11 MR. COPELAND: What happens is, we
12 print it as quickly as we can.

13 PARTICIPANT: So as of January 1st --
14 let me make sure you know what I'm asking. As
15 of January 1st, if you have not received the
16 documents, the stock or whatever it is that
17 you need to print on, you have not received it
18 in time to send it out to the towing
19 companies, what happens?

20 MR. COPELAND: What happens is, you
21 don't have the documentation you need. But
22 that's not going to happen.

23 PARTICIPANT: It's going to happen.
24 You know it's going to happen.

25 PARTICIPANT: You just said that it's

1 never going happen. Be careful --

2 MR. COPELAND: I said it's not going to
3 happen because I've been in pretty close
4 contact with the manufacturer. It's in
5 process now. I expect to hear any day that
6 it's done.

7 And they also got the authorization
8 cards in. They also printed off the
9 authorization cards and had those available
10 two weeks in advance than when they said they
11 were going to have those done.

12 PARTICIPANT: So if we have the
13 application in, let me make sure -- I'd really
14 like for you to give us a date when you think
15 we need to have this in, a definite date. If
16 we have it in by that date, you're going to
17 get that stuff out to us by December 31st.

18 MR. COPELAND: As we said, December
19 1st.

20 PARTICIPANT: So if we have it in by
21 December 1st, it's in your office, it's been
22 sent and it's in your office, we should have
23 that authority and stickers, all things we
24 need by December 31st?

25 MR. COPELAND: You and the others that

1 haven't submitted yet, if they get it in by
2 December 1st, we're going to be working 24/7
3 to get it out so that everybody gets what they
4 need by the end of the year, yes.

5 PARTICIPANT: But what if they don't?
6 This is how we feed our families.

7 PARTICIPANT: What she's saying is, I
8 got my neighbor's phone bill.

9 PARTICIPANT: What if it gets lost in
10 the mail?

11 PARTICIPANT: You better be talking to
12 your neighbors.

13 MR. COPELAND: I think the other thing
14 we would do, if we know there's a problem
15 we're going to send up signals about it. We
16 don't know there's a problem now. So I'm not
17 one to paint the devil on the wall at this
18 point.

19 But if I know there's a problem, I have
20 no -- I won't have any issue letting folks
21 know and letting the world know, we aren't
22 going to be able to do this.

23 So if that's the case and it's upon me
24 to let the Board know it's not going to
25 happen. And it's also upon the Board and me

1 to let you all know that it's not going to
2 happen. And you all won't be the only ones to
3 know that. We'll let everybody to know it, if
4 that's the case.

5 But that is not the case right now.
6 It's not what I expect. And if it was, I'd be
7 telling you. But I expect it to go just the
8 way it's supposed to go.

9 PARTICIPANT: Just a quick follow up.
10 Actually, I'd like to direct this to Lt.
11 Hardison, if I could.

12 Correct me if I'm wrong, because I'm
13 not a law enforcement officer. I think an
14 affirmative defense would be, as you made a
15 point that it's a Class I misdemeanor to drive
16 a loaded wrecker without said authorization
17 after 1 January, I believe an affirmative
18 defense would be if proof could be shown that
19 the BTRO was unable to provide said
20 authorization, and I had, or whoever had, put
21 in the application in a timely fashion?

22 LT. HARDISON: What we're going to do
23 is --

24 PARTICIPANT: In the event that such an
25 untoward thing would happen, which I don't

1 think it would. I believe Mr. Copeland
2 entirely.

3 LT. HARDISON: Again, I can only speak
4 on behalf of the state police, and can't and
5 will not on behalf of the local sheriffs.

6 PARTICIPANT: Sure.

7 LT. HARDISON: I'm in the process now
8 because we have so many wrecker companies and
9 wrecker drivers that come on and off of our
10 list, we're going to again get our list so
11 that we can present the ones to the BTRO and
12 allow them to know who are on our list. So if
13 there is --

14 PARTICIPANT: Cross match basically?

15 LT. HARDISON: Exactly. So that we're
16 going to also notify the people and say, look,
17 you haven't applied for your license, or if
18 you haven't, and what the issues are.

19 Now, the verbiage on that, I have not
20 written it. I'm not going to be held as --

21 PARTICIPANT: No, no. What I was --

22 LT. HARDISON: The first thing we're
23 going to do, we've already discussed it, we're
24 going to try to cross match the information
25 immediately.

1 PARTICIPANT: Well, what I was asking
2 was in the unlikely event that the paperwork
3 or the stickers and the form blanks and such
4 that have been ordered from a third-party
5 manufacturer, if they -- if the factory burns
6 down or gets hit by lightening or whatever,
7 you know, act of God, something completely
8 outside of everybody's control happens, and
9 the blanks don't show up, and yet we've put in
10 our forms in a timely fashion; but because of
11 no fault of our own or the Board, you guys
12 can't supply us with whatever we need, I
13 believe that an affirmative defense in the
14 event that a law enforcement officer somewhere
15 didn't know that the Board couldn't supply it,
16 that's -- it's kind of circular and
17 long-winded, but correct me if I'm wrong, but
18 I think we could get off?

19 MR. MINER: I'd like to short-circuit
20 that. There is a precedent for that, and it's
21 handled through the state police. All Mr.
22 Copeland would have to do is notify them.
23 They'll send out a message that says, BTRO
24 doesn't have all the stickers out. Don't
25 enforce this for 15 days or 30 days.

1 That used to happen frequently. Other
2 states wouldn't have their certain truck tags
3 issued. DOT, I remember one time had a
4 problem with tag decals that didn't make it to
5 where they were supposed to go, and they would
6 send out a message doing that. So it happens
7 frequently, and it's not a problem. You can
8 just delay enforcement based on your authority
9 to do that. It's not a problem.

10 PARTICIPANT: Thank you. I didn't know
11 how that end of it all works, so I apologize
12 for being a little long-winded and circular in
13 asking the question.

14 MR. COPELAND: Mr. Chairman, one other
15 thing.

16 You all rest assured, if we're getting
17 into a situation that I think is problematic,
18 I've already considered Plan Bs and Plan Cs.
19 so we have backup plans kind of in the works.
20 There's no need to put them into play yet,
21 because there is nothing to indicate that they
22 are necessary.

23 My goal is to make this successful not
24 only for the Board, but for you all as well.
25 So we're going to do everything in our power,

1 and I'm going to do everything in my power to
2 make sure whatever you need to be credentialed
3 by the end of the year, you get it.

4 PARTICIPANT: What is plan B?

5 MR. DRUMHELLER: I know you people have
6 traveled quite a ways to be here. And some of
7 the Board members have traveled quite a bit to
8 get here and you've got to go back home.

9 Unless there is really something
10 outstanding or pertinent -- Lee, don't hold us
11 up for another half hour.

12 PARTICIPANT: Mr. Chairman, on behalf
13 of the Commonwealth Towing Association, we
14 want to thank you folks for coming to
15 Harrisonburg and sharing the information with
16 us. I want to thank everyone that is here for
17 coming and attending this, and hopefully it
18 was beneficial to someone.

19 MR. DRUMHELLER: Thank you, Lee.

20 PARTICIPANT: You can go home now.

21

22 (Thereupon, these proceedings concluded
23 at 8:30 p.m.)

24

25

* * * * *

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Darlene Joy Owings, Notary Public in
3 and for the Commonwealth of Virginia at Large, and
4 whose commission expires May 31, 2010, do certify
5 that I was the court reporter at the
6 aforementioned proceedings and that the foregoing
7 is a true, correct, and full transcript of the
8 proceedings herein.

9 I further certify that I am neither
10 related to nor associated with any counsel or
11 party to this proceeding, nor otherwise interested
12 in the event thereof.

13 Given under my hand and notarial seal
14 at Charlottesville, Virginia, this 2nd day of
15 December, 2008.

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Darlene Joy Owings, Notary Public
Notary Registration No. 321187
Commonwealth of Virginia at Large

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