

**Board of Towing and Recovery Operators
Licensing and Regulatory Affairs Committee
September 14, 2010, 9:30 am
Department of State Police
Police Academy Room 219
7700 Midlothian Tnpk. Richmond, Virginia**

Members Present:

Gary Teter – Chairman
Kenneth Mitchell
Roy Boswell
Tony Troilo, Jr. – arrived at 10:04 am.
John J. Beall, Jr.

Staff Present:

Marc Copeland
Barbara Drudge
Kara Corso

Members Absent:

Lt. Raymond W. Gill, IV

Board Counsel:

Jeff Spencer – Senior Assistant Attorney General

Call to Order:

The meeting was called to order at 9:31 am.

Public Comments:

Chairman Teter allowed public comment to take place throughout the meeting.

Acceptance of Meeting Minutes:

Chairman Teter requested a motion to approve the January 6, 2010, meeting minutes as presented. Mr. Mitchell so moved and Mr. Boswell seconded the motion. The motion passed unanimously.

Discussions:

Government Reform Initiatives – Federal Issues: Idea Title 35, SS 53.7: Tow Companies to Determine if Vehicle Owner is Active Duty Military.

Chairman Teter requested a motion on this reform initiative. Mr. Beall moved that the Committee report to the full Board that this is a good concept and that it will be watched closely. Mr. Boswell seconded the motion and it passed unanimously.

Transportation Government Reform Initiatives – State Code:

Idea Title 72, Section 46.2 – 2806: Annual Report

Mr. Mitchell moved to oppose the proposed change in idea title 72. Mr. Beall seconded that motion and it passed unanimously.

Idea Title 73, Section 46.2 – 2807: Powers with Respect to Hearings Under this Chapter

Mr. Mitchell moved to oppose the proposed change in idea title 73. Mr. Boswell seconded that motion and it passed unanimously.

Idea Title 76, Section 46.2 – 2815: Action on Applications; Hearing on Denial

Mr. Beall moved to oppose the proposed change in idea title 76. Mr. Troilo seconded that motion and it passed unanimously.

Idea Title 77, Section 46.2 – 2817.B: Issuance, Expiration, and Renewal of Licenses

Mr. Beall moved to combine idea title 77 with idea title S-2 and recommended that Mr. Copeland prepare an amalgam of the suggested credentialing cost reduction incentives prior to the next full Board meeting. Mr. Mitchell seconded the motion and it passed unanimously.

Idea Title 75, Section 46.2 – 2814: Drivers to Have Tow Truck Driver Authorization Document

Mr. Troilo moved that the temporary driver authorization documents be “conditional” on the results of the criminal history check. Mr. Mitchell seconded the motion and it passed unanimously.

Idea Title 74, Section 46.2 – 2812: Licenses Required

Mr. Beall moved to include the proposed change in idea title 74 in section 46.2 – 2814. Mr. Troilo seconded the motion and it passed unanimously.

Idea Title 78, Section 46.2 – 2820: Prohibited Acts

Mr. Beall moved to include the proposed change in idea title 78 in 46.2 - 2814. Mr. Mitchell seconded the motion and it passed unanimously.

Idea Title 79, Section 46.2 – 2821: Report of Conviction or Injunction to BTRO

Mr. Beall moved to change the language in idea title 79 from “registration” to “driver authorization document”. Mr. Spencer suggested changing the language from “fine” to “civil penalty”. Mr. Beall withdrew his previous motion and moved to change the language from “fine” to “civil penalty”. Mr. Mitchell seconded the motion and it passed unanimously.

Idea Title 80, Section 46.2 – 2822: Examination

Mr. Beall moved to accept the proposed change in idea title 80 and present it to the full Board. Mr. Mitchell seconded the motion and it passed unanimously.

Idea Title 81, Section 46.2 – 2823: Qualifications of Applicants

Mr. Beall moved to oppose the proposed change in idea title 81. Mr. Mitchell seconded the motion and it passed unanimously.

Meeting recessed at 12:30 pm and reconvened at 12:42 pm.

Idea Title 82, Section 46.2 – 2825: Reprimand, Revocation, and Suspension

Mr. Beall moved to rescind the motion of adding section 46.2 - 2820 to section 46.2 - 2814. Mr. Mitchell seconded the motion and the motion passed unanimously.

Mr. Beall moved to accept the proposed change in idea title 78 and present it to the full Board. Mr. Mitchell seconded the motion and the motion passed unanimously.

Mr. Beall moved to add section 46.2 – 2811 to idea title 82 and add the word “civil” before the word “penalty” to the first bullet point. He then withdrew the motion to recommend adding “civil” to the first bullet point. Mr. Troilo moved to accept the recommendation to add section 46.2 – 2811 to idea title 82. Mr. Mitchell seconded the motion and it passed unanimously.

Idea Title 83, Section 46.2 – 2825.1: Suspension, Revocation, and Refusal to Renew Licenses or Driver Authorization Documents; Notice and Hearing

Mr. Beall moved to accept the proposed change in idea title 83 and present it to the full Board. Mr. Troilo seconded the motion and it passed unanimously.

Idea Title Title S – 1, New Code Section: Operators Submit all Applications

Mr. Mitchell moved to oppose the proposed change in idea title S - 1. Mr. Beall seconded the motion and it passed unanimously.

Idea Title S – 3, New Code Section: Allow for Five Year Credentialing; Adjust National Criminal History Background Check Periods from Three to Five Years from Initial Application

Mr. Mitchell moved to accept the proposed change in idea title S - 3. Mr. Boswell seconded the motion and all were in favor except Mr. Beall.

Idea Title S – 4, New Code Section(s): Clarify Enforceability of BTRO Statutes

Mr. Mitchell moved to oppose the proposed changes in idea title S – 4 until more information is received per Mr. Copeland. Mr. Troilo seconded the motion and it passed unanimously.

Idea Title S – 5, New Code Section of Add to an Existing One: Charge Less for Processing of Applications Received Online

Mr. Troilo moved to combine idea title S – 5 into idea title S – 2 and idea title 77. Mr. Beall seconded the motion and it passed unanimously.

Additional Public Comments:

There were no additional public comments.

Other Business:

There was no further business before the Committee.

Next Meeting:

The next meeting was scheduled for October 14, 2010, before the meeting of the full Board.

Adjournment:

The meeting was adjourned at 1:41 pm.