



hook & winch

FROM THE DESK OF EXECUTIVE DIRECTOR BART GIESLER

I need to thank President Sue Moreland for all the time and effort she put into the Show this year. The Show does not happen if it wasn't for her!

President Moreland's right hand in planning the Show was Crystal Rose. They are a great team, making sure that all the i's were dotted and the t's crossed. She brought in the crew to work registration and to judge the beauty contest. She even brought in new help this year in getting a car show that donated their proceeds to ITWA. President Moreland had great vendors that she was able to convince to come to the show. Without their help, we cannot provide all the extras (band, kid's activities, etc.) that, once again, she put together.

While I was pleased with the attendance and saw several new faces (as well as old faces), I think some of the vendors would have appreciated more business. I know that several members stepped up and supported the vendors who supported the show. The good news is that it is not too late for you to still support them. Please let the following vendors who supported the Tow Show know that you appreciate their contributions:

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Photocard Specialists

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Rapley's Specialty Products

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David Clark Company

Custer Products

I need to thank the team at Joey's for setting up, working, and tearing down the driving competition. They put in a lot of hours (and it did get warm that afternoon) in order for people to participate throughout the day. Speaking of lots of time – thank you to Diana Bell for the quilt that she made and our great auctioneer Jeff Rife for always getting one more bid!

It's time to mark your calendar for the Annual Meeting and Christmas Party. We will be back at the Doubletree Hilton in Lafayette on December 2nd. Please make your hotel reservations now. We have a limited number of rooms at a great rate of \$100. The hotel block and rates expire on **November 2, 2023**.



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Josh Hercamp
31 Wrecker Service
1130 Industries Road Suite D
Columbus, IN 47203
Phone: 812-372-9085
Fax: 812-372-9431
Email: 31wrecker@comcast.net

President: Sue Moreland

Northwest Towing and Recovery of Muncie
2900 N. Martin Luther King Jr.
Muncie, IN 47303
Phone: 765-288-3514
Fax: 765-288-1011
Email: Sue@northwesttowing.com

Vice President North: Crystal Rose

Cheever's Towing
834 S Halleck St.
DeMotte, IN 46310
Phone: 219-987-2231
Fax: 219-987-2232
Email: crystalrose@netnitco.net

Vice President Central: Joey Driscoll

Joey's Enterprise Services
4320 S 450 E
Lafayette, IN 47904
Phone: 765-490-5768
Fax: 765-471-8571
Email: Towjoe75@yahoo.com

Vice President South: Ken Parish

Ken's Westside Service
3111 Venture Blvd.
Bloomington, IN 47404
Phone: 812-336-9050
Fax: 812-372-9431
Email: Kenswestside@yahoo.com

Secretary

Karrie Driscoll
Joey's Enterprise Services
4320 S 450 E
Lafayette, IN 47904
Phone: 765-490-5768
Fax: 765-471-8571
Email: karrieolive@yahoo.com

Treasurer: Walt Hamilton

Walt's Service
1006 W. Covington Road
Crawfordsville, IN 47933
Phone: 765-362-6353
Fax: 765-362-4600
Email: waltsservice@sbcglobal.net

Executive Officer: Bart Giesler

John Frick & Associates
135 N. Pennsylvania, Ste. 1175
Indianapolis, IN 46204
Phone: 765-288-6041
Fax: 317-638-7976
Email: bgiesler@wswi.com

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Advertisers needed for 2023 Newsletter:

If you're interested in reaching all of our members during 2023 by advertising in our newsletter, just call Bart Giesler at 765-288-6041.

FROM THE DESK OF PRESIDENT MORELAND

Thanks to everyone who participated at the Show. Here are the winners of the Beauty Contest:

Class A – Wrecker/Rollback

- 1st – Bill’s Professional Towing
- 2nd – Bill’s Professional Towing
- 3rd – J&T Recovery

Class B – Medium Duty Wrecker

- 1st – Tom’s 24 Hour Towing
- 2nd – Tom’s 24 Hour Towing
- 3rd – Cheever’s Towing

Class C – Specialized Equipment

- 1st – Ken’s Westside Service
- 2nd – Worldwide

Class D- Heavy Duty

- 1st – Bill’s Professional Towing
- 2nd – Double T
- 3rd – Froedge’s

Class E – Rotator

- 1st – I 70 Wrecker Service
- 2nd - Zore’s
- 3rd –Froedge’s

Class F – Antiques

- 1st – Cheever’s Towing
- 2nd – Bennett’s
- 3rd – Jim’s Garage

Best of Show

- I – 70 Wrecker Service
- Light Show
- Tom’s 24 Hour

Raffle

- 1st – Suburban Towing
- 2nd – Joey Driscol
- 3rd – Brad Davis

Water Lift Challenge – Bucket

- 1st – Chris Henkle – Bill’s Professional
- 2nd – Walter Norton – Froedges
- 3rd – Hunter Rose – Cheever’s

Cup Challenge

- 1st – Hunter Rose – Cheever’s
- 2nd – Chad Haniford – Froedges
- 3rd – Matthew Rose – Cheever’s



LADIES' LUNCHEON

The lady's luncheon had a great turn out this year at the Boone County Fairgrounds, and we were able to raise money for a great cause. I would like to begin by saying a very special thank you to Michelle Sukow, for sharing her message and experiences with us at the Indiana Tow Show this past month. I would also like to thank Kary Crone of I-70 Wrecker Service for helping me with the ladies' luncheon. It is always good to get together with friends and share ideas and stories. The new location this year seemed to be a hit and had something for everyone. Sue Moreland never ceases to amaze me at what she can pull off. The Tow Show is not an easy event to plan and execute. Many long hours and numerous phone calls and emails were made to not only vendors, but she also made several trips to the location to make sure things went off without a hitch. This year, not only did we have a car show, we also brought back the driver challenge. I want to thank everyone who put in the extra time to help set up for both events, as well as those who donated their time to make sure these events could take place. Great job to all the participants that came out and tested their driving skills on our course. We look forward to doing it again next year. Looking forward to our next major event for the Indiana Towing and Wrecker Association, which will be the Annual Meeting and Christmas Party in just a couple of months. Where did this year go? Stay safe and alert out there and we will look forward to seeing you all in a couple of months.

Karrie Driscoll

ITWA Secretary

Annual Meeting/Christmas Party

December 2, 2023

Hotel Information
DoubleTree Hotel Lafayette East
155 Progress Drive
Lafayette, IN 47905
765-446-0900

Block Room Rate - \$100

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The block expires November 2nd
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Spouse (if attending): _____

Additional Guest Name: _____

Additional Guest Name: _____

Additional Guest Name: _____

Number of Adults (Dinner and Reception): _____ x \$35 = \$ _____

Number of Adults (Reception Only): _____ x \$15 = \$ _____

Number of Children: _____ x \$15 = \$ _____

Amount Enclosed: \$ _____

Checks may be mailed to:

ITWA

135 Pennsylvania Street #1175

Indianapolis, IN 46204



For questions, please contact Bart Giesler at bartgiesler@gmail.com or 765-288-6041.



2023 ITWA Christmas Party

Saturday, December 2, 2023

DoubleTree by Hilton - Lafayette



Adults - Dinner & Reception \$35
Reception Only \$15
Kids (10 & Under) \$15
Hotel Rooms \$100

RSVP by November 21st



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- ✓ Recognition and Time to Speak at Dinner
- ✓ Signage at Dinner
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- ✓ Recognition on ITWA Facebook Page
- ✓ 1 Complimentary Dinner/Reception Tickets

If you were a sponsor at the 2023 Tow Show, we will give you a 20% reduction on your sponsorship!

When Do Storage Caps Apply?

My name is Ryan Leagre and I am an attorney at Plews Shadley Racher & Braun LLP. I represent towing companies in various capacities, including helping them recover the costs of responding to large accidents and navigating statutes that regulate the industry.

This month's update is about storage caps. This is an issue that insurance companies and attorneys challenge all the time. They usually argue that they do not have to pay more than \$1,500 or \$2,000-2,500 for storage, but other times they pay storage charges in full without raising the issue. Given these differing views, a closer look at storage caps is warranted. Only two statutes (that I'm aware of) impose caps on storage costs. Other relevant statutes impose no such caps. Here's my take on what these statutes mean and when they apply:

Title 32 Towing Liens - \$1,500 Storage Cap

This statute imposes a \$1,500 storage cap per motor vehicle. I.C. § 32-33-10-5. But this cap applies only when a towing company has asserted and properly recorded a mechanic's lien under I.C. § 32-33-10-6. As discussed in last month's legal update, there are benefits to asserting a Title 32 lien, including the ability to recover attorney fees. But if you have not recorded a Title 32 lien within 60 days of providing services, then this statute (and storage cap) should not apply.

Title 9 (Abandoned Vehicles) - \$2,000 or \$2,500 Storage Cap

This statute imposes a \$2,000 or \$2,500 storage cap per motor vehicle depending on the vehicle's length. I.C. § 9-22-1-4. These caps only apply to "abandoned vehicles." There is not a clear definition of when a vehicle becomes "abandoned." The statute says a vehicle is abandoned if the owner or lienholder "does not appear and pay all costs." But it does not say when those costs need to be paid or when a vehicle is considered abandoned.

Title 9 (Services Requested by Owner) - No Storage Cap

Under I.C. § 9-22-6-2, a towing service provider "has a mechanic's lien on the vehicle for the reasonable value of charges for the towing services and other related costs" if those services were provided "at the request of the owner." Unlike these other statutes, this statute does not impose a storage cap.

The Main Takeaway for Your Business. I believe that these storage caps apply only in limited circumstances: either when you've recorded a Title 32 lien or when you've sold the vehicle as an "abandoned vehicle." But if you have towed a vehicle at the request of the owner and it is not "abandoned," then neither of these caps apply. The key then is ensuring that you get adequate proof that the owner has "requested" your services. Please reach out if you want to discuss strategies on how to do this. One big caveat to all this: this is my personal view on storage caps. Judges have the final say. For now, I believe the law on storage caps is open to interpretation.

If you have any questions about storage caps or other legal matters related to the towing industry, please send me an email (rleagre@psrb.com) or give me a call (317-637-0700).

DOT CHAT WITH BRENT HOOVER



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. I have started my 19th 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 week I would like to write about a stop I made last week. I stopped a tow truck towing a semi-tractor backwards and only had the 4-way flashers activated.



I want to remind you that in FMCSRs 393.9 and 393.11 that a working set of tail, turn and brake lights must be always displayed on the towed vehicles.

Not only is not having these lights a safety concern for you and those who are following you and your tow truck, but it is an Out of Service violation as well. I would hate for someone to rear end you coming to a stop or turning, and it was because you failed to have the required lights. So please take a minute and make sure that your added lights are used and function properly.

If you have any other questions, please feel free to contact me at bhoover@isp.in.gov



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