



# hook & winch

## **FROM THE DESK OF EXECUTIVE DIRECTOR BART GIESLER**

Since this is the last newsletter of the year, I thought I would look back and forward. The first item on looking back is all the work President Moreland has done this past year on your behalf. Her work on the Tow Show and Christmas Party is what made them both successful. She contacted vendors and sponsors – she found the entertainment - she did it all. I think this is a perfect point to look forward. Who will step up and do this when Sue is no longer President? At the Annual Meeting, we had a presentation on Succession Planning (yes – Sue contacted the speaker). While the presentation focused on the finances of selling your business, a key component of it was trying to find a way that the buyer could take it over and not be saddled with debt in order to make it work. By finding the next President now, the next President will be able to hit the ground running.

At the conference, one of the presenters was Dalan Zartman with Energy Security Agency (ESA). He presented on electric vehicles and some of the things, as a tow truck, you will need to know as you tow more and more electric vehicles. Like with everything new that comes along, towing companies will have to adapt to them. A new National Transportation Safety Board Report on the risk of lithium-ion battery fires was released in 2021. [Risks to Emergency Responders from High-Voltage, Lithium-Ion Battery Fires Addressed in Safety Report \(ntsb.gov\)](https://www.ntsb.gov/investigations/special-reports/2021/2021-001)

The report stated:

*SAE J2990 recommends two barrier methods for an electric vehicle during storage: (1) separate the vehicle from combustibles and structures by 50 feet on all sides, or (2) create a barrier of earth, steel, concrete, or solid masonry around the vehicle.*

The report also discussed cars that were involved in accidents and the battery reigniting the cars on fire after everyone thought the risk of fire was eliminated. While the presentation was only an hour, it opened my eyes to the new challenges that Electric Vehicles will cause everyone. The good news is that ESA has great resources available online. I strongly encourage you to check out their website.

## [EnergySecurityAgency.com](https://EnergySecurityAgency.com)

For the spring chapter meetings, we are trying to arrange trainings dealing with EV as it relates to the towing industry.

In closing, thanks to everyone who helped ITWA in 2021 and to those who will step up in 2022. By working together, we are all stronger.



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## Advertisers needed for 2022 Newsletter:

If you're interested in reaching all of our members during 2022 by advertising in our newsletter, just call Bart Giesler at 765-288-6041.

## **FROM THE DESK OF PRESIDENT MORELAND**

As I write this letter we just finished up with the 2021 Christmas Party. We had a good turnout, and some excellent speakers. If you didn't attend you missed a good one! I would like to personally thank our speakers for the day, Marty Honn, Justin Wiggins, Dalan Zartman and Brent Hoover for providing some great content for all our members that attended. Dalan Zartman with ESA was one of the highlights, and I would like to let everyone know that he will be back for our Tow Show in August with more important information to share on Electric Vehicles. I have also confirmed that Jason Wiggins will be back for the Tow Show, and we have Brian Riker joining us again next year as well.

Reflecting on 2021 just a bit, it has been a pretty good year for us, even with all the distractions of COVID. I would like to say "Thank You" to all the members that have contributed in any way to help make our organization a success. We couldn't do it without the help and support of our great members! Speaking of new members, we have added several new members this year, and are glad to see them joining in and helping plan for our future events in 2022.

ITWA is already hard at work making plans for an even better 2022! Bart and I have been working on 2022 Calendars, and you should be seeing them soon! We are also working on a new, up-to-date member directory which you should be receiving in 2022. Bart is also gearing up for the legislative session that will be starting in January. Tow Show planning has already begun, and new training events for 2022 are coming soon!

As I close, I hope that this holiday season finds you enjoying every minute of it! I wish you all the best!

Sue

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## **LEGISLATIVE UPDATE**

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Even though the 2022 session will be a “short session,” ITWA expects it to be a busy session. As of today, only HB 1001 has been filed. It will deal with vaccine mandates and what an employer can and can’t do as it relates to their employees. As the bill moves through the process, we will keep everyone informed.

We are expecting a bill that will change the law as it relates to providing notice within three (3) business days that you have a vehicle. Current statute states that you have to notify the owner or lienholder. However, BMV has always required that you notify the owner and lienholder in order to complete the mechanic lien process. We are also expecting another bill that will mandate that BMV completes the paperwork for Certificates of Authority to junk a vehicle. ITWA will be looking to change the statute that deals with newspaper rates that towing companies are charged. Today, when a towing company places a legal advertisement, newspapers charge different rates. Some are reasonable and others are not. ITWA has requested that we be charged the same rate that a governmental unit is charged for the same advertisement. Our rationale is that when the BMV ran the sale of vehicles and placed the advertisement, they would have received the government rate. In addition, we are performing a governmental service of keeping the roads and streets cleared of abandoned vehicles.

Once the bills are introduced, we will send an update with the bills and how to contact your legislator. If you have an existing relationship with legislators, please let us know.

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## **2022 DIRECTORY**

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ITWA has sent out dues statements for 2022. We will be updating the membership directory and will need your completed information by February 28th to be included. We have expanded the information that we are asking in order to better serve the membership. Many members use the directory when they need help for a customer who has broken down in a different part of the state. By giving additional information (provide road side service), you may get a call from another member who is trying to help their customer who has broken down in your area.

We will also be updating the directory to include relevant portions of Indiana law as it refers to towing and abandoned vehicles. We will also have a listing of phone numbers and websites for different agencies. If you have any recommendations of listings, please let us know.

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## **ITWA WEBSITE REMINDER**

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**ITWA is emailing the newsletter.**

**If you would like a hard copy, please contact ITWA.  
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# **SUCCESSION PLANNING**

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As a business owner, you have to keep your eyes on so many things to keep it all running smoothly. Between operations, staff issues, marketing, contract negotiations, and several dozen other things, there is plenty to think about, however there is one issue most business owners don't even consider while they're building their business: what happens when I'm ready to retire?

Retiring as a business owner is very different from retiring as a rank-and-file employee. For most business owners, the company is their most valuable asset. That means that in order to experience the best retirement possible they'll need the fair market value for their company. There are a few right ways to do this, and a lot of wrong ones. Here are a few things you'll want to have in order to ensure you get the most out of the business you've spent so much time and energy creating.

## **1. Business valuation**

Most business owners have a "walk away" number. This is the number that would need to be on a check for an owner to hand over the business to a buyer today and walk away. That number is generally higher or lower than the actual value of the business. This means that most business owners either need more than their business is worth at the moment, or they could potentially leave tens of thousands of dollars on the table when selling an undervalued business. Getting a valuation of your business by a reputable third party is the best way to find out what the actual value is and is the first step in putting together a plan to exit the business.

## **2. Buy-Sell Agreement**

Many business owners have a person in mind that they would like to take over the business. Sometimes this is a relative, sometimes it is a loyal and capable employee, and other times it is a competitor that has shown interest in purchasing the company. Regardless of the plan, the best way to garner trust between all parties in this transfer is with a buy-sell agreement. This a legal agreement between the owner and purchaser that when the company is sold it will be sold to the agreed upon buyer. There are several reasons that might trigger a sale, including: retirement, death, disability, divorce, loss of professional license, and felony conviction. The central concern is that whether things go according to plan, or if life decides to throw a curveball, there is an agreement in place that ensures ownership of the business transferred to the correct party.

## **3. Funding the Purchase**

Planning who will become the next owner of the business is important. Planning how that individual will pay for it is also important. Whether the plan is to sell to a competitor, a relative, or an employee, likely they do not have the funds on hand to purchase a business for hundreds of thousands, or millions, of dollars. Allowing the buyer to pay a salary to the departing owners is a very common tactic, but it puts the success of the seller's retirement in the hands of the buyer of the business. If the business fails, the seller will likely have to come out of retirement and go back to work. Maybe in their 80s or 90s. These concerns should be taken into consideration when putting together a plan for business succession. Life insurance, disability insurance, and sinking funds can

help provide the funding for these types of agreements. Not only will the business be protected from the unexpected, but the cash value and death benefit from a life insurance policy are generally not taxable, providing a very tax efficient way of transferring ownership of the business.

## 4. Planning as Early as Possible

Most of us want to retire one day, and retiring is expensive. When we retire, we endeavor to afford the rest of our lives without earning any more money. This can be difficult to accomplish if we try to retire too early or if we start planning too late. For business owners, this is even more true than for W-2 employees due to a tendency to invest money in the business as opposed to retirement accounts and outside investments. Starting the planning process for retirement 10-15 years ahead can afford the owner plenty of time not only to put together personal funds to retire on, but also to create the funding processes that will allow a family member or employee to buy the business. When done correctly, a plan that incorporates life insurance, investments, a sinking fund, and a strong buy-sell agreement can easily transfer ownership of the business to the new owner without creating a huge debt for them, while also providing the departing owner with the full fair market value of the business to use for retirement.

Jason Wiggins

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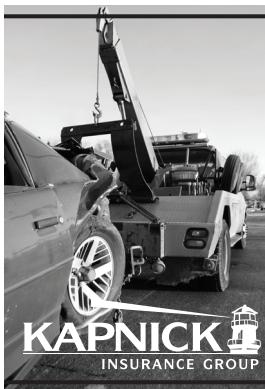
### **ITWA MEMBER CLASSIFIEDS**

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### **DO YOU HAVE AN ITEM THAT YOU ARE LOOKING TO BUY OR SELL?**

Starting next month we will be listing member ads for free in the newsletter at no cost to our members. Do you have a truck you were going to trade in? Try selling it directly to a member first. Looking for something special to buy? Place a "Wanted ad" and see if any other member may have it for sale.

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## ***DOT CHAT WITH BRENT HOOVER***

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Hello and welcome back! If you are new to the column I would like to take a minute and bring you up to speed on who I am. My name is Brent Hoover. I am a Master Trooper with the Indiana State Police. October marked my 18th year with the ISP. I am assigned to the Commercial Vehicle Enforcement Division or CVED for short. My primary daily duty is to enforce the State and Federal Regulations for CMVs in the State of Indiana. I am certified to complete Part A and B Inspections, as well as General Haz-mat and Cargo Tank inspections. I am also a Part B Instructor for the National Training Center, which means I teach new inspectors how to inspect and document level 1 inspections. I have competed twice in the North American Inspectors Championships. I am the current administrator of the CVED Facebook page, where I post about tips and tricks to improve your pre-trip inspections and to avoid common roadside violations.

This month I would like to discuss with you the new Entry-Level Driver Training (ELDT) program that will go into effect in 2022. Below is information directly from the FMCSA website.

### **About the ELDT Regulations**

FMCSA's Entry Level Driver Training (ELDT) regulations set the baseline for training requirements for entry-level drivers. This includes those applying to:

- Obtain a Class A or Class B CDL for the first time;
- Upgrade an existing Class B CDL to a Class A CDL; or
- Obtain a school bus (S), passenger (P), or hazardous materials (H) endorsement for the first time.

The ELDT regulations are not retroactive; individuals who were issued a CDL or an S, P, or H endorsement prior to February 7, 2022 are not required to complete training for the respective CDL or endorsement.

If an applicant who obtains a CLP prior to February 7, 2022, obtains a CDL before the CLP or renewed CLP expires, the applicant is not subject to the ELDT requirements.

Any individual who meets one of the exceptions for taking a skills test in 49 CFR Part 383 is also exempt from the ELDT requirements.

### **About the Training Provider Registry**

Once operational, the FMCSA Training Provider Registry will retain a record of which CDL applicants have completed the new training and certification process outlined in the Entry-Level Driver Training (ELDT) regulations.

For more information about the ELDT regulations and the Training Provider registry, visit <https://tpr.fmcsa.dot.gov>.

I hope this may help you in the future! If you have any questions, feel free to email me!

[Bhoover@isp.in.gov](mailto:Bhoover@isp.in.gov)

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## **ITWA LADIES AUXILIARY**

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As I write this, it is just a few days before Christmas. Merry Christmas to all!

Looking back on 2021, we successfully navigated through another year of the pandemic. Besides a great Tow Show in August, we also had our Holiday Celebration, with a full day of meetings related to the towing industry, and a Christmas Party in the evening. We want to thank our sponsors, those who donated to the silent auction, and all those who attended. It was a great day of education, fun and fellowship.

Moving forward into the New Year, we have some interesting and exciting plans for 2022. More information will be forthcoming. But for now, please mark your calendar with these dates:

**AUGUST 5-6, 2022 ITWA Tow Show, at Fair Oaks Farms, Fair Oaks.**

**DECEMBER 3, 2022 ITWA Holiday Celebration at Double Tree by Hilton, Lafayette East.**

Last, but not least...I want to thank each and every one of our sponsors and members who have supported ITWA in 2021. I am looking forward to another great ITWA year in 2022!

Happy New Year to all!

Crystal

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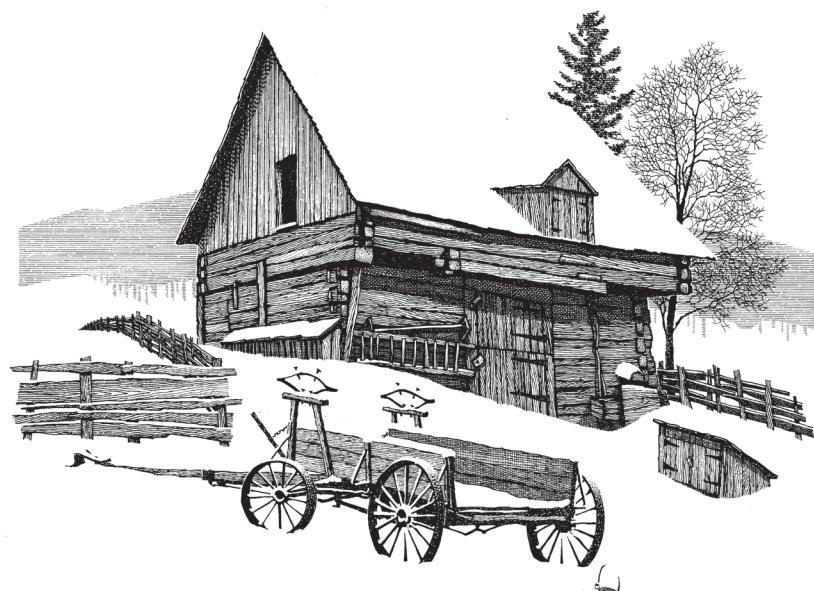
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