

Draft Minutes

**Licensing and Regulatory Affairs Committee
October 9, 2007 – 10:00 AM
Holiday Inn I-64 West End / Crossroad
2000 Staples Mills Road, Richmond, Virginia 23230**

Licensing and Regulatory Affairs Committee meeting was held at the, Holiday Inn I-64 West End / Crossroad, 2000 Staples Mills Road, Richmond, Virginia 23230 in the Norfolk Banquet Room.

Members present:

Charlie Brown
Roy Boswell
Ray Drumheller
Ray Hodge
Gary Teter
Ron Miner
Captain Steven Chumley

Members absent:

None

Others Board Members present:

Cary Coleman
Jo Anne Maxwell

Staff present:

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

Public Comments:

Anthony Purcell of Sunrise Towing has concerns with the Board making it mandatory that the public have access to bathrooms on the storage lots. He stated that this will be at a great cost to his business.

Dave Adams with Adams Wrecker Services doesn't understand why he needs to have a bathroom for the public. He stated that he is the owner of a convenience store and the state doesn't allow him to have a restroom for the public only for his employee's. Mr. Adams also wanted the Committee to explain why he needs a land line for his business when everybody carries a cell phone.

Connie Miller Owner Blue Streak Towing asking the Committee to reconsider the zoning issues. Mrs. Miller works out of a home office and don't have need for the extra space that the new regulating will require her to have.

Mr. Brown read three other public comments that was email and fax to the office.

Pleas see the attached public comments.

Old Business:

None

New Business:

Working Papers for Public Safety Regulations

See attached.

Adjourned:

The motion was made by Ron Miner, second Gary Teter.

Meeting adjourned at 2:45.

Board of Towing and Recovery Operators

**Licensing and Regulatory
Affairs Committee**

Working Paper

October 9, 2007

PUBLIC SAFETY REGULATIONS

1. Office and storage area requirements

A) Towing company shall have a main office location exclusively for towing and storage and shall not be a part of or attached to a residence. ~~The office must have 250 square feet of permanently closed office space for exclusive use by the tower.~~ The office space must include a desk, chairs, filing cabinet (s), a working land line telephone in the name of the tower and available to customers, a public restroom and working utilities to include electricity and heating. **Ron to re-write.**

B) Office shall be open for business and staffed minimum of 5 days a week from at least 8:00am till 5:00pm, excluding national holidays. **Needs further study.**

C) Towing company shall maintain and or own / lease a storage area able to contain all public safety towed vehicles. Storage area shall be fully enclosed by a commercial grade fenced, lot shall be secured, have adequate lighting and remain clear of debris. Licensed public safety operators shall not share storage lots with other licensed public safety operators unless owned by the same owner. **Used VATRO language. Minimum square footage, 1500 for B and 3000 for A. Minimum height of 6 feet.**

D) Office and storage area shall meet or exceed all local and state code and zoning requirements. ~~Main office shall post a copy of their zoning certificate.~~

E) Storage area shall be surfaced with stone, asphalt or concrete. ~~No dirt or grass~~
~~surface shall be allowed in the parking area.~~ PSP ? - Ron

F) Towing company office and or storage facility shall display a sign with the towing company name and phone number. Sign shall be visible and legible from a state, county or city maintained highway. Sign shall be at least 3' X 3' or as approved by local zoning.

G) Towing company ~~BTRO license~~ Public Safety Endorsement shall be displayed at the business office and copies shall be displayed at all storage facilities and satellite offices.

H) Towing company will make vehicle and or contents of vehicle available to the vehicle registered owner during normal business (8:00 a.m. - 5:00 p.m., Monday through Friday) hours. Towing company may charge a separate fee for this service if requested before or after the company's regular office hours.

I) Towing company shall make a reasonable attempt to provide covered storage or materials to protect the contents of vehicle in storage area from weather. Towing company may charge a separate reasonable fee for this service.

2. Driver Qualifications

~~A) No driver shall be employed by a public safety towing company that has been convicted of a barrier crime as defined by 63.2-1719 of the Virginia code unless approved by the BTRO.~~

B) All public safety towing drivers and recovery supervisors shall attend an incident management seminar at least once every 3 years. **Defer all education material for Education Committee.**

C) Class A public safety towing drivers shall possess a national certification adequate for towing and recovery of trucks with a GVW of 26,001 lbs. or greater. Drivers shall attend and pass a minimum of 10 hours of continuing education every three years pertaining to the towing and recovery of trucks with a GVW of 26,001 lbs. or greater. Certification shall be by a professional training organization approved by the BTRO. Training shall consist of minimum of 5 hours classroom and 5 hours hands on training. Class A public safety towing drivers shall be grandfathered with a written request to the BTRO from a licensed Class A public safety operator for the drivers first licensing period after July 1, 2008. A licensed Class A public safety operator with a written request to the BTRO can request a thirty day grace period for any Class A driver applicant.

D) Class B public safety towing drivers shall possess a national certification adequate for towing and recovery of vehicles with a GVW of 26,000 lbs. or less. Drivers shall attend and pass a minimum of 10 hours of continuing education every 3 years

pertaining to the towing and recovery of vehicles with a GVW of 26,000 lbs. or less. Certification shall be by a professional training organization approved by the BTRO. Training shall consist of minimum of 5 hours classroom and 5 hours hands on training. Class A public safety towing drivers shall be grandfathered with a written request to the BTRO from a licensed Class A or Class B public safety operator for the drivers first licensing period after July 1, 2008. A licensed Class A or Class B public safety operator with a written request to the BTRO can request a thirty day grace period for any Class B driver applicant

E) Any tow truck operator ~~tow truck driver~~ responding to the scene of a motor vehicle accident or incident shall possess a public safety endorsement ~~drivers license~~ issued by the BTRO.

F) Support personnel needed to clear an accident scene are encouraged by not required to be certified and/or licensed by the BTRO. Support personnel shall qualify under paragraph A of this section.

G) At least one BTRO ~~licensed public safety towing~~ driver or operator shall be at the accident scene at all times during recovery.

3. Public Safety Towing Equipment Requirements

A) Any tow truck responding to an accident scene shall be equipped with the

following safety equipment:

1. ~~5 lb.~~ DOT required fire extinguisher
2. Reflective vest or gear shall be available in the truck. ~~must be worn by all responding personnel~~
3. Two revolving and or flashing amber warning lights visible 360 degrees
4. 5 lbs. of oil absorbent material
5. Push broom
6. Square tip shovel
7. Four rear flood lights
8. Flashlight
9. Three road flares
10. ~~Hazmat spill kit~~
11. First Aid kit
12. Two way private communication
13. Rear tow lights
14. Factory manufactured and rated towing/recovery unit
15. Container for debris removal.

B) Class B towing company shall own/lease a minimum of 1 towing/recovery truck with a minimum GVW of 10,000 lbs. and a recovery unit of a minimum rating of 8 tons. Unit shall have 2 winches and a boom that raises and lowers, extends and

retracts by hydraulics. Unit must have a hydraulic operated wheel lift with a rating of 3500 lbs. Company shall also own/lease a rollback having a minimum GVW of 14,500 lbs. and a minimum deck length of 19'. Use Ron'idea, with a five year window.

C) Class A towing company shall own/lease a minimum of 2 towing/recovery trucks with a minimum GVW of 50,000 lbs. each and a recovery unit of a minimum rating of 30 tons. Unit shall have 2 winches rated at 25,000 lbs. each with a minimum of 150' of 5/8 wire rope. Unit must have a boom that raises and lowers, extends and retracts by hydraulics. Unit must have a hydraulic operated underlift rated to lift 12,000 lbs. at full extension.

D) Class A towing company shall own/lease or have a written agreement up to date and readily available for BTRO inspection with a subcontractor to provide the following equipment within a timely manner:

1. Lowboy hydraulic operated trailer capable of transporting a wrecked or disable road tractor and or debris
2. Box trailer 48' or longer
3. Dump truck, dump trailer or container
4. Air cushions capable of up righting a loaded tractor and trailer (80,000 lbs.).
5. A skid steer loader or forklift wheel loader capable of moving cargo and/or debris from the highway.
6. Adequate personnel to offload cargo

7. Tandem road tractor
8. Forklift
9. A rotator or crane with a minimum of 35 tons.

E) A winch boom or underlift that does not have a factory manufacturer rating plate attached to it or that has been altered from it's original construction will not qualify for public safety towing unless unit has been certified to meet or exceed BTRO standards. Certification shall be done by a reputable testing facility regularly engaged in the testing of such equipment. All testing and/or certification cost shall be the responsibility of the towing company.

4. Insurance requirements

TO BE DETERMINED