



# hook & winch

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

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### **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 (FMSCA) 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*



## 2024 OFFICERS

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  - 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 image shows the TRAXERO software interface displayed on multiple devices. A laptop screen in the foreground shows a dashboard with a map, vehicle status, and financial data. Behind it, a larger monitor displays a detailed map with numerous location markers. To the right, two smartphones and a tablet show the mobile application's user interface, which includes a sidebar menu and a list of tasks or locations.

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- Get more money for abandoned vehicles

**Contact Us For More Information**

*From the Desk of the Executive Director – continued from page 3*

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.

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

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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 7<sup>th</sup> at the Doubletree in Lafayette. Karrie Driscol 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*

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## ***CHANGING OF THE SEASON***

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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*

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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 20<sup>th</sup> 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 [bhoover@isp.in.gov](mailto:bhoover@isp.in.gov)



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## 2024 TOW SHOW



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## 2024 TOW SHOW

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# 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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