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PUBLIC HEARING IN RE:

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BOARD FOR TOWING AND RECOVERY OPERATORS
IN RE: GENERAL REGULATIONS FOR TOWING AND RECOVERY
OPERATORS

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2300 West Broad Street
DMV Building
Richmond, Virginia

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August 28, 2008
6:00 p.m.

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CAPITOL REPORTING, INC.
P.O. Box 959
Mechanicsville, Virginia 23111
Tel. No. (804) 788-4917

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CAPITOL REPORTING, INC.

1 BOARD MEMBERS:

2 Ray Drumheller - Chairman

3 Scott Wyatt

4 Randy Seibert

5 Ron Miner

6 Gary Coleman

7 Gary Teeter

8 J. Marc Copeland

9 Mark Sawyers

10 Woody Herring

11 Ray Hodge

12 Lt. Curtis Hardison

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SPEAKERS :

Lee Bowman	11
Kenneth Collier	12
Eddie Hughes	13
George Philbates	16
Anthony Purcell	17
Henry Shaver	21/55
Sam Hudson	24
Robert Layman	26
Terry Wood	27
Jason Pence	28
David Adams	29
George Mahone	30
Eric Fly	32
Parker Simmons	35/54
Bill Whitlock	38
Xavier Kidd	42
Sampson Townes	45
Keith Campbell	48
Mark Harvey	50
Floyd Mays	50
Bruce Eagle	52
Jimmy Mason	53
Jim Dow	56
Butch Hubert	58
Ralph Wiltrell	60

1 NOTE: The public hearing is convened.

2

3 MR. DRUMHELLER: My name is Ray
4 Drumheller. I am chairman of the BTRO board. I would
5 like to welcome every one of you here. This is your
6 meeting, this is your board, and this is the time for
7 you to let us know what you want, so we are going to
8 start off with update what's taking place and then we
9 are going to get into the comment period. And like I
10 say, this is your meeting, this is your time to tell us
11 what you think and what you feel.

12 We are going to limit the talks to 3
13 minutes. A number of people here, and if everybody
14 gets up that's going to take a little while, so we are
15 going to limit to 3 minutes.

16 At this time I'm going to turn the floor
17 over and introduce you to Marc Copeland, the new
18 interim executive director. Marc.

19 MR. COPELAND: Thank you, Mr. Chairman.
20 Welcome everybody.

21 What I'm going to do is normally we do a
22 very short power point right now, but unfortunately we
23 are not set up for that so I'm going to go through the
24 power point fairly quickly, give you a little
25 background about the board and then focus on why we are

1 here tonight. And just again to reiterate, we are here
2 on the public safety towing issues and area, and so if
3 you can keep your comments on that, at the forefront of
4 this meeting, and if you have comments on any other
5 aspect of what goes on with the towing board, if you
6 could hold that off to the end of the meeting and then
7 certainly bring that forward, we look forward to
8 hearing from you at that point, but we do want to focus
9 on the public safety aspects of this initially. So
10 appreciate you keeping that in mind.

11 Just a little background on the board.
12 It was established by law on July 1st, 2006. The board
13 is established to set licensure regulation enforcement
14 standards of practice, and they are to go into effect
15 on January 1, 2009. On and after January 1, 2009 it
16 will be unlawful for any person to engage in business
17 in the Commonwealth as a towing and recovery operator
18 without first obtaining a license as a Class A or Class
19 B operator. And let me also reiterate what the board
20 stands on implementing this provision of law. We have
21 from essentially now until the end of the year to get
22 the information out, get the applications out, get the
23 processing done, get you all licensed and ready to go
24 by January 1st. Now any reasonable person might think
25 that there could be some folks that fall through the

1 cracks, and should that happen, we are going to work to
2 get them into compliance. We are not going out with
3 sticks and beating the bushes and knocking people over
4 the heads and taking their livelihoods away. We are
5 going to get them into compliance. So that's our first
6 order of measure. Come January 1st, those who are not
7 licensed at that point, we are going to get them
8 licensed, get them to be where everybody else is, so I
9 just want to assure you that that is the direction that
10 this board is going to take.

11 The BTRO membership consists of 15 voting
12 members, 9 members of which are licensed as Class A
13 operators -- excuse me, 3 of which are licensed as
14 Class A operators, 3 are licensed as Class B operators,
15 and 3 are licensed as either Class A or Class B
16 operators. There are 3 citizen members of the board
17 appointed at large who have no direct or indirect
18 interest in the towing industry. The Commissioner of
19 the Department of Motor Vehicles is a designee, the
20 Commissioner of Agriculture and Consumer Services and
21 his designee or his designee, and the Superintendent of
22 State Police or his designee round out the 15 board
23 members.

24 General powers and duties, and this is a
25 brief summary of them: The board is to establish

1 qualifications of licensure and then examine and
2 license qualified applicants as Class A or Class B
3 operators. It's to license, it's to levy license fees
4 and special assessments necessary to cover the expenses
5 of the board; revoke, suspend, or fail to renew a
6 license for violations of law; receive complaints
7 concerning conduct of persons and businesses licensed
8 by the board and take disciplinary action as necessary,
9 establish a means and procedures by which the board may
10 attempt to mediate and resolve in an expedited manner
11 any complaints filed against those licensed or
12 otherwise regulated by the board, and to do all things
13 necessary and convenient for carrying into effect
14 provisions of law or regulations promulgated by the
15 board.

16 Overview of the complaint process: A
17 majority of the review panel will consist of towers
18 just like you. BTRO will hire investigators to, the
19 board will hire investigators to assist in the
20 complaint process as well as other issues pertaining to
21 violations of statute, regulations, or both. Towers,
22 citizens, and law enforcement will be able to call the
23 board if they feel a company or drivers are operating
24 illegally, if there are issues of pricing, or any other
25 type of complaint, the board will have a hearing

1 process as necessary. If complaints are not resolved,
2 guilty parties could be subject to civil penalties,
3 license revocation, or both.

4 The board will constantly be updating
5 information on its web site and newsletters, and we ask
6 that you do not hesitate to call us with any questions
7 or concerns you may have.

8 And I have been hearing from a number of
9 you and have been contacted by a number of you and been
10 very glad to hear from you.

11 The status of the general regulations for
12 those of you who weren't here for the board meeting at
13 5:00, I'll give you a summary of that again, but
14 basically these were developed by the Rules and
15 Regulatory Affairs Committee of this board, they are
16 based on input and information gathered from towers,
17 the public, and other interested parties from across
18 Virginia as well as other states with similar towing
19 boards.

20 The board conducted 15 public meetings
21 related to general regulations. The suggestions and
22 concerns expressed in public testimony and in hundreds
23 of letters and phone calls have been addressed in the
24 general regulations. They were promulgated under the
25 standard regulatory process. They were approved by

1 this board on August 14 of this month, the Secretary of
2 Transportation on August 18th of this month, and the
3 Governor on August 26th of this month. The regulations
4 will be finalized on October 15th.

5 Now why are we here? Public safety
6 towing and recovery services. The board has to
7 establish regulations to allow for Class A and Class B
8 operators to provide public safety towing and recovery
9 services, and those are the services requested by state
10 or local law enforcement agencies. The regulations
11 will establish minimum requirements including
12 qualifications standards and necessary equipment. They
13 will also address public safety concerns necessary and
14 appropriate to permit a Class A or Class B operator to
15 provide public safety towing and recovery services. No
16 operator will be able to provide public safety towing
17 and recovery services unless they meet the criteria
18 established by the public safety regulations. The
19 board must maintain an up to date list of towing
20 operators who meet the criteria for providing public
21 safety towing and recovery services.

22 And with that I, unless there's any
23 comments by any members of the board, I open it up to
24 the public to please come to the podium, introduce
25 yourself, and please make your comments, and we welcome

1 it, so please.

2 MR. DRUMHELLER: I was a little remiss in
3 not introducing the board to you. I'm going to start
4 off with our honorable lieutenant and have him
5 introduce himself, come around the table so you know
6 where we are from and who we are.

7 MR. HARDISON: My name is Curtis
8 Hardison. I'm the designee for the Superintendent of
9 State Police. I'm a lieutenant out of the Chesapeake
10 area.

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

13 MR. HERRING: Woody Herring from Willow
14 Springs Towing, Fairfax, Virginia.

15 MR. SAWYERS: Mark Sawyers, Affordable
16 Towing, Hampton Roads, Virginia.

17 MR. TEETER: Gary Teeter, Teeter's Exxon
18 Towing and Recovery, Harrisonburg, Virginia.

19 MR. COLEMAN: Gary Coleman, Coleman
20 Towing Company, Fredericksburg, Virginia.

21 MR. MINER: Ron Miner, citizen appointee
22 from Northern Virginia.

23 MR. SEIBERT: Randy Seibert, Seibert's
24 Towing here in Richmond, Virginia.

25 MR. WYATT: Scott Wyatt, citizen

1 appointee, Hanover County.

2 MR. DRUMHELLER: Thank you, guys.

3 Okay, the mike over here is open for
4 anyone who wants to come up, and Lee, you look like a
5 good candidate to get things started off with. I don't
6 see anybody else moving.

7 SPEAKER: Here we go. I'm Lee Bowman
8 from Bowman's Towing, Harrisonburg, Virginia.

9 Actually from what I have been hearing
10 from these gentlemen, I think that they have heard some
11 of the things that we have said. I think if we are
12 going to start with a public safety program that we
13 ought to start with a minimum and not something that's
14 going to upset the entire industry, and if you do set
15 guidelines for equipment, at least give the people some
16 time to buy new equipment. What was proposed, which we
17 know is dead, it was a little bit ridiculous. So I ask
18 that you give that some consideration and remember not
19 everyone is a large tower in this state, so if you
20 could just give us some consideration when you do this
21 and make your recommendations for equipment, I greatly
22 appreciate it. Thank you.

23 MR. DRUMHELLER: Thank you, Lee. Who
24 would like to be next? This is your meeting. Get up.
25 We have a gentleman coming from the rear. When you get

1 to the podium as Mr. Bowman did, identify yourself,
2 tell us where you are from.

3 SPEAKER: My name is Kenneth Collier.
4 I'm from Carl's Service Center, Ruckersville, Virginia,
5 and my main concern would be as for myself, I have been
6 driving a tow truck for 41 years now. I have got 2
7 workers that also drive, and I kind of have a handicap,
8 some of my drivers don't have a high IQ, and y'all
9 public stated y'all are going to do everything possible
10 to get us certified and get us licensed. Well, these
11 guys can't hardly read and write, and my concern is are
12 you all going to make any kind of provisions to
13 grandfather in people like us that's been driving tow
14 trucks for years and years? Myself, I have never got a
15 ticket or had an accident in a tow truck 41 years, and
16 neither of my drivers has ever had an accident or got a
17 ticket in a tow truck, and that was my main concern,
18 whether or not we can be grandfathered in or what's
19 going to happen.

20 MR. DRUMHELLER: Well, I have one of
21 those employees too, and I have been in business 41
22 years, so that will be taken in consideration.

23 SPEAKER: All right. Well, that's all
24 I'm worried about, and I thank y'all for y'all's time
25 and consideration.

1 MR. DRUMHELLER: Thank you.

2 SPEAKER: My name is Eddie Hughes. I'm
3 with Parker Shell. Parker Shell changed names, we lost
4 a family member to honor him.

5 We missed these guidelines about the
6 equipment as other people have said. Really would like
7 to have some confirmation on that. It's my fault I
8 guess because I haven't been here to figure it out or
9 to listen to what you guys are wanting.

10 We basically tow for Henrico County State
11 Police. We don't really do a whole lot of other towing
12 nor do we really want to. The last tow I got from the
13 State Police Department was October 9th -- I mean, I'm
14 sorry, August 9th, so if you are forcing a lot of us to
15 have to purchase newer equipment and more expensive
16 equipment, then that equipment would have been setting
17 for 3 weeks without a call from the State Police.
18 Maybe you could help with the way it is on the rotation
19 with getting back on the top of the list, which the
20 State Police has never ever recalled us after they
21 called us off in all the years we have been towing, and
22 Henrico just did it last night at 5:00 in the
23 afternoon, we haven't heard a word from them.

24 But this grandfathered in here, this
25 2006, what does that exactly mean? Does that mean that

1 we don't have to do this or what does that exactly
2 mean?

3 MR. DRUMHELLER: If you are referring to
4 that list that got circulated around earlier, you can
5 file that in 13.

6 SPEAKER: Do what now?

7 MR. DRUMHELLER: We started anew on the
8 public safety tows after the first of the year from
9 scratch.

10 SPEAKER: What do you mean from scratch?
11 You mean -- what do you mean file 13? I wasn't, I
12 didn't come up here to be fresh.

13 MR. DRUMHELLER: File 13, that's a little
14 round basket.

15 SPEAKER: Yeah, I understand that. I
16 didn't come up here to be fresh with you so I
17 appreciate you not being with me.

18 MR. DRUMHELLER: I didn't mean to be and
19 I apologize.

20 SPEAKER: Okay, that's good.

21 MR. DRUMHELLER: But as far as any
22 equipment, there's nothing on the table right now.

23 SPEAKER: Okay. And grandfather clause
24 you have here, what does this exactly mean? I know you
25 have it in writing but I'd like to hear from you if

1 that would be okay.

2 MR. DRUMHELLER: Is that pertaining to
3 the equipment too?

4 SPEAKER: No, it says, I think the
5 licenses, I'm sorry--

6 MR. DRUMHELLER: Okay, are you talking
7 about the initial test, the licensee?

8 SPEAKER: Yeah.

9 MR. DRUMHELLER: Okay.

10 SPEAKER: In order to qualify for
11 grandfather status so that no examination is required
12 for licenses, the applicant shall submit evidence to
13 the board of the operator who is actively engaged in
14 the business of towing and recovery services in January
15 of '06, such evidence, you know, got to do your forms
16 and all that stuff, exactly what does that mean?

17 MR. DRUMHELLER: Means the operator, he
18 has to take the test to get his license if he was
19 employed as of January 1st -- if he were in business
20 January 1st of '06 means you will not be required to
21 take a test, and the test that will be required for
22 those who were not in business at that time is
23 basically going to be on the laws and regulations and
24 it's going to be an open book test, so that's nothing
25 really to sweat.

1 Who'd like to be next?

2 SPEAKER: Name George Philbates. I run
3 Philbates Auto Wrecking and Towing. Been doing it 54
4 years. My driver that I got, he's been doing it 18
5 years, so I think I'm pretty well grandfathered on that
6 go round.

7 The only thing is to take in
8 consideration on the equipment. For the last 20 years
9 I have been using rollbacks. The police, sheriff,
10 nobody has had any complaints about not having a
11 wrecker. I don't need a wrecker for what I'm doing for
12 light duty. I don't see where you should require me to
13 buy a wrecker and it just sits back in the corner and
14 not use it. If I don't use it for 20 years, why would
15 I need it now? I wish you'd take that in
16 consideration. It's unnecessary. I think under the
17 same thing on that, if equipment and wrecker service
18 been getting along good for all these years without a
19 wrecker, been using a rollback, that should be
20 grandfathered also on that same equipment.

21 And on that grandfather clause, to me
22 grandfather means permanent, because I'm a grandfather
23 with my wrecking yard, that means forever on that go
24 round.

25 And another thing on the requiring of

1 background checks, you all talking before about \$500
2 for a background check. There's a simple thing I
3 require of my drivers and my workers, they go get a
4 concealed weapons permit. Whether they carry it or
5 not, I don't care. As long as they have a permit, if
6 they can pass their permit, go before the sheriff, go
7 before the judge, and have all the government checks
8 everywhere, it only costs \$50 every five years. That's
9 a whole lot cheaper than \$500 every 3 years to start
10 with. And none of my drivers has complained. They
11 don't carry the weapons. They got a weapon permit but
12 they don't carry weapons, but they got it. If one
13 fails that permit, that's a signal to know something is
14 wrong with them.

15 And as far as the training, if they do
16 have to have training, I don't see where, I'm like you
17 on that, if they are grandfathered, you shouldn't have
18 to have training. After 54 years, what more are you
19 going to teach me to drive a truck? My other driver,
20 18 years, and AAA is calling in at all times on him,
21 and they send these little smiley faces around, they
22 call it in say he's nice and courteous, and any week
23 goes by I get 3 to 4 calls AAA a week, crash, needs a
24 driver.

25 So I mean now also as far as lot of the

1 rules, you are talking about the regulations for what
2 you can do. I think you ought to leave that to the
3 local police and sheriffs. In my county Sheriff Howell
4 has been here with many of these meetings and he's
5 satisfied with all the wreckers in his county. He said
6 any of them gets unruly, out of order, or improper
7 equipment, he takes them off his list and tells them
8 they don't come back on until they come back. The
9 State Police can do the same thing. They have that
10 right. When a truck comes, equipment, I have seen them
11 do it, bring a wrecker to a wreck, if it has slick
12 tires on it, go home, don't come back until you have
13 it. I think you ought to leave that part up to the
14 police about safety equipment and those regulations.
15 And same way if I had an unruly driver come there
16 drinking and not be right, I know the sergeant would
17 send him on back home in a heartbeat or even lock him
18 up, tell me come get the wrecker. I think those things
19 can be contained by the local police and I think a lot
20 of things like that.

21 Remember if you put too many regulations,
22 who's going to be running these wreckers years from
23 now? Won't be anyone except the big wreckers. No
24 young ones. The man with a rollback starting his own
25 business is going to be a thing of the past. I don't

1 want you to regulate it out. Me, I'm 54 years in the
2 business. I'm 76 years old. I'm not going to be able
3 to do it too much longer, but who's going to replace
4 me? Some young man won't be able to meet the
5 requirements you all put out? Think about it very hard
6 before you make too many requirements. Thank you.

7 MR. DRUMHELLER: Thank you.

8 MR. PURCELL: I'm Anthony Purcell with
9 Sunrise Towing here in Midlothian, Virginia.

10 I have been to several of the meetings
11 and was pleased that they threw out the first set of
12 regs that you all were drawing up because it was
13 completely ludicrous in my eyes. I believe that the
14 state doesn't know anything about towing. If it was
15 easy enough, the state would have wreckers out there
16 doing this. We are small business owners. Some of us
17 are larger than others. We are out here trying to make
18 a living for our family, and for the state to come in
19 here and legislate and force down our throat what kinds
20 of trucks we have to have, what type of equipment we
21 have to have, what size building we need, what size lot
22 we need, it's completely out there.

23 Minimum standards, my wreckers I run
24 every day. They pass the Virginia state inspection
25 every year. Now if the board wants to impose some

1 regulations on equipment safety that come standard on
2 the trucks, having cables checked, chains checked, I'm
3 for that.

4 The police initiated tows should be left
5 to the jurisdiction in which they occur. They know
6 best what they need to clean up their highways, not the
7 state.

8 The other thing, hours of operation, in
9 every corner of this state the zoning laws are
10 different as to whether you can have a home based
11 business or whether you cannot have one. Hours of
12 operation, you know, I think it says towing and
13 recovery, storage is a secondary thing. If we respond
14 to the scene of an accident and the owner of the
15 vehicle is there, well, he has the right to have it
16 towed wherever he likes and pay the bill. That's
17 already in the law book. If he's not there, he's gone
18 to the hospital, wherever, we take the car and we keep
19 it for safekeeping until he can come and pay the towing
20 and storage fees that are involved in the recovery and
21 safekeeping of the vehicle. That's already in the law
22 books. I don't think I need to have the Taj Mahal down
23 there for them to come in and lounge around and use the
24 phones and the bathroom and whatever else they please 5
25 days a week, you know, whatever hours you all want.

1 They come, they pick up their car, they pay me what
2 they owe me and they leave. I'm not a restaurant, I'm
3 not a convenience store. It's a storage lot.

4 I hope that more people in the other
5 corners of the state come to the meeting and voice
6 their opinions. We tried to get them to come to the
7 meetings when we were doing this back last year. You
8 know, I don't think that we need to be railroaded by
9 the state or any board to tell me how to do a business
10 that obviously I'm not grandfathered like themselves, I
11 have been doing it about 20 years. You know, it's, I
12 don't know what else to say. I hope we go in a better
13 direction than we were the last time. Thank you.

14 MR. DRUMHELLER: Thank you.

15 SPEAKER: My name is Henry Shaver,
16 Albemarle Towing in Charlottesville.

17 Number one, we got a letter from, well,
18 we got a call from the Virginia State Police. We got a
19 call from the State Police last year, we got a piece of
20 paper from you which is the start of this. Since that
21 time we raised probably everybody in Charlottesville,
22 Virginia. We got no information, filled the cards out,
23 went to Harrisonburg, filled the cards out, all I got
24 was a piece of paper saying to be at this meeting
25 tonight.

1 You all expect us to follow your all's
2 rules and regulations. I know we have to have rules
3 and regulations, but we need to know what it is. We
4 need to know. You all have had all those other
5 meetings. This is the first meeting I have ever heard
6 that you all had. What is the problem why we can't get
7 the information?

8 Number two, the building deal. I don't
9 own my building. I rent my lot, I rent my shop. How
10 do you control that? I don't think you got the right
11 or anyone got the right to tell me I cannot be in
12 business because I don't have a lot or a shop as big as
13 Mr. Herring's place, which he's got a nice place. I
14 don't have that, okay? I never will have it. I don't
15 have any desire to own a place that big. I have 10
16 trucks running, I do a good business, I do a good job.
17 My place has been approved by the Virginia State
18 Police, Albemarle County Police, Greene County
19 Sheriff's Department. I don't know what else I got to
20 do make you all happy.

21 I don't have any ideas because I don't
22 have any paperwork, and I need to know. And like I
23 said, I need to know what I got to do to make all this
24 right. I'm willing to work with you all, but everybody
25 got a wrecker service, you know, what do we have to do

1 here? We don't know. We have no paperwork. But you
2 go to places like, I'm not putting down Ray, a good
3 friend of mine on the board here, Mr. Herring, they got
4 all the information. What about places like us in
5 Charlottesville? What do we have to do to get the
6 information so we can be right? I'd like to know that.
7 Thank you very much.

8 MR. DRUMHELLER: Thank you.

9 MR. COPELAND: If I may respond to the
10 last comment, tonight was a major turning point for the
11 board to be able to provide you with the information
12 you are looking for. One of the things that we voted
13 on in the board meeting was to approve the way that we
14 are going to do the licensing process. It was
15 impossible for us to get any information about how that
16 process would work until we had that sync'd up with how
17 we are going to get it out, process it, process the
18 payments, make sure you have information on the
19 fingerprinting and all that, so look forward to
20 something in September for sure as far as how it's
21 going to work, how we can make it easier for you. We
22 are going to be looking for feedback on what you get
23 from us, so we are making it as easy as possible for
24 you all to comply with the licensing and authorization
25 requirements that are in play come January 1 and, you

1 know, apologies it hasn't been out any sooner, but
2 tonight was a major hurdle that we crossed, and we are
3 going to be able to start taking some very quick action
4 in the very near future, so appreciate just a little
5 patience, but hopefully we'll get you something will
6 help you out real soon.

7 SPEAKER: (Shaver) Okay, but at the same
8 time I don't think it's fair you expect me to have a
9 building to suit you all by then when I don't know, you
10 know, that's my point, all right? You expect me to
11 have everything which you all ask for which I can agree
12 upon, but so far as like a building, I rent my
13 building, how can I have it? You tell me September.

14 MR. DRUMHELLER: I don't know that
15 anywhere in the regulations requires you to own a
16 building. I don't own my place.

17 SPEAKER: (Shaver) I know that.

18 MR. DRUMHELLER: I don't know of any
19 regulation that calls for you to own the property.

20 SPEAKER: (Shaver) We will get some
21 information in time?

22 MR. DRUMHELLER: I promise.

23 SPEAKER: (Shaver) Okay, thank you.

24 SPEAKER: Sam Hudson, Sam's Towing in
25 Chesterfield.

1 I have been up here a few times before.
2 Mine's the same old concern, same old, same old. I
3 still operate with, well, I got 3 trucks, do have one
4 more. One is a lazy man old man's truck, but the
5 others are rollbacks. We operate rollbacks, and again
6 this year have not one time had asked for a wrecker to
7 work a police call. Last year was one call.

8 So I would hope we can do like the others
9 said, we can start on a minimum if you are going to do
10 equipment, you know, you don't need to start out and
11 have all this stuff as some of the others said and have
12 it sit on the fence. Someone has to pay for it, and
13 every one of us are business people. I'm not sure
14 about the, you know, the citizen advisers, whether they
15 are in business, but everyone else is in business, you
16 know what it costs.

17 And the other thing would be I think you
18 need to recognize that there are, especially like us in
19 Chesterfield, we have a full towing advisory board that
20 meets on a regular basis with the police department,
21 and, well, right now I am an actual member of it, we
22 are elected by the people or the other towers, but I
23 don't think last time that some of these we brought
24 over, a number of the rules and regulations we have,
25 but I think there are a lot more other places that have

1 it. I think you all need to start there with those,
2 you know, and when you see what we have to do and the
3 times we get inspected and what we get inspected for, I
4 think you'll, you know, open your eyes up, but I'd like
5 to say again, let's try for just a minimum, as you all
6 said, and start there and see if it can be a whole lot
7 better outcome than we have this time. Thank you.

8 MR. DRUMHELLER: All right. Mr. Layman.

9 MR. LAYMAN: Yes, sir. I'm not much of a
10 speaker but I got a few things to say. Robert Layman
11 from Harrisonburg, Layman Automotive and Towing.

12 All of us operate a special business 7
13 days a week, 24 hours a day, not knowing which hour we
14 may be, that it may be, I think a lot of the rules and
15 regulations that have been proposed and passed by the
16 board are not needed to help the industry. Tonight I
17 understand the public safety towing is the discussion
18 topic. I understand this board is to listen to
19 comments from the industry and to make rules
20 accordingly.

21 For training, let the board set
22 guidelines but the owner of the towing company carry
23 through. I feel there will be instructors here to
24 insist on training. Folks, I have never yet seen a
25 card in your wallet or a book on the seat that will up

1 right a recovery vehicle at an accident. It always
2 takes a piece of equipment and a person that knows how
3 to operate the piece of equipment. I feel sure that
4 there will be equipment salesmen here telling us the
5 equipment we are using is obsolete or not satisfactory
6 for the industry. I don't know how we can clean the
7 highway like we do with all the junk we are using. It
8 must be the operators who know how to use it.

9 I would like to see the equipment needed
10 be left to the localities where it is being used and
11 the training left to the owner of the company or whom
12 he chooses for the training of his employees. Thank
13 you.

14 SPEAKER: How you all doing, Board? My
15 name is Terry Wood with Hampton Roads Towing in
16 Hampton, Virginia. I just have a few little things to
17 say.

18 I got a survey from our local State
19 Police office in Williamsburg and in Hampton that asks
20 for all equipment lists that we have for all the stuff
21 we use on the highway for them that was inspected by
22 them and then our local police department, Hampton,
23 asked we stop all our trucks, bring them on a certain
24 day, let them inspect every truck we have, so our
25 equipment is checked daily -- not daily, but yearly for

1 each department and our list given to the State Police
2 as requested, written out and checked out by them, my
3 case Williamsburg and Hampton, and I think we do all
4 right with it. I have never had a card going out, our
5 form, and not brought back, so I mean I been doing this
6 25 years, and I thank you. Just let us do what we
7 normally do. Thank you all.

8 MR. DRUMHELLER: Thank you.

9 SPEAKER: Jason Pence, Valley Towing and
10 Keller Towing out of Mt. Jackson, Virginia.

11 Good evening. My apologies for being
12 late, Mr. Drumheller, it's been one of those weeks.

13 I'm just going to tag on to what pretty
14 much everybody else has said. Leave the public safety
15 regulations up to the localities. I have said at every
16 one of the meetings up until now and I'll repeat it
17 again, our success for the entirety of the public
18 safety regulations goes like this, quote: Any towing
19 and recovery operator who performs public safety towing
20 shall perform those tasks and duties in accordance with
21 the general regulations of the BTRO and additionally
22 shall comply with any requirements set forth by either
23 the local contracting agency or the law enforcement
24 agency who administers the rotation list, period, close
25 quote, end of regulation. It's very simple. I think

1 that says everything that it needs to, that needs to be
2 said.

3 Lastly, I would like to clear up an
4 inaccuracy that Mr. Miner said at the last meeting in
5 Fairfax when someone asked the question do you need
6 fingerprints to do a full background check. Not to
7 argue with Mr. Miner, but then Major Kimler (phonetic),
8 now Lieutenant Colonel Kimler of the Virginia State
9 Police was asked that very same question in testimony
10 before the General Assembly. His answer was that he
11 did not need fingerprints to do a full and complete
12 background check, and candidly, I would tend to defer
13 to the expertise of the State Police on matters of
14 fingerprints and background checks.

15 That's all I have. Good evening.

16 MR. DRUMHELLER: Thank you.

17 SPEAKER: I'm David Adams. I'm from
18 Providence Forge, and I run Adams Wrecker Service.

19 I'm a single truck operator, and I use a
20 rollback. I think that the equipment should be left up
21 to the operator. I believe there's 400 of us maybe
22 that work for the State Police that are only single
23 truck operators. A lot of them just have rollbacks,
24 and most of what I need to do I can do with a rollback.

25 You know, when I bought that truck, the

1 equipment guy didn't tell me I couldn't use it to work
2 an accident, and I know most people here that's got a
3 rollback use them to get up accidents, and I think
4 that's, the police usually are glad to see us when we
5 show up with a rollback, because I have done it the
6 other way too, and a lot of times it wasn't any fun.

7 As far as storage lots and offices and
8 all, I think that should be left up to the local
9 zoning. If you are operating a business now and are
10 working for the police, whether it be county or state,
11 why should the board pass anything that would change
12 the status of your business that would, if you're --
13 the local zoning laws usually take care of most of
14 that.

15 And I just, you know, just think this
16 thing can be simplified. Since you already have the
17 general regs, maybe they could be worked close with
18 those like the other gentleman suggested a few minutes
19 ago and make this simple for us all. We have got a lot
20 of headaches in this business, and we don't need a
21 whole lot more added to it. Thank you.

22 MR. DRUMHELLER: Thank you, Mr. Adams.

23 SPEAKER: I'm George Mahone, owner and
24 operator of Skimino Enterprises Towing out of
25 Williamsburg, Virginia.

1 I agree with a lot that's been said
2 tonight. I have just became a 2 truck owner, I was a 1
3 truck owner, and in the process of hiring somebody to
4 drive the other truck.

5 But I believe you should start with a
6 minimum equipment requirement. I have been in the
7 business 10 years. In those 10 years I have only had
8 one recovery in which I needed a wrecker, and the light
9 duty wrecker wouldn't have cut it. It took 2 medium
10 duty wreckers to pull the car up out of the bottom of a
11 ravine. That's the only recovery that I have been on
12 where I was not able to use the rollback.

13 As far as the training is concerned, I
14 think the training ought to be left up to the operator.
15 They know what type training that they need for their
16 area for their equipment, and everybody's equipment is
17 different and everybody's equipment takes different
18 types of training, so I think the training should be
19 left up to the operator. I train my employees, both
20 the practical training and book training on what I
21 have. You can pick up a lot of training from the
22 periodicals and stuff.

23 Again, you know, I'd like to see as far
24 as the office requirements go, the localities, through
25 zoning laws, they take care of the operating. I

1 operate my business out of my home, I have a storage
2 lot separate from my home that fits in with the zoning
3 of my county. I have not had any trouble with the
4 State Police that I have been operating under, I have
5 not had any trouble with the two county jurisdictions
6 that I cover for, and I just feel that we need to start
7 with a minimum for the public safety towing and keep it
8 at a minimum.

9 MR. DRUMHELLER: Thank you, sir.

10 Mr. Fly.

11 SPEAKER: Mr. Chairman, members of the
12 board, Eric Fly. I represent the Virginia Wrecker
13 Association and Commonwealth Towing Association, and we
14 still have a few concerns.

15 Our members are very concerned about few
16 items and we'll stick with the public safety tow
17 tonight. But as public safety tow, as we understand
18 it, is initiated by the police, we agree with many of
19 the towers here tonight that we believe it should stay
20 with the police. To this date, after digging through
21 the minutes of this board's meetings since its
22 inception, we have not found one documentation, not one
23 letter, not one suggestion from any law enforcement
24 agency that regulations on the public safety tows are
25 needed.

1 We started to interview law enforcement
2 agencies throughout the State of Virginia and have
3 contacted over 40 police departments and sheriff's
4 departments in the Commonwealth, all of them stating
5 they see no need for this board to interfere with their
6 business. They see no need for equipment requirements
7 for public safety tow.

8 As related to additional equipment that's
9 been suggested by this board earlier last year, we
10 interviewed over 60 fire departments in the
11 Commonwealth of Virginia and find most of them equipped
12 with air bags and some of the equipment mentioned on
13 the list that is now dead. We also are engaged in a
14 study of the equipment which VDOT has, and come to find
15 that VDOT also has established across the Commonwealth
16 much of the equipment that was suggested last fall by
17 this board for the public safety tow regulations, so it
18 seems like we are sort of swimming up hill on this
19 thing.

20 What we would suggest to this board to
21 make it very simple, in the absence of any request from
22 any law enforcement agency in the State of Virginia
23 that you all meddle in their business or create any
24 public safety tow regulations or to create any list of
25 equipment needed for them to clear the highways, we

1 recommend to this board or suggest to this board that
2 you make a recommendation to the General Assembly this
3 spring to strike Section 46.2-2826 which would relieve
4 this board of its obligations to produce public safety
5 code regulations. Doing so would send all regulations
6 under the general towing regulations, simplify the
7 process so the towers understand what the board's
8 intent is and would bring comfort to the towers across
9 the Commonwealth that this board is actually here, we
10 hope, to help the towers in the Commonwealth of
11 Virginia.

12 Another concern that we still have as it
13 relates to public safety tow is the right of this board
14 or this board's inspectors to come into our businesses
15 and inspect our records without cause or reason. The
16 reason this board was created supposedly by the General
17 Assembly was that there was such a tremendous outcry of
18 complaints from citizens of the Commonwealth and that
19 citizens were in such danger from the road towers, and
20 so many complaints had been filed that a board had to
21 be formed to deal with these complaints. If this is
22 so, then we would suggest that the inspectors once they
23 are hired seek out those complaints which were filed
24 and those be the first they look at. Under the process
25 in which this board has put forward where our records

1 must be opened by demand of this board or this board's
2 employees, what you have essentially told the towers in
3 the Commonwealth of Virginia is that you are a criminal
4 until your records prove otherwise.

5 Gentleman of this board, I will reiterate
6 again that this is not the way the Commonwealth of
7 Virginia was founded. In the Commonwealth of Virginia,
8 I believe, the State Trooper can correct me if I'm
9 wrong, we are innocent until proven guilty, not guilty
10 until we open up our records and allow this board to
11 look at our personal files. I'd ask you to look at
12 that.

13 I know the Governor has signed the
14 general towing regulations where that's at, and our
15 organization will seek relief from the General
16 Assembly. I'd ask you to consider going to the General
17 Assembly this spring with a board recommendation to
18 eliminate Code Section 46.2-2826 to remove your
19 obligation to create public safety tow. Thank you.

20 MR. DRUMHELLER: Thank you, Mr. Fly.

21 Anyone want to respond? Next?

22 SPEAKER: Kind of hard to follow that
23 act, isn't it? Dittos. My name is Parker Simmons. I
24 operate Wheel Service in Petersburg which basically our
25 towing is in Dinwiddie County. We are celebrating our

1 60th year.

2 When I first heard of this board and
3 regulations and whatnot, the first thing popped in my
4 mind was Sentry Wrecker Corporation and the likes,
5 number one, is dictating to the heavy hitters in the
6 towing industry that has all the bells and all the
7 whistles to say yes, you need this type of equipment to
8 do this type of job.

9 I was interviewed by a lady in Footnotes
10 last week. She wanted to know what towing recovery was
11 like in the '70s, and I told her no different from
12 today. You got 80,000 pounds laying on the side in
13 1977, it's the same as it is in 2008.

14 If you have a general idea of rigging and
15 the principles of leverage as someone taught me, you
16 can move a mountain with a 750 Holmes. I know the guys
17 who have the new trucks, which we can't afford, I can't
18 afford, because my net doesn't go out in the towing
19 river very far in Dinwiddie County unlike most of the
20 board members that I have had the pleasure of knowing
21 and seeing, and it's a lot different in Northern
22 Virginia. They are from the eastern part of the state
23 which is a different world in Dinwiddie County. You
24 are in a different world all together. I have heard a
25 lot of people say that Interstate 64 should be the

1 state line, because everything north of that is, no
2 disrespect to the guys north of that, but it's a
3 different world than what we have down in Dinwiddie
4 County and southwest Virginia and these other rural
5 localities that are going to have to come up to the bar
6 that works in Prince Edward County or Fairfax or
7 wherever up in Northern Virginia or the Tidewater area.

8 So I would hope, one, that the board
9 would recognize on the issues of equipment that they
10 would not be influenced by big business such as the
11 wrecker dealers, I have good friends that sell
12 wreckers, but hey, if they can convince you you need
13 it, you got to have it -- I guess it sums what I'm
14 saying is they had a show on, was it towed or something
15 on one of the Discovery Channels, I believe it is, it
16 showed a wrecker service in Chicago, the guy called me
17 said watch this thing. So I sit up late and I watched
18 a \$500,000 rotator swing over and pick up a Ranger
19 pickup truck, okay? Now this is the mentality that I
20 think I'm feeling that we have got to have all these
21 bells and whistles to do this. I cut the TV off. It
22 was a joke.

23 You know, in the real world in Dinwiddie
24 County, the equipment that I have got has served me
25 well for many, many, many years.

1 As far as education, I'm all for it. As
2 far as someone being a convicted felon being out here
3 towing, I wouldn't want my family to be picked up by
4 some sex offender, I'm all for that, but I think a lot
5 of aspects of this thing, if it ain't broke, don't fix
6 it, and don't let 3 percent of the bad guys in our
7 industry ruin it for the 97 percent of the good honest
8 people trying to make a living and support their
9 family, and I think when all the dust settles that
10 97 percent is the ones that are going to suffer. The
11 3 percent, they are gone. Thank you.

12 MR. DRUMHELLER: Thank you. You don't
13 want to get me started on that show. Next.

14 SPEAKER: I'm Bill Whitlock, Willow Lawn
15 Service Center here in Richmond. I'm not going to go
16 into how many decades we have been towing, but it's
17 more than 2, way more.

18 One comment on the final text I picked up
19 in here is somebody is coming in from out of state to
20 pick up a vehicle. They are not allowed to do that.
21 Now my question would be if my wife breaks down in
22 North Carolina and I take my tow truck down there to
23 pick it up and bring it back here, why couldn't the
24 reverse happen, if a North Carolina resident breaks
25 down in Virginia, why shouldn't he be able to call

1 their neighborhood tower to come up here and get them
2 without putting undue legal restrictions on them? Now
3 somebody that's doing it on a regular basis, that's a
4 different ball game, but if you, if you broke down in
5 another state and they had the same regulation, then
6 you couldn't call somebody from here to come get you.

7 On the equipment thing, I understand we
8 are back on a white piece of paper again, and I just
9 echo the other comments. Most of us know what we need
10 to do a job. Now if you went in business the first of
11 the year, you may not have it down yet, but most of us
12 that have been out there for a while know basically
13 what we need to do a job on the highway, and I think
14 the state and local authorities will weed out those
15 that can't have the equipment.

16 Lieutenant, if you get people in your
17 zone that are coming out there with a, one of these
18 little half pint pickup trucks with a make shift sling
19 in the back to work an accident, how long you going to
20 let them tow for you?

21 LT. HARDISON: They are not going to be
22 on our list.

23 SPEAKER: Thank you. His reply, for
24 those of you who didn't hear it, they are not going to
25 by on our list. They are going to regulate what we

1 have. If we have got the equipment to do the job and
2 can do it efficiently and properly, I think they want
3 us, yes?

4 LT. HARDISON: Yes.

5 SPEAKER: (Whitlock) If we don't, they
6 don't. Let the localities take care of it. The
7 equipment requirements are different in different
8 areas. I mean obvious. I don't know that in all the
9 years I have been towing, I don't know if I can
10 successfully tow now in the mountains. They need
11 different stuff up there and different training that
12 they get over time, and they might be able to apply
13 what they learned up there down here, but it's going to
14 be an adjustment. It's just not the same thing.

15 Background check, again you do not need
16 fingerprints for a background check. How often are you
17 going to do a background check? Initially? Fine. But
18 every year, that's an awful burden on the drivers and
19 the State Police, and the background checks are not
20 free. At a minimal, what, \$15 or something like that,
21 but then in order to get the background check you have
22 to go pay a notary 5 bucks to get it notarized.

23 \$50 per year per driver, some of us have
24 part-time drivers. We got to pay \$50 for every driver
25 even if they may only run 2 or 3 calls a year?

1 And the other problem we have with a lot
2 of these regulations, the annual fees and what have
3 you, some of us cannot increase our rates. We can't
4 increase our rates because our fuel costs have tripled
5 in the localities that I am, we ask them about a fuel
6 surcharge, because when the regulations went in fuel
7 was a buck and a half, \$2 a gallon. It's now, it's
8 coming down, but it's been up close to \$5. Taxes on my
9 lots go up but I can't raise my rates, and this is
10 additional expense. How are we able to recoup? We are
11 all businessmen in this room. When your expenses go up
12 your prices have to go up. When the grocery store pays
13 more for groceries, you go in there and buy, their
14 prices go up, I assure you. Ours can't go up when the
15 localities are regulating our rates. Thank you.

16 MR. DRUMHELLER: Thank you, Mr. Whitlock.

17 MR. COPELAND: Just in response on the
18 fingerprinting. The authorizing statutes for the board
19 require us to follow a certain process, and we have
20 indeed looked into the fact that there are other means
21 in doing background checks beyond requiring
22 fingerprinting, but unfortunately it's set out in the
23 statute, but so for the process we are engaged in right
24 now we are going to have to go with what's in the
25 statute.

1 SPEAKER: Good evening. I'm a little
2 nervous. I don't speak too well.

3 MR. DRUMHELLER: Speak up just a little
4 bit. Get a little closer to the mike. We don't bite.

5 SPEAKER: My name is Xavier Kidd, Big
6 Boss Towing. I'm a little nervous. I don't normally
7 speak in front of a lot of people.

8 I been hearing a lot of things. I just
9 started in the towing business so I'm kind of like
10 small man on the totem pole. I mean as far as the
11 regulations and stuff that I heard you all saying, I
12 guess I meet some of the qualifications. I just talked
13 to the State Police here in Virginia, I just got on the
14 towing list, but from listening to a lot of things that
15 I guess a lot of people here that has experience with
16 towing, you know what I'm saying, I guess touching on
17 the nail as far as what's going to happen when they
18 don't tow no more and the little man trying to start
19 his own business, it's kind of making me scared, you
20 know what I'm saying? I got my heart palpitating and
21 stuff, you know what I'm saying, so just bear with me a
22 little bit.

23 I understand some you all saying about
24 the background checks. I mean I'm with you. I
25 wouldn't want a sex offender to pick my wife up or my

1 kids on the side of the road, but you also have a lot
2 of people out here in this world that are convicted
3 felons that's not sex offenders, you know what I'm
4 saying? For instance I'm a convicted felon, I'm not a
5 sex offender, I didn't get drug charges or nothing like
6 that. I was just a young black male who didn't have no
7 money to pay for a lawyer to get out what went on, so I
8 did my time. I felt like if you all would allow us to
9 be able to vote, I mean, as being a convicted felon is
10 sort of like I guess you black balled, I guess, you
11 know what I'm saying? It's a lot of people out here
12 that always say well, I can't get a job, I can't get a
13 job because I'm a convicted felon. Well, it is like
14 that but it's not, you know what I'm saying? There's
15 no way that somebody can change themselves or better
16 themselves if every time you all looked at them just
17 because they are a convicted felon, you know what I'm
18 saying, you always looking at they saying they are a
19 sex offender or rapist or murderer or something like
20 that, you know what I'm saying? It's a lot of people
21 out here that's convicted felons for child support, you
22 know what I'm saying? I mean it's hard for I guess us
23 black males, you know what I'm saying, because it seems
24 like there's a lot of us out there that, you know what
25 I'm saying, I'm not trying to make this thing like a

1 race thing, you know what I'm saying, but I just don't
2 see a lot of minorities here, but all I'm saying is it
3 kind of hurt me and make me feel like my dreams that
4 I'm trying to set for me and my son when he get of age
5 with something to leave him, is that if I can't get a
6 break, what is it that I'm going to have to leave my
7 son, you know what I'm saying, when he get up so he
8 won't go up the road where he ends up a convicted
9 felon, you know what I'm saying? I mean I'm looking at
10 it I'm trying to pay my debt back to society to leave
11 my son something when I leave here so that he won't go
12 out there and get laid down the wrong path, because
13 it's very easy going down the straight and narrow easy
14 to take the wrong off ramp and you end up in the wrong
15 off ramp. It's hard to make a U-turn.

16 So all I'm saying is as far as the
17 background checks, if you all could kind of look at it,
18 okay, sex offenders, of course. I mean you got to be a
19 sex offender, you got to report to the State Police or
20 whatever county it is you living in if you living in a
21 residence, you know what I'm saying? So as far as the
22 sex offender thing, yeah, I understand that, but I mean
23 as far as other convicted felons, I mean I think you
24 all should be able to give them a break if we are able
25 to get our rights back to vote. I mean I feel like we

1 done did our time, we done did our debt to society. So
2 I mean just keep that in mind. You give some of us a
3 break, you know what I'm saying, because I mean we
4 trying to do better, but if we never do get a break, we
5 never be able to change. Thank you.

6 MR. DRUMHELLER: I didn't catch your
7 name.

8 SPEAKER: Xavier Kidd, X-A-V-I-E-R, owner
9 of Big Boss Towing, LLC.

10 MR. DRUMHELLER: Thank you, Mr. Kidd.

11 We have considered that, and actually sex
12 offenders is the only thing there that can absolutely
13 prevent you from being a tower. Just because you are a
14 felon doesn't necessarily mean you can't be a tower.

15 SPEAKER: My name is Sampson Townes,
16 operate the Townes Enterprise Garage. I'm the owner.
17 I have been pulling ever since 1982 and I didn't have
18 no complaints. I really do treat people fair because I
19 really was a minister, I understand the congregation, I
20 understand people. But let me tell you one thing
21 that's true. I have had, since I have been pulling,
22 had one or two problems. One, it was about 1:00
23 o'clock at night, I had to go to service that morning
24 to preach in the Methodist Church, so the lady was,
25 license had been revoked and she was from California,

1 and I asked her, I said now, she said I'm going to go
2 with the wrecker. And he was puzzled. You know, I
3 thought he was going to take her to the motel. No. I
4 said what should I do. And this is in Clarksville,
5 Virginia down in Mecklenburg County. I said what
6 should I do? I said I don't know. I said I can't take
7 her, I can't stay at the shop from 1:00 o'clock in the
8 morning. I got to go preach, I said to myself, you
9 know. So she said I'm going with the wrecker. He said
10 if you take that car away, you call me. I said okay.

11 So she had an idea of her own. So I
12 didn't know that. I approached my garage and I put it
13 in, so she says cut it loose. I did. So her idea were
14 when I cut it loose, she paid me, she got in the car
15 and took off with it.

16 Well, I did call the officer knowing that
17 he'd take the car away. He said well, I got what I
18 need, and that was it, you know. So I mean I just
19 trying to say little things happen. Then a State
20 Trooper, ain't calling no name, and I was in
21 Clarksville and Wallaceburg, you know, she had to go
22 back home to Wallaceburg, and I said officer, I said
23 what should I do? I said you going to take her to
24 Wallaceburg? He said no, I'm going to leave it to you.
25 Well, I got a son that's a State Trooper, I called him.

1 I said son, who is responsible for it? He said well,
2 either a State Trooper or a wrecker, you cannot leave a
3 person stranded. So I took her and she called for a
4 friend to come and pick her up, you know.

5 So I have had things happen. I have been
6 pulling since '82, and I have had no, nothing against
7 anything or anybody, and I'm very loving and kind to
8 all people, I mean because I really don't believe in
9 races, I do not. I'm mixed myself and I don't believe
10 in races. I believe we should not call people black or
11 white. We should call people Americans. We are
12 Americans. Our brothers and sisters fighting for us,
13 they fighting for Americans, so we should look at ideas
14 of that. I think in the wrecker service that are your
15 brother, that are your sister, and if you can help
16 them, help them.

17 I had a State Trooper that called me, he
18 told me the person had come from Virginia Beach and
19 used a spare and that had blowed out, and so he called
20 me at night around about 11:00 o'clock and he had 3
21 children with him. I went there and I picked it up,
22 carried him to my garage about 8-miles, and gave him a
23 new tire to put on the car and I only charged him \$35,
24 and because his children were there, you know, so
25 little things, God blessed me. I don't only run a

1 garage, I farm, I raise tobacco, and God provide for me
2 and help me, so I believe in helping one another. I
3 believe God's our Father, Christ our Redeemer, and I
4 believe that man is our brother. You can believe that.
5 That's all I have to say at this time.

6 MR. DRUMHELLER: Thank you.

7 Mr. Campbell.

8 SPEAKER: How you doing tonight? I'm
9 Keith Campbell, Campbell's Towing in Thornburg.

10 I got one other question to ask and that
11 is on this criminal background check. I don't have any
12 problem with it, but those of us who already have
13 HAZMAT, go through fingerprints with DMV and terrorist
14 checks, wouldn't that do for the same?

15 MR. DRUMHELLER: I'm not sure I
16 understand about going through DMV.

17 SPEAKER: DMV makes all of us who has
18 HAZMAT go through a fingerprint check and some kind of
19 background check for terrorism and everything else.
20 Wouldn't that do just the same as what you are asking
21 for? Why would we need to do that one and do another
22 one too?

23 MR. DRUMHELLER: I'll let the lieutenant
24 answer that if you would.

25 SPEAKER: Or maybe somebody from DMV

1 would know.

2 LT. HARDISON: Mr. Campbell, correct?

3 SPEAKER: (Campbell) Yes, sir.

4 LT. HARDISON: Because of the regulations
5 and the way the statute is written right now, is we are
6 requiring everybody to be fingerprinted, and that's by
7 statute. The fingerprints that you submitted to DMV or
8 whomever you may have submitted them to, once they are
9 sent through the State Police and to the FBI through
10 VCIN or NCIC for a criminal records check, those prints
11 are discarded, they are not saved at all, sir.

12 SPEAKER: (Campbell) Okay, I appreciate
13 it. The only other thing I'd like to say, I do agree
14 with most of these people of minimal requirements for
15 now. We got a wreck yesterday, 2 cars, and we had to
16 ask the police was it all right to bring a wrecker.
17 Most time they tell us bring a rollback with us. If we
18 are short a rollback, we ask can we bring a wrecker.
19 The wreckers do not get used very much and we are
20 talking about a small wrecker running 80 to \$100,000
21 now for a tow truck. That's a lot of money to put out
22 for it to sit around. And it was brought up in one of
23 the meetings to have a certified recovery rollback. I
24 don't think anybody certifies a rollback for recovery.
25 We use it all the time but I don't think you'll find

1 any certified. Thank you.

2 MR. DRUMHELLER: Thank you.

3 SPEAKER: How you doing? My name is Mark
4 Harvey. I operate Mark's Auto & Welding for about 20
5 years in Gloucester County. We do light and heavy
6 towing. I got as much equipment as anybody in the
7 county which still is a lot less than what we had on
8 the books that they say now you have scratched that
9 list, which I think that's a good idea because the
10 stuff would probably freeze up before we'd ever use it.

11 The only other thing I can think of is on
12 the training. Maybe for some people that have a lot of
13 employees, I can see that maybe. I only have one, and
14 either me or my brother, which is my employee, drive
15 the trucks, so I feel like with all the experience I
16 have and he has, we should be able to take care of the
17 training on our own. That's all I have.

18 MR. DRUMHELLER: Thank you. Mr. Mays?

19 SPEAKER: Mr. Drumheller, I'm very happy
20 that you are the chairman, I have known you for many
21 years, and I believe you are a man of integrity. That
22 is refreshing to me.

23 My name is Floyd Mays, I'm an insurance
24 agent. I have been insuring the towing industry for
25 about 30 years, and I'm particularly happy that you

1 have realigned the committees. I haven't personally
2 seen the list yet of how it's going to be, but I'm
3 confident we'll have justice there and maybe give the
4 towing industry in Virginia a little peace that
5 something good will come of this board.

6 I wasn't able to make the Northern
7 Virginia meeting, and I do wonder if we had the same
8 kind of education, sales people, and equipment vendors
9 there that we had in Roanoke speaking in favor of lots
10 of equipment and lots of education for the towers to
11 have to pay for, so I guess I'll find out when the
12 minutes come for these things.

13 I want to sort of add my two cents worth
14 in on the same, along the same line that many others
15 have already spoken about tonight, and that is the
16 local authority having precedence in the issues in
17 their neighborhoods. I just believe that, you know,
18 for all the years that I have doing the business, I
19 just don't see the problem out there, and somebody else
20 said if it ain't broke, don't fix it. I feel the same
21 way about it. You know, regulation is part of our
22 lives today, so it's going to happen. But I believe
23 the local zoning board would be better able to judge
24 the legality of an operation, whether somebody is doing
25 their bookkeeping in the bedroom or have the corner

1 office in a 5 story building. The local zoning board I
2 believe can make a better determination about the
3 legality of that than some part-time inspector that you
4 guys have out there, so I'd like to have that taken
5 care of.

6 Then regarding the equipment list, I feel
7 the same way about that. I believe that the sheriffs
8 and the State Police, the county and city police are,
9 they are better, they have a better sense about what,
10 of the people doing the work for them, and believe me,
11 you know, just actually, it's not many, somebody
12 mentioned 3 percent, I don't think it's anything close
13 to 3 percent out there causes problems, but every now
14 and then somebody doesn't do the right thing. Believe
15 me, they call off those lists, so these local
16 authorities are well able to manage effectively the
17 quality of the service and the quality of the equipment
18 and they don't hesitate to make a move when it becomes
19 necessary. Thank you very much.

20 MR. DRUMHELLER: Thank you. Mr. Eagle.

21 SPEAKER: My name is Bruce Eagle. I'm
22 with Eagle Towing in Chesterfield, Virginia speaking on
23 behalf of the 22 public safety towers in Chesterfield
24 County as well as the members of the Commonwealth
25 Towers Association.

1 I'd like to agree with Mr. Fly on having
2 this board remove the public safety regulations. If
3 that doesn't happen, the code does require this board
4 to create minimal regulations. That is exactly what we
5 are expecting of you this go round, minimal
6 regulations. Most of us are not opposed to regulations
7 but they need to be fair. The previous list was
8 clearly not fair.

9 We are asking this board to leave the
10 majority of the public safety regulations up to the
11 localities and police departments that we have towed
12 for for years. They are the ones that best know in
13 their area what equipment, what companies do the best
14 jobs to serve their area. Thank you.

15 MR. DRUMHELLER: Thank you.

16 SPEAKER: I'm Jimmy Mason with Staunton
17 Truck & Auto Repair. I just want to say regulations
18 when then come out, I'm glad that they are gone. When
19 they were requiring 2 wreckers or talking about
20 requiring 2 wreckers, nobody in our county qualified
21 for what they were requiring. We would have been left
22 with no one or somebody that didn't meet the standards.
23 And if you got 2 wreckers sitting around and you don't
24 have use for them except for the State Police list,
25 then you don't need it. A wrecker can't -- I mean a

1 person can't pay for a wrecker, a wrecker has to pay
2 for itself.

3 And I just think that they need to take
4 into consideration that there aren't a lot of small
5 businesses out here in rural areas and we need to be
6 able to work together with other companies because you
7 can't afford to have equipment setting around that you
8 are not using.

9 MR. DRUMHELLER: Thank you, Mr. Mason.

10 SPEAKER: (Simmons) Can you make one more
11 statement? Do you get 2 turns?

12 MR. DRUMHELLER: Yes. We don't want to
13 shut anybody out.

14 SPEAKER: (Simmons) Okay. All this is
15 about public safety. We read in all our publications
16 of tow truck drivers run over on the side of the road.

17 MR. DRUMHELLER: State your name again.

18 SPEAKER: Parker Simmons, Wheel Service,
19 Petersburg, Virginia.

20 I have had the occasion many times to go
21 out on a State Police call for a disabled vehicle where
22 the trooper is not there. I have been told that the
23 person dialed 911 or star 77 or whatever it is and the
24 dispatcher dispatched the wrecker to the proper zone.
25 My problem is all these regulations that you are

1 proposing, is there any regulations that will be
2 towards law enforcement and safety aspects when we are
3 dispatched on the side of a road for a disabled
4 vehicle, I'm not talking about an accident, and there's
5 not a trooper there, there are 3 flares behind the car,
6 and that's not something that I like, and I told my
7 area first sergeant that if they could not stay on the
8 scene that I would not stop, and the answer I got was
9 they were shorthanded, another call came in, they had
10 to go, and my answer to him was what is my life worth?
11 Worth a heck of a lot to my family and me. And he
12 assured me at the time that he would try to do better
13 and has. Takes one time, every time you go out, you
14 roll the dice, and those odds are more against you and
15 more against you. I hoped the board would take some
16 sort of consideration towards the regulations that the
17 local law enforcement, the State Police or whoever
18 would be calling us out to perform these tasks to the
19 public that our safety would be in consideration also.
20 Thank you.

21 SPEAKER: (Shaver) I have got one more
22 question for the board and the State Police. Henry
23 Shaver with Albemarle Towing. We have to have county
24 stickers, state inspections, DOT, everything we have to
25 buy, insurance we have to buy. Now you all put more

1 prices and bills on us, 50 bucks here, \$100 here.
2 After a while the straw will break the camel's back, we
3 give up. When we give up, Mr. Herring, Mr. Drumheller,
4 Willow Lawn, when we get tired of towing, who's going
5 to move you all's junk off the highway? Who's going to
6 move the accidents for you? I'd like to know that
7 answer.

8 MR. DRUMHELLER: Thank you.

9 SPEAKER: Jim Dow with Battlefield
10 Service Center in Manassas. I first want to thank
11 every one of you on the board for taking your time at
12 your expense to help serve our industry because we
13 really need it, but we are losing track of it. I mean
14 the track of the whole thing is to be professional, to
15 get paid fairly for the job that we are doing, and to
16 make the customer be responsible for their vehicle.
17 You know, we all want to go to work in the morning, we
18 all want to come home. We want our workers to be safe,
19 and that's a key for training. You know, I heard guys
20 talk about they didn't know anything. There's multiple
21 associations in our state that have information. Every
22 tower should be a member of an association. This is
23 important. You only get out of a group what you give
24 in. You really need to be involved, but we do need to
25 be professional, we do need to have rules, we just