



TRUCK RENTING AND LEASING ASSOCIATION

December 14, 2009

Mr. Robert G. Atkins
Commissioner/Sealer of Weights and Measures
Department of Agriculture, Weights and Measures
County of San Diego
5555 Overland Avenue, Suite 3101
San Diego, CA 92123-2156

Dear Commissioner Atkins:

Thank you for your correspondence dated October 29, 2009, addressing some of the concerns that Truck Renting and Leasing Association ("TRALA") members expressed regarding the collection of registration fees for odometers used in vehicles rented to the general public. I appreciate your willingness to engage in a constructive dialogue with TRALA on these issues.

TRALA members respectfully disagree with the Department's interpretation of California Business and Professional Code §12240(a) and Local Ordinance 9514. I would like to set forth those concerns and perhaps have a conversation with you afterwards in order to amicably resolve these issues without unnecessary cost and expense to both the Department and TRALA members.

Pursuant to your letter, and in subsequent conversations with your staff, the Department considers each rental vehicle containing an odometer as a "business location" resulting in a fee of \$120 fee per vehicle odometer. You further indicated that "these fees are not unique to the rental truck industry as we have been charging these fees to the taxicab industry for many years. . ."

TRALA members feel the comparison between the vehicle rental industry and the taxicab industry is not a fair comparison because of the key differences in how each industry operates. For instance, the very nature of the taxicab industry is an exchange of money that occurs in the vehicle, based upon an odometer or other meter reading. Thus, a company operating a fleet of taxicabs will have monetary exchanges at various locations within the County, each of which will occur within an independent contractor's taxi vehicle.

The truck rental industry, on the other hand, operates much differently. Truck rental transactions do not occur within the vehicle, but instead occur at a central physical location with a defined address where multiple vehicles are stored, maintained, picked up and dropped off. It

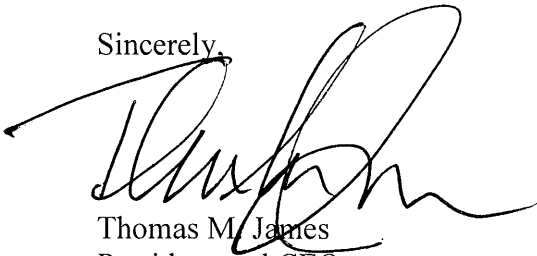
Commissioner Robert G. Atkins
December 14, 2009
Page 2

is at these physical locations where rental company employees conduct operations and the management and administration of the rental company occur. Furthermore, it is at these locations where County employees would visit to inspect multiple odometers in rental trucks parked at the site.

Given the nature of the industry, it seems logical that the “business location” for TRALA members would be each physical address or location of a rental company where multiple vehicles are parked. This approach recognizes the obvious distinction between the taxicab and rental industry and is consistent with the Legislative History which clearly identifies a “business location” as the actual site of inspection. (See AB 889, May 3, 2005, session - “The bill authorizes a new location fee to be paid *for each and every site* where an inspection of a weight or measuring device will occur.”; See AB 889, August 29, 2005 session - the “business location fee covers the *cost for inspectors to go to the site.*”) Not only is this interpretation consistent with the legislative intent, but with the actual statute which speaks to the inspections requiring “not more than one inspection trip by a weights and measures official.”

Thank you for your consideration in this regard, and I look forward to hearing from you.

Sincerely,



Thomas M. James
President and CEO

Cc: County of San Diego Board of Supervisors:
Honorable Greg Cox
Honorable Bill Horn
Honorable Dianne Jacob
Honorable Ron Roberts
Honorable Pam Slater-Price