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# EMERGENCY TOWING OF MOTOR VEHICLES

GOVERNMENT  
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## HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES EIGHTY-EIGHTH CONGRESS

FIRST SESSION

ON

H.R. 2906

A BILL TO AMEND PART II OF THE INTERSTATE COMMERCE  
ACT IN ORDER TO PROVIDE AN EXEMPTION FROM THE  
PROVISIONS OF SUCH PART FOR THE EMERGENCY TRANS-  
PORTATION OF ANY MOTOR VEHICLE IN INTERSTATE OR  
FOREIGN COMMERCE BY TOWING

MAY 14, 1963

Printed for the use of the  
Committee on Interstate and Foreign Commerce



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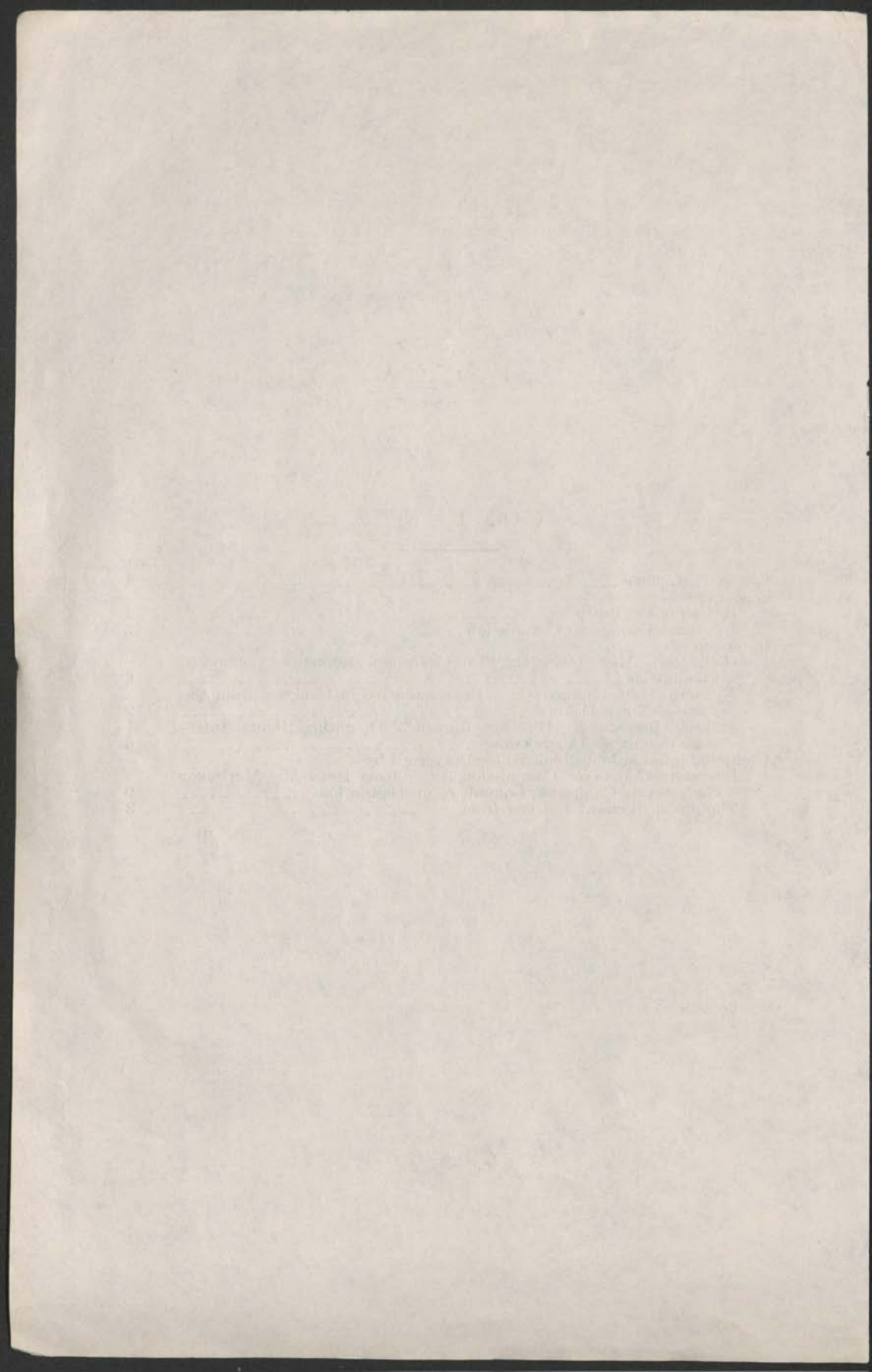
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## EMERGENCY TOWING OF MOTOR VEHICLES

TUESDAY, MAY 14, 1963

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS  
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 1334, Longworth House Office Building, Hon. John Bell Williams (chairman of the subcommittee) presiding.

Mr. WILLIAMS. The committee will be in order, please.

This morning the Subcommittee on Transportation and Aeronautics is conducting hearings on H.R. 2906, a bill to amend part II of the Interstate Commerce Act with reference to towing in emergencies.

I am very happy to have our colleague, Mr. Nygaard of North Dakota here, the author of the bill, and I believe we have another witness on this bill from the Interstate Commerce Commission.

(A copy of H.R. 2906 and the agency reports follow herewith:)

[H.R. 2906, 87th Cong., 1st sess.]

A BILL To amend part II of the Interstate Commerce Act in order to provide an exemption from the provisions of such part for the emergency transportation of any motor vehicle in interstate or foreign commerce by towing

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(b) of the Interstate Commerce Act (49 U.S.C. 303(b)) is amended by striking out the period at the end and inserting in lieu thereof a semicolon and the following: "or (10) the transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing."*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., March 12, 1963.

HON. OREN HARRIS,  
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives,  
1334 New House Office Building, Washington, D.C.,

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on H.R. 2906 a bill to amend part II of the Interstate Commerce Act in order to provide an exemption from the provisions of such part for the emergency transportation of any motor vehicle in interstate or foreign commerce by towing.

The Interstate Commerce Commission in its report to your committee on this measure is recommending its enactment for reasons stated in its report.

This office agrees with the views of the Commission and recommends that the proposed legislation be enacted.

Sincerely yours,

PHILIP S. HUGHES,  
Assistant Director for Legislative Reference.

INTERSTATE COMMERCE COMMISSION,  
OFFICE OF THE CHAIRMAN,  
Washington, D.C., February 28, 1963.

HON. OREN HARRIS,  
Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D.C.

DEAR CHAIRMAN HARRIS: Your letter of February 15, 1963, addressed to the Chairman of the Commission, and requesting comments on a bill, H.R. 2906, introduced by Congressman Nygaard, to amend part II of the Interstate Commerce Act in order to provide an exemption from the provisions of such part for the emergency transportation of any motor vehicle in interstate or foreign commerce by towing, has been referred to our Committee on Legislation. After consideration by that Committee, I am authorized to submit the following comments in its behalf:

H.R. 2906 would amend subsection (b) of section 203 of the Interstate Commerce Act by adding a new paragraph (10) which would exempt the transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing. The purpose of the bill apparently is to enable garages, service stations, and similar establishments to tow motor vehicles away from a wreck or from a highway without obtaining operating authority from the Commission if some accidental disability has prevented the vehicle from being moved under its own power. At the same time, persons engaged in other interstate towing services, such as the movement of new motor vehicles or house trailers, would continue to require certification by the Commission.

Within the last few years there has been considerable public discussion of the desirability of narrowing the "sphere of regulation" with respect to certain aspects of transportation in interstate or foreign commerce not having a substantial effect upon the national transportation system. The Commission has been urged to concentrate its efforts on the more important aspects of regulation.

Under the present provisions of the act, a person wishing to engage in the interstate or foreign transportation of wrecked or disabled motor vehicles by towing must secure operating authority from the Commission, and must otherwise comply with its regulations. (See *Havanan Common Carrier Application*, 72 M.C.C. 477.) This appears to us to be one of the aspects of transportation which could be removed from the "sphere of regulation," thereby enabling the Commission, to a limited degree, to devote more attention to matters of greater regulatory importance. Except for safety of operation and qualifications and hours of service of employees, the continued regulation of this traffic does not appear to us to be justified because of its limited role in the national transportation system. We therefore recommend enactment of H.R. 2906.

It is noted that although the language of the bill refers to the "transportation of any accidentally wrecked or disabled motor vehicle," the caption refers to the "emergency transportation of any motor vehicle," which may be something different. It is suggested that the caption be rephrased so as to conform with the true purpose of the bill.

Respectfully submitted.

LAURENCE K. WALRATH,  
Chairman,  
RUPERT L. MURPHY,  
DONALD P. McPHERSON,  
Committee on Legislation.

#### STATEMENT OF HON. HJALMAR C. NYGAARD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH DAKOTA

Mr. NYGAARD. Mr. Chairman, it is a pleasure for me to come before this committee on behalf of H.R. 2906, which I introduced on January 28, 1963.

The purpose of this legislation is to permit garages, service stations, and others to transport vehicles disabled accidentally or otherwise from nearby areas across a State line without authority from the Interstate Commerce Commission. We find in North Dakota, as will be true in many other States particularly concerned with cities located on or near borders, that a vehicle owned by a person within



one State may become disabled by accident or otherwise in another State. In order for this vehicle to be moved to where it can be repaired, it must be handled by someone licensed by the ICC.

The purpose of this legislation is not for transportation of vehicles across country but only within short, limited distances across State lines. This enables a person who has had a garageman or other service person service his car regularly to use this man's service to transport the vehicle back to its own station.

I would not favor legislation that would permit this exemption to apply to vehicles to be transported across country or great distances. It is merely for local convenience to a person whose vehicle becomes accidentally or otherwise disabled within a close proximity of home, although it may be across the State line.

I was pleased to be notified of a favorable report on this bill from ICC who asked that a technical correction be made to cause the title of the bill to be in complete conformity to the body of the bill, an amendment which I favor. I was also pleased to learn that the Bureau of the Budget reported favorably on this bill. Their reports indicate they have no objection to the passage of this legislation.

I would like to place a letter in the record supporting H.R. 2906 from Mr. Richard J. Thompson, president of the Public Service Commission of the State of North Dakota.

I appreciate the opportunity to appear before this committee in support of H.R. 2906. Thank you.

(The letter referred to follows:)

STATE OF NORTH DAKOTA,  
PUBLIC SERVICE COMMISSION,  
Bismarck, May 8, 1963.

HON. HJALMAR C. NYGAARD,  
U.S. Representative,  
Room 1038, New House Office Building,  
Washington, D.C.

DEAR HJALMAR: I feel as though I should write you a note and commend you for your introduction of House bill 2906. I think it would be a real fine piece of legislation and do heartily support it.

I see no reason for the Interstate Commerce Commission having jurisdiction over movements such as wrecker service when it is not required in intrastate movements in States such as North Dakota, Minnesota, and others.

It is my understanding that House bill 2906 is due for hearing on May 14. Wish I could be there personally and support it. Anyway, best of luck to you in your endeavor.

I plan to be in Washington on June 6 and 7 and will see you at that time.

Personal regards,

Sincerely,

RICHARD J. THOMPSON.

MR. WILLIAMS. Mr. Nygaard, what is the purpose of this bill?

MR. NYGAARD. The purpose of this bill is to permit towing services to transport disabled vehicles across State lines. Presently in order that that may be done, they must have the ICC license.

You will find in the section that this bill amends there are presently nine categories of exemptions, and this would place this type of transportation within that same category.

MR. WILLIAMS. Now, this is essentially to take care of a situation where a person wrecked an automobile in West Memphis, which is in Arkansas, and who wanted to carry it into Memphis for repairs, he would have to cross the Mississippi River into Tennessee. This would permit towing this automobile across into Tennessee for that purpose?

Mr. NYGAARD. That is exactly true.

Mr. WILLIAMS. Now, are there any limitations in this bill that you know of that would prevent a wholesale hauling of wrecked automobiles, for instance, from just across country for junk purposes or other purposes?

Mr. NYGAARD. The intent of this bill is to limit the distances and the report on the bill from the Interstate Commerce Commission would indicate very clearly that it is for short and limited distances.

It is my feeling that, as the ICC does in other instances, in setting up their rules and regulations on this matter they would govern it accordingly.

Mr. WILLIAMS. Mr. Friedel?

Mr. FRIEDEL. No questions.

Mr. WILLIAMS. Mr. Devine?

Mr. DEVINE. No questions.

Mr. WILLIAMS. Mr. Hemphill?

Mr. HEMPHILL. Thank you, Mr. Chairman. I just wondered about the reason for the original restriction. What is to prevent someone from having a wreck and then taking the offending vehicle across the State line without benefit of some responsible person? Is that the original purpose of it?

Mr. NYGAARD. Getting back to the history of this not being an exemption to the original law, I am certainly not in a position to be able to determine that.

Mr. HEMPHILL. As a lawyer, I live fairly close to the North Carolina State line. We have an attachment proceeding which is ancillary, by which you can bring an action in rem against the offending vehicle.

We have a statute which provides that if you accept the privileges and benefits of the highways of my State that you confer upon the commission of highways jurisdiction to accept service of all processes.

Now, I am thoroughly in favor of the purpose of the legislation, but I do not want to aid and abet the kind of people and the kind of lawyers unfortunately that I have run into at times that have a wreck and then try to hide the car. That is aiding and abetting crooks. I have had that happen to clients of mine.

It is somewhat distressing to have someone take a car and run it across the State line in the nighttime.

Mr. NYGAARD. That, of course, is a possible situation. However, I think you will also find in most States they have laws that provide for penalties to the driver in the case where he leaves the scene of an accident.

I think that would abridge that problem quite well.

Mr. HEMPHILL. I do not mean to belabor the point but he could report to the patrol, make out his accident report, go to the hotel, cause somebody to move the vehicle or he could go on in another car. Then the fellow who is injured, if the man had no insurance and does not have any liability insurance, he could take the car across the State line.

Mr. NYGAARD. I have not been familiar with the type of legal procedure that you describe. Generally speaking, the driver of the car is the one who is responsible in case of an accident and not necessarily the vehicle. It is, of course, true, as you indicate, he may be hiding evidence which, of course, you can do in any type of problem that may develop within the courts.



Mr. WILLIAMS. Will the gentleman yield?

Mr. HEMPHILL. Certainly.

Mr. WILLIAMS. This legislation, it would appear to me, would simply make it easier for him to move it because he could still move it if he could get someone with an ICC certificate to move it under the circumstances.

Mr. HEMPHILL. Would not the man with an ICC certificate, if he is a responsible individual, having a permit of convenience and necessity, as I understand it, have some sort of record where he got the car and where he took it. Whereas, if the ICC lost jurisdiction in this particular field, anybody could do it. I am not trying to argue with the gentleman. I want to be for you but my experience in this matter has been rather unhappy. I have even had one case in which I tried to attach a car and the people took the car into the woods and dismantled it. We found it and, of course, got a verdict and finally made the fellow pay.

Mr. NYGAARD. If I may be permitted to respond, as far as North Dakota law is concerned, the situation such as you describe would not enter into the case. Therefore, I am not familiar with that type of procedure.

Mr. HEMPHILL. I understand.

My State is not the only one. If you search the case books, you will find many other States have that.

I think you have a good idea here but I want to make sure that in trying to do good we do not do more than good.

Thank you, Mr. Chairman.

Mr. WILLIAMS. Mr. Friedel?

Mr. FRIEDEL. Mr. Nygaard, I notice in your statement in the first paragraph you state "vehicles disabled accidentally or otherwise."

Mr. NYGAARD. "Otherwise" may be running out of gasoline or it may be a wheel falling off or whatever accident we term likely as having been involved with another vehicle, or if the vehicle itself in some manner becomes of its own accord disabled.

Mr. FRIEDEL. I notice in the statement in the fourth paragraph: "I would not favor legislation that would permit this exemption to apply to vehicles to be transported across country or great distances. It is merely for local convenience to a person whose vehicle becomes accidentally or otherwise disabled within a close proximity of home, although it may be across the State line."

Mr. NYGAARD. That is true.

Mr. FRIEDEL. Is there anything in the bill here that would limit it to the close proximity?

Mr. NYGAARD. No, there is not. The provisions governing that would be established by the Interstate Commerce Commission.

In reading the report of the Interstate Commerce Commission on this bill, I think most of those questions will quite easily be answered.

Mr. FRIEDEL. We would allow exemptions for all these cars, would we not, from one State to the other States? There is nothing in the bill to prohibit it? If it were taken from ICC they would not have control over that?

Mr. NYGAARD. That is very true in reading the amendment and the statement I presented but in reading the full text of section 203(b) of the act of 1949, the United States Code, providing for, as you will notice here, this being the 10th category of exemption, there are 9

other exemptions provided, and within the general authority of providing these other 9 exemptions there are provisions for the Interstate Commerce Commission to establish regulations that are reasonable and proper.

Mr. FRIEDEL. Thank you.

Mr. WILLIAMS. Mr. Sibal, do you have any questions?

Mr. SIBAL. No questions, Mr. Chairman.

Mr. WILLIAMS. Thank you very much, Mr. Nygaard.

Mr. NYGAARD. Thank you, Mr. Chairman.

Mr. WILLIAMS. I believe Mr. Abe Goff, Vice Chairman of the Interstate Commerce Commission, is the next witness.

**STATEMENT OF HON. ABE MCGREGOR GOFF, VICE CHAIRMAN,  
INTERSTATE COMMERCE COMMISSION, ACCOMPANIED BY BER-  
TRAM E. STILLWELL, DIRECTOR, BUREAU OF OPERATING RIGHTS**

Mr. GOFF. Mr. Chairman and members of the subcommittee, my name is Abe McGregor Goff, I am the present Vice Chairman of the Interstate Commerce Commission and have served in that capacity since April 1 of this year. I am appearing today to testify on the Commission's behalf on H.R. 2906.

First, and on behalf of the Commission, I wish to express appreciation for the opportunity to appear here today to testify on this bill. My testimony will be rather brief.

H.R. 2906 would amend subsection (b) of section 203 of the Interstate Commerce Act by adding a new paragraph (10) which would exempt from regulation under part II of the act (except as to matters involving safety) the transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing. The purpose of the bill apparently is to enable garages, service stations, and similar establishments to tow motor vehicles away from a wreck or from a highway without obtaining operating authority from the Commission if some accidental disability has prevented the vehicle from being moved under its own power. At the same time, persons engaged in other interstate towing services, such as the movement of new motor vehicles or house trailers, would continue to require certification by the Commission.

Within the last few years there has been considerable public discussion of the desirability of narrowing the sphere of regulation with respect to certain aspects of transportation in interstate or foreign commerce not having a substantial effect upon the national transportation system. The Commission has been urged and we desire to concentrate its efforts on the more important aspects of regulation.

Under the present provisions of the act, a person wishing to engage in the interstate or foreign transportation of wrecked or disabled motor vehicles by towing must secure operating authority from the Commission, and must otherwise comply with its regulations. This appears to us to be one of the aspects of transportation which should be removed from the sphere of regulation, thereby enabling the Commission, to a limited degree, to devote more attention to matters of greater regulatory importance.

Except for safety of operation and qualifications and hours of service of employees, the continued regulation of this traffic does not appear to us to be justified because of its limited role in the national transportation system.



We, therefore, recommend enactment of H.R. 2906.

Mr. Nygaard has referred to a slight technical correction in the title of the bill. It is noted that although the language of the bill refers to the transportation of any accidentally wrecked or disabled motor vehicle, the caption refers to the emergency transportation of any motor vehicle, which may be something different. It is suggested that the caption be rephrased so as to conform with the true purpose of the bill.

I have here a suggested correction for the caption.

I would amend the caption to read as follows:

To amend part II of the Interstate Commerce Act in order to provide an exemption from the provisions of such part

and this is the part that is important—

for the transportation of any accidentally wrecked or disabled motor vehicle in interstate and foreign commerce by towing.

I suggest that might take care of it, or some other words to insure that the caption is exactly the same as the body of the bill.

Now, this concludes my direct testimony and, of course, I will be glad to answer any questions I can.

I have with me Mr. Bertram E. Stillwell, who is the Director of our Bureau of Operating Rights.

Between us, we will try to answer any questions you may have.

Mr. WILLIAMS. Mr. Goff, what will be the definition of an accidentally wrecked or disabled vehicle?

Mr. GOFF. I haven't really thought of it, but I suppose that a vehicle that is put out of commission by reason of some defect in the vehicle itself, like the steering gear or wheel coming off.

Mr. WILLIAMS. Would that extend to flat tires?

Mr. GOFF. I would doubt—well, it is disabled, that is right. I think what they had in mind, also, of course, is where there is an auto wreck, two vehicles come together or it has hit an object on the highways, where the vehicle is disabled and it has to be taken off the highway.

As the situation is now, actually anybody who goes across a State line who does not have a certificate of public convenience and necessity to tow disabled or accidentally injured vehicles is violating our regulations, to do it without having the operating authority.

Now, when the law was enacted, nobody really thought about this, it was such a minor part. The law just covers the transportation of property or persons across State lines and for a long while the Commission didn't pay much attention to it. Then our inspectors in the field noticed people who were hauling them across and it was a technical violation of the law. So, we got out some letters on the subject, some announcements about it, that under the law authority was required and we did get quite a few applications but these applications were on the part of establishments that maintained special equipment to take care of buses, big buses, and these great big interstate trucks, and so on.

Of course, they applied, and where they could show that the service was necessary they were given their operating authority.

But I think Mr. Nygaard's purpose here is to take care of an ordinary service station, maybe out in a sparsely settled area where somebody gets the name from a patrolmen or somebody else of the



nearest service station or garage that has a towing truck and he calls up and if the fellow does not have authority, why, he is violating the law.

I don't know that we have prosecuted anybody for it.

Mr. WILLIAMS. That is what I was wondering about.

Mr. GOFF. It is an emergency situation and here is the man out there, the vehicle often is on the highway where it has to be moved promptly, and where it is only taken a short distance. The bill in itself is kind of self-limiting because if your or my automobile is wrecked or disabled we are not going to have to haul clear from Salt Lake City to San Francisco. We are going to get it to the nearest place.

Mr. WILLIAMS. Would not the purpose of the bill be better expressed by using the language "for the emergency transportation of any disabled motor vehicle"?

The reason I say that is that I can conceive of a situation where a person runs out of gas a hundred yards from a filling station but he runs out of gas in one State and the filling station is in another State. Under present regulations, presumably, another car could not push him on up to the filling station to get gas.

I know that is a little farfetched, but, technically, the other car who pushed him up to the filling station to get gas would be in violation, would it not?

Mr. GOFF. I doubt it because that is not commercial transportation. He is not engaged in the business of doing it. He renders a voluntary service.

If he charged for—it is the commercial transportation that our Commission is concerned with.

Mr. WILLIAMS. Do you not think perhaps the language that I just quoted "provide an exemption from the provisions of such part for the emergency transportation of any disabled motor vehicle" would perhaps be better than to say "accidentally wrecked or disabled" when it is not required that it be an emergency?

Mr. GOFF. I have been talking to Mr. Stillwell who, as I say, is the Director of our Bureau of Operating Rights. He says that he thinks it might lead to some abuses by finance companies repossessing cars and things of that kind.

Mr. WILLIAMS. That ought to meet the emergency requirements.

Mr. GOFF. I think they might claim it. I personally am inclined to agree with you, Mr. Chairman. I do not think it would make very much difference. As a matter of fact, this is such a minor part of the Commission's job that we don't think that anybody would be seriously injured by it.

Mr. WILLIAMS. Let us go back to your suggested amendment. You suggested we strike the word "emergency" and add "the transportation of any accidentally wrecked or disabled vehicle." Would leaving the word "emergency" in there further define the purposes of the bill?

Mr. GOFF. I believe it would.

Mr. WILLIAMS. Rather than striking the word "emergency"?

Mr. GOFF. I think probably you are right.

Mr. WILLIAMS. By leaving the word "emergency" in the bill, then the ICC would be free to write such regulations defining the word

"emergency" presumably as might be necessary to carry out the purpose of the bill. Does that make sense?

Mr. GOFF. It does make sense, but I would add this: that the word "emergency" then should be put in the body of the bill. You see, it is not included in the body of the bill.

Mr. WILLIAMS. We would make it conform, of course.

Mr. GOFF. Yes; make the two conform.

Mr. WILLIAMS. I can conceive of a situation where an automobile would be wrecked in one State and a junk dealer in another State might buy that automobile. I do not think the purpose of this bill is to permit the hauling of that junk automobile to a junkyard across the State line under an exemption.

Mr. GOFF. No; it is not. Really, in our consideration of the bill, we are thinking of the convenience of private citizens.

You know, if they were stuck out there with a disabled vehicle, and the fellow didn't have authority and said, "I will be glad to take it but we have to go across the State line to come to any garage," we think that might mean a serious inconvenience to a traveler in the case of a private automobile.

Now, in the case of some of these big interstate trucks and buses, they usually know the people, the driver knows whom he would call and the establishment that has the equipment to take care of one of those big buses or big trucks. Those fellows have obtained authority, most of them.

Mr. WILLIAMS. I would not want to put you in a position of giving us a curbstone opinion on including the word "emergency."

Could you take this up with your legal department and possibly the Commission and send us a memorandum on this in the next 2 or 3 days?

Mr. GOFF. We will be very happy to do that. It does not require any Commission action. We will get some of our legislative people busy on it.

(The memorandum referred to follows:)

INTERSTATE COMMERCE COMMISSION,  
OFFICE OF THE CHAIRMAN,  
Washington, D.C., May 17, 1963.

HON. JOHN BELL WILLIAMS,  
Chairman, Transportation and Aeronautics Subcommittee,  
Committee on Interstate and Foreign Commerce,  
Washington, D.C.

DEAR CHAIRMAN WILLIAMS: During my testimony on May 13, 1963, before your subcommittee, with respect to H.R. 2906, a bill to provide an exemption from the licensing requirements of part II of the Interstate Commerce Act for the towing of accidentally wrecked or disabled motor vehicles, you requested an opinion of the Commission as to whether the word "emergency" should be inserted on line 6 of the measure immediately before the word "transportation." After consideration of this matter by our Committee on Legislation, I am authorized to express its agreement with this change, which will serve merely to define further the bill's ultimate purpose as more specifically disclosed during the May 13 hearings.

With the above modification as well as the other editorial changes discussed at the hearings, H.R. 2906 would read as shown in the appendix hereto. We continue to recommend its enactment into law.

Respectfully submitted,

ABE MCGREGOR GOFF,  
Acting Chairman,  
Committee on Legislation.  
RUPERT L. MURPHY.



## APPENDIX

A BILL To amend Part II of the Interstate Commerce Act in order to provide an exemption from the provisions of such part for the emergency transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 203(b) of the Interstate Commerce Act (49 U.S.C. 303(b)) is amended by striking out the period at the end and inserting in lieu thereof a semicolon and the following: "or (10) the emergency transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing."

Mr. WILLIAMS. Mr. Friedel, do you have any questions?

Mr. FRIEDEL. I also would appreciate it if we could have an interpretation as far as distance is concerned. In other words, there is nothing in the bill, as I see it, that would limit the towing of a car in an emergency to 50 miles, 100 miles, to one State, or two States.

I would like some definition of that.

Mr. GOFF. Now, I tell you, I made some reference to that in my opening statement.

I think the bill is more or less self-limiting. If it is an emergency disablement of a car, he is not going to have it hauled 50 or 100 miles away or a long distance. It costs too much. You could put in 150 miles if you wanted to but suppose you are out in western Wyoming and it happens to be 152 miles away, I think the thing is more or less self-limiting, Mr. Friedel.

Mr. FRIEDEL. There is one other thing. In other words, if H.R. 2906 were to pass, it would only limit the towing of a disabled car. That is towing?

Mr. GOFF. That is right.

Mr. WILLIAMS. Mr. Hemphill?

Mr. HEMPHILL. I welcome the gentleman to the committee. It have had the privilege of working with him. He was with the Post Office Department when I was on that committee.

I might say my admiration of him has continued.

I have one question. If someone tows a disabled automobile or vehicle across the State line under the present law and that person does not have a certificate from the Interstate Commerce Commission, what is the penalty?

Mr. GOFF. I think I will call on Mr. Stillwell here. It is a violation of our regulations. There is a general statute that makes it a criminal offense to violate these.

Then there is also a civil remedy to enjoin them for continued violations.

Mr. STILLWATER. It is usually a hundred dollars an offense. I don't recall any case where anybody has ever been prosecuted for it.

Another thing is that the occasional transportation for hire of this type can be performed occasionally under the exemption of section 203(b)(9), I think it is. But the Commission, to my knowledge, has never prosecuted anybody on this particular type of charge and I am not sure what the penalty is.

Mr. HEMPHILL. I think you have answered my question.

The next question I have is whether or not it is worth it to the public to spend all the processes, time and money we are going to have to spend to get the bill through.



As I see it, under the present law, it is ineffectual—that is not criticism of the Commission, it is just something that is not violated, apparently, very much.

Mr. STILLWELL. It is an area of regulation where the Commission, I think, has felt that they have to use a little discretion because there are so many filling stations. For example, you live in the District here and your automobile is disabled outside of Potomac, Md. You call your filling station. He can't go out and get it. He can go as far as Potomac but a mile beyond that, he couldn't get it.

Mr. HEMPHILL. Thank you.

Mr. WILLIAMS. Now that the question has been raised, I think it should have some discussion, as to what happens, for instance, in an area such as the District of Columbia when these restrictions are removed or these exemptions added to this type of operation.

Let us assume for the purposes of discussion that the State of Maryland has a licensing system for towing vehicles. Would the addition of this exemption that is carried in this bill have any effect on Maryland law, under such circumstances?

Mr. GOFF. My offhand answer is that I don't believe it would. But Mr. Stillwell is here from our Bureau of Operating Rights.

Could you answer that?

Mr. WILLIAMS. I am thinking in these terms: Would this permit persons having disabled vehicles or wrecked vehicles in the State of Maryland or in the State of Virginia to call a car in the District of Columbia to come and get their vehicle?

Mr. STILLWELL. Yes, I think it would. I don't think it would interfere, that the laws of Maryland or Virginia with respect to the licensing of those tow-away operators would be affected. They would still have to get the license to operate.

Mr. WILLIAMS. If Maryland had such a law, the operator would have to get a license from Maryland in order to go into Maryland?

Mr. STILLWELL. I believe he would. That is a tricky question. If it is purely interstate commerce, he could probably go over there without getting it. But you have to remember, too, around in this area the operations between points in the Washington commercial zone are all exempt so that the tow truck operators can go anywhere in the commercial zone. That extends both into Maryland and into Virginia.

Mr. WILLIAMS. In other words, you feel that that is covered by another act?

Mr. STILLWELL. Yes.

Mr. GOFF. What he is saying, Mr. Chairman, is that in any city of any size the so-called commercial zone where all regulation of motor vehicles is exempt from the regulations of the Interstate Commerce Act, is usually a little larger, quite often it is larger than the city limits itself. Here the commercial zone extends out into Maryland and also out into Virginia.

Mr. WILLIAMS. Would the passage of this legislation affect in any way any authority presently exercised under the Maryland law by the Maryland Public Service Commission?

Mr. GOFF. I don't think it would.

Mr. WILLIAMS. Or by the motor vehicle commission or the highway patrol or otherwise?

Mr. GOFF. I don't believe it would.

Mr. STILLWELL. I would say it would not as long as it is done under the police power of the State, it clearly would not, if the regulation is based on the police power of the State.

Mr. WILLIAMS. Are there any further questions?

If not, thank you, gentlemen.

Mr. GOFF. Thank you.

Mr. WILLIAMS. I believe that concludes the present hearing on this bill, H.R. 2906.

(Whereupon, at 10:50 a.m., the subcommittee proceeded to other business.)

