

NEWSBREAK

June 2023 Publication of the Minnesota Professional Towing Association



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Historic policy changes, state government spending and tax Increases



The Legislature wrapped up its final bills of the 2023 session and adjourned for the year late last night. In all, the legislative majorities are set to raise taxes by \$10 billion in the next four years, and that's after draining the record \$17.5 billion surplus. Major changes in policy were also enacted, ranging from transportation and health care to energy and environment and workplace mandates. Every employer in the state – and every Minnesota resident – will be impacted. -Lance

MPTA seasonal load restriction exemption provision

MPTA's seasonal load restriction exemption provision made it into the final Transportation Omnibus Bill that was passed by the House on a vote of 69-61. Our provision has an effective date of August 1, 2023. MPTA was successful in defeating an attempt by MNDOT and the State Patrol to add an amendment to our proposal that would have mandated tighter tire weight limits. Thank you to Ron Gardas Jr. for assisting MPTA in working with the State Patrol to get this amendment removed. (Please see the attached language circled -article 4 section 53)

Expansion of liens to include accident site cleanup and cargo storage, that bill (SF 625)

With regard to our other MPTA bill, relating to the expansion of liens to include accident site cleanup and cargo storage, that bill (SF 625) passed out of the Senate Transportation Committee and is sitting on the Senate floor. It will not be taken up on the Senate floor this session as they were out of time adjourning the 2023 session. This bill could be voted on during the 2024 legislative session.

Retrieval of Contents, Right to Reclaim

Also known as the "Moller bill" this legislation MPTA was able to fight off through the Senate last year and lack of a Transportation omnibus bill killed this legislation. Effective August 1, 2023. Basically, changes via legal aid in the retrieval of contents statute. MPTA will release updated information and send out to membership as a guideline so MPTA members are not faced with a \$1,000 fine and reasonable attorneys fees and charges. In 2022, this legislation had bi-partisan support as MPTA in the summer of 2022 negotiated better language within the bill.

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

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2886 Middle Street
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Message From MPTA President, Ron Gardas Jr.

Hello everyone,

Hard to believe summer is really here! Was a long cold winter as our industry prevailed stepping up and doing our business as usual. Reflecting through the past five months, MPTA has been very busy. This past legislative session was very frustrating to say the least. MPTA lobbyist Rob Leighton and counsel Randy Thompson worked diligently with Rep. Moller in negotiating down the retrieval of contents legislation. MPTA members can view a full version of the results of Rep. Moller's legislation and see a sampling of the new sign each towing lobby should have displayed.

A month ago, MPTA hosted its annual intro to light duty training class with nearly fifty students attending. I am always impressed with the support MPTA receives from our towing owners and operators sending our future to MPTA classes! Next week on June 28th MPTA is hosting its first EV Training class for towing. Will be an excellent opportunity to see first-hand what all the EV buzz is all about and how us towing operators can safely recover and tow an Electric Vehicle.

Annual Hall of Fame applications went out to the membership about three weeks ago. MPTA started the Hall Fame two years ago honoring those in our industry changing our industry for the better! Please send in your nomination application to the MPTA by mid- July.

MPTA has a lot of activity in the near future. A Two-day advanced light duty training class, 1-day intro to Heavy training class, Annual Meeting, Hall of fame ceremony and of course our annual MPTA night at Elko Speedway. Hope all of you have a great summer, enjoy the 4th of July and will see you at a future MPTA event!

Be safe!



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

(continued from front page)

Tax bill imposes \$2.2 billion of new taxes

The tax bill was passed over the weekend and is expected to be signed by Governor Walz. The tax bill includes both tax relief provisions targeted mostly to low and middle-income taxpayers, including a one-time \$1.1 billion refundable tax credit as well as permanent tax increases on employers and wealthier households.

At a time of a historic \$17.5 billion surplus, the bill imposes \$2.2 billion of new taxes over the next four years, with many falling on the state's job creators. This will make Minnesota less competitive, impose headwinds to the state's economic growth and add greater fiscal instability to the state's budget by relying on volatile revenue sources.

In today's world of global competition and increased mobility of both people and capital, costs matter, impacting decisions on where to invest, locate and grow. Minnesota already imposes a higher cost of doing business than most other states and has the 45th worst business tax climate, according to the Tax Foundation. Since 2021, 25 states have reduced their individual income tax rates, and 13 states have reduced their corporate tax rates, including their top rates, to be more attractive for investment and growth.

Instead of reducing uncompetitive taxes, this bill further widens our state's tax competitiveness gap by imposing retroactive tax increases, placing Minnesota multinational companies at a disadvantage with their foreign competitors and other states, giving Minnesota the 4th highest tax rate in the nation, 10.85% for income taxation on investment, and some capital gains income that will further disincentivize some wealthier households to reside and invest in our state.

Transportation deal includes tying gas tax to inflation, adding new 50-cent delivery fee, metro sales tax

The transportation funding bill came together quickly last week and was passed by both the House and the Senate this weekend. In total, the bill raises taxes by \$3.8 billion. The tax increases include:

- Tying the gas tax to inflation, with a roughly three-cent increase in the tax expected the first year alone
- A 50-cent tax on deliveries over \$100, excluding food
- A .75% metro area sales tax to be used for transportation (in addition to a .25% increase passed as part of the housing budget bill)
- Increased tab fees
- Increased motor vehicle sales tax

2-week paid sick leave, 20-week paid family and medical leave mandates to be signed into law

The paid family and medical leave (PFML) mandate was passed in the House and Senate is expected to be signed by Governor Walz. It was adjusted slightly by shortening the combined leave allowance to 20 weeks and extending the enactment date to 2026. While welcome, these changes do not go far enough to address our goal to ensure solvency, protect flexible compensation packages and prevent a hard mandate and new payroll tax on employers and employees. The PFML mandate is separate and in addition to the new statewide paid sick and safe time (SST) mandate as outlined below.

The statewide SST mandate was also passed and is set to take effect on January 1, 2024. This new law mandates that employers must provide 1 hour for every 30 hours worked, up to 48 hours annually (with accrual of up to 80 hours) of fully paid time off for routine or minor illnesses, issues relating to stalking and sexual assault, and school closures, among other listed reasons. This law does not preempt local ordinances, nor does it explicitly prohibit local jurisdictions from adopting policies that go beyond the state policy. This bill is in addition to the above-mentioned mandated PFML, meaning these leaves can be "stacked."

Other labor mandates make Minnesota more of an outlier for businesses

There are numerous provisions imposing unnecessary new workplace regulations, workforce restrictions, and increased bureaucracy, record-keeping costs and litigation risks and significant new fines and penalties on Minnesota industries, employers, and facilities. Separate from the direct cost impacts to employers, the new laws require millions of dollars in increased state spending to implement and enforce the numerous new provisions and standards.

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This includes a ban on non-competes and restrictive franchise agreements, an apprenticeship mandate on refineries, changes to workplace rules and new ergonomics standards specifically on warehouse distribution centers, meat and poultry processing facilities, health care providers, and nursing homes, multiple new opportunities for private rights of action, adult-size changing facilities requirements for publicly accessible buildings, a prohibition on an employer's ability to educate employees on public policy and several updates to expand the reach of employment statutes by eliminating long-standing exemptions for small employers, part-time employees, and unduly disrupting operations as well as waiting periods before an employee can exercise certain privileges.

Minnesota's Human Rights Act was also updated in a few ways that will impact hiring and management decisions and anti-discrimination laws, including banning salary history questions during hiring, including hair in the definition of race and changing definitions of sexual orientation and gender identity.

Legalization of recreational marijuana

During the 2023 legislative session, policymakers legalized the recreational adult use of marijuana. Portions of the new law take effect as early as July 1, 2023, but Minnesotans will mostly be looking at August 1, which is when the elimination of criminal penalties takes effect and is considered to be the de facto legalization date. Employers should take note because cannabis is now considered a "lawful consumable product" in the state.

The omnibus new law does more than just simply legalize cannabis use. It establishes the Office of Cannabis Management, creates the expungement process for marijuana-related offenses, establishes regulations and licensing structures for the new industry, provides grants for critical social services, and provides guidelines for workplaces and employee cannabis use, among others.

One key area of concern for employers throughout the legislative process has been whether the drug testing regulations sufficiently provide employers with the autonomy and flexibility to manage their workplaces and workforce. The new law provides restrictions and guidelines for testing employees and job applicants for cannabis use.

New health care mandates to become law

The Legislature passed six new health insurance coverage mandates, adding to our already long list of 60, that are expected to add roughly \$113 million to premiums in the first year alone. Policymakers also passed legislation to empower an unelected board to unilaterally set the prices for certain prescription drugs sold in the state.

And they have put us on the path allowing for any Minnesotan, regardless of income, to receive public health care benefits via MinnesotaCare, likely leading to higher costs for those with private health insurance and reduced access to health care providers and services.

Energy and environment bill passes; further complicating Minnesota's permitting process and increasing utility bills

SAVE THE DATE: TRAA'S Legislative Action Workshop & Hill Day 2024

Mark your calendar, the dates for TRAA's 6th annual Legislative Action Workshop & Hill Day are set! Next year's event will run from **Tuesday, March 5 to Thursday, March 7, 2024.**

This premium event is the towing and recovery industry's only national "hill day". Each year we focus on particular topics that align with TRAA's legislative priorities. During the event, we work collaboratively during constituent meetings with our Members of Congress to secure co-signers and essential support for bills that will help all towers be safer and operate more efficiency.

Plus, the group collectively meets with influential regulators, Members of Congress, and professional staff on committees of jurisdiction such as the House and Senate Transportation & Infrastructure Committees.

This is your opportunity to make real, substantial change for the whole towing community and have fun with industry friends while doing it. So, save the date because registration opens in August!



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EVsafe Awareness Course Registration Form

Wednesday, June 28, 2023

8:00 a.m.-11:00 a.m.

Held at DoubleTree By Hilton - 2540 North Cleveland Ave, Roseville, MN 55113



Send completed form to:

MPTA
2886 Middle Street
Little Canada, MN 55117
Phone: 651-487-2231
Fax: 651-487-2447
nikki@mnssa.com

Course Fee:

Members:

\$165.00 per attendee

Non-Members:

\$255.00 per attendee

- Maximum of 50 attendees. *MPTA may host additional class in the afternoon if needed.*

- Cancellation Policy - credit only for future courses

Hotel:

DoubleTree By Hilton
2540 North Cleveland Ave
Roseville, MN 55113
651-636-4567

Ask for MPTA Room Block

Rooms will be held until
June 12th

Topics To Be Discussed

- EVsafe Awareness Course: 3 hours of combined presentation and EV hands-on training.
- EVsafe Awareness covers the following topics with a focused emphasis on Towing Operations:
 - ◊ EV identification tips
 - ◊ EV access and basic controls
 - ◊ Understanding low voltage and high voltage systems
 - ◊ EV immobilization and basic extrication-understanding tow & transportation modes
 - ◊ EV power disconnects and locations
 - ◊ Li-Ion battery basics
 - ◊ Fire suppression tactics, including EV-specific tools
 - ◊ Submerged EV handling
 - ◊ Incident video capability
 - ◊ EV charging basics
 - ◊ Tow transport methods

Business Name _____ Member #: _____

Address _____

Phone _____

Name of Attendee (s):	Total \$
_____	_____
_____	_____
_____	_____
_____	_____

Grand Total _____

Method of Payment: Discover MasterCard Visa Check

Credit Card # _____ CVS Code: _____

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(Including City, State & Zip)

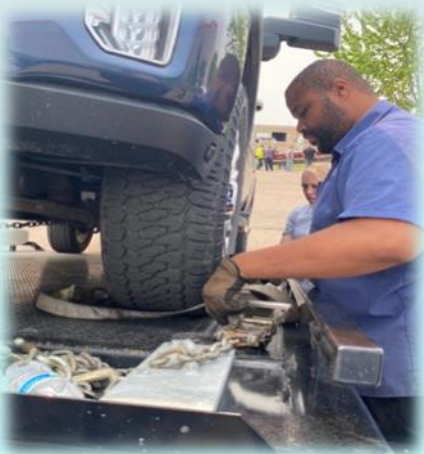
MPTA Hosts Light Duty Training Class



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



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





MPTA Board Directors sponsored the event providing many vehicles and the use of their equipment. Promising the students, they will get hands on training while getting dirty- just like every MPTA sponsored towing training session. Every school the MPTA conducts, all of us learn more from the instructors as well as from our students. Special thank you to Twin Cities Transport & Recovery for the salvaged vehicles and additional equipment.



Thank you to the MPTA Board Directors for their time and knowledge and the Gardas family for allowing us to use their facility. Together we continue to support our industry but more importantly, our professionalism.

Hope to see you or your employees at the next MPTA endorsed training class!

2023 Amendments to Statute 168B.07, Subdivision 3: Retrieval of Contents***Overview***

In the last legislative session, the Minnesota Legislature amended the towing statute having to do with retrieving contents from an impounded vehicle. See Minn. Stat. § 168B.07. These amendments were passed as part of the Omnibus Public Safety Bill, SF 2909. This article provides a summary of the new parts of the statute, as well as recommendations for best practices to limit one's legal risks going forward.

What to know

- A registered owner who can demonstrate that they are homeless, a recipient of government aid, or is eligible for legal aid services, now must provide proof of identity that includes photo ID *and* the documentation reflecting they are homeless or eligible for government aid.
- If a registered owner who meets that criteria presents the impound lot operator with that information, the impound lot operator (“you”) *must* allow the owner to retrieve the vehicle’s contents. If you do not do so, it is a violation of the statute.
- You may make copies of the documentation from the registered owner, and then immediately return the documentation to the individual.

There are also new subdivisions, 3a-3d, added to the statute.

- **Subd. 3a. Retrieval of contents; identification, medicine, and medical equipment.**
 - This new subdivision requires you to allow *any* registered owner to retrieve certain items from their vehicle, including proof of ID, prescription medication, and “durable medical equipment,” which includes wheelchairs, walkers, canes, etc.
- **Subd. 3b. Retrieval of contents; notice of denial.**
 - This subdivision only applies to nonpublic impound lot operators *or* those who have an exclusive contract with a unit of government to operate an impound lot solely for public use.
 - Under this subdivision, if you deny a registered owner the opportunity to retrieve items from their vehicle after showing proof of homelessness, receipt of aid, etc., under Subdivision 3 (c), you must provide a written statement with the specific reasons for the denial at the time of the denial.
- **Subd. 3c. Retrieval of contents; public notice.**
 - This subdivision only applies to nonpublic impound lot operators *or* those who have an exclusive contract with a unit of government to operate an impound lot solely for public use.
 - You must now post, in a conspicuous place at the business, the following language:

"If you receive government benefits, are currently homeless, or are eligible for legal aid services, you have the right to get the contents out of your car free of charge IF you provide:

 - (1) a photo ID (such as a driver's license, passport, or employer ID); AND
 - (2) documentation from a government or nonprofit agency or from a legal aid office that shows you get benefits from a government program based on your income, you are homeless, or you are eligible for legal aid services. Examples of this documentation include BUT ARE NOT LIMITED TO:
 - an EBT card;
 - a Medical Assistance or MinnesotaCare card;
 - a Supplemental Nutrition Assistance Program (SNAP) card; and
 - a letter, email, or other document from a government agency, nonprofit organization, or legal aid organization showing that you get benefits from a government program based on your income, you are homeless, or you are eligible for legal aid services."

- **Subd. 3d. Retrieval of contents; remedy.**
 - Like 3c, this subdivision is entirely new and only applies to impound lot operators who operate a nonpublic impound lot, or who have an exclusive contract with a unit of government to operate an impound lot solely for public use.
 - 3d provides that if you deny the registered owner the right to retrieve the contents of their vehicle under 3(c), that registered owner now has a cause of action against you.
 - ♦ This means they can sue you and have the following remedies:
 - If you still have possession of the vehicle and its contents, the registered owner is entitled to an injunction to receive the contents of their vehicle, *and* they can have their attorney fees paid by you.
 - If you have sold or disposed of the vehicle contents after receiving the required documentation, they are entitled to statutory damages of \$1,000 and reasonable attorney fees and costs.
 - The owner has 12 months from when the vehicle was impounded to bring a lawsuit under this paragraph.

Best Practices

You can avoid annoying and expensive claims or lawsuits against you by making sure you and your employees are aware of these new laws and are in compliance with the requirements.

This means:

- ***For registered owners who are homeless, receive government benefits, or qualify for legal aid services:***
 - When those individuals provide you with documentation and ID to show they qualify, you must let them retrieve the vehicle's contents.
 - You should make copies of the documentation and ID they provide, as you have the right to do so under the statute. Keep these with the records of the tow in case there is a claim later. Because they have one year after impoundment to bring a lawsuit, you should keep these files for at least one year. You must immediately return the documentation and ID to the registered owner.
 - If you deny their right to retrieve the contents after they have provided you with the correct documentation, you must provide them with a written statement that explains the specific reasons for your denial. You must provide that written statement at the time you deny their access to the contents.
 - If you deny their right to retrieve the contents of the vehicle, and they have provided you with the correct documentation, then they have the ability to sue you and receive attorneys' fees. They have one year to bring a claim. If the vehicle is still in your possession, they can get an injunction to retrieve the contents. If you've sold the vehicle, you must pay them \$1,000 in damages, plus their attorneys' fees and the costs for bringing the lawsuit.
- ***For all other registered owners:***
 - *All* registered owners, not just those who meet the criteria of 3(c), must be allowed to retrieve proof of ID, prescription medication, and any "durable" medical equipment, like a walker, wheelchair, etc.
 - You should make copies of the documentation and ID provided and keep those records for at least one year. After making a copy, you must immediately return the documentation and ID to the registered owner.

Post the sign (Sample on page 12) provided here or use it to make your own sign. You must post this notice in a "conspicuous" place where your business is operated.

Prepared by: Courtney E. Carter

Associate
1011 1st Street South, Suite 410
Hopkins, Minnesota 55343

ccarter@nmtlaw.com



(Sample posting of sign that should be clearly visible at towing office)

RETRIEVAL OF CONTENTS; PUBLIC NOTICE

If you receive government benefits, are currently homeless, or are eligible for legal aid services, you have the right to get the contents out of your car free of charge IF you provide:

1. a photo ID (such as a driver's license, passport, or employer ID); AND
2. documentation from a government or nonprofit agency or from a legal aid office that shows you get benefits from a government program based on your income, you are homeless, or you are eligible for legal aid services. Examples of this documentation include BUT ARE NOT LIMITED TO:
 - an EBT card;
 - a Medical Assistance or MinnesotaCare card;
 - a Supplemental Nutrition Assistance Program (SNAP) card; and
 - a letter, email, or other document from a government agency, nonprofit organization, or legal aid organization showing that you get benefits from a government program based on your income, you are homeless, or you are eligible for legal aid services.

See Minn. Stat. § 168B.07.

Research Results: Field Evaluation of Flares, Cones, and Tow Truck Light Patterns

Despite all 50 states having Move Over Laws on the books, traffic incident management (TIM) responders are still being harmed on the nation's roadways. To help protect responders, the AAA Foundation for Traffic Safety recently published a project titled "*Protecting Roadside Workers: Field Evaluation of Flares, Cones, & Tow Truck Light Patterns*" which evaluated the effectiveness of various countermeasures in protecting roadside workers.

Key findings are outlined below:

The Evaluation of Flares and Cones in Combination with Two Different Light Patterns



- Neither flares nor cones produced a significant change in the occupancy of Lane 1 during the day.
- However, flares being added to the truck displaying the Daytime light pattern at night, significantly decreased the occupancy of Lane 1. The addition of cones, however, produced only a very small additional reduction that did not reach statistical significance.
- When paired with the Nighttime light pattern at night, both flares and cones yielded a large and statistically reliable shift out of Lane 1.
- When flares or cones were added to the Daytime light pattern at night, both were associated with significant increases in Lane 1 speeds and decreases in lateral distance.
- In contrast, when added to the Nighttime light pattern, both cones and flares showed decreases in Lane 1 speed, although only the latter reached statistical reliability. Flares also resulted in a larger lateral distance of passing vehicles while cones yielded a small decrease in that measure, although neither of the changes reached statistical reliability.

Takeaways: While more research needs to be done, the initial findings seem to highlight the importance of **using lighting patterns that automatically adjust the light intensity and flash rates appropriate to the ambient situation**, particularly at night. For example, using bright, intense, random flashes during the day, and much slower, synchronized, lower-intensity flashes at night. Used in conjunction with nighttime lighting at night, **flares** also appear particularly promising for slowing down and shifting motorists out of lane 1.

For more information visit: AAAFoundation.org.



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Frankies Towing Co
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Ramsey
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763-245-2619

Red Wing
Siewerts Garage
651-388-9163

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Pulver Towing
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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
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

Auction
Copart
Kayla Teeselink 651-428-8759

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

Management Consulting
Professional Transport Management
Company

Steve Schmit 612-366-0525

Uniforms

Cintas
Brad Beyer 763-391-5266

UPCOMING EVENTS

MPTA Board Meeting

TBD

Dinner: 6:00 pm
Meeting: 6:30 pm

MPTA Office
Little Canada, MN

EVsafe Towing Awareness Course

June 28, 2023

8:00 am-11:00 am

Held at DoubleTree By Hilton
2540 North Cleveland Ave
Roseville, MN 55113

Please see registration form on
Page 7

2-Day Advanced Light Duty Tow School

September 12-13, 2023

Dates may change with or without
much notice.

Intro to Heavy Duty Tow School

October 10, 2023

Dates may change with or without
much notice.



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