

NEWSBREAK

August 2018 Publication of the Minnesota Professional Towing Association



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Spirit Ride
SLOW DOWN & MOVE OVER

MPTA hosts Spirit Ride at Capitol

On Wednesday, June 13th, Governor Dayton proclaimed Slow Down, Move Over Awareness Day in Minnesota. Thank you Governor Dayton for recognizing this important day and supporting the Towing Industry, Police, Fire, EMS, MNDOT, AAA and all others that happen to be on the side of our highways either helping or in a time of need!

The morning of June 13th began with a ceremony and brief media event at Allen’s Tow and Travel in Albert Lea. Duane Gregory and the Allen’s team provided refreshments for all police, first responders, Fire, EMS and towing organizations staging the first transition from Allen’s Tow and Travel flatbed to Schmit Towing’s flatbed. Soon after, the first leg of the procession was on its way led by Albert Lea police, Fire, Freeborn Sheriff’s Dept. and EMS.

As the procession continued its way north on 35e, at the county line, Steele County Sheriff’s Dept. picked up the procession leading the way to Lakeville, MN. In Lakeville, many other towing companies joined the procession to St. Paul where a large media crowd waited for the procession while bringing much needed awareness to the “Move over Law” in MN.

An hour later, the Spirit Ride ceremony was well attended in front of our state capitol. MPTA President; Brett Letourneau engaged in the reading as many spiritual songs were played by Mike Corbin from the Spirit Ride. State Representative Dario Anselmo (R, Edina) talked about the importance of the move over law and what its function is- to keep towers, EMS, First responders, police and others safe on our roadways.

Thank you to all MPTA members, State Representative Dario Anselmo, AAA, Mike & Ilce from Spirit Ride, Albert Lea, Fire, EMS, Police, Freeborn & Steele County Sheriff’s Dept. and Governor Dayton for Proclaiming June 13, 2018, "Slow Down, Move Over" Awareness Day in Minnesota! Great turnout for a great cause!

(pictures on page 3)

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**If you would like to make a
contribution to help with the legislative
efforts, please send your donations to:**

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2018 MPTA Scholarship Winners



As an annual tradition, the Minnesota Professional Towing Association awards scholarships funding the future of our members and employees children. These young adults deserve the same, if not a better opportunity in life to improve themselves. The scholarship program assists and rewards the children of our association for their hard work in all extracurricular activities and accomplishments in and outside of the classroom.

Congratulations to, Morgan Karels and Allyson Tuthill, each winning a \$500 MPTA scholarship award.

Allyson Tuthill, Dick's Valley Service, Inc.

Allyson, daughter of Jeff and Lori Tuthill, is recent graduate of Eastview High School.

Allyson currently works at Dick's Valley Service. Allyson's extra curricular activities included Bes Buddies, Eastview Wrestling Manager and Eastview Boys Soccer Manager.

Allyson's future goal is to become a Major in Business, graduate from Winona State University with intentions of running Dick's Valley Service, Inc.



Morgan Karels, Affordable Towing

Morgan, daughter of Tom Karels, is recent graduate of St. Clair Public Schools.

Morgan currently works at Oak Lawn Nursing Home. Morgan also enjoys playing Volleyball, Basketball, fishing, babysitting and hiking.

Morgan's future goal is to become a Nurse. Morgan plans to use her scholarship money towards nursing classes to help people in need of medical assistance.

Are You “Blocking” to Assist in an Emergency? Don’t Do It

The MPTA Board has a concern that tow truck operators in Minnesota may be using their towing vehicle with flashing lights to park in a lane of traffic to “block” while another towing company extracts or loads a vehicle on the side of the road. While this may appear to be a Good Samaritan, safety issue in line with Minnesota’s “Move Over” Law, in the event of an accident the insurance companies and the courts might not see it that way.

For lack of a better term, “blocking” in a lane of traffic in order to protect and assist another company’s towing operation may seem like a good deed—but good deeds seldom go unpunished. Specifically, blocking a lane of traffic could lead to a collision or other accident, and the “blocking” driver could possibly be found at fault. Furthermore, your insurance company may determine that you were not operating for a business purpose, and may seek to deny insurance coverage for the damage. This could be anywhere from expensive to catastrophic, if the insurance company prevailed. Our information indicates that insurance companies have taken that position in some cases.

The safest course of action is avoiding the impulse to be a Good Samaritan and “block” for another company’s towing operation. When you are in the line of traffic, you are potentially at risk both legally and financially. Be safe out there.

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TRAA Fall Board of Directors’ Meeting Notice

Please accept this notice for the upcoming TRAA Fall Board of Directors’ Meeting **scheduled for Friday, September 14, 2018**, please **RSVP by August 29, 2018**. An accurate headcount will enable us to prepare the appropriate materials for all eligible meeting attendees. The meetings will be held at the Chattanooga Hotel in Chattanooga, TN.

In the event that your association’s eligible and elected TRAA State Director is unable to attend and alternate may be appointed in accordance with TRAA Bylaws Article III, Section 3 (B)(3): *Alternate Directors— Directors may appoint an alternate from their state or district to serve in their absence; provided however, the Director notifies the President in writing of the name of such alternate prior to the meeting of the Board of Directors at which the alternate is to serve, and provided further, that said alternate otherwise meets the qualifications of a Director. The Alternate Director shall continue to serve until such time as the Director resumes his position or is replaced pursuant to Article III; Section 3 (B)(1).*

Only TRAA’s current Board of Directors, comprised of 2018’s Affiliate Member State Directors, Executive Cabinet Members, Officers, and Founders in good standing, are eligible to attend and vote during the Fall Board of Director’s Meeting. To confirm your association’s Affiliate Member status or elected State Director email the TRAA Office today. Any TRAA State Director changes for the Fall Board of Directors’ Meeting must be submitted via email or fax to the TRAA Office no later than August 15, 2018. We must verify the alternates’ qualifications to serve.

Sleep Apnea Information

For some unknown explanation, I've been receiving quite a few questions encompassing 'sleep apnea', hence my email for the greater good:

As you may recall, on March 10, 2016, the FMCSA and FRA jointly published an 'Advance Notice of Proposed Rulemaking' (ANPRM) on the Evaluation of Safety Sensitive Personnel for Moderate to Severe Obstructive Sleep Apnea. The ANPRM requested submission of data and information concerning the prevalence of moderate-to-severe OSA among individuals occupying safety sensitive positions in highway and rail transportation, and on its potential consequences for the safety of highway and rail transportation. In August of 2017, the ANPRM was withdrawn because the agencies believed the information received in response to the ANPRM was not sufficient to move forward with a rulemaking.

The withdrawal of the 'Advance Notice of Proposed Rulemaking' (ANPRM), (82 FR 37038; August 8, 2017), (OSA) concerning individuals occupying safety-sensitive positions in highway and rail transportation did not change any existing physical qualification standards or medical advisory criteria in the Federal Motor Carrier Safety Regulations (FMCSRs).

Moderate-to-severe obstructive sleep apnea is a serious medical condition that if left untreated, is likely to contribute to fatigue while performing safety-sensitive duties. The Federal Motor Carrier Safety Regulations [FMCSRs] [49 CFR 391.41(b)(5)] require that a person must have no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with the ability to safely drive a commercial motor vehicle (CMV) in interstate commerce. The Medical Advisory Criteria (Appendix A to Part 391 Section E), identifies sleep apnea as one of several respiratory dysfunctions that may be detrimental to safe driving as this condition may interfere with driver alertness, and may cause gradual or sudden incapacitation.

Link: [http://www.ecfr.gov/cgi-bin/text-idx?](http://www.ecfr.gov/cgi-bin/text-idx?SID=ab07838321033378947d4f7475666577&mc=true&node=ap49.5.391_171.a&rgn=div9)

[SID=ab07838321033378947d4f7475666577&mc=true&node=ap49.5.391_171.a&rgn=div9](http://www.ecfr.gov/cgi-bin/text-idx?SID=ab07838321033378947d4f7475666577&mc=true&node=ap49.5.391_171.a&rgn=div9)

The Medical Advisory Criteria, (which has been in place since the year 2000) pertaining to the Respiratory Standard, says that if medical examiner detects a respiratory dysfunction likely to interfere with a driver's ability to safely control and drive a CMV, that the driver must be "referred to a specialist for further evaluation and therapy".

While FMCSA has not established specific mandatory criteria through rulemaking for referring "to a specialist for further evaluation and therapy" (i.e. OSA screening, testing, treatment, and compliance) and how it is to be conducted on individuals who operate CMVs in interstate commerce, our agency does rely on the evaluation by the certified medical examiner to determine whether an individual meets the physical qualification standards and may be issued a medical certificate.

At present, decisions concerning specific referral, treatment, and evaluation processes for OSA rests with the training, expertise, and medical judgment of the certified medical examiner in determining whether an individual exhibits symptoms and/or multiple risk factors for OSA. In applying medical judgment, medical certification decisions may vary between medical examiners and medical examiners should explain to the individual the basis for their decision if the examiner decides to issue a medical certificate for a period of less than two years to allow for further evaluation, or to deny a driver the medical certificate.

The FMCSR's do not prohibit commercial motor vehicle (CMV) drivers or employers from seeking second opinions from another certified medical

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medical

examiner. Ultimately it is the motor carrier's policies that would govern this and the motor carrier's decision whether to accept or reject a medical certificate from a medical examiner.

I hope the information was helpful.

Take care,

Matthew Marrin
Minnesota Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Minnesota Division Office



NEW "Tow Like A Pro" Safety Poster Set



Developed by the TRAA Education Foundation Inc. on behalf of the TRAA, our new **"Tow Like A Pro" Safety Poster Set** is made of long lasting, durable vinyl with grommets for easy display. These unique posters are a perfect safety tool for your company.

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Driver Qualification

By Brian J Riker

Are your drivers qualified?

It is increasingly difficult to hire drivers, let alone good drivers. Few people seem to want to respond to calls at all hours of the day or night in all weather conditions. Many of us have been tempted to look the other way for minor things when hiring just to fill the position.

As an industry we have a bunch of criteria to meet to say someone is qualified. Besides the towing-specific training and qualifications that many police agencies require (criminal check, formal training, city or county license, etc.), we also have a duty to ensure the driver is legally qualified to operate the vehicle we assign to them.

Qualifications are equally common across America, governed mostly by 49 CFR Part 391. There are a few states with unique additional requirements. New York, for instance, requires a tow truck endorsement on state driver licenses, even for trucks that would not require a commercial driver license in most other states.

The basic driver qualifications are quite simple and apply to anyone that is engaging in interstate commerce as well as most intrastate drivers. A few states exclude light-duty trucks from these rules when operated solely intrastate; however if you use these federal regulations as a baseline, your drivers will always be qualified:

- Must be 21 years of age or older to engage in interstate commerce.
- Must be medically qualified by a DOT-approved examiner.
- Must possess a valid driver license for the appropriate vehicle class.
- Can by experience, training or both safely operate the vehicle.

Interstate commerce drivers must be able to read, write and communicate in English in a manner sufficient to respond to official inquiries, read road signs, converse with the general public and make entries on official reports.

As an employer, you are required by federal regulations to obtain a written application for employment that lists all their previous employers for the last 10 years. This application has specific content and wording requirements that must be met for it to be valid. You are required to investigate the last three years of employment history including making written inquiries to all DOT-related employers regarding the driver's safety performance history and controlled substance testing history.

All commercial drivers are required to self-certify their driving history during the application process and annually afterwards, and you as the employer must verify the accuracy of their certification. It is a requirement to perform a pre-employment road test in the same type of vehicle they will be regularly operating.

There are some exceptions to this for experienced drivers, although I would never recommend hiring someone you have not road-tested. The road test must evaluate specific skills including but not limited to: backing, highway driving, coupling/uncoupling of combination vehicles, pre-trip inspection and basic control skills like parking.

As the motor carrier you must maintain copies of all this information in a driver qualification file and retain the file for three years after the termination of employment. You are required to respond to safety and controlled substance history inquiries by other motor carriers. It is very important that all the required information be current in the driver qualification file. This file should be maintained separately from a general employee file since it has sensitive and sometimes confidential information that not everyone in your office has a legal right to access.

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Proper investigation and skills assessment prior to hiring combined with regular evaluation and corrective action when necessary will help ensure you have qualified drivers operating your company equipment. It is not enough to simply speak to an employee when something is wrong. It must be documented in their file for future reference during a post incident investigation.

You must keep current with regards to reviewing driver's motor vehicle records and safety performance records. Action must be taken to correct any deficiencies noticed before they lead to injury, damages or loss of life.
(Source: Tow Industry Week)

Brian J Riker is a third generation towman and President of Fleet Compliance Solutions, LLC. He specializes in helping non-traditional fleets such as towing, repossession, and construction companies navigate the complex world of Federal and State transportation regulatory compliance. With 25 years of experience in the ditch as a tow operator Brian truly understands the unique needs and challenges faced by towing companies today. He can be reached at brian.riker@fleetcompliancesolutions.net



FMCSA Denies TRAA's ELD Exemption Petition

After seven long months, the Federal Motor Carrier Safety Administration (FMCSA) has denied TRAA's petition for an exemption from electronic logging device requirements for the towing industry. Their decision is based on the premise that the exemption "would not achieve the equivalent level of safety that would be achieved by the use of ELDs."

TRAA greatly appreciates the efforts of those instrumental in writing and supporting the ELD exemption petition. While we did not achieve our desired goal, our voice was heard.

The TRAA Cabinet and the TRAA Legislative Advocacy Network® (TRAA LAN®) feel strongly that FMCSA's decision is misguided and that they truly do not understand the uniqueness of the towing industry. FMCSA continues to view towing as equivalent to the trucking industry. For years our industry has been plagued with ill fitting regulations that have negatively impacted us. It is imperative that we lobby legislation to reclassify the towing industry as first or primary responders, therefore, removing ourselves from under the trucking class. A reclassification would provide relief from unrealistic regulations, protections as emergency responders, and professionalize the towing industry once and for all.

TRAA and the TRAA LAN® will continue to work diligently on behalf of the towing industry towards this effort. Now is the time for every towing company in the United States to join TRAA and make our one national voice loud, strong, and unrelenting!

Sincerely,
Cynthia J. Martineau
Executive Director
contact@traaonline.com

MPTA Members have a Blast at Elko Speedway

“Once again the MPTA’s Eve of Destruction didn’t disappoint”

This past July marks the fifth time the MPTA has hosted and sponsored its annual picnic at Elko Speedway. Over 150 MPTA towing members, friends and family attended this perfect evening of fun and excitement. The evening began with towing members displaying their trucks and equipment out on the plaza for the crowds of people to view.

Around 4:00, a buffet style meal of Hamburgers and Hot dogs with all the fixings was served along with a live 50/50 raffle, raising \$1,000 for the Spirit Ride. Congratulations to Roddy Pellow of Twin Cities Wrecker Sales winning a cool \$1,000! Our towing members have the biggest hearts. For information about the Spirit Ride, visit www.atspiritride.com.

Towing members and families were also treated to several raffle prizes from the MPTA and its sponsors as many kiddos were given DQ gift cards. This was just the beginning!

MPTA members led the “parade lap” out on the track with their wreckers dressed up in American flags, lights flashing as race fans cheered on our members. With many events including live racing and other activities as the “Eve of Destruction” was under way as Elko Speedway didn’t disappoint.

The highlight of the evening was the Twin Cities Transport & Recovery spectator drags, or shall I say, “the demo derby”? Fourteen MPTA towing members brought their own cars to track testing their driving skills. Congratulations to Karra Halland winning Bragging rights and \$150 cash! Second Place finisher was Ron Alonzo winning \$100 cash and bringing up the rear in third was Cory Derosier. Special thanks to those for taking the time bringing a car to the track and giving the crows a heck of show!

From what I am hearing, MPTA members and guests had great time. If you missed the MPTA Annual Picnic at Elko Speedway this year, you will have to attend next year to see how we can top this past year’s event.

MPTA thanks the following sponsors/contributors to this year’s Annual Picnic:

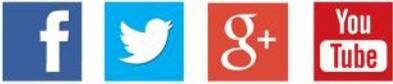


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Racing Fun!





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MPTA Hosts Light Duty Tow School

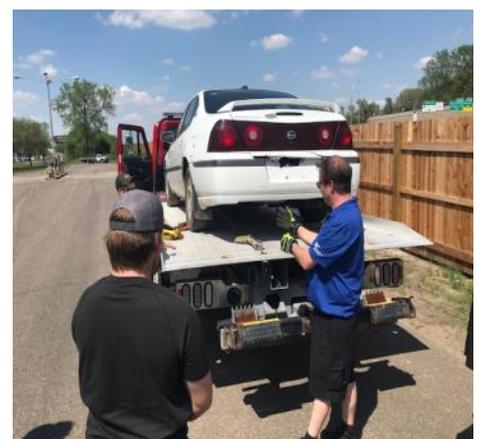


On Wednesday, May 16th, the MPTA supported our towing operators in a light duty tow school for beginners and dispatchers. MPTA board directors taught the early classroom portion of the school with new information and safety statistics as well as the everyday basics of getting ready for each towers shift. With new towing employees, it all starts with the basic -essentials. Students were taught everything from size of chains, straps, pressure points, and even how to better prepare yourself mentally and professionally.

With over 20 students in attendance, MPTA board directors hosted several training sessions featuring basic hook ups, use of dollies, scales and working load limits and experiencing use of chains and straps getting a feel for what our industry has to offer. Although the school gives you a great “Hands on” experience, it can only prepare you for the “real thing!” Teaching student’s the basics and advanced lessons of hooking up from the streets /parking lots while learning the “Do’s and Do not’s” of our industry.

MPTA Board Directors sponsored the event providing many vehicles and the use of their equipment. The students did not disappoint. They were promised to get hands on training while getting dirty- just like every MPTA sponsored tow school. Every school the MPTA conducts, all of us learn more from the instructors as well as from our students. Special thanks to the Twin Cities Wrecker Sales for donating equipment and Twin Cities Transport & Recovery for the salvaged vehicles. Thank you to the MPTA Board Directors for their time and knowledge and MNDOT for allowing us to use their facility. Together we continue to support our industry but more importantly, our professionalism. I would say when one looks at the time, money and personal commitment, at the end of the day, it’s all well worth it!

Hope to see you or your employees at the next MPTA endorsed tow school!



Member Directory

Albert Lea	Allen's Tow & Travel 507-373-3551	Duluth	Mrs. Mac's Towing 218-393-7377 East End Towing 218-349-3991	Marshall	Pulver Towing 507-828-5720
Anoka	North Star Towing 763-427-4160	Eagan	Mark's Towing 651-454-1533	Medina	Kelly's Wrecker Services 763-473-0558
Apple Valley	Dick's Valley Service 952-432-2848	Eden Valley	Jack's Towing 320-453-6560	Melrose	Shaggy's Towing 320-256-7855
Austin	Midtown Towing 507-433-7374	Elk River	Collins Brothers Towing 763-241-9177	Minneapolis	Blaine Brothers 763-780-5130 Miller Towing 612-827-5591 Schmit Towing 763-253-1568
Baxter	Collins Brothers Towing Of St. Cloud, Inc. 218-822-5525	Excelsior	Williams Towing 952-446-9650	Minnetonka	Kustom Karriers 952-938-4680
Blackduck	Bogart's Towing 218-835-4548	Faribault	Glenn's Service LLC 507-334-4202	Moorhead	Aggressive Towing & Recovery 218-287-2344 Ed's Towing Service 218-233-7740
Blaine	Twin Cities Transport & Recovery 763-784-7501 Dan's Complete Auto Care 763-784-8668 Frovik's Towing 763-786-9220	Forest Lake	Dan's Towing 654-464-5551 Harold's Towing & Recovery 651-464-5313	New Brighton	Freeway Towing 651-633-5525 Statewide Towing 651-633-4262
Blooming Prairie	Darrick's Preferred Auto 507-583-9994	Golden Valley	Feist Automotive 763-544-5512	Oakdale	Twin Cities Transport & Recovery 651-770-0152 Absolute Towing & Recovery 651-337-2149
Bloomington	Chief's Towing, Inc. 952-888-2201	Hutchinson	Modern Towing 320-587-4603	Owatonna	Dean's Westside Service 507-455-1950 Sweet Towing & Repair 507-451-3424
Brooklyn Park	Cardinal Towing 763-535-1202 Citywide Service 763-424-4900	Inver Grove Heights	South East Towing 651-451-9721	Plymouth	Plymouth Automotive 763-544-3202 Frankies Towing Co 763-595-0321
Burnsville	Captain Towing 952-856-2901	Ironton	AutoSmith Service Group 1-218-545-5715	Ramsey	Bee Line Towing 763-568-0858
Cannon Falls	Siewert's Towing 507-263-4791	Lakeville	Marek's Towing & Repair 952-469-3182		
Coon Rapids	Highway 10 Mobil 763-757-6789	Loretto	Loretto Towing 763-479-1943		
Detroit Lake	Aggressive Towing & Recovery 218-287-2344	Mankato	Affordable Towing 507-388-8697 All American Towing 507-345-5005		
Duluth	Dukes Towing 218-722-8885	Maple Grove	Chase Towing & Transport 763-315-3995		

Member Directory

Red Wing	Midway Auto 651-388-8296 Siewerts Garage 651-388-9163	Tyler	Bruender's Corner Mart 507-247-5587	Independence	Kabus Auto Body & Recovery 715-985-2252
Rochester	CSC Towing 507-289-8344 Rochester Towing, LLC 507-288-7317 Pulver Towing 507-282-3851	Virginia	Armory Shell Towing & Service 218-741-6050	Roberts	Jerry's Towing 715-749-4450
Rogers	Burdas Towing 763-428-9911	Waseca	Bocks Service Inc. 507-835-5407 Tesch Service Center 507-835-4610	Superior	Lake City Towing 218-722-7781
Sauk Centre	Centre Towing Inc. 320-352-1500	Willmar	Ed's Service Center & Sales 320-235-5945	<u>ASSOCIATE</u>	
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Shakopee	Shakopee Towing, Inc. 952-445-0030	<u>IOWA</u>		<u>Financing/Leasing</u>	
Spring Lake Park	Citywide Service 763-432-4550	Sioux City	Meier Towing Inc 712-258-0609	Water Street Funding Tim Olson 763-742-7898	
St. Anthony	Twin Cities Transport & Recovery 612-789-4245	<u>NORTH DAKOTA</u>		<u>Health Insurance</u>	
St. Cloud	Collins Brothers Towing Of St. Cloud, Inc. 320-257-5525 Andy's Towing 320-251-5691	Bismarck	Berg's 24 Hour Towing 701-663-6491	Haas Managed Benefits Bill Haas 763-421-6153	
St. Francis	Ark Towing & Recovery 763-434-1686	<u>SOUTH DAKOTA</u>		<u>Insurance</u>	
St. Paul	Twin Cities Transport & Recovery 651-642-1446	Big Stone	The Shop, Inc. 605-862-8215	Midwest Insurance Service John Hall 651-439-5939	
Stewartville	Tri-State Towing 651-439-5744	Sioux Falls	Ace Towing Inc. 605-332-2173	<u>Salvage/Auction</u>	
Stillwater	Stillwater Towing 651-439-5744	<u>WISCONSIN</u>		Copart Inc Scott Gilles 763-432-7258	
		Ashland	Tomlinson's 24 Hour Towing 715-682-2717	<u>Uniforms</u>	
		Baldwin	Day & Nite Towing, LLC 715-684-3359	Cintas Dan Chanski 763-425-6666	
		Balsam Lake	Lake Services Unlimited 715-857-5753		
		LaCrosse	Goldbeck Towing Service 608-781-4869		

UPCOMING EVENT



MPTA Board Meeting

August 21, 2018

**6:00 pm Dinner
6:30-8:30 pm Meeting**

**MPTA Office
2886 Middle Street
Little Canada, MN 55117**

