

NEWSBREAK

February 2023 Publication of the Minnesota Professional Towing Association



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MPTA LEGISLATIVE UPDATE



The DFL controlled Legislature has wasted no time on passing legislation and sending bills to the Governor for his signature. Three of those bills were major pieces of legislation, which addressed outstanding federal tax conformity, a re-write of Minnesota's abortion laws and a major change in how Minnesota's energy will be generated in the coming years. Typically, the Legislature spends the early weeks of a legislative session on agency overviews and learning about the legislative process.

While committees have been advancing bills, the Governor also released his proposed state budget for the next biennium. If his proposal is adopted, Minnesota's budget will grow by nearly 25% to more than \$65 billion dollars. The House and Senate will now begin the process of preparing their own budget proposals. Once the February Fiscal Forecast is released in early March, the real budget negotiations will begin.

We are now roughly two weeks away from the First Legislative Deadline of March 10th. This is the first policy deadline and a policy bill must have passed through all the policy committees in one of the two bodies of the legislature prior to that date. The Second Policy Deadline is March 24th. After March 24th, policy committees will stop regularly meeting for the remainder of the Legislative Session and the completion of the State's Budget will become the priority for the Legislature.

As we predicted following the November elections, labor mandates have taken center stage in St. Paul. We've been working with other business groups to oppose the two mandates which have been rapidly moving through committees in both the House and Senate.

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**If you would like to make a
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efforts, please send your donations to:**

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Message From MPTA President, Ron Gardas Jr.

The 2023 legislative session is going as good as we could have hoped. MPTA has two bills that we are pushing. The first is the springtime overweight exemption. The second is an expanded lien on vehicles and commercial vehicles for clean up and storage charges. The third bill is one that we tried to fight off for a couple of years now. The retrieval of contents without paying. With the DFL in control and bipartisan support of the house and senate MPTA couldn't stop it but was able to negotiate some things in favor. Good part is that they didn't make something worse for us. Because like I said, we couldn't stop it.

We are starting to set the dates for our 2023 training classes and other MPTA Events:

May 16th- Introduction to Light Duty

September 12-13th - Advanced Light Duty

September 12th: MPTA Annual meeting and Hall of Fame Ceremony

Elko Speedway Eve of Destruction Date forth coming.

MPTA is still looking for more participation this year. If you have a love for towing and want to help the entire industry not just yourself, let us know. If you want to network with other professionals, let us know. If you want to get to know more people in the industry, let us know.

Have a good spring and be safe out there.



Ron Gardas Jr
President - Minnesota Professional Towing Association
Vice President - Heavy Operations
Twin Cities Transport & Recovery

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House File 2 / Senate File 2 – Paid Family Medical Leave Program. Funded by a new \$1 billion payroll tax, the legislation will create a 24 week, Paid Family Medical Leave program. The program would provide covered employees up to 24 weeks of paid leave annually. Twelve weeks of leave could be used for paid medical leave and would cover pregnancies or serious health conditions. An additional twelve weeks of Paid Family Leave would be available to care for a newborn or adopted child, safety leave or care for a family member who has a serious illness. The newly mandated benefit would be funded with a .7% payroll tax creating a massive new state agency with more than 300 employees. The legislation would require employers to place employees in their previous positions when they return from the leave. If their position no longer existed, an equivalent position would need to be provided. Employees would be eligible for the benefit 90 days after the date of hire. The House version grants the Commissioner the authority to raise the payroll tax as necessary to guarantee the solvency of the benefit fund. The Senate has adopted a provision capping the payroll tax at 1.2%. Under the Senate proposal, the Commissioner would need to seek legislative approval to raise the tax beyond the cap.

House File 19 / Senate File 34 – Earned Safe and Sick Time. Under the proposal, employers would be required to provide up to 48 hours of paid leave in the first year, and 80 hours in subsequent years based upon rollovers and accrued time. One hour of leave would be accrued by the employee for every 30 hours worked. In recent days, the House and Senate authors of these proposals have made some minor modifications. In recent versions, Earned Safe and Sick time would include other paid time off and other types of paid leave. There are a few policy differences between the House and Senate bills. The legislation would not exempt employers from also complying with the current Paid Safe and Sick Time ordinances in Duluth, Minneapolis, St. Paul, and Bloomington. The new state program is also different from those ordinances and further complicates the record keeping required of Minnesota employers. The House bill will be passed off the House floor and sent to the Senate in the coming days.

Senate File 6/ House File 6 – Prohibition on Price Gouging. We have been working with a large group of business trade associations to modify this proposal. This legislation is a carryover from the Governor and Attorney Generals actions to address pricing during COVID. The legislation would only go into effect when a State of Emergency is declared by the Governor.

Senate File 625 - **lien expansion to include accident site cleanup and cargo storage**. This bill amends the types of charges subject to a lien when a person tows and stores a motor vehicle at the request of a law enforcement officer. Charges for recovery of the vehicle and cargo, storage of the vehicle and cargo, and accident site cleanup are subject to a lien. The person who tows the vehicle may retain the vehicle and its cargo, except that the owner may retrieve contents as provided by current law.

This bill assists MPTA members with commercial issues related to problematic insurance payments to towing operators. AN authors A3 amendment excludes a registered owner of a vehicle who is homeless or receives relief based on need. Bill is expected to move out of the Senate Transportation Committee. A House companion bill is being introduced by Rep. Dave Baker shortly.

Senate File 1065 -**seasonal load restriction exemption for towing operators**. This bill creates a new section of law relating to tow truck weight limits.

Subdivision 1 includes substantively the same language from section 168B.15, which is being repealed. This section allows the commissioner of transportation to issue permits for oversize and overweight tow trucks when towing a disabled or damaged vehicle to place of repair or safekeeping.

Subdivision 2 provides that size and weight limits do not apply when a tow truck or towing vehicle is towing a damaged or disabled vehicle from a roadway and: 1) removing the vehicle is urgent; and 2) the vehicle is being taken to a place of safekeeping or repair. A permit is not required in this situation. Much of this subdivision is substantively like section 169.829, subd. 2, which is being repealed.

Subdivision 3. Seasonal load restrictions do not apply to tow trucks that do not exceed 20,000 pounds per single axle and is towing or recovering another vehicle that is 1) in the road right-of-way and was involved in a crash or is inoperable; or 2) has entered a body of water next to the road. This exemption only applies when a law enforcement agency makes a request to move the vehicle.

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This bill was passed out of Transportation Committee and waiting for the companion bill in the House. Our author in the house is also Rep. Dave Baker.

Senate File 176 /House File 975 - **the Legal Aid retrieval of contents bill**. Amends the law that requires impound lot owners to allow vehicle owners to retrieve contents of a towed vehicle for free if the owner is homeless, receives relief based on need, or is eligible for legal aid services. The bill also establishes additional circumstances in which a vehicle owner is entitled to retrieve contents of a towed vehicle.

Section 1 [Retrieval of contents; right to reclaim] requires the owner of a vehicle to show proof of identity when retrieving certain contents from a towed vehicle. It is a violation of the paragraph if the impound lot operator refuses to allow the owner to retrieve contents after the owner provides valid documentation. An impound lot operator may make copies of the documentation provided and must return all original documents to the owner immediately after making copies.

Section 2 [Retrieval of contents; identification, medicine, and medical equipment] requires an impound lot operator to allow any vehicle owner to retrieve identification, medicine, and medical equipment from a towed vehicle.

Section 3 [Retrieval of contents; notice of denial] requires an impound lot operator who denies a request to retrieve contents as provided in section 1 to provide a written statement that identifies the reason for the denial. This section applies to impound lot operators who operate a nonpublic impound lot or who contracts exclusively with a unit of government to operate the lot.

Section 4 [Retrieval of contents; public notice] requires an impound lot operator to post a notice that certain owners are entitled to retrieve contents from a towed vehicle for free. This section applies to impound lot operators who operate a nonpublic impound lot or who contract exclusively with a unit of government to operate the lot.

MPTA calls this the “Moller” bill. This bill came up last year as MPTA fought this bill in the House as both Democrats and Republicans liked this bill. MPTA testified in the House Transportation and Judiciary committees while lobbied in the Senate and was successful in the Senate Transportation Committee as the companion bill didn’t get a hearing. Over the summer and pre-session, MPTA legal counsel and lobbyist Rob Leighton were able to strip down additional punishing language towards our towing members. With the DFL controlling both House and Senate, MPTA had to work within the language and the board approved negotiated changes allowing less friction for our towing members. Some may have seen this on the news last week.

1886 Had All-Time Snowiest February

The all-time snowiest February for anywhere in Minnesota was in Red Wing in Goodhue County in 1886, when 52.5 inches was recorded.

The second weather scenario that favors February to be the snowiest month is when there is a snow drought, or a very dry winter weather pattern. In this case, snowfall is infrequent and very low quantity in all other months.

February is centered in the core of winter, meaning that almost all precipitation comes in the form of snow. This means that merely one or two significant snowfalls during February can cause the month to be ranked the snowiest.

Such was the case around Minnesota in 1891, 1931, 1981 and 2012, when many climate stations reported seasonal snowfall totals of 25 inches or less. In addition, in both 1931 and 2012, there were very few days that delivered snowfall — and when it fell, it was very light. In winters dominated by a snow drought, there have been a few climate stations in Minnesota that have reported less than 15 inches for an entire snow season.



FOR IMMEDIATE RELEASE

TRAA ANSWERING DOT'S "CALL TO ACTION"

February 3, 2023



Washington, DC – The Towing and Recovery Association of America, Inc.® (TRAA) has answered the U.S. Department of Transportation's National Roadway Safety Strategy (www.transportation.gov) "call to action" on behalf of the nation's towing and recovery industry. The campaign is part of the agency's multiyear plan launched in 2022 to reduce serious injuries and deaths on our Nation's highways, roads, and streets using a Safe System Approach.

As an Ally-in-Action, TRAA is committed to promoting the Post-Crash Care and Safer People elements of the National Roadway Safety Strategy (NRSS) by:

- Encouraging participation in the federal Highway Administration's National Traffic Incident Management (TIM) Responder Training (traaonline.com) to increase safety of roadside responders and prevent secondary crashes.
- Promoting Slow Down Move Over Law (traaonline.com) awareness and enforcement to reduce the risk of injuries and deaths incurred by the nation's traffic incident management partner disciplines.
- Supporting the National Highway Traffic Safety Administration's (www.nhtsa.gov) many annual campaigns to encourage safe, responsible driving and behavior by roadway users.

TRAA is proud to join with the Department of Transportation and other private and public partners to support our shared goal of reducing deaths and injuries on our nation's roadways.

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The Towing and Recovery Association of America, Inc.® (TRAA) is the voice of the towing industry. As the only national association for the towing industry, TRAA represents more than 35,000 towing companies that operate more than 210,000 commercial motor vehicles and employ more than 350,000 professionals in all 50 states, the District of Columbia, and many Territories.

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Using the Right Tool for the Job

By Brian J Riker

Towers are a resourceful bunch with an admirable “get ‘er done” attitude, although left unchecked that attitude will get us in trouble. Maybe thirty or forty years ago, when things were less regulated and folks were not so quick to file litigation, it was acceptable to push your equipment beyond it’s design. For a multitude of reasons, none less important than life safety, we know better today, or do we?

It seems like daily I witness something questionable while traveling or browsing social media. This is not only un-professional, it can be downright dangerous when a new driver or member of the general public sees a dangerous operation and begins to think it is an acceptable method, attempting to try it out themselves.

Now, I’m not taking about loading a car on it’s roof for quick clearance at the direction of a law officer, or using a chain vs. strap for securement; these are mostly a matter of personal opinion. I am talking about deliberately exceeding the ratings of your wire rope, chains, straps, wrecker body and such. Everything has a intended purpose and a working load limit, specified by its manufacturer, with a built in margin or safety designed to provide some cushion when used properly, not to be used as part of your daily operations.

This same concept applies to using our hand tools, power tools and even some old school methods of hooking up, removing drivelines and more. A good friend of mine recently sent me information on a driver that was hurt attempting to remove a pressed in driveshaft u-joint. He has been complaining that his driveline tool was broken and his employer had not replaced it yet and instead instructed him to use a wood block and raise the under lift up and down to press out the u-joint.

Now, many years ago out of ignorance of the danger I was creating, I would have used the same method. I didn’t get my first driveline tool until about ten years ago, and it sure made a difference.

For the owners reading this, is your driver’s life worth the cost of the proper tool for the job? In this instance the wood block shattered, causing a concussion and the splinter damaged the employee’s eye, costing the employer tens of thousands of dollars in a personal injury settlement plus the loss of a good driver for several months.

What about using sub-standard quality tools? I know tools are expensive and it sucks when someone leaves a good wrench behind on the side of the road, but what is the cost compared to a tool failing and a driver being injured, or even just needing to send another truck out to assist? Quality does not cost, it pays!

Same with our rigging. I can’t count how many trucks I have inspected over the years that have had substandard wire rope, damaged chains or straps that were still in service. I just watched a social media video of a creative recovery posted by a well known, highly followed person, in which they not only had a damaged wire rope with a visible kink, they also used their truck beyond its design capacity and direct conflict with the user instructions in the owner’s manual. I have even found wire rope that should have been removed from service on trucks in beauty contests where I have served as a judge.

All I am asking, in the spirit of the New Year, is to walk through your fleet and inspect for damages. Now is a good time to think about upgrades, replacements and additional tools or accessories that will make your job easier and safer. With supply chain disruptions it may take longer than expected to obtain replacement pieces, more frequent inspections and early ordering may be called for.

Now is also a good time to book some professional training for the season, before all the good dates fill up. Several of my trainer friends are reporting busier than usual volume for 2023, a good sign that owners are serious about safety. Thank you for caring about your team and your industry.

Car Repos Rising



Car repossessions continue to rise, as consumers fall behind on their car payments due to higher car prices and prolonged inflation, according to a report by NBC News. Loan defaults now exceed where they were in 2019, pre-pandemic. Economists are predicting 2023 to continue that trend, with increasing unemployment, high inflation and dwindling household savings.

The average monthly payment for a new car is up 26% since 2019 to \$718, with nearly one in six new car buyers spending more than \$1000 a month on vehicles.

“These repossessions are occurring on people who could afford that \$500 or \$600 a month payment two years ago, but now everything else in their life is more expensive,” said Ivan Drury, director of insights at car buying website Edmunds. “That’s where we’re starting to see the repossessions happen because it’s just everything else starting to pin you down.”

Consequently, the repo business is having a hard time keeping up, as 30% of repo firms left the business when repo rates plummeted in 2020. Jeremy Cross, the president of International Recovery Systems in Pennsylvania, said he can’t find enough repo men to meet the demand. He said lenders are paying him premiums to repossess their cars first in anticipation of a continued increase in loan defaults.

Source: [nbcnews.com](https://www.nbcnews.com)

Georgia Bill to Expand Move Over Law



Georgia’s House of Representatives passed a bill expanding the Move Over Law by extending protection to everyday citizens. Legislative action was taken in part due to the death of Georgia tow operator Jonathan Begley.

“If you look at last year, Jonathan was the 45th tow driver to pass away from being hit while doing their work around the state. And so we need to reduce that because Jonathan leaves behind two children, a wife,” said Representative Teddy Reese.

A bill was introduced in the state House of Representatives calling for that law to require drivers to move over for anyone stopped on the side of the highway. The bill needs to be passed by the Senate to move forward.

Source: [walb.com](https://www.walb.com)



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Collecting Struck-By Incident Data

There have been multiple fatal incidents this year involving responders working on the highway. We must work harder to educate the public and work the scenes more safely to prevent these tragedies.

The Emergency Responder Safety Institute (ERSI) has a nationwide database to collect detailed information about incidents on the roadway where emergency responders or their equipment were struck by a vehicle while operating at a scene. Available at ReportStruckBy.com, the database accepts reports from all roadway responders, including towing and recovery. The goal is to improve the voluntary reporting, tracking, and analysis of struck-by incident data to prevent future incidents.



Any roadway responder can report a struck-by incident to ReportStruckBy.com, whether that incident resulted in **death, injury, or property damage**. Reporting is anonymous and the reporting form takes approximately **3-4 minutes** to complete. All fields are optional so you can report as much as you know and skip what you don't. The site is mobile device responsive for easy reporting from the field or the station. All reports are welcome. ERSI wants as much data as possible on the continuing problem of secondary crashes and struck-by incidents at emergency scenes on the roadway.

To report an incident, go to:

<https://www.respondersafety.com/struck-by-near-miss/report-a-struck-by-incident/>

Source: TRAA



FMCSA has removed ONE PLUS ELD’s ORS device (n/k/a 1 PL Logs) from the list of registered Electronic Logging Devices (ELDs).

Motor carriers and drivers using ONE PLUS ELDs (n/k/a 1 PL Logs) have 60 days to replace the revoked devices with compliant ELDs.

On February 8, 2023, FMCSA removed the following device from the list of registered ELDs due to the company’s failure to meet the minimum requirements established in 49 CFR part 395, subpart B, appendix A.

ELD Name: ONE PLUS ELD (n/k/a 1 PL Logs)

ELD Model number: ORS

ELD Identifier: ORS160

ELD Provider: ONE PLUS ELD (n/k/a 1 PL LOGS)

ELD Registration ID: 8J3V

This device now appears on FMCSA’s Revoked Devices list.

Motor carriers and drivers who use the device listed above must take the following actions:

1. Discontinue using the revoked device(s) and revert to paper logs or logging software to record required hours of service data.
2. Replace the revoked device(s) with compliant ELD(s) from the Registered Devices list before April 10, 2023.

Motor carriers have up to 60 days to replace the revoked devices with compliant ELDs.

Motor carriers and drivers who continue to use the revoked ONE PLUS ELD (n/k/a 1 PL Logs) listed above on or after April 10, 2023 will be in violation of 49 CFR 395.8(a)(1)—“No record of duty status” and drivers will be placed out-of-service (OOS) in accordance with the Commercial Vehicle Safety Alliance (CVSA) OOS Criteria.

If the ELD provider corrects all identified deficiencies, FMCSA will place the device back on the Registered Devices list and inform the industry and the field. However, FMCSA strongly encourages motor carriers to take the actions listed above now to avoid compliance issues in the event that these deficiencies are not addressed in time. For a list of Registered devices visit <https://eld.fmcsa.dot.gov/List>

Questions?

Contact ELD@dot.gov.

SEMA-Supported REPAIR Act Reintroduced in U.S. House of Representatives

By SEMA Washington, D.C., Staff

U.S. Representative Neal Dunn (R-FL) introduced H.R. 906, the “Right to Equitable and Professional Auto Industry Repair (REPAIR) Act,” as the result of the efforts of SEMA, MEMA Aftermarket, the Auto Care Association and the CAR Coalition. The REPAIR Act seeks to protect consumers’ rights to decide where and with what parts they can use to repair and maintain their vehicles. Representatives Brendan Boyle (D-PA-02), Warren Davidson (R-OH-08) and Marie Gluesenkamp Perez (D-WA-03) are the current co-sponsors of the bill.

New barriers to working on your own vehicle, independent automotive repair and manufacturing replacement parts are emerging as vehicle technology evolves. While many aftermarket businesses and automotive enthusiasts rely on access to diagnostic data through the OBD-II port, they also need access to telematics data and information that is wirelessly transmitted directly to vehicle manufacturers. The REPAIR Act ensures that vehicle owners and repair businesses have access to this information, which is critical to maintaining a competitive repair market.

Passing the REPAIR Act is a key legislative priority for SEMA in 2023. It is essential to protect our rights to repair and modify vehicles.

Below are key provisions of the REPAIR Act:

- Prohibits manufacturers from imposing technological or legal barriers that block aftermarket replacement part manufacturers from accessing critical information and tools necessary to develop interoperable products with emerging vehicle technology.
- Establishes the right for replacement part manufacturers and independent repair shops to access critical information, tools and equipment needed to maintain vehicles.
- Requires companies producing vehicles equipped with telematics to make any critical repair information and tools available to replacement part manufacturers and repair facilities at a fair and reasonable cost.
- Provides vehicle owners with data and information wirelessly generated by their vehicles.
- Establishes a right for vehicle owners to securely share their vehicle’s repair and maintenance data with their repairer of choice.

The Association is also committed to protecting the right to modify vehicles by prohibiting automakers from locking down ECUs and ensuring aftermarket companies have access to the information needed to recalibrate vehicles with Advanced Driver Assistance Systems (ADAS) after they have been modified. There is more work to be done on behalf of the aftermarket industry—stay tuned for more information on this front.

Go to <https://p2a.co/GVF2GbH> to send a letter to your U.S. Representative that asks them to support the REPAIR Act by co-sponsoring the bill.

For more information, contact Eric Snyder at erics@sema.org.



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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
Elite Towing of Minnesota, Inc.
952-808-0808

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
City Line Towing
320-231-3869
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

WISCONSIN

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

Balsam Lake
Lake Services Unlimited
715-857-5753

LaCrosse
Goldbeck Towing Service
608-781-4869

Hixton
Jensen Towing and Repair
715-963-3431

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

Banking/Financial

US Bank
Sean Poppen 763-639-3192

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

Uniforms

Cintas
Brad Beyer 763-391-5266

UPCOMING EVENTS

MPTA Board Meeting

April 11, 2023

Dinner: 6:00 pm

Meeting: 6:30 pm

MPTA Office
Little Canada, MN



Check <https://www.facebook.com/groups/mnprotow> for all event updates.

