



hook & winch

FROM THE DESK OF EXECUTIVE DIRECTOR BART GIESLER

Hurricane Season

I feel like the towing industry, both here in Indiana and nationally, is going through its own Hurricane Season. As with hurricanes, you never know what direction they will go and the damage they create. They also cause damage in places you never thought were vulnerable.

Our hurricane season started with the American Transportation Research Institute (ATRI) release last November of the Causes and Countermeasures of Predatory Towing. The report showed Indiana as the “worst” state. What we didn’t realize about this report, it caused damage where we never would have thought. Towing fees might be considered in the Federal Trade Commission’s (FTC) Junk Fee Rule. The Federal Motor Carrier Safety Administration (FMCSA) asked the FTC to include towing fees in their proposed regulation. We are still waiting to see what happens with the rule on junk fees.

As a result of the FMCSA weighing in on the proposed rule, there are now national discussions taking place about creating a federal task force to look at issues with non-consensual towing. This idea of a task force is supported by TRAA and even the American Trucking Association. ITWA also supports the idea that it is better to have all parties at the table discussing the issue, versus just one side. We are still waiting to hear if FMCSA will take up the task force or if the idea will wait for a new administration to decide after the election.

While all of these things are going, ITWA was hit with a new storm that we did not see coming from the Indiana Secretary of State’s (SoS) office. They asked ITWA to come in and see if we were willing to sit down with them to discuss the possibility of the SoS’s office regulating towing. They have received towing complaints from the car dealers that they regulate. ITWA once again said we would sit down and discuss issues. A little after we were invited in for our discussion, they sent a 1st draft of legislation on regulating towing. Here is a quick summary of the proposal:

Register with Secretary of State’s Office (similar to car dealers) and provide

- o *Owner personal information/change of ownership/location*
- o *Tax Id #*
- o *Registrations of recovery vehicles (including reporting changes)*
- o *Tow drivers (and any changes) – agency will provide IDs*
 - *IDs must be surrendered if driver’s privileges are suspended*
- o *Reporting of owner/manager felonies and misdemeanors (fraud, motor vehicles)*

Continued on Page 3



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Advertisers needed for 2024 Newsletter:

If you're interested in reaching all of our members during 2024 by advertising in our newsletter, just call Bart Giesler at 765-288-6041.

- o *Maintain good standing with following agencies*
 - *BMV*
 - *Revenue*
 - *Department of financial institutions*
 - *State Police*
- o *\$25,000 bond*
- o *Affidavit of proper zoning (if required locally)*
- o *Insurance*
 - *\$500,000 garage insurance Or*
 - *Risk retention group Or*
 - *Requirements for <16,000 gvw (Existing law has higher amounts for those over 16,000 gvw)*
- o *\$30 annual registration fee*
- o *Carry over existing law on wreck chasing – record keeping – private property – invoicing –*
- o *Vehicles release – must accept credit card/personal check*
- o *Rate caps (copied from Indianapolis ordinance)*
 - *Cars - \$30 per day storage – doesn't begin until after 24 hours - \$2,000 cap remains*
 - *Over 30 feet- \$40 per day cap - \$2,500 cap remains*
 - *After hour fee - \$100*
 - *\$25 admin fee*
- *AG's office still has ability to enforce unfair claims act*

These are preliminary notes – need to verify that existing chapters are carried over.

Continued on Page 4

The advertisement features a bright orange background. At the top left is the Traxero logo, which consists of a white circle containing a stylized orange 'T' followed by the word 'TRAXERO' in white, bold, sans-serif capital letters. Below the logo, the text 'Come See Us At The Indiana Tow Show!' is written in large, bold, dark blue font. Underneath this, 'Learn more about how our software helps towers...' is written in a smaller, bold, dark blue font. To the right of the text, there are illustrations of a laptop, a desktop monitor, and a smartphone, all displaying the Traxero software interface. The interface includes maps with location pins, lists of vehicles, and various data fields. Below the text and device illustrations, a list of six bullet points in white font describes the software's benefits. At the bottom of the banner, a white rounded rectangle contains the text 'Contact Us For More Information' in orange font.

TRAXERO

Come See Us At The Indiana Tow Show!

Learn more about how our software helps towers...

- Dispatch calls faster than ever before
- Run your business better with detailed reporting
- Know where your trucks are at all times
- Reduce chargebacks with embedded card-present transactions
- Clear your impound lots faster
- Get more money for abandoned vehicles

Contact Us For More Information

The ITWA Board met to discuss the proposal and does not support the proposal as written. Issues like rate caps and accepting checks/credit cards are absolute deal killers. We are willing to discuss licensure, so the requirements are not overly burdensome and there are teeth in the legislation to go after people who are not licensed and operating as a tow company.

The Indiana Motor Truck Association has also reached out and wants to also sit down and discuss the ATRI report. We plan to meet with them as well.

Just like after a disaster hits, people come together. ITWA believes that after we get through the hurricane season, the towing industry will be better than before. TRAA has done a great job of bringing state associations together to handle the issues at the federal level. I have participated in more TRAA calls in the past several months than I have ever participated in. They organized calls with the other state associations and this has provided a forum for everyone to discuss the issues and also share information with other states. I am a big believer of stealing what has worked with others – whether I share language that worked in Indiana, or another state shares the information of what has worked for their state.

Just like hurricanes, people prepare for them and take preventative action. ITWA wants you to reach out to your legislators and let them know that you anticipate legislation that may be detrimental to you as a small business owner. Let them know about abandoned vehicles and that you don't get paid by the government when no one pays – your rising costs – what you do to notify owners - difficulties of getting someone out of bed at 2:00 am to help someone else – and the list goes on and on. Let them know that we are at the table trying to address any legitimate issues that there may be. Start the dialogue now to establish the relationship and this will make the next conversation much easier.

The election is coming soon and we don't know for sure who will be back and what committees they serve on. Here are the current members of the House and Senate Committees where towing legislation usually ends up. Legislators who are not running are not included in the list.

House Roads & Transportation

Chair - Jim Pressel (R) – Rolling Prairie
Craig Haggard (R) – Mooresville
Ed Soliday (R) – Valpariso
Ryan Lauer - (R) – Columbus
Dave Heine (R) – New Haven
Cory Criswell (R) – Middletown
Lindsay Patterson (R) – Brookville
Alex Zimmerman (R) – North Vernon
Ranking Minority Member – Earl Harris (D) – East Chicago
Blake Johnson (D) – Indianapolis
Mitch Gore (D) – Indianapolis
Carey Hamilton (D) – Indianapolis

Senate Homeland Security & Transportation

Chair Mike Crider (R) – Greenfield
Gary Byrne (R) – North Harrison
Jim Tomes (R) – Wadesville
Jim Buck (R) – Kokomo
Blake Doriot (R) – Syracuse

Please plan to attend the **ITWA Annual Meeting December 7 in Lafayette**. We will know more about legislation as we get past the elections and the start of session in January. More details will be coming soon.

FROM THE DESK OF PRESIDENT MORELAND

As much as I love the summer months – October is probably my favorite month of the year. It brings cooler weather, the changing autumn leaves, an annual trip to Pigeon Forge with friends, and all things Halloween. This year's trip will be extra special – I am getting married while in Pigeon Forge! To me, fall is the best season there is! I hope you have special fall memories, and are enjoying the change of seasons as much as I am.

I would like to thank everyone who helped with the Tow Show this year, and congratulate all of the winners! I do not plan to be President next year, so hopefully the new president will continue with the shows, and incorporate some new ideas and keep it going.

Coming up we have our annual meeting and Christmas party scheduled for December 7th at the Doubletree in Lafayette. Karrie Driscoll is taking the lead on this so I'm sure it will be a great night! Watch for more information coming up in the newsletters.

Till Next Time,

Sue

CHANGING OF THE SEASON

Fall is upon us and when I think of fall I think of the winding down of the year. In our line of work it is the calm before the storm. It's a time to reflect on what we have accomplished this year and a time to think about the changes we want to make for the upcoming year. Many of us will be prepping for the upcoming winter season. The towing industry, as a whole, is facing some major changes. We need to work together and fight back to look out for our future. Somehow we have found ourselves being caught off guard. If you have not heard about the FTC Junk Fees, or what the Motor Carrier Trucker Association is proposing you need to do some research and see for yourself. Find a way to make your voice heard by reaching out to your legislators and representatives. This is not only a fight for those that do heavy work; this is also going to affect those on the light duty side as well. The Secretary of State is looking to propose changes to Indiana laws that would affect all towing companies in Indiana. Bart has highlighted some of those proposed changes in his piece so I will not go into detail but these changes will affect anyone who tows a vehicle and receives payment. We need to stay informed of what changes they are proposing to protect our businesses and our families.

On a lighter note I would also like to say that within the next week I am hoping to have the Christmas Party information out but I ask that you save the Date for December 07, 2024 for our ITWA Annual Meeting and Christmas Party. I hope to see you all there.

Karrie

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. October marked my 20th year with the ISP. I am assigned to the Commercial Vehicle Enforcement Division or CVED for short. My primary daily duty is to enforce 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.

The topic that I would like to discuss with you this month is what you need for a roadside inspection. So, I would like to take a few minutes to review what you need to pass a roadside inspection.

Driver:

1. Needs to have the appropriate CDL 26,001+ or For Hire Endorsement 16,000 +
2. Medical Card – in possession for non CDL Holders and on file for CDL Holders
3. Logbook or ELD if needed.

Vehicle:

1. Company Name, DOT numbers and phone number of business* (required by state law) on power unit
2. Annual Inspection
3. Registration, insurance and IFTA paperwork
4. Proper load securement
5. Proper Safety Equipment required
 - a. Fire extinguisher (properly mounted and secure)
 - b. Three Emergency Triangles
 - c. Spare electrical fuses

Another thing to be mindful of is vehicle maintenance. We know that you get the call and it's time to go, but don't forget to inspect your truck for defects as well. The truck that was stopped was placed out of service for missing or loose wheel fasteners. I have personally placed wreckers out for a multitude of brake, tire, and suspension issues as well.

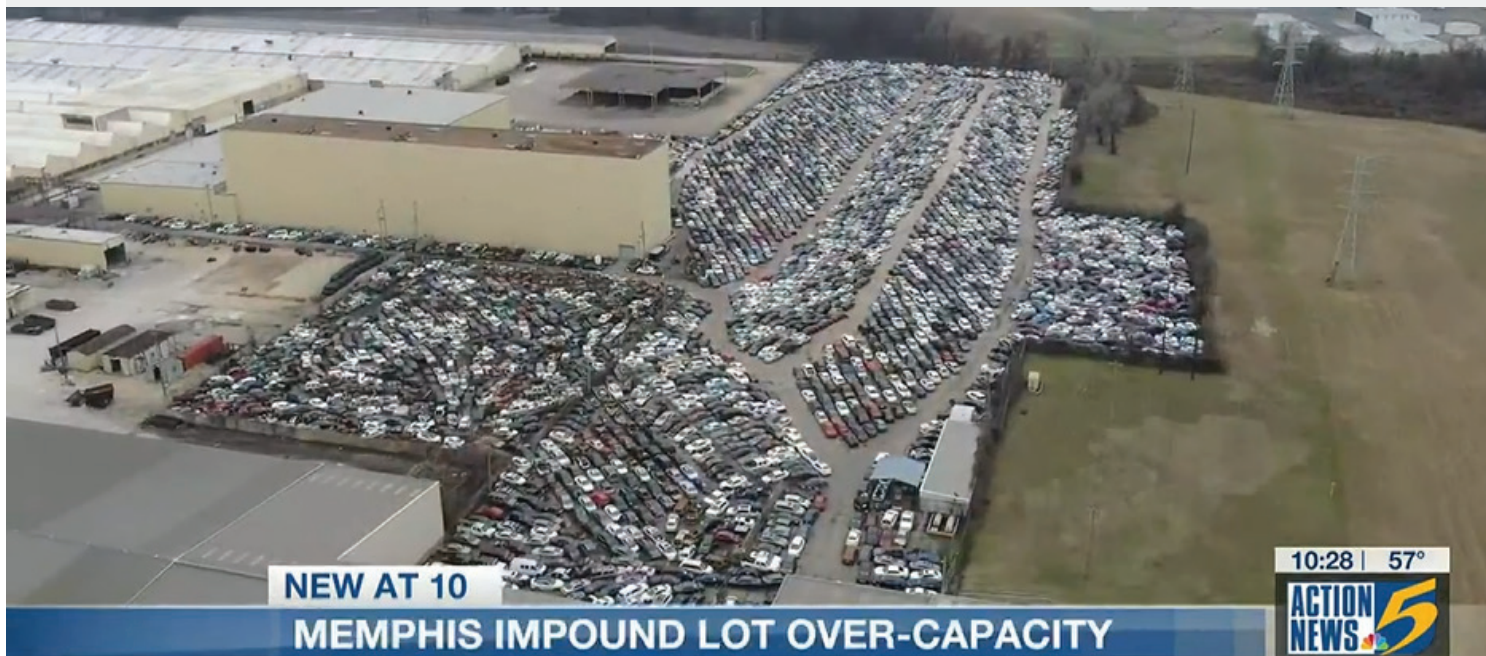
Please remember that you all are still a CMV that must meet FMCSA regulations, and that roadside stops can and do happen. So, jumping out and making a scene over why you are stopped is not the way to go.

As always, I have encouraged people to ask questions if they have them. You can reach out to me any time. My email is bhooover@isp.in.gov



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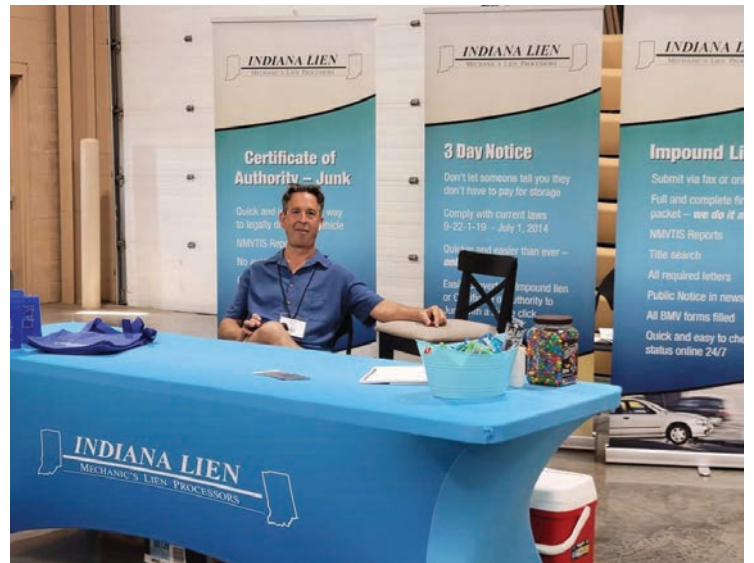
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2024 TOW SHOW



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2024 TOW SHOW



2024 TOW SHOW



2024 TOW SHOW



2024 TOW SHOW



2024 TOW SHOW



2024 TOW SHOW



2024 Tow Show Winners

Light Show – Graham's Wrecker

Light Duty

- 1st – Bill's Professional Towing
- 2nd – Cooks Towing
- 3rd – J&J Express

Medium Duty

- 1st – Tom's 24 Hour Towing
- 2nd – Suburban Towing

Specialized Equipment

- 1st – Suburban Towing

Heavy Duty

- 1st – Double T Towing
- 2nd – CTS Towing
- 3rd – Mosby's Towing

Rotator

- 1st – Double T Towing
- 2nd – Tom's 24 Hour Towing
- 3rd – D-1 Towing

Antique

- 1st – Bill's Professional Towing
- 2nd – Bennett's Towing
- 3rd – Froedge's Towing

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