



Owner-Operator Independent Drivers Association, Inc.

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January 31, 2019

Via Email

The Honorable Nate Tate
State Representative
Missouri House of Representatives

Dear Representative Tate:

The purpose of this letter is to convey the support of the Owner-Operator Independent Drivers Association (OOIDA) for HB 749, legislation that would develop reasonable consumer protections for commercial motor vehicles subject to a nonconsensual tow.

OOIDA is the largest trade association representing the views of small-business truckers and professional truck drivers. We have more than 160,000 members nationwide, including roughly 7,774 who reside in Missouri and thousands more who operate on Missouri highways every day.

In Missouri, and in many other states across the country, small-business truckers are increasingly subjected to unreasonable charges from towing companies engaged in nonconsensual towing and recovery operations (i.e. law enforcement-ordered tows). Regulating this segment of the industry can be very difficult and prior to the enactment of Section 5514 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), it was largely preempted by federal law.

However, in recognizing the need for state regulations, MAP-21 gave states complete authority to regulate nonconsensual towing operations. During a nonconsensual tow there is usually no opportunity for motorists to negotiate services or compare prices among multiple towing operators. As it relates to trucking, truck drivers are routinely held responsible for towing bills that are blatantly inflated by thousands or tens of thousands of dollars. The impact on small-business truckers is financially devastating and to the best of our knowledge, there is no effective or efficient recourse in Missouri.

HB 749 creates a Towing Task Force (TTF) within the Missouri Department of Transportation (MoDOT) to make comprehensive recommendations about maximum rates that may be charged for the towing, recovery, and storage of a motor vehicle that was towed without the owner's consent. The TTF would also make recommendations regarding the investigation of potential overcharges, including a process to adjudicate complaints, factors that should be considered in determining whether a charge is fair and reasonable, a process for consumers to recover

overcharges, and a process to remove towing companies from police rotation lists for violating the rules established by HB 749.

In short, HB 749 is a reasonable approach to protect truckers from unscrupulous towing operators. It should also be pointed out the HB 749 does not impact consensual agreements between a towing operator and a commercial motor vehicle operator, nor does it exclude the towing industry from being part of the solution.

OOIDA appreciates your leadership on this issue and we look forward to working with you and your colleagues to address any issues that might arise. Please contact me directly at (816) 229-5791 ext. 1603 or mike_matousek@oida.com should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Matousek".

Mike Matousek
Manager of Government Affairs, OOIDA