



Owner-Operator Independent Drivers Association, Inc.

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February 19, 2015

Via Email

The Honorable Andrew Maynard
State Senator
Connecticut Senate District 18
Legislative Office Building, Room 2300
Hartford, CT 06106

The Honorable Antonio Guerrero
State Representative
Connecticut Assembly District 29
Legislative Office Building, Room 2301
Hartford, CT 06106

Dear Senator Maynard and Representative Guerrero:

The purpose of this letter is to convey the concerns of the Owner-Operator Independent Drivers Association (OOIDA) regarding Raised Bill Number 6817, legislation addressing the removal of vehicles that are blocking a travel lane.

As you may know, OOIDA is the largest trade association representing the views of small-business, professional truckers. OOIDA has roughly 150,000 members nationwide, including nearly 800 who reside in Connecticut and thousands more that frequently travel on Connecticut highways to serve customers throughout the state and neighboring jurisdictions.

As introduced, Bill 6817 gives law enforcement authority to determine that a vehicle blocking a travel lane constitutes an emergency and a threat to public safety and request the vehicle be removed by a wrecker service. Further, and perhaps OOIDA's primary concern, this legislation indemnifies a wrecker service from liability for any damages caused by such removal, provided that "reasonable care" is taken by the operator of the wrecker.

While perhaps well-intentioned, OOIDA opposes this legislation as introduced. Under no circumstance should a wrecker service be held harmless for damage they cause to a motor vehicle, its cargo, or the surrounding area. Small-business truckers invest significant amounts of money in their equipment and if damage is caused to it the offending party should be held liable. This legislation becomes more problematic depending on whether or not cargo is involved, such as refrigerated loads, hazardous materials, or other valuable or perishable commodities.

Respectfully, we request that you make changes to this legislation to address our primary concerns. For your review and consideration, we are providing a suggested change below:

“(g) Any law enforcement officer or traffic authority, as defined in section 14-297, may determine that a vehicle blocking a travel lane on a highway constitutes

an emergency and a threat to public safety. Upon such determination, such law enforcement officer or traffic authority, may direct the operator of a wrecker to remove such vehicle. ~~Any such officer, authority or operator of a wrecker shall be held harmless from liability or causes of action for property damages incurred by such vehicle or to its contents or the surrounding area caused by such emergency removal, provided such removal measures are taken under the direction of such officer or authority and all reasonable care is taken by the operator of the wrecker."~~

In short, our suggested change would not impact the authority of law enforcement to request that a vehicle be removed from a roadway. However, it would hold a wrecker service liable for damage caused in the course of such removal.

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

Sincerely,



Mike Matousek
Director of State Legislative Affairs

Cc: Members of the Transportation Committee