



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

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January 31, 2019

*Via Email*

The Honorable Lincoln Hough  
State Senator  
Missouri

Dear Senator Hough:

The purpose of this letter is to convey the support of the Owner-Operator Independent Drivers Association (OOIDA) for SB 323, legislation you introduced to create rules governing the towing of commercial motor vehicles.

OOIDA is the largest trade association representing the views and interests of small-business truckers and professional drivers. We have more than 160,000 members nationwide, including 7,774 who reside in Missouri and thousands more who regularly operate on Missouri roadways. In short, SB 323 would provide truckers with important consumer protections from unscrupulous towing companies, while minimizing the impact on those who do things the right way.

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 towing industry can be very difficult and prior to the enactment of Section 5514 of the Moving Ahead for Progress in the 21<sup>st</sup> 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 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 currently no effective or efficient recourse in Missouri.

SB 323 establishes necessary regulations for towing companies engaged in law enforcement-dispatched tows, specific to commercial motor vehicles. Regulations would include guidelines for determining if charges are reasonable, a fair process the state can use to receive and adjudicate complaints, provisions for effective enforcement, and a process for removing or

suspending bad actors from law enforcement dispatch lists. It also creates a Commercial Motor Vehicle Towing Advisory Committee, comprised of government and industry stakeholders, tasked with developing recommendations regarding regulations for the towing of commercial motor vehicles, but gives the state discretion for the adoption of those recommendations.

SB 323 is a reasonable approach to protect truckers from unscrupulous towing operators. It should also be pointed out that this legislation does not impact consensual agreements between a towing company and a commercial motor vehicle carrier or operator, nor does it exclude the towing industry from being part of the solution.

We appreciate 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@ooida.com](mailto: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", written in a cursive style.

Mike Matousek  
Manager of Government Affairs, OOIDA