

2007 Annual Report

Of the

Virginia Board of Towing and Recovery Operators

Presented to

Governor Timothy Kaine

And the

General Assembly

Of the

Commonwealth of Virginia

November 1, 2007

The Virginia Board of Towing and Recovery Operators (BTRO) established by enactment of Senate Bill 134 and House Bill 1258 of the Virginia General Assembly and Governor of Virginia in the 2006 Session became effective July 1, 2006. Licensure, regulation, and enforcement of standards of practice are to go into effect on July 1, 2008.

Pursuant to Section 46.2-2806 of the Code of Virginia the Board shall submit a biennial report to the Governor and General Assembly on or before November 1 of each even-numbered year. However, through 2008 the Board shall issue such reports annually.

The following report chronicles the activities of the Board for the period November 1, 2006 through October 31, 2007.

BOARD MEMBERSHIP

Ray Hodge, Chairman

Class A Operator - Stafford
Stafford Virginia
Appointed by the Senate Rules Committee
Initial 3-year term expires on June 30, 2009

Ray Drumheller, Vice Chairman

Class A Operator - Fishersville
Appointed by the Senate Rules Committee
Initial 2-year term expires on June 30, 2008

Roy Boswell

Class B Operator - Stafford
Appointed by the Senate Rules Committee
Second 4-year term expires on June 30, 2011

Charlie Brown

Class A Operator – Salem
Appointed by the Governor
Initial 2-year term expires on June 30, 2008

Cary Coleman

Class A Operator – Fredericksburg
Appointed by the Speaker of the House
Initial 3-year term expires on June 30, 2009

Woody Herring

Class A Operator – Chantilly
Appointed by the Speaker of the House
Second 4-year term expires June 30, 2011

Mark Sawyers

Class B Operator – Norfolk
Appointed by the Speaker of the House
Initial 4-year term expires on June 30, 2010

Randy Seibert

Class B Operator – Richmond
Appointed by the Speaker of the House
Initial 2-year term expires on June 30, 2008

Gary Teter

Class B Operator - Harrisonburg
Appointed by the Governor
Second 4-year term expires on June 30, 2011

Ron Miner

Citizen Member - Oakhill
Appointed by the Governor
Initial 4-year term expires on June 30, 2010

Vinay Patel

Citizen Member – Sterling
Appointed by the Speaker of the House
Initial 4-year term expires on June 30, 2010

VACANT

Citizen Member
Appointed by the Senate Rules Committee
Initial 4-year term expires on June 30, 2010

Demerst B. Smit

Commissioner of the Department of Motor Vehicles
Jo Anne Maxwell – Designee

Todd P. Haymore

Commissioner of the Department of Agriculture and Consumer Services
Andres Alvarez - Designee

W. Steven Flaherty

Superintendent of the Virginia State Police
Steven Chumley – Designee
Curtis Hardison - Designee

STAFF

Benjamin Foster was hired as Executive Director and began work on November 15, 2006. Mr. Foster came to the Board with over 14 years of Virginia government experience having worked at the Joint Legislative Audit and Review Commission, Department of Planning and Budget, Department of Professional and Occupational Regulation, and the Department of Health Professions.

Daphane Phillips was hired an Administrative Assistant during January of 2007. Ms. Phillips had previously worked for the Department of Health Professions.

The staff of the Board is currently operating out of office space provided by the Department of Motor Vehicles (DMV). As well as using computer resources provided by the Department. Staff has utilized meeting space provided by DMV, the Science Museum of Virginia, and the Department of Health Professions to hold Board and Committee meetings.

The Executive Director of the Board has worked with the Department of General Services (DGS) during the past 12 months in an attempt to obtain permanent office space for Board staff. Initially space was located on West Broad Street across from DMV in the Bookbindery Office Building. DGS was unable to secure a lease with the property owner. Office space has been located in the Bank of America Building at the 3200 block of West Broad Street. The Department of General Services has been in negotiations with the landlord for the space on behalf of the Board. At this time it is anticipated that the space will be obtained and that the Board will be able to occupy the space in December of this year.

ACCOMPLISHMENTS

During the period between November 1, 2006 and October 31, 2007 the Board has accomplished the following:

Website: Working in conjunction with Virginia Interactive the Board has established a website to provide information concerning the mandate to the Board and the actions being taken to carry out said mandate. The website can be accessed at www.btro.vi.virginia.gov. Information currently available on the website includes but is not limited to contact information, Board member list, electronic version of the Boards' newsletter, instructions on how to access the Virginia Regulatory Town Hall, and an electronic contact card to register for future mailings from the Board.

It is anticipated that website will be instrumental in providing licensure information and applications for licensure to prospective regulators. Additionally the Board intends to provide licensure lookup capabilities through the website which will allow the general public, law enforcement, insurance companies, and other entities interested in the towing and recovery profession to verify licensure status of towing professional online 24 hours a day, seven days a week.

Public Participation Regulations: The Board promulgated Public Participation Regulations (24 VAC 27-10-10 et seq.) which became effective September 20, 2007. The purpose of this regulation is to provide guidelines for the involvement of the public in the initial formation and development, amendment or repeal of regulations of the Board for Towing and Recovery Operators.

All persons who responded to the Boards' contact card information request have been mailed a copy of this regulation.

General Regulations: The Board has submitted the necessary information for the Proposed Stage to put forth Regulations Governing the Practice of Towing and Recovery Operators (24 VAC 27-30-10 et seq.). This regulation will provide for the licensure, practice, and discipline of Towing and Recovery Operators. In reaching this stage the Board and the Regulatory and Licensure Committee

thereof held numerous meetings which were open to the public and solicited information which was used the prepare the proposed language.

Public Safety Regulations: The Board has submitted the necessary information for the Notice of Intended Regulatory Action (NOIRA) Stage to put forth Regulations Governing the Practice of Public Safety Towing (24 VAC 27-50-10 et seq.). This regulation establishes guidelines required of Class A and Class B operators to provide public safety towing and recovery services. The Board and the Regulatory and Licensure Committee thereof continue to work diligently to establish language which will be used for Proposed Regulations. As with the General Regulations the Board and the Regulatory and Licensure Committee thereof are holding numerous meetings which were open to the public and solicited information which was used the prepare the proposed language.

Contact List: Using lists provided by the Department of Motor Vehicles, insurance companies, towing associations, as well as a list obtained through an internet search the Board attempted to identify individuals and companies currently providing towing and recovery services in the State of Virginia. An addressed postage paid card was mailed to over 3,000 persons identified through this list requesting that they identify whether the business was currently actively involved in the towing and recovery business. In addition to providing a data base of active towing and recovery professionals in the State the information obtained from this mailing is also being used as a de facto public participation guideline mailing list.

Newsletter: The Board created and published a newsletter in conjunction with the contact information request mentioned above. The newsletter provided information about the creation of the Board, the mandate that was given, and the actions being taken to be operational by July 1, 2007. An electronic version of the newsletter may be viewed on the Boards' website.

OBJECTIVES FOR 2008

Foremost, it is the primary intention of the Board to promulgate general and public safety regulations prior to July 1, 2008 thus being ready to license, discipline, and provide standards of practice for towing and recovery professions as set out in Chapter 28 of Title 46.2 of the Code of Virginia.

Second, the Board intends to obtain and move into office space thus allowing for an increase in staff to carry out those activities of the Board necessary for the regulation of the towing and recovery profession in Virginia.

Third and most important of all the Board intends to do those things necessary to provide superior customer service to our prospective regulants and those interested in the towing and recovery profession in the Commonwealth of Virginia.

CONCLUSION:

The Virginia Board of Towing and Recovery Operators is truly a work in progress. No other regulatory board in recent memory has had to start from scratch. The work of this Board was not previously being done by another State entity, nor did this Board break away from an established State Agency. The 15 members of the Board along with staff are breaking new ground each and everyday. With just eight months to go before the requirement for licensure becomes effective there is still much to accomplish. It is our belief that we will be ready and we are working diligently to be ready.

We invite you to visit our website and the Virginia Regulatory Town Hall to obtain information and keep apprized of the activities of the Board. And we extend a special invitation to attend a meeting of the Board or one of its Committees.

Should you have questions about the Board or require additional information please feel free to contact me by telephone at 804-367-0226 or by email and Benjamin.foster@dmv.virginia.gov.

Sincerely,

Benjamin Foster
Executive Director