

Newsbreak

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INSIDE THIS ISSUE

Message From New President
Ron Gardas Jr.

Atlantic City Show a Hit with
Attendees and Exhibitors

Why the INSURANCE Act is Not
Going to Solve Your Problems

ELDs— Electronic Logging
Devices

ELD Training Checklist For Motor
Carriers

Are Tow Trucks First Responders?

MPTA Educational Sessions for
2020!

Citing 'abysmal' results, St. Paul
increases snow emergency towing
fees

ELD— A guide for Drivers and
Motor Carriers

Automobile Towing Industry in the
US— Market Research Report

Message From New MPTA President Ron Gardas Jr.

As some of you have seen there has been some changes on the MPTA board. Brett Letourneau has decided to step down after a long run as President. He has been instrumental in the Association's success over the years and all of us owe Brett a big thank you for all he has given over the years. As your new President, I'd like to take this opportunity to introduce myself. My name is Ron Gardas Jr. I work with my family owned towing business; Twin Cities Transport & Recovery. My family has been involved in the MPTA since its conception. My grandfather, Richard (Dick) Pellow and my father, Ronald Gardas, have both been past Presidents of the Association. My grandmother, Jean Pellow, and mother, Renee Gardas, have also been involved behind the scenes in helping with legislation benefitting our towing industry as my grandmother was even recognized as national Tow Women of The Year. I am fortunate enough to share the board with more family as my cousin, Jennifer Pearson (Twin Cities Wrecker Sales), is also a board member. "You could say the towing industry is embedded in our DNA".

Speaking of family, it's easy to see why the holiday season is the season for family and reflecting on what's important in life. Let us not forget, us in the towing industry are one big family. Doesn't matter what color truck you drive or what name is on your shirt, we are in this together, looking out for one another as we care about one another supporting one another. The last few months have been hard on our board. Board member, Joe Lomsdal lost his mother, Nancy, to a long battle with cancer as Past Board member, Brett Letourneau lost his brother Rich. These are the losses we all feel, and all mourn.



Nancy Lomsdal



Rich Sunde

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contribution to help with the legislative
efforts, please send your donations to:**

**MPTA
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Atlantic City Show a Hit with Attendees and Exhibitors



The crowds grew each day at the American Towman Exposition this past Thursday, Friday and Saturday and participants enjoyed the change in venue from Baltimore to the storied gambling town on the Jersey shore. Over 250 exhibitors gave a thumbs up on the Convention Center, floor layout and the brisk traffic of tow business owners who came from across the nation and the world to see the 31st annual Exposition.

American Towman continued to recognize outstanding tow companies through the Donnie Cruse Recovery Awards, the Towman ACE Awards and new inductees into the Towman Order. The magazine also introduced the new Trust Awards. The show culminated with Festival Night and the American Towman Medal Ceremony that awarded towers for heroic acts, a staple event since the show's inception in 1989.

A 60-piece high school marching band led a record Friday crowd into the exhibit hall for the Grand Opening. Saturday's crowd nearly doubled in size and enjoyed American Towman's Legendary Hospitality with complimentary Saturday Pie.

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CENTURY



CHALLENGER

Champion



CHEVRON



Why the INSURANCE Act is Not Going to Solve Your Problems



Op-Ed by Brian J. Riker
President of Fleet Compliance Solutions, LLC

Getting paid. It seems the topic of how to invoice and collect for our services as professional towers is a daily discussion. Often called upon to respond without hesitation, and using our own business resources, to clean up someone else's mess along the highway. We deserve to be fairly compensated for these services. We are the only responder not guaranteed to be compensated for our efforts, yet we still answer the call for service to the greater good of keeping the highways open and commerce flowing.

When the INSURANCE Act was first proposed last year, and again after it was reintroduced this session by Congressman Matt Cartwright (D-PA), many towers that I spoke with thought it was a great idea. The common themes I heard were "it's about time there was enough liability insurance to go around" or "even if this costs me more at least I will get paid on my liability only invoices".

Limitations of the INSURANCE Act

Neither of these statements are completely accurate. To understand why we must dive a little deeper into insurance and how it works in the motor transportation world. Also, I feel I need to point out this proposed legislation is only for interstate motor carriers of property, so it will not have any effect on collecting on liability only claims for cars, campers or even locally operated commercial vehicles. It may not even have any effect on private motor carriers of property since they do not currently have to file Form MCS-90 to prove they have adequate minimum liability coverage.

As currently proposed, the INSURANCE Act (H.R. 3781) would increase the current minimum level of "public liability" (a misnomer used by the FMCSA) maintained by motor carriers of property from \$750,000 up to nearly \$5 million. Do not confuse this coverage with excess liability, general liability or other commercial business liability insurance policies that towers often have. This is strictly for the portion of a motor carrier's work related to the operation of trucks on the public roadways. Insurance underwriters project this mandatory increase would result in two- or three-fold increases in the cost for the average motor carrier.

Keep in mind towers are motor carriers of property, and those that engage in interstate commerce (which most towers do) will be affected by this premium increase just the same as traditional trucking companies will be. For this reason, and others we'll discuss further, TRAA has joined a coalition of 31 trucking and trade groups urging Congress to vote against the INSURANCE Act and three other problematic bills.

On the surface this sounds like just what the Tow Doctor ordered. Finally, there will be enough money on the table for us to be paid. Not so fast! Statistics show that the average truck involved crash settles for \$30,000 and, in 99.94% of truck involved crashes, the current minimum liability level is sufficient to settle all claims. The \$750,000 minimum level of coverage is not the reason towers often aren't paid. The limiting factor is exactly what this "public liability" is required to cover. Additionally, it has been successfully argued in the past that towing and recovery fees are to be paid as settlement costs and as such are not affected by policy limits.



ELDs - ELECTRONIC LOGGING DEVICES

Fast Facts: Electronic Logging Device (ELD) Rule

ELD Rule Implementation Timeline



ELD Transition Information

Frequently Asked Questions (FAQs)

Updated: November 20, 2017

1. If a truck or bus is stopped for a roadside inspection between December 18, 2017 and April 1, 2018 and does not have a required ELD, what exactly will happen?

If the driver has a true and accurate paper record of duty status, the driver and/or company will only be cited for not having an ELD, but allowed to continue driving. The violation will not impact the carrier's SMS percentiles.

2. What happens if a truck or bus requiring an ELD is stopped for a roadside inspection after April 1, 2018 and does not have a required ELD?

In this case, the vehicle will be placed out-of-service, and no longer allowed to continue to operate without an ELD.

3. What is the difference between a waiver and an exemption?

A waiver is temporary regulatory relief from one or more of the FMCSRs for up to three months. A waiver can be issued upon request or at the discretion of the Administrator.

An exemption is a temporary regulatory relief from one or more of the FMCSRs given to a person or class of persons subject to the regulations. An exemption requires public notice and comment and provides the person or class of persons with relief from the regulations for up to five years.

Both a waiver and an exemption require an equivalent level of safety to be established in exchange for regulatory relief.



ELDs - ELECTRONIC LOGGING DEVICES

4. Why is the Agency issuing the waiver?

Issuing the waiver will allow the Agency to fully evaluate the open exemption requests and to engage with stakeholders about their concerns with the hours-of-service regulations and the ELD rule.

5. What is the basis for the existing agricultural exemption from the hours-of-service regulations?

The current 150-air mile exemption is based in statute and has been amended several times, most recently in the MAP-21 Transportation reauthorization bill.

6. What is personal conveyance and why is this an issue?

Personal conveyance is when a driver is using a commercial motor vehicle for personal reasons -- such as transportation from a hotel where a driver is staying to a nearby restaurant and back -- and not at the direction of a motor carrier. When in this status, the driver is not subject to the hours-of-service regulations. The ELD rule did not change the current guidance on this issue. Because all miles are recorded and tracked by an ELD, however, a special driving category is available in the ELD, and that has led to questions from drivers and companies about when using personal conveyance is appropriate.

7. How does the new guidance on personal conveyance differ from the existing guidance?

The guidance differs primarily in that it allows a loaded vehicle to be used in personal conveyance. In addition, guidance provides several common examples to provide clarity to this provision, and seeks comment from the public as to the application of this provision.

For more FAQs on the ELD Rule, please visit:

www.fmcsa.dot.gov/elds/faqs

Understanding Your Device

There is a wide variety of ELDs on the market, which enables you to select the device that best meets your business needs. No matter which you choose, everyone on your staff needs to be knowledgeable about how to operate the device(s) to record, certify, and share hours-of-service data.

The checklist below is designed to guide you in ensuring that you and your staff are well-versed in the various functions of the ELD(s) you have selected, purchased, and installed. For complete details on the motor carrier and driver roles, see 49 CFR 395 Subpart B.



Making sure all staff are comfortable using the ELD(s) you have selected will help make your roadside inspection or investigation go as smoothly as possible.

Drivers must be able to...

Administrative staff must be able to...



Recording data

- Log in/log out of personal driver account
- Select/change duty status category
- Enter location description
- Manually input information
- Make annotations
- Edit and correct inaccurate records
- Identify and report ELD malfunctions to the carrier

- Log in as Support Personnel
- Create, deactivate, and update driver accounts
- Enter all driver information accurately
- Configure exempt driver accounts, if applicable
- Assign unidentified driving time



Certifying record of duty status

- Confirm/reject proposed edits from Support Personnel account
- Certify RODS

- Request edits to non-driving time for driver to confirm/reject
- Make annotations



Transferring ELD output file

- Transfer RODS electronically at roadside
- Enter the comment supplied by the safety official
- Confirm successful submission of ELD data by the device

- Transfer RODS electronically, for the time period requested by the safety official as part of an investigation or safety audit
- Enter the comment supplied by the safety official
- Confirm successful submission of ELD data by the device or ELD system

Are Tow Trucks First Responders?

By Randall C. Resch

There's repeated banter over whether or not tow operators are first responders.

I don't know if this is a generational thing, but I've worked ... this industry for better than 50 years, representing that towers weren't even remotely considered anything other than "just a tow truck driver" until early 2004, when the Cumberland Valley (PA) Volunteer Firefighters Association, thought to formalize on-highway response.

In Traffic Incident Management training, there's a prevailing thought that tow trucks and tow operators are indeed "first responders."

To mention that tow operators are first responders has led to a multitude of questionable driving behaviors and mentalities where towers often respond in a manner that authorized emergency workers such as law enforcement, paramedics and firefighters do.

Do Your Homework

To be considered an "authorized emergency vehicle," legislation must be written that allows it. Just because tow trucks respond to traffic accidents doesn't make us authorized emergency vehicles. For example, California Vehicle Code's Section 165 states;

"An authorized emergency vehicle is: ... (e) Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work."

The section closely defines that special wording of "tow truck" or "wrecker" is clearly missing from the section's narrative. California's tow trucks aren't emergency vehicles and don't have the same response capabilities due to lack of specialty lighting, sirens and, most importantly, applicable training. Like most states, California has no legislation authorizing tow trucks to respond Code 3 in an emergency-like manner.

Some states, like Missouri, tow trucks are allowed to operate red and blue lights as well as sirens. However, they're supposed to use red, blues, and sirens only when responding to requests from law enforcement. In other states, a tow truck responding with emergency amber lights is not an authorized emergency vehicle.

If a state doesn't have specific wording to define "authorized emergency lighting," it's not an emergency vehicle. The use of blue-colored lights is typically limited to law enforcement and where paramedic rigs and firefighting equipment are provided special consideration in an emergency response mode. As far as I know, there are no formal, high-speed driving courses to formally train tow operators in emergency tow truck response. In most states there is no current legislation that authorizes emergency response to tow operators.

What's That Mean?

As an instructor teaching tow operator response and safety protocol across the United States, my best advice is know what your state laws mandate in response to your tow truck being considered an authorized emergency vehicle. There's huge liability in emergency vehicle operations. Be fully aware.

A 30-year career firefighter and fire instructor defined the topic of tow trucks as first-responders best by commenting, "A tow truck could legally be considered anything your state legislature or other law-making body decides it is. If you can get a bill approved that classifies the truck as an emergency vehicle, then legally it is one. If you get a bill passed that classifies it as a submarine, then legally it is one. Laws are funny that way."

The towing and recovery industry as a whole lacks solid written defined laws that make us first responders in the title's true sense.

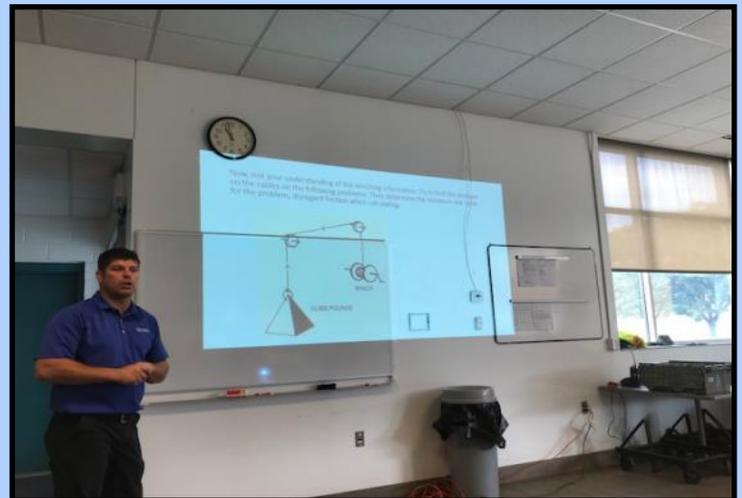
Randall Resch is American Towman's and Tow Industry Week's Operations Editor, a former California police officer, tow business owner and retired civilian off-road instructor for Navy Special Warfare. Randall is an approved instructor for towers serving the California Highway Patrol's rotation contract. His course is approved by the California law enforcement community. He has written over 500 industry-related articles for print and on-line, is a member of the International Towing & Recovery Hall of Fame, and, a recipient of the 2017 Dave Jones Leadership Award.

Mark Your Calendars: MPTA Educational Sessions for 2020!

May 19, 2020: One Day -Basic Light Duty Tow School

May 20, 2020: One Day Basic Heavy - Duty Tow School

Sept 15-16, 2020: Two-Day Advanced Light Duty Tow School



Citing ‘abysmal’ results, St. Paul increases snow emergency towing fees

By **FREDERICK MELO** | fmelo@pioneerpress.com | Pioneer Press
PUBLISHED: December 5, 2019 at 5:58 pm

If St. Paul motorists ever needed more incentive to move their vehicles out of the way of snowplows, consider this: the city is raising and standardizing towing fees citywide “Ultimately, it will put more tow trucks out on the streets,” said St. Paul Public Works Department spokeswoman Lisa Hiebert.

Those fees, which currently vary from \$90 to \$120 depending upon the tow company and area of the city involved, will now be \$175 across the board. That’s before an additional \$80 in St. Paul police administrative charges, \$20 in taxes, and a \$56 parking ticket for violating city ordinances. Tow lots charge \$15 per day for storage.

All in all, car owners can expect to shell out at least \$275 just to get a vehicle out of one of the city’s two impound lots. That’s up from \$202 last winter and \$220 the year before. The St. Paul City Council approved the changes Wednesday.

Why the increase?

In short, it’s gotten harder for the city’s two main contractors — Bobby & Steve’s and Guardian Towing, also known as Yuba Transportation — to attract, retain and manage subcontractors.

“Tow performance last year during snow emergencies was abysmal and very much adversely affected the ability of our plow drivers to clear the roadways effectively and efficiently,” said Beverly Farraher, public works operations manager, in a Nov. 21 letter to council president Amy Brendmoen. “We have determined that we cannot compete with other tow business across the region unless we raise our tow rates to be minimally competitive.”

A TOW MANAGEMENT COMPANY?

Representatives of various city departments plan to meet with public works officials on Dec. 11 to discuss what other options might be available to improve towing procedure.

One idea is to hire a third-party tow management company, such as AutoReturn.com, to oversee the overall process from dispatching to data collection.

Residents have for years complained that St. Paul fails to tow enough cars in low-income areas, leading to speculation that the city fears those cars will clog up the impound lots for days, if not weeks, because their owners don’t have the cash to get them released.

In mid-April 2018, the city chose not to tow cars during the sixth snow emergency of the season, noting at the time that Barge Channel Road lot would be overwhelmed and the other lot was not readily available that late in the season. Others believe tow drivers focus on neighborhoods closest to the impound lots on Barge Channel Road and near the Minnesota State Fairgrounds in order to win a volume bonus.

A Pioneer Press analysis of tow data generally confirmed as much in 2003, as did a follow-up in 2007. For years, drivers earned \$5 per vehicle after 225 vehicles had been removed in certain designated areas. That, however, is now a thing of the past.

A new contract amendment states that the “city will no longer pay incentive payments for towing performance,” and St. Paul will instead resort to penalties — a 10 percent reduction in tow fees if drivers fall below minimums set within each of the city’s four tow zones.

DATA TRANSFER: WEB SERVICES



Safety Official



Driver/Carrier

1 REQUEST driver initiate data transfer via web services* and provide safety official code or investigation code.

2 SELECT web services, enter safety official/ investigation code and initiate data transfer.

3 LOCATE ELD file in FMCSA's server using eRODS, review driver log for HOS violations.

**If the safety official requests email data transfer, select email and follow the same steps. Emailed files will also be sent to FMCSA's server.*

✂ TROUBLESHOOTING TIPS

The safety official is telling me to enter a safety official code/ investigation code.

What is this for?

Entering this information tells your ELD to "tag" your file with the code, helping the safety official locate the file quickly. The ELD rule requires devices to give you the option to enter this, look for a field called "Comment", "Note", or similar.

ELD | A Guide for Drivers and Motor Carriers



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

Using ELDs to Transfer Electronic Driver Logs

The safety official requests the method of transfer. Be sure you know which data transfer methods your device will support, and how to access the backup method.



1. RECORD
ELD synchronizes with CMV engine to automatically record data.



2. CERTIFY
Driver certifies records, making any necessary annotations.



3. TRANSFER
Upon request, driver starts data transfer. Data is routed to safety official using secure methods.



4. REVIEW
Data file is sent to safety official with potential HOS violations flagged for review.

✂ TROUBLESHOOTING TIPS

My device can't transfer the data

First, be sure you are using an ELD, as AOBRDs do not support these methods of data transfer. If all else fails, offer your device's on-screen display or printout.

Looking for more information on ELDs?
Visit <https://eld.fmcsa.dot.gov>

✂ TROUBLESHOOTING TIPS

My ELD can't pair with the safety official's device
Request the safety official to activate Bluetooth on their device and make it discoverable.

Why is my device asking for a PIN?

The ELD may require the safety official to enter a passcode before confirming pairing with your device. The ELD should provide you with this passcode to share with the safety official. Similarly, your device may produce this passcode for the safety official to enter. Consult your ELD user manual for more details.

DATA TRANSFER: BLUETOOTH



Safety Official



Driver/Carrier

1 REQUEST driver initiate data transfer via Bluetooth. Activate Bluetooth on enforcement equipment and confirm pairing with ELD.

2 PROVIDE safety official code or investigation code.

3 LOCATE ELD file in FMCSA's server using eRODS review driver log for HOS violations.

2 SELECT Bluetooth data transfer on ELD and confirm pairing with safety official's equipment.

4 ENTER safety official code, initiate data transfer.

(continued from previous page)

DATA TRANSFER: USB



Safety Official



Driver/Carrier

1 REQUEST driver initiate data transfer via USB. Unlock USB drive and provide to driver.

2 INSERT unlocked USB drive into ELD and initiate data transfer. Hand USB drive back to safety official once transfer is complete.

3 INSERT USB into computer and use eRODS to locate and open the file, review driver log for HOS violations.

✖ TROUBLESHOOTING TIPS

Why won't my ELD accept the USB?

The ELD rule requires a USB drive to be set up with a configuration file before an ELD transfers data to it. Confirm with the safety official that the USB drive has been set up.

If your ELD still won't accept the USB drive, the USB may be in a different file format from the one your ELD accepts. The safety official may update the file format and try again, or proceed using the on-screen display or printout.

Automobile Towing Industry in the US - Market Research Report

Speed bump: Demand for towing will rise, though safer cars will partly offset growth

How is the Industry Trending in the US?

Total Towing Revenues for 2019: \$8 Billion

Number of Towing Businesses: 49,189

Annual Business Growth/Towing Business: 3%

Industry Employees: 102,873

The Automobile Towing industry is chugging along. The economy has continuously improved over the five years to 2019, leading to a decline in the unemployment rate. With more people employed, more individuals traveling to work have opted to drive, increasing total vehicle miles. Moreover, as disposable incomes have risen in line with falling unemployment, more consumers have felt comfortable driving individually as opposed to carpooling or taking public transportation. When more cars are on the road, the chance of an accident or need for roadside assistance rises, increasing demand for industry services. Additionally, the average age of the vehicle fleet is expected to rise during the period. As cars age, their need for repairs and towing services increase.

Industry SWOT Analysis

The industry is exposed to the following threats and opportunities:

- The total number of vehicle accidents has a significant effect on the industry. The greater the number of automobile accidents, the higher demand is for industry services to remove vehicles and clear highways and roads. Automobile accidents occur more frequently when there is a high number of vehicles on the road. The number of vehicle accidents is expected to decrease in 2019, posing a potential threat to the industry.
- The number of motor vehicle registrations reflects the number of cars on the road. When the number of automobiles increases, so does the number of potential breakdowns, resulting in higher demand for industry services. The number of motor vehicle registrations is expected to increase in 2019, presenting an opportunity for industry operators. Source:IBIS World

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763-595-0321

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Red Wing Midway Auto
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Siewerts Garage
651-388-9163

Rochester CSC Towing
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507-288-7317
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Sauk Centre Centre Towing Inc.
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507-452-9073

Zumbrota Bergs Towing & Repair
507-732-5613

IOWA

Des Moines Hanifen Co, Inc
515-243-3205

Sioux City Meier Towing Inc
712-258-0609

NORTH DAKOTA

Bismarck Berg's 24 Hour Towing
701-663-6491

Grand Forks Nordic Towing
1-833-667-3421

SOUTH DAKOTA

Big Stone The Shop, Inc.
605-862-8215

Sioux Falls Ace Towing Inc.
605-332-2173

WISCONSIN

Baldwin Day & Nite Towing, LLC
715-684-3359

Balsam Lake Lake Services Unlimited
715-857-5753

LaCrosse Goldbeck Towing Service
608-781-4869

Independence Kabus Auto Body & Recovery
715-985-2252

Roberts Jerry's Towing
715-749-4450

Superior Lake City Towing
218-722-7781

ASSOCIATE

Auto & Equipment Sales

Tom's Auto Sales
Ryan Tubbesing 651-482-8795
Twin Cities Wrecker Sales
Rod Pellow 651-488-4210
Zip's Truck Equipment
Paul Rottinghaus 1-800-222-6047

Accountants

Haworth & Company, Ltd
Gary Haworth 651-783-5763

Compliance Management Services

Midwest Compliance Inc
Billy Woolsey 320-656-1396

Financing/Leasing

Water Street Funding
Tim Olson 763-742-7898

Health Insurance

Health & Life Financial Services
Kevin Urlaub 763-287-0055

Insurance

Midwest Insurance Service
John Hall 651-439-5939
Truck Writers, Inc.
Shawn Sullivan 763-785-0500

Roadside Assistance

TowTrax
Dan Messina 769-774-0340

Salvage/Auction

Copart, Inc Kyle Dalton 763-432-7258

Uniforms

Cintas Brad Beyer 763-391-5266

UPCOMING EVENTS

MPTA Board Meeting

TBD

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

MPTA Office
2886 Middle Street
Little Canada, MN 55117

Mark Your Calendars: MPTA Educational Sessions for 2020!

- May 19, 2020: One Day -Basic Light Duty
Tow School
- May 20, 2020: One Day Basic Heavy - Duty
Tow School
- Sept 15-16, 2020: Two-Day Advanced Light
Duty Tow School