

# Newsbreak

## July 2020 Publication of the Minnesota Professional Towing Association



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### Hall of Fame Inductee- Congratulations Roddy Pellow!



What is better than one Pellow in the International Towing & Recovery Hall of Fame & Museum (ITRHFM)? Having two Pellow's! Minnesota Professional Towing Association congratulates Roddy Pellow of Twin Cities Wrecker Sales one of the highest honors in the Towing Industry! Rodney "Roddy" Pellow has been a pioneer in our industry following in the footsteps of parents Richard "Dick" (Inducted into ITRHFM in 1987) and mother, Jean Pellow (ITRHFM's woman of the year in 1984).

Roddy's career began at Twin Cities Towing at an early age spending most days and nights towing alongside his father, two brothers and brother-in-law, Ronald Gardas (ITRHFM class of 2009). Building trucks in their family shop, the Pellow family started Twin Cities Wrecker Sales in 1979, Roddy later buying Twin Cities Wrecker Sales in 1996 from his family.

Roddy is well known within the towing community for his knowledge and ability to work with many manufacturer's over the years. Roddy was instrumental in restoring a 1913 Cadillac wrecker known as the original Holmes Wrecker and manufacturing frame restoration on "The World's Fastest Wrecker". Both trucks are on display at the (ITRHFM).

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Burdas Towing  
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763-428-9911  
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763-544-5512  
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Nolan, Thompson, & Leighton  
952-405-7171

## ***LEGAL COUNSEL***

**Randy Thompson**  
Nolan, Thompson, & Leighton  
952-405-7171

## ***EXECUTIVE DIRECTOR***

**Lance Klatt**  
2886 Middle Street  
Little Canada, MN 55117  
651-487-2231

## ***OFFICE STAFF***

**Nikki Steger**  
2886 Middle Street  
Little Canada, MN 55117  
651-487-2231

MPTA contact information:

2886 Middle Street  
Little Canada, MN 55117

Phone: 651-487-2231  
Fax: 651-487-2447

Email: [admin@mnprotow.org](mailto:admin@mnprotow.org)

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

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

## Presidents Letter

### Written by President, Ron Gardas, Jr.

As Covid-19 seems to be getting behind us, just about everything we are looking forward to is cancelled or postponed as the same can be said about our tow schools, suffering the same fate. Moving our tow schools was not a decision that came lightly. We came up with numerous different scenarios. Some of them were to have the classroom outdoors, to have less students in the class, smaller groups. None of which were practical. As of right now we are still planning on having the Beginner light duty, and beginner heavy duty school this year. The exact date is still uncertain.

Once again Minnesota has one of the towing industries best. Congratulations to Roddy Pellow of Twin Cities Wrecker Sales on being inducted into the International Towing and Recovery Hall of Fame. There are truly tens of thousands of stories of Roddy going out of his way to help a tower in need. Little things from staying late getting our towing communities back on the road, troubleshooting problems over the phone at all hours, to innovating and fabricating essential parts and always finding a way making our industry better.

From all of us here on the MPTA board we could not think of a better, more deserving person for our industry's highest honor. The International Towing and Recovery Hall of Fame ceremony is held from October 9<sup>th</sup>-11<sup>th</sup> at the International Towing and Recovery Hall of Fame and Museum in Chattanooga Tennessee and please feel free to come down and celebrate Roddy's induction. Roddy joins other Minnesota greats in the Hall such as:

#### **Dick Pellow**

*Twin Cities - Class of 1987*

#### **Joe Sroga**

*Sroga Automotive/Twin Cities – Class of 1996*

#### **Andy Hovanes Jr.**

*Andy's Towing - Class of 2000*

#### **Ronald Gardas Sr.**

*Twin Cities - Class of 2009*

Last year the MPTA board jumped into the truck putting some much - added miles traveling the state meeting member and new members hearing everyone's voices. What are the challenges that someone from the southeast area of the state deals with versus the northwest and beyond? With COVID we have not had a chance to do that yet this year. So, to continue with putting a "face with a name" we want to hear your questions.

Feel free to ask questions to the board or an individual member. They can be from a person's name or anonymous. We can put them in the Newsbreak or they can be kept out. We want to continue getting to know our members on a personal basis. MPTA wants everyone to know the board (and council) are here to help.

Example: To Jennifer Person- *How do you get rid of the stigma of a female working in a male industry?* Jane Doe

To Jason Butler -*How do you find drivers in a smaller rural market?* Anonymous

To the board - *How do you keep work life and home life separate?*

Feel free to email, call, or text in questions. We want to hear from you, I want to hear from you. Remember, we are all in this together!

Ron Gardas Jr

*Vice President – Heavy Operations- Twin Cities Transport & Recovery*

*President – Minnesota Professional Towing Association*

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Roddy and the Pellow family continue to commit their time and energy to the towing community. Members of TRAA since its inception, as the Pellow family were one of the organizers of the Minnesota Professional Towing Association and members of the Minnesota Service Station Association. Roddy and the Pellow family are also members of many State Towing Associations and car clubs.

Roddy enjoys spending as much time with his family as possible. A love of restoring antique cars while always working hard for progress!

Congratulations Roddy and the entire Pellow Family! Our industry would not be what it is without you and your family! Thank you for allowing all of us into your family!

MPTA members may attend Roddy's induction this October (8-10) in Chattanooga, TN at the International Towing & Recovery Hall of Fame & Museum.



# FMCSA Information and Guidance Relating to the COVID-19 Emergency Situation:

(For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles)

**Informational:** This waiver is effective July 1, 2020 and expires on September 30, 2020.

- Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles
- FMCSA grants, until September 30, 2020, a waiver from certain regulations applicable to interstate and intrastate commercial driver's license (CDL) and commercial learner's permit (CLP) holders and to other interstate drivers operating commercial motor vehicles (CMVs). FMCSA has initiated this action in response to the President's declaration of a national emergency under 42 U.S.C. § 5191(b) and the public health emergency declared by the Health and Human Services Secretary related to Coronavirus Disease 2019 (COVID-19) and section 4 of Executive Order No. 13924, Regulatory Relief to Support Economic Recovery, 85 FR 31353 (June 9, 2020).
- This waiver covers States, CDL holders, CLP holders and interstate non-CDL CMV drivers for the period beginning at 12:01 a.m. (ET) on July 1, 2020, through 11:59 p.m. on September 30, 2020.
- **Declaration Website:** <https://www.fmcsa.dot.gov/emergency/waiver-response-covid-19-national-emergency-states-cdl-holders-clp-holders-and-interstate>

**COVID-19 Website:** <https://www.fmcsa.dot.gov/COVID-19>

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**BRIAN MCDERMOTT**  
CELL: 612-209-1366





# Get To Know The New Rule

## Hours of Service Final Rule

The Federal Motor Carrier Safety Administration's top priority is safety on America's roadways. That's why the Agency is updating hours of service regulations to improve safety and increase flexibility for the nation's commercial vehicle drivers.

HOS Provision	Past HOS Rule	New HOS Rule	Impacts
<b>CMV Short-Haul Exemption</b>	Drivers using the short-haul exception may not be on-duty more than 12 hours and may not drive beyond a 100 air-mile radius.	Extends the maximum duty period allowed under the short-haul exception to 14 hours and to 150 air miles.	Improves safety and flexibility by increasing the number of drivers able to take advantage of the short-haul exception.
<b>Adverse Driving Conditions</b>	A driver may drive for not more than 2 additional hours beyond the maximum time allowed. However, this does not currently extend the maximum "driving window."	Allows a driver to extend the maximum "driving window" by up to 2 hours during adverse driving conditions.	Improves safety and flexibility by allowing drivers time to park and wait out the adverse condition or to drive slowly through it—which has the potential to decrease crash risk.
<b>30 Minute Break</b>	If more than 8 consecutive hours have passed since the last off-duty (or sleeper berth) period of at least half an hour, a driver must take an off-duty break of at least 30 minutes before driving.	Requires a 30-minute break after 8 hours of driving time (instead of on-duty time) and allows on-duty/not driving periods to qualify as breaks.	Improves safety and flexibility for drivers by increasing on-duty/non-driving time by up to 30 minutes—allowing drivers to reach their destination easier.
<b>Split-Sleeper Berth</b>	A driver can use the sleeper berth for an 8/2 split—8 hours of rest that does not count against the 14-hour limit, and 2 hours of rest that does count against the 14-hour driving window.	Modifies the sleeper-berth exception to allow drivers to split their required 10 hours off duty into two periods: an 8/2 split, and a 7/3 split—with neither period counting against the driver's 14-hour driving window.	Improves safety and flexibility for drivers by potentially increasing the use of sleeper berths because drivers using a berth have additional hours to complete 11 hours of driving.

The new rule would not increase driving time and would continue to prevent CMV operators from driving for more than 8 consecutive hours without at least a 30-minute change in duty status.

**Learn More at [WWW.FMCSA.DOT.GOV](http://WWW.FMCSA.DOT.GOV)**



# **TWIN CITIES**

## **WRECKER SALES**

St. Paul, MN [tcwreckersales.com](http://tcwreckersales.com)  
**800-287-4210**



**[www.tcwreckersales.com](http://www.tcwreckersales.com)**  
**1301 Jackson Street - St. Paul, MN 55117**



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## 2-Day Advanced Light Duty Tow Truck Operator

Two Day Hands-On Training Class - **September 15th & 16th, 2020**

Held at the MN Dot Building - 244 East Maryland Ave - St Paul, MN 55117

*This two day course will focus on the advanced towing and recovery including basic/advanced hook-ups and roll-overs/embankments with hands-on training instructed by Ron Feist, Ron Gardas Jr. and the Minnesota Professional Towing Association Board of Directors.*



### September 15, 2020 Agenda

7:30am Registration  
8:00am to 5:00pm Classroom & Hands-on Training

- Breakfast and lunch will be provided.
- A pair of gloves and work clothes will be needed, expect to get dirty.

### September 16, 2020 Agenda

8:00am to 4:00pm Classroom & Hands-on Training

- Breakfast and lunch will be provided.
- A pair of gloves and work clothes will be needed, expect to get dirty.

Please send completed form to:

MPTA  
2886 Middle Street  
Little Canada, MN 55117  
Phone: 651-487-2231  
Fax: 651-487-2447

### Hands-On Training

Members: \$325.00 per student  
Non-members: \$425.00 per student

### Hotel:

Holiday Inn  
Express & Suites

1100 East Co Rd E  
Vadnais Heights, MN  
6851-484-2400

A block of rooms  
available- just mention  
MPTA.

\*\*\*All Participants will receive MPTA Certification Of Attendance\*\*\*

### Registration Form

Business Name \_\_\_\_\_ Member #: \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Name of Student (s):

Total \$

_____	_____
_____	_____
_____	_____
_____	_____

Grand Total

Method of Payment: ☐ Discover ☐ MasterCard ☐ Visa ☐ Check

Credit Card # \_\_\_\_\_

Signature \_\_\_\_\_

Exp. Date: \_\_\_\_\_ CVS Code \_\_\_\_\_

- Minimum of 15 participants to hold class
- Cancellation Policy - credit only for future schools

# Minnesota Small Business Relief Grants

The Minnesota Department of Employment and Economic Development (DEED) will oversee the Minnesota Small Business Relief Grants Program approved by the Minnesota State Legislature and signed by Gov. Tim Walz on June 16, 2020.

This program will make available \$10,000 grants to Minnesotan owned and operated businesses that can demonstrate financial hardship as a result of the COVID-19 outbreak. A total of \$60.3 million is available for grant awards which will be selected through a computer-generated, randomized selection process.

Awards will be disbursed and administered by qualified local and regionally based nonprofit organizations. Grant funds received by individual businesses shall be used for working capital to support payroll expenses, rent, mortgage payments, utility bills, and other similar expenses that occur or have occurred since March 1, 2020, in the regular course of business. These are grants and no repayment will be required.

**If your business plans to apply, please check back here for the online grant application link. Applications will be accepted BY LAW FOR A 10-DAY PERIOD BEGINNING Tuesday, June 23 through Thursday, July 2. Meanwhile, you can review eligibility criteria, see frequently asked questions and see what types of questions will be on the application.**

## Eligibility

To qualify, an applicant must:

- Be a private for-profit business that has a permanent physical location in Minnesota.
- Be majority owned by a permanent resident of Minnesota.
- Be in good standing with the Minnesota Secretary of State and the Minnesota Department of Revenue as of March 1, 2020.
- Employ the equivalent of 50 or fewer full-time workers.
- Be able to demonstrate financial hardship as a result of the COVID-19 outbreak.
- NOTE: Businesses that received funding under the Small Business Emergency Loan Program (SBEL) are NOT eligible for this program. (However, businesses that received funding through the various Small Business Administration emergency loan programs ARE still eligible for this program.)

In making awards, there are minimum set asides for various targeted groups and categories of businesses.

- 50% of funds will be available for businesses based in Greater Minnesota.
- 50% of funds will be available for businesses based in the 7-county metro area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties).
- A minimum amount of funds must be awarded as follows:
  - \$18 million for businesses with six or fewer full-time workers.
  - \$10 million for minority business enterprises.
  - \$2.5 million for businesses that are majority owned and operated by veterans.
  - \$2.5 million for businesses that are majority owned and operated by women.
  - \$2.5 million for operators of indoor retail and food markets with an ethnic cultural emphasis.

For the Link to the Minnesota Small Business Relief Grants thru Minnesota Dept. of Revenue, visit link below:  
<https://mn.gov/deed/business/financing-business/deed-programs/relief/>

## ADDING A USDOT NUMBER

### **Employers can associate their Clearinghouse activity with the USDOT Numbers in their FMCSA Portal accounts**

FMCSA has updated the Drug and Alcohol Clearinghouse to allow employers to link their Clearinghouse accounts with their FMCSA Portal accounts. This will enable employers to associate Clearinghouse activity (reporting violations, conducting queries, purchasing query plans, and designating consortia/third-party administrators (C/TPAs)) with a specified USDOT Number in their Portal account.

To complete this process, employers must enter their FMCSA Portal User ID and password. Any employer having trouble accessing their Portal account should contact the **FMCSA Portal Registration Call Center at 800-724-2811** (hours are Monday thru Friday, 8:00 a.m.-8:00 p.m. ET).

Employers with multiple USDOT Numbers in their Portal account will need to ensure they have the correct Clearinghouse Portal user role for each USDOT Number. For more information, see the Clearinghouse Portal User Roles job aid.

#### **To add a USDOT Number (or USDOT Numbers) to a Clearinghouse employer account:**

1. Log in to the Clearinghouse.
2. Go to My Dashboard > My Profile.
3. Click the button that says **Add USDOT#** at the top of the My Employer Profile screen.
4. Follow the instructions provided by the Clearinghouse.

#### **Don't have an FMCSA Portal account?**

Each Clearinghouse user whose company has a USDOT Number should have their own personal FMCSA Portal Account. To request an account, visit the FMCSA Portal page at [\*\*https://portal.fmcsa.dot.gov/login\*\*](https://portal.fmcsa.dot.gov/login)

#### **Don't have a USDOT Number?**

Not all entities registered in the Clearinghouse will have a USDOT Number. For more information visit [\*\*https://www.fmcsa.dot.gov/registration/do-i-need-usdot-number\*\*](https://www.fmcsa.dot.gov/registration/do-i-need-usdot-number) on the FMCSA website.

### **Add Your CDL Information**

Employers who have a commercial driver's license (CDL) have the option to add their CDL information. This will create an additional "Driver" role in their Clearinghouse account.

To add CDL information to an employer account, click the **Add CDL#** button at the top the My Profile page (under My Dashboard) and follow the system instructions. If you have already added a CDL, this button will say "Update CDL#."

**Employers must not use this feature to enter information about CDLs belonging to anyone else, including employees.** If you have inadvertently entered incorrect CDL information, click the **Update CDL#** button on your My Profile page and click **Remove CDL**.

Log Into the Clearinghouse at [\*\*https://clearinghouse.fmcsa.dot.gov/register\*\*](https://clearinghouse.fmcsa.dot.gov/register)

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## Actual Knowledge

### What It Is, And What It Isn't

An employer's actual knowledge of a violation must be based on one of the following:

- Employer's direct observation of an employee.
- Information provided by the driver's previous employer(s).
- A traffic citation for driving a CMV while under the influence of alcohol or controlled substances.
- An employee's admission of alcohol or controlled substance use, except as provided in § 382.121.

A verified positive drug test result does not qualify as actual knowledge. Employers and C/TPAs do not report verified positive test results to the Clearinghouse, as these are reported by the medical review officer (MRO). For more details on what qualifies as actual knowledge of a violation, see § 382.107.

As a reminder, violations that occurred prior to January 6, 2020, are not reported to the Clearinghouse. This is based on the date the violation took place, not the date the employer became aware of the violation.

## Feds Waive Some Testing Requirements for Truckers

The Federal Motor Carrier Safety Administration (FMCSA) said it is waiving for three months certain pre-employment tests required for commercial drivers in order to get more drivers back on the road and to help speed economic recovery following the coronavirus disease 2019 (COVID-19) crisis.

The waiver, in effect June 5-Sept. 30, is in response to President Donald Trump's May 19 executive order, "Regulatory Relief to Support Economic Recovery," concerning the economic consequences of COVID-19.

"In response to the COVID-19 public health emergency, many employers have imposed layoffs, furloughs, or otherwise temporarily removed employees from performing safety-sensitive functions, as defined in 49 CFR 382.107, resulting in their removal from the random pool for controlled substances and alcohol testing for a period greater than 30 days. As employers begin calling these drivers back to work, they will incur the cost of conducting pre-employment, controlled substances testing before using these drivers to perform safety-sensitive functions," the agency said in a notice.

FMCSA said the waiver is expected to relieve motor carriers of the cost of testing and help them resume efficient transportation "without negatively impacting safety." The agency pointed out that commercial drivers are still prohibited from using controlled substances and alcohol behind the wheel and drivers performing certain "safety-sensitive" tasks must have a clean record.

"Motor Carrier employers subject to the waiver have access, in real time, to driver-specific drug and alcohol violation information through the Drug and Alcohol Clearinghouse," the notice said.

Currently, drivers can be exempt from testing if they participated in a controlled substances testing program that meets federal requirements within the previous 30 days. The waiver extends this to 90 days.

Other requirements for the exemption remain in place, including: Drivers must have been tested for controlled substances within the past six months from the date of application with the employer or participated in the random controlled substances testing program for the previous 12 months from the date of application with the employer. The employer also must determine the driver has no history of controlled substances violations with prior employers for the previous six months.

For more information:

<https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fmcsa.dot>

--Reporting by Donna Harris, [dharris@opisnet.com](mailto:dharris@opisnet.com); Editing by Michael Kelly, [michael.kelly3@ihsmarkit.com](mailto:michael.kelly3@ihsmarkit.com)

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Federal Motor Carrier  
Safety Administration

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

**Three-Month Waiver in Response to the COVID-19 Emergency –  
For States and CLP Holders Operating Commercial Motor Vehicles**

**June 17, 2020**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Grant of waiver.

**SUMMARY:** FMCSA grants a three-month waiver from certain regulations applicable to commercial learner's permit (CLP) holders operating commercial motor vehicles (CMVs), as defined in 49 CFR 383.5, in interstate and intrastate commerce. FMCSA has initiated this action in response to the President's declaration of a national emergency under 42 U.S.C. § 5191(b) related to Coronavirus Disease 2019 (COVID-19), and Executive Order No. 13924, Regulatory Relief to Support Economic Recovery.

**DATES:** This waiver is effective July 1, 2020 and expires on September 30, 2020.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nikki McDavid, Chief of the Commercial Driver's License Division, Office of Safety Programs, 202-366-0831, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

**Legal Basis**

The Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107, June 9, 1998) provides the Secretary of Transportation (the Secretary) authority to grant waivers from any of the Federal Motor Carrier Safety Regulations issued under Chapter 313 of Title 49 of the United States Code, 49 U.S.C. § 31136, to a person(s) seeking regulatory relief (49 U.S.C. §§ 31136(e), 31315(a)). The Secretary must make a determination that the waiver is in the public interest and that it is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver. Individual waivers may be granted for unique events for a period up to three months. TEA-21 authorizes the Secretary to grant waivers without requesting public comment, and without providing public notice.

The Administrator of FMCSA has been delegated authority under 49 CFR 1.87(e) and (f) to carry out the functions vested in the Secretary by 49 U.S.C. chapter 313, relating to commercial motor vehicle operators, and 49 U.S.C. chapter 311, subchapter I and III, relating to commercial motor vehicle programs and safety regulations.

## **Background**

On March 13, 2020, the President declared a national emergency under 42 U.S.C. § 5191(b) related to Coronavirus Disease 2019 (COVID-19) and, on May 19, 2020, issued Executive Order No. 13924, Regulatory Relief to Support Economic Recovery. Among other things, the Executive Order directed executive branch agencies to “address this economic emergency by ... waiving [] or providing exemptions from regulations and other requirements that may inhibit economic recovery consistent with applicable law and with protection of the public health and safety ....” This waiver responds to the unique circumstances resulting from the COVID-19 public health emergency and the effects on people and from the economic emergency identified in the President’s Executive Order. On March 28, 2020, FMCSA granted a waiver from the requirement under 49 CFR 383.25(a)(1) that a CLP holder be accompanied by a CDL holder and from the restriction in 49 CFR 383.79(a) that limits a State to administering a CDL skills test only to an out of state CDL applicant who has taken driver training in that State. The March 28 waiver will expire on June 30, 2020. FMCSA issues a new waiver from those provisions.

During the COVID-19 public health emergency, a number of States experienced greater than normal employee absences or closed offices of their State Driver Licensing Agencies (SDLA) in response to the guidance from the U.S. Centers for Disease Control and Prevention (CDC) to use social distancing to reduce the spread of COVID-19. In accordance with Federal guidelines for a phased reopening, some States have begun reopening their SDLAs to resume limited operations. The pace of return to normal operations will vary across the country, and as a result, some SDLAs may be unable to timely process and issue a commercial driver’s license (CDL) credential to eligible CLP holders who have passed the driving skills test. There is a continued public need for immediate transportation of essential supplies, equipment, and persons, which requires an adequate and sustained supply of drivers eligible to operate a CMV. In addition, ensuring an adequate supply of drivers will aid in the Nation’s overall economic recovery by enabling employers’ efficient resumption of the transportation of people and cargo throughout the United States.

## **FMCSA’s Determination and Regulatory Provisions Waived**

Consistent with the statutory requirements for waivers, FMCSA has determined that it is in the public interest to issue a waiver, until September 30, 2020, limited in scope and circumstances, that is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver.

To respond to this unique event, and to continue the ability of intrastate and interstate CDL and CLP holders to transport goods and people, this waiver:

- Waives the requirement under 49 CFR 383.25(a)(1) that a CLP holder be accompanied by a CDL holder, with the proper CDL class and endorsements, seated in the front seat of the vehicle while the CLP holder operates a CMV on public roads or highways. Under the terms, conditions, and restrictions of this waiver, a CLP holder may operate a CMV on public roads or highways without an accompanying CDL holder present in the front seat of the vehicle, provided that the CDL holder is elsewhere in the cab. In addition, the CLP holder must be in possession of evidence from the testing jurisdiction, including an authorized third-party tester, that the CLP holder has passed the CDL driving skills test,

and, the CLP holder has a valid non-CDL driver's license, CLP, and medical certificate, unless FMCSA's waiver regarding expiring CDLs, CLPs and medical examiners' certificates, effective on July 1, 2020, applies.

- Waives the restriction under 49 CFR 383.79(a) that limits a State to administering a driving skills test, in accordance with subparts F, G, and H of 49 CFR part 383, to an out of state CDL applicant who has taken driver training in that State. Under the terms, conditions, and restrictions of this waiver, a State may elect to administer a driving skills test to any out of state CDL applicant, regardless of where the applicant received driver training.

States, SDLAs, and CLP holders are covered under this waiver without further action.

FMCSA will not issue a finding or a determination of substantial noncompliance under 49 CFR part 384 against States for action or inaction consistent with this waiver.

FMCSA will not take an enforcement against action CLP holders for operation, or against motor carriers for allowing the operation, of a CMV without a CDL holder present in the front seat of the vehicle if the CLP driver is in possession of evidence from the testing jurisdiction, including an authorized third-party tester, that the CLP holder has passed the CDL driving skills test, and, has a valid non-CDL driver's license, CLP, and medical certificate, unless the FMCSA waiver on expiring CDLs and medical certificates applies.

#### ***Public Interest***

FMCSA finds that the granting of this waiver is in the public interest, given CDL and CLP holders' critical role in delivering necessary property and passengers, including, but not limited to, shipments of essential supplies to respond to the COVID-19 public health emergency. In addition, granting this waiver is in the public interest because ensuring the availability of eligible drivers will aid in the Nation's overall economic recovery by enabling employers' efficient resumption of the transportation of people and cargo throughout the United States. This waiver will also reduce the administrative burden on CLP holders during this national emergency.

#### ***Safety Equivalency***

Due to the limited scope of this waiver and the ample precautions that remain in place, FMCSA has determined that the waiver is likely to achieve a level of safety that is equivalent to the level of safety that would be obtained absent the waiver. The waiver of a particular regulation should not be looked at in isolation but rather as part of the whole of all regulations governing the safety of drivers. Waiver determinations are made holistically, taking all relevant factors into account. *See International Bhd of Teamsters v. DOT*, 724 F.3d 206 (D.C. Cir. 2013). It is important to note that this waiver does not alter any of the knowledge and skills testing requirements for a CDL, a CLP, or a necessary endorsement.

FMCSA has determined that waiving the requirements under 49 CFR 383.25(a) will not impact safety negatively, in light of the terms, conditions, and restrictions below. Section 383.25(a) sets forth the conditions a CLP holder must meet to operate a CMV for the purpose of behind-the-wheel training on public roads or highways prior to taking the skills test, including the

requirement that the driver be accompanied by a CDL holder seated in the front passenger seat. Under this waiver, a CLP holder who has passed the driving skills test may operate a CMV on public roads or highways without a CDL holder present in the front passenger seat. CLP holders who have passed the driving skills test are qualified and eligible to obtain a CDL, and the only thing necessary to obtain the CDL credential is to apply at the SDLA in their State of domicile. Absent the SDLA closures and related processing delays resulting from the COVID-19 national emergency, these CLP holders would be able to obtain their CDL credential from the SDLA more quickly and begin driving a CMV on public roads and highways without any on-board supervision. While the waiver permits the CLP holder to operate a CMV without a CDL holder in the front passenger seat, under the terms, conditions, and restrictions below, a CDL holder is required to be present elsewhere in the vehicle.

FMCSA's waiver is consistent with the Agency's 2015 decision granting CR England an exemption from 49 CFR 383.25(a)(1) and FMCSA's 2017 decision renewing the exemption (80 FR 33329 (Jun. 11, 2015), 82 FR 48889 (Oct. 20, 2017)). In this regard, FMCSA granted an application filed by CR England, under 49 U.S.C. § 31315, seeking an exemption from 49 CFR 383.25(a)(1) to allow CLP holders who have successfully passed a CDL skills test to drive a truck without a CDL holder being present in the front seat. FMCSA explained that there is no evidence that having a CDL holder present in the front seat to accompany a CLP holder who has passed the skills test improves safety, and found that the exemption would likely achieve a level of safety equivalent to complying with the regulation. Moreover, neither FMCSA's initial March 28 waiver nor the CR England exemption, which expires in 2022, have adversely affected safety.

FMCSA has also determined that waiving the requirement under 49 CFR 383.79(a) will not negatively impact safety. Section 383.79(a) permits, but does not require, an SDLA to allow an out of state CDL applicant to take the CDL driving skills (i.e., on-the-road) test if the applicant also received training in that State. Under this waiver, SDLAs would be permitted to allow an out of state CDL applicant to take the CDL driving skills test regardless of where the applicant received training. The Federal regulations in 49 CFR part 383, subparts F, G, H, and J, set forth uniform national knowledge and skills testing procedures and antifraud measures for the States. FMCSA's regulatory framework provides for uniform national testing standards irrespective of where a CDL applicant receives training. *See* 49 CFR 383.131, 383.133. The waiver requires the SDLA to transmit the test results electronically directly from the testing State to the licensing State in an efficient and secure manner in accordance with 49 CFR 383.79(a)(1). FMCSA notes that the requirement in 49 CFR 383.79(a)(2) that the State of domicile must accept the results of a driving skills test administered to the applicant by any other State, in accordance with subparts F, G, and H of this part, in fulfillment of the CDL applicant's testing requirements under part 383 would continue to apply.

FMCSA believes that the measures listed below under Terms, Conditions, and Restrictions of the Waiver, taken collectively, provide the assurance needed to meet the legal standard that granting the waiver is likely to achieve an "equivalent level of safety." Therefore, FMCSA has determined that a waiver from the regulations noted above during the period of the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver.

### ***Unique Circumstances***

The COVID-19 public health emergency led to widespread closures of State and Federal government offices, reduction of government services, and disruption of transportation systems, including possible driver shortages and related interruption of supply chains, which are heavily dependent on continued CMV operations. While States begin reopening their SDLAs to resume limited operations, the pace of return to normal operations will vary across the country. Consequently, there may be continued widespread delays in processing and issuing CDL credentials and other services. FMCSA finds that the circumstances surrounding this waiver are unique because such government operations are not providing their usual level of service.

For the reasons above, FMCSA grants a three-month waiver as provided above, subject to the terms, conditions, and restrictions below.

### **Terms, Conditions, and Restrictions of the Waiver**

This waiver covers States and CLP holders for the period beginning at 12:00 a.m. (ET) on July 1, 2020, and continuing through 11:59 p.m. on September 30, 2020.

- (1) A CLP holder operating a CMV in accordance with this waiver must maintain in the vehicle documentary evidence from an SDLA or an authorized third-party tester showing that the driver passed the CDL driving skills test and must carry his/her non-CDL driver's license and CLP while operating the CMV.
- (2) A CLP holder operating a CMV in accordance with this waiver must be accompanied by a CDL holder, with the proper CDL class and endorsements, present in the vehicle, although not necessarily seated in the front passenger seat.
- (3) This waiver does not apply to a CLP holder if the driver's privileges have been suspended or withdrawn for offenses requiring disqualification under 49 CFR 383.51.
- (4) This waiver does not apply to a CLP holder subject to a driver imminent hazard order under 49 CFR 383.52 or disqualified under 49 CFR 391.11.
- (5) This waiver does not apply to a CLP holder who does not have a valid medical examiner's certificate, unless FMCSA's waiver regarding expiring CDLs, CLPs and medical examiners' certificates, effective on July 1, 2020, applies and the driver is in compliance with the terms, conditions, and restrictions of that waiver.
- (6) This waiver does not apply to a CLP holder who is prohibited from performing safety sensitive functions under 49 CFR 382.501.
- (7) This waiver does not apply to CMV operations requiring the following endorsements: T (double/triple trailers); P (passenger), N (tank vehicle), H (hazardous materials), X (combination of tank vehicle and hazardous materials), and S (school bus).

- (8) An SDLA that elects to administer a CDL driving skills test to an out of state applicant under this waiver must transmit the test results electronically directly from the testing State to the licensing State in an efficient and secure manner in accordance with 49 CFR 383.79(a)(1).
- (9) Accident Notification. Each motor carrier must notify FMCSA within 5 business days of an accident (as defined in 49 CFR 390.5), involving any CLP holder operating under the terms of this waiver. *See* 49 CFR 390.15(b) (requiring maintenance of accident registry.) Notification shall be by email to [MCPSD@DOT.GOV](mailto:MCPSD@DOT.GOV). The notification must include the following information:
- i. Date of the accident;
  - ii. City or town, and State in which the accident occurred, or closest to the accident scene;
  - iii. Driver's name and license number;
  - iv. Vehicle number and State license number;
  - v. Number of individuals suffering physical injury;
  - vi. Number of fatalities;
  - vii. The police-reported cause of the accident (if available at time of the report); and
  - viii. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations.
- (10) FMCSA reserves the right to revoke this waiver for drivers' involvement in accidents, motor carriers' failure to report accidents, and drivers' failure to comply with the restrictions of this waiver.

Issued: June 17, 2020

Jim Mullen  
Deputy Administrator

# Member Directory

<b>Albert Lea</b>	Allen's Tow & Travel 507-373-3551 T&W Towing LLC 507-402-9829	<b>Dayton</b>	North Suburban Towing 763-428-8940	<b>Mankato</b>	Affordable Towing 507-388-8697
<b>Alexandria</b>	Dans Diesel Inc 320-762-7218	<b>Detroit Lake</b>	Aggressive Towing & Recovery 218-287-2344	<b>Marshall</b>	Pulver Towing 507-828-5720
<b>Anoka</b>	North Star Towing 763-427-4160	<b>Duluth</b>	Dukes Towing 218-722-8885	<b>Medina</b>	Kelly's Wrecker Services 763-473-0558
<b>Apple Valley</b>	Dick's Valley Service 952-432-2848	<b>Eagan</b>	Mark's Towing 651-454-1533 Justman Freight Lines 651-423-1020 Magnum Towing 651-423-7201	<b>Minneapolis</b>	Blaine Brothers 763-780-5130 Bobby & Steve's Auto World West Minneapolis 612-377-4743 Bobby & Steve's Auto World Downtown Minneapolis 612-333-8900 Bobby & Steve's Auto World South Minneapolis 612-861-6133 Miller Towing 612-827-5591 Schmit Towing 763-253-1568
<b>Austin</b>	Midtown Towing 507-433-7374	<b>Eden Prairie</b>	Bobby & Steve's Auto World 952-944-1690	<b>Minnetonka</b>	Kustom Karriers 952-938-4680
<b>Blackduck</b>	Bogart's Towing 218-835-4548	<b>Eden Valley</b>	Jack's Towing 320-453-6560	<b>Moorhead</b>	Aggressive Towing & Recovery 218-287-2344 Ed's Towing Service 218-233-7740
<b>Blaine</b>	Twin Cities Transport & Recovery, Inc. 651-642-1446 Dan's Complete Auto Care 763-784-8668 Frovik's Towing 763-786-9220 Blue Tow Service 763-786-9020	<b>Elk River</b>	Collins Brothers Towing 763-241-9177	<b>Motley</b>	Collins Brothers Towing Of Motley 320-257-5525
<b>Bloomington</b>	Darrick's Preferred Auto 507-583-9994	<b>Excelsior</b>	Williams Towing 952-446-9650	<b>New Brighton</b>	Freeway Towing 651-633-5525 Statewide Towing 651-633-4262
<b>Bloomington</b>	Bobby & Steve's Auto World 952-831-8833 Bobby & Steve's Auto World West Bloomington 952-881-1024 Chief's Towing, Inc. 952-888-2201	<b>Faribault</b>	Glenn's Service LLC 507-334-4202	<b>Oakdale</b>	Twin Cities Transport & Recovery, Inc. 651-642-1446 Absolute Towing & Recovery 651-337-2149
<b>Brooklyn Park</b>	Cardinal Towing 763-535-1202 Citywide Service 763-424-4900	<b>Fergus Falls</b>	Beyer Towing 218-205-6137	<b>Owatonna</b>	Dean's Westside Service 507-455-1950 Sweet Towing & Repair 507-451-3424
<b>Brooklyn Park</b>	Cardinal Towing 763-535-1202 Citywide Service 763-424-4900	<b>Forest Lake</b>	Dan's Towing 654-464-5551 Twin Cities Transport & Recovery, Inc 651-642-1446	<b>Plymouth</b>	Plymouth Automotive 763-544-3202 Frankies Towing Co 763-595-0321
<b>Brainerd</b>	Collins Brothers Towing Of St. Cloud, 218-822-5525	<b>Golden Valley</b>	Feist Automotive 763-544-5512		
<b>Burnsville</b>	Captain Towing 952-856-2901	<b>Hamel</b>	MN Towing and Repair 612-326-6687		
<b>Cannon Falls</b>	Siewert's Towing 507-263-4791	<b>Ham Lake</b>	Copart 612-326-6687		
<b>Columbia Heights</b>	Bobby & Steve's Auto World 763-788-1113	<b>Inver Grove Heights</b>	South East Towing 651-451-9721		
<b>Coon Rapids</b>	Highway 10 Towing 763-757-6789 Corky's Towing 612-919-1106	<b>Ironton</b>	AutoSmith Service Group 1-218-545-5715		
<b>Crystal</b>	North Suburban Towing 763-535-2201 Schmit Towing 763-253-1568	<b>Lakeville</b>	Marek's Towing & Repair 952-469-3182		
		<b>Little Falls</b>	Collins Brother Towing Of Little Falls 320-257-5525		

# Member Directory

**Red Wing** Midway Auto  
651-388-8296  
Siewerts Garage  
651-388-9163

**Rochester** CSC Towing  
507-289-8344  
Rochester Towing, LLC  
507-288-7317  
Pulver Towing  
507-282-3851

**Rogers** Burdas Towing  
763-428-9911

**Sauk Centre** Centre Towing Inc.  
320-352-1500

**Savage** Allen's Service Inc.  
952-894-1000

**Scanlon** Blaine Brothers  
218-879-6681

**Spring Lake Park** Citywide Service  
763-432-4550

**St. Anthony** Twin Cities Transport  
& Recovery, Inc.  
651-642-1446

**St. Cloud** Collins Brothers Towing  
Of St. Cloud, Inc.  
320-257-5525  
Andy's Towing  
320-251-5691

**St. Francis** Ark Towing & Recovery  
763-434-1686

**St. Paul** Twin Cities Transport &  
Recovery, Inc.  
651-642-1446

**Stillwater** Stillwater Towing  
651-439-5744

**Strandquist** Nordic Towing  
1-833-667-3421

**Sunburg** Dans Diesel Inc  
320-264-5852

**Vernon Center** Giefer Towing & Service, Inc.  
507-549-3300

**Virginia** Armory Shell Towing & Service  
218-741-6050

**Waseca** Bocks Service Inc.  
507-835-5407  
Tesch Service Center  
507-835-4610

**West St Paul** Bobby & Steve's Auto World  
651-455-2788

**White Bear Lake** Twin Cities Transport &  
Recovery, Inc.  
651-642-1446

**Willmar** Dans Diesel Inc  
320-995-6108  
Ed's Service Center & Sales  
320-235-5945

**Winona** Borkowski Towing & Salvage  
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

Twin Cities Wrecker Sales  
Rod Pellow 651-488-4210  
Worldwide Equipment Sales  
Jeff Irr 815-725-4400  
Zip's Truck Equipment  
Paul Rottinghaus 1-800-222-6047

### Health Insurance

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

### Insurance

Insuring Minnesota  
Rick McIntosh 952-469-0425  
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 Meetings

Please watch Facebook for future Board meeting dates and times



## Mark Your Calendars: MPTA Educational Sessions for 2020!

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



## Independence Day fun facts & trivia

Independence Day was first celebrated in Philadelphia on July 8, 1776.

The word 'patriotism' comes from the Latin patria, which means 'homeland' or 'fatherland.'

Before cars ruled the roadway, the Fourth of July was traditionally the most miserable day of the year for horses, tormented by all the noise and by the boys and girls who threw firecrackers at them.

The names of the signers of the Declaration of Independence were withheld from the public for more than six months to protect the signers.

Both Thomas Jefferson and John Adams died on Independence Day, July 4, 1826.

In 1941, Congress declared 4<sup>th</sup> of July a federal legal holiday. It is one of the few federal holidays that have not been moved to the nearest Friday or Monday.