



# Wisconsin Towing Association

*A Division of the Wisconsin Motor Carriers Association*

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WMCA/WTA

## **Testimony on Emergency Rule Trans 319 Relating to Towing of Vehicles JCRAR Public Hearing - September 17, 2015**

My name is Dan Johnson, Vice President for the Wisconsin Motor Carriers Association (WMCA) and Division Administrator for the Wisconsin Towing Association, a division of the WMCA. I am here to share comments of the Towing Association regarding Emergency Rule Trans 319 relating to the towing of vehicles.

In November of 2014, the Wisconsin Towing Association provided testimony to the Department regarding the initial Trans 319 emergency rule. We also provided testimony to the Joint Committee on Review of Administrative Rules earlier this year during its review period. At both public hearings, the WTA shared concerns of the rule, particularly as it relates to the original fee structure and the responsibility of the tow operator to remain on site waiting for a response from local law enforcement regarding the status of an illegally parked vehicle. The WTA also raised concerns about the applicability of the new law - 2013 Act 76 - to both cited and uncited vehicles. We understand that concern may not necessarily be resolved in the context of this rule, but rather, through subsequent trailer legislation.

Since that time, our Association has remained in communication with Department staff to address those concerns raised by the Wisconsin Towing Association. While a fee structure for private businesses codified into state administrative code is a rarity, we understand the Department was placed in this situation by virtue of Act 76 and had an obligation to follow the directive of the Legislature.

The Department has made efforts to find a balance within the context of this directive and craft a fee schedule that takes into consideration any ancillary charges that may arise from a tow and storage situation of an illegally parked vehicle. In addition, we believe the notification requirements for tow operators also strike a balance between the operators responsibility to notify local law enforcement with the law enforcement agency's ability to respond to the operator in a timely fashion. We do understand, though, this new fee structure based on "commercially reasonable" rates may be creating new and unanticipated issues for both consumers and lawmakers, and we are to assist the committee in resolving those issues to the best of our ability.

The Wisconsin Towing Association remains neutral on this rule, but certainly appreciates the willingness of the Department and Legislature to work towards a more appropriate and tenable solution to a difficult rulemaking process. Thank you, and I am happy to answer any questions you may have.

### **Dan Johnson**

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