



Owner-Operator Independent Drivers Association, Inc.

**National Headquarters: OOIDA Building, I-70 at Grain Valley Exit
1 NW OOIDA Drive, P.O. Box 1000, Grain Valley, MO 64029**

Tel: (816) 229-5791 Fax: (816) 427-4468

Email: oida@oida.com web site: www.oida.com

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Via Email

Dear Members of the West Virginia House of Delegates:

The Owner-Operator Independent Drivers Association (OOIDA) opposes SB 66, legislation that would create chaos in West Virginia as it relates to nonconsensual towing.

In 2016, OOIDA worked closely with Delegate Scott Cadle, the West Virginia Legislature, the West Virginia Towing Association (WVTA), and the West Virginia Public Service Commission (PSC) to enact HB 4186. Ultimately, this legislation led to the development of the existing maximum statewide wrecker rates that apply exclusively to third-party tows¹. Our shared goal was to protect consumers – in our case, small-business truckers – from unscrupulous towing companies and provide qualified and legitimate towing companies with a better rate package. While nobody got everything they wanted, the new rules are working.

We oppose SB 66 for the following reasons:

1. It would delete a statutory policy requirement that "...provides for the most prompt, fair, equitable and effective response to requests or dispatches for emergency towing services." Apparently, those requirements are not important.
2. It would require ALL towing companies registered with the PSC to be included on rotation lists, including those that are not qualified, do not have the appropriate equipment, or have no intention of following the rules.

SB 66 will effectively gut – or severely diminish – the existing rules. It's mind-boggling that the West Virginia Legislature would even consider doing this considering it required the PSC to create these rules less than 4 years ago.

We would also point out that SB 66 is potentially self-serving. Earlier versions of this legislation were sponsored by a current West Virginia State Senator who owns a towing company that does not own equipment capable of towing or recovering a commercial motor vehicle. For example, if this legislation is enacted, unqualified towing companies would be required to receive rotation calls even though they are literally unable to do the work. This would allow them to pick and

¹ <http://www.psc.state.wv.us/Information/MaximumStatewideWreckerRates.pdf>

choose those calls that are most profitable, which would undermine the viability of qualified towing companies that have invested hundreds of thousands of dollars (or millions of dollars) in heavy-duty rotators, wreckers, and other heavy-duty recovery equipment.

Instead, we would encourage the West Virginia Legislature to either (A) pass HB 4657, which would make the existing nonconsensual towing rules permanent, or (B) amend SB 66 to make it mirror HB 4657.

Thank you for your consideration of our concerns. Please contact me directly at (816) 229-5791 ext. 1603 or mike_matousek@ooida.com should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Matousek". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Mike Matousek
Manager of Government Affairs
OOIDA