

FROM THE DESK OF JEANETTE RASH:
GOVERNMENT AFFAIRS CHAIR

VERY THANKFUL!

After what seemed like a slow start (it always does when we start), our Team has accomplished our first huge goal! We have sponsors--- awesome sponsors for our bill! This is a major victory as so many are new at the Capitol this year, things are somewhat uncertain. The bill is still in Legislative Counsel but should be out shortly so it can be introduced.

The major points of our bill are:

1. Receiving a VSF rate increase!. We have not had a rate increase since 2005. For this to benefit us in the future we also want to tie it to a an automatic CPI (Consumer Price Index) increase. This will allow us to get an increase based on our costs.
2. We cleaned up some language and added an “incident management scene” definition so there is no question concerning the recovery situation the industry faces at incident's every day. You may not know, but under Transportation Code Chapter 545.3051 towers may, through their agreements and/or contract with law enforcement, receive some protection for clearing a scene at their direction. This is very important due to the risk factors we face as a private partner.
3. Some changes to language that parallel with other statutes and laws, both DMV and TDLR have requested these clarifications.
4. We are proposing a new chapter in the Property Code which would move some of the regulation of private property towing to that chapter . This would clarify the property owner’s responsibility since they do authorize the tow. Many folks think that towers just go out and at will tow vehicles from private property. This is very important to the private property towing complaint world that many

of us live in including myself and many of our members. I have talked to legal counsel and they agree that this is a very good idea.

5. Justice of the Peace hearings (tow hearings) are set up to be a one on one situation which helps resolve an issue before a lawsuit is filed. It gives both parties a chance to get the facts to the Justice and then if need be, one can appeal to County Civil Court and get an attorney. We have added language that may minimize the attorney fees awarded if a plaintiff wins a tow hearing against a tow company(defendant).
6. We want to clean up the process for those that do not have an auction process thru law enforcement. One of the major issues facing every VSF is the titling process thru different DMV's. We are recommending that DMV issue an "auction sales receipt" directly to the VSF. This should save everyone time and money including DMV and the counties. It will be a huge benefit to the VSF.

We have also worked to expand the "tow hearing" so that it gives immediate civil relief to those that need it on rates including recovery. We are also addressing proposed regulation of rates for IM towing. This has come about due to some major overcharging by some heavy duty companies. As those of you know that are in the heavy duty recovery business, this is a difficult situation since you go to the scene and have no idea what you are up against. You also have law enforcement and DOT on your back to move the lost load as quickly as possible. The regulation of IM rates would impact every single municipality permit, contract or agreement in the state. This goes directly to local control of highways. It is a major issue this session.

The bill is 60 pages long. These are the highlights. This bill took a year to draft starting with discussions at the meetings including Advisory Board discussions. Now that our bill is complete and ready to be introduced we will keep you up to date on our progress. I have been involved in

legislation since 1980. My success rate is 99.9% of the bills introduced through the work of TTSA, its Board Members and its membership along with Allied members. We are ALL volunteers! Our office staff accomplishes some amazing things, but they are very limited in resources so that we can keep the membership dues affordable. We depend upon our members to work together to get big tasks like this done. We just put our head down and do it!

It is important to understand our elected officials and what they are up against, too, in order to be successful. It is a give and take situation and a negotiation. Our Team is ready!!!

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