



**Owner-Operator Independent Drivers Association, Inc.**

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January 20, 2016

*Via Email*

The Honorable Scott Cadle  
West Virginia House of Delegates  
Room 223 E, Building 1  
1900 Kanawha Boulevard E.  
Charleston, WV 25305

Dear Delegate Cadle:

The purpose of this letter is to convey the support of the Owner-Operator Independent Drivers Association (OOIDA) for HB 4186.

OOIDA is the largest trade association representing the views of small-business trucking professionals and professional truck drivers. OOIDA has more than 155,000 members nationwide, including nearly 1,000 who reside in West Virginia and thousands more who operate on West Virginia highways every day.

In West Virginia, small-business truckers are increasingly subjected to unreasonable charges from towing companies engaged in nonconsensual towing and recovery operations. By definition, a nonconsensual tow provides little (if any) opportunity for truck drivers involved in a roadside accident to shop for a towing company or negotiate rates. If not properly regulated, this can result in towing invoices that are inflated by tens of thousands of dollars.

The WV Public Service Commission (PSC) is responsible for regulating nonconsensual tows as well as adjudicating complaints filed against a towing company. OOIDA appreciates that WV has a complaint process, but based on our extensive firsthand experience it needs to be reformed.

HB 4186 does the following:

- Requires the PSC to review their complaint process and make changes as needed. Currently, the resolution of a complaint takes about six months and several thousand dollars in legal fees. We think there is room for improvement.
- Gives the PSC more direction regarding factors to consider when determining if a charge is reasonable. Currently, their "investigation" is largely based off previously approved tariffs which we believe to be unreasonable and excessive to being with.

- Authorizes the PSC to impose a civil penalty upon a towing company that violates provisions of law.
- Requires the PSC to review its emergency fuel surcharge policy and implement changes to ensure that any approved fuel surcharge only reflect the amount of fuel actually used.
- Directs the PSC to review special rates for the use of certain equipment used by towing companies, in particular ancillary equipment. To the best of our knowledge, no other state approves charges that are as excessive and unreasonable as those approved by the PSC.
- Clarifies that a towing company shall not be indemnified for damages to a wrecked or disabled vehicle as a result of the negligence of such towing company.
- Prohibits a towing company from “driving away” a commercial motor vehicle that requires a commercial driver’s license, unless authorized by law enforcement.
- Requires towing companies to list their approved rates on every invoice provided to an owner, operator, or insurer of a wrecked motor vehicle.
- Gives the PSC clear authority to suspend or revoke the operating authority of any towing company that violates the law, as well as the authority to work with other public entities to remove a towing company from a wrecker rotation list.

The towing industry in WV is unable to police itself and weed out the bad actors. Further, the PSC is limited in their enforcement capabilities. Unfortunately, regulations are necessary.

To be clear, OOIDA is not interested in harming the many hard-working, small-business towing and recovery operators that do the right thing and we do not believe that HB 4186 will harm them. Rather, this legislation might actually benefit honest towing and recovery operators forced to compete with those operators that take advantage of helpless motorists.

Thank you for your leadership on this issue. Please contact me directly at (816) 229-5791 ext. 1603 or [mike\\_matousek@ooida.com](mailto:mike_matousek@ooida.com) should you have any questions or require additional information.

Respectfully,



Mike Matousek  
Director of State Legislative Affairs  
OOIDA

Bcc: West Virginia Senate and House of Delegates (via email)