

# *Kingsport Police Department*



## *Wrecker/Towing Service Regulations and Standards*

*March 2019*

# *Wrecker/Towing Service Standards and Regulations*

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# *POLICY/ PROCEDURE*

**A. Purpose of Standards and Regulations**

To establish policy, procedures, and regulations for members of the Kingsport Police Department (KPD) and wrecker/towing service companies concerning standards and to further ensure the safe and efficient removal, storage, and safekeeping of any and all vehicles being towed by and placed into custody of such wrecker/towing service company.

**B. Declaration of Policy**

It is the policy of the Kingsport Police Department to establish standards and utilize only those wreckers/towing service companies whose equipment, procedures, services, and employee behavior/attitude conform to the following rules, regulations, standards, and are a proper and professional representation. The Chief of Police shall have the final authority in all policies, procedures, and regulations governed by this order. These measures will ensure the following for citizens, who use the roads and highways in the city of Kingsport:

1. That the wrecker/towing service is reputable, reliable, possesses adequate equipment, and qualified employees.
2. That the wrecker/towing service is properly licensed and insured; and
3. That the wrecker/towing service charges a fair, equitable, and reasonable rate for services rendered.

It shall further be the policy of the Kingsport Police Department to allow any qualified, as determined by this policy, wrecker/towing service company an opportunity to submit an application for inclusion on the city rotation list. Only wrecker/towing service companies passing inspection will be placed on the Rotation List. Absent a vehicle owner's request for a specific towing service, only those towing service companies whose equipment, drivers, procedures, and services conform to the following policy will be utilized by the KPD. By submitting an application for inclusion on the list, a wrecker/towing Service Company shall agree and understand that the provisions contained in this policy/procedure shall strictly govern its initial and continuing inclusion on the rotation list. **Inclusion on the rotation list is strictly voluntary and should be considered a privilege granted and not an entitled right.**

The Kingsport Police Department shall periodically review the provisions of this policy/procedure and shall reserve the right to amend, as deemed necessary, any affected part(s) or section(s). The Chief of Police shall be the final authority in all policies, procedures, and regulations governed by the Wrecker/Towing Service Regulations and Standards.

**C. Discussion**

In the course of providing traffic law enforcement related services to the City of Kingsport, it is frequently necessary to obtain the services of a wrecker/towing Service Company due to incidents such as traffic accidents, criminal activity, abandoned vehicles, etc.

Occasionally, the owner/operator of a vehicle to be towed is not present to request a particular wrecker/towing service; therefore, a KPD rotation wrecker will be utilized.

It shall be the responsibility of officers to adhere to policy set forth in this order and for participating wrecker/towing service companies to adhere to the following standards and regulations. It shall be the responsibility of the Chief of Police or his designee for administration and maintenance of this order. Any modifications, alterations, or changes shall be approved by the Chief of Police. All members of KPD requiring the assistance of a wrecker/towing Service Company shall abide by the procedures and guidelines set forth in this order. This policy shall not be construed in any way to conflict with any city ordinance, state, or federal law.

#### **D. Definitive Terms**

In this order, the term wreckers tow trucks, or rollbacks are synonymous in general, but not specifically.

#### **E. Application Procedures for Inclusion on the Rotation List**

1. Wrecker/Towing Service proprietors wishing to have their service included on the police department Rotation List shall submit a written request to the Chief of Police and complete an application packet. Applications will be accepted at any time, but will only be reviewed for inclusion on the rotation list on a semi-annual basis (January 15<sup>th</sup> and July 15<sup>th</sup>), unless an emergency situation or a response problem arises in which KPD reserves the right to add to the rotation list at any time. Applications must be filed with KPD no later than 30 calendar days prior to the enrollment periods of January 15<sup>th</sup> and July 15<sup>th</sup>. Failure to submit application in a timely manner will result in the application being postponed until the next enrollment period.
2. Wrecker/Towing Service company owner/operator must be licensed and registered to do business in the State of Tennessee and City of Kingsport and must furnish proof with the application. The wrecker/towing service company owner must be independent of any other wrecker/towing service and not have the same phone number(s), address, business license, storage facilities, towing equipment, etc. of any other towing company listed on the Rotation List.
3. Wrecker/Towing Service drivers must possess a valid Tennessee driver's license with the proper classifications for the class of wrecker/tow truck being operated. The company will provide KPD with a list of all employees who will be required, at any time, to drive a wrecker/tow vehicle. The list shall contain the full name and driver's license number of each driver. KPD will conduct a license check of each driver and if any driver is found to be revoked, suspended, or cancelled, the company will be notified. Such employee will not be permitted to respond or drive any wrecker/tow truck to any call initiated by KPD until the employee has satisfied all requirements and the license has been reinstated.
4. The wrecker/towing service will be responsible for maintenance of their respective list and will notify KPD of any changes to the list (i.e. new employee, employees leaving

the business, etc.) and supply the appropriate information.

5. If any driver of a wrecker/towing service company on the KPD Rotation List is found to be operating a wrecker/tow vehicle on a revoked, suspended, or cancelled license, and KPD has not been notified by the company, this shall be considered cause for removal from the Rotation List, in addition to charges that may be placed against the driver.
6. The wrecker/towing service company shall notify KPD in writing of any misdemeanor or felony arrest that involves crimes of violence; theft; fraud; sale, possession, or distribution of drugs; assault; and any other crime associated with dishonesty; DUI; or any alcohol related offense committed by drivers. Failure to do so shall be grounds for removal from the Rotation List.
7. Neither wrecker/towing service company owners, nor drivers, nor employees shall be allowed to participate on the Rotation List, if they have been convicted of any felonies which have occurred after July 1, 1988. Only in emergencies (such as major collisions with massive debris, tractor/trailer overturns, etc.) would this rule be overlooked. The use of non-vetted (no background check) employees in such circumstances will be reported to the KPD liaison the following business day or as soon as possible.
9. If a wrecker/towing service company owner or driver is currently approved as set forth herein and is found to have been convicted of a felony on or after July 1, 1988, the person may request a hearing with KPD prior to being removed from the Rotation List.
10. If the background check or other information received by KPD indicates that a wrecker/towing service company owner or driver has been convicted of a felony, which in KPD's determination might affect public safety, such owner or driver shall not be approved for the Rotation List.
11. If a wrecker/towing service company owner or driver is convicted of a felony after the date they are placed on the Rotation List, KPD shall remove the company or driver from the list upon receiving notification of the conviction. Such notification shall be made in writing.
12. Any wrecker/towing Service Company utilized by KPD shall be properly licensed; have a city permit; be insured; and maintain a city address and business location.
13. In the event a wrecker/towing service company ownership changes for any reason (e.g., company is sold; owner retires; owner is deceased; etc.) the company will be automatically removed from the Rotation List until reapplication is made.
14. Wrecker/Towing service companies not willing to comply with these requirements will not be considered for the Rotation List.

## F. Insurance

1. Each wrecker/towing service company assumes the liability for personal injury or property damage resulting from an employee's intentional or negligent actions from the time contact is made with any vehicle to be towed. Each wrecker/towing service company assumes full liability for all items of value in the towed vehicle.
2. Each wrecker/towing service company shall maintain policies of insurance according to the minimum limits set forth. Each policy shall be in the name of the wrecker/towing Service Company or its owner and shall include coverage for towing and storage. The policy shall be effective for a minimum of a twelve (12) month period. Any break in coverage for any reason must be reported to the KPD Liaison within three business days. Failure to report any change to insurance coverage which drops below required limits will result in grounds for at minimum a suspension from and up to removal from the Rotation List.
3. All wrecker/towing service storage facilities shall be inspected by KPD and a certificate of insurance filed before being placed on the KPD Rotation List.
4. A certificate of insurance shall be filed with KPD before a towing company is placed on the Rotation List. Certificates of insurance must be itemized to indicate amounts of liability, garage keepers, and on-hook coverage. The policy shall also disclose all of the towing vehicles that are covered under the policy. Nothing shall preclude a towing company from obtaining coverage in excess of these amounts.
5. For the purposes of this policy, the following definitions shall apply:
  1. Vehicle Liability-insurance that pays for damages due to bodily injury and property damage to others for which the towing company is responsible.
  2. Garage Keepers Liability-insurance that protects a garage keeper against liability for damages to vehicles in his/her care, custody, or control.
  3. On-Hook Coverage-insurance that will normally pay to repair or replace a vehicle that the towing company did not own if it is damaged by collision, fire, theft, explosion, or vandalism while it is being towed or hauled.
6. Liability coverage must be equal or greater than the minimum amounts below. Insurance coverage may be provided in a single policy or separate split policies. Regardless of the type of policy or policies, the total amount of coverage must equal those amounts listed below, per incident.
  - a) minimum vehicle liability amounts:
    1. Class A & D       \$500,000
    2. Class B           \$1,000,000
    3. Class C           \$1,000,000

b) minimum garage keepers liability amounts:

1. Class A & D      \$75,000
2. Class B            \$150,000
3. Class C            \$200,000

c) minimum "on-hook" coverage:

1. Class A & D      \$75,000
2. Class B            \$150,000
3. Class C            \$200,000

**Exception:** *an umbrella policy is acceptable as long as the amount of coverage is the same or greater than the total of each categories' coverages added together.*

7. Wrecker/Towing Service operators shall submit a certificate of insurance to the Chief of Police or his designee.

8. Annual renewal of policies:

a) certificates of insurance must be submitted to the Chief of Police prior to the renewal date

b) wrecker/towing service companies shall notify the Chief of Police immediately if a policy has been cancelled

c) the owner of the wrecker/towing service company shall make written notification of any changes in insurance coverage (i.e. changing of companies, vehicles, etc.), to the Chief of Police within ten (10) days prior to the change

9. Wreckers/ tow vehicles and storage lots shall be inspected by KPD 45 days prior to renewal.

10. Violation of any of the above insurance requirements or regulations shall be cause for suspension or removal from the Rotation List.

## **G. Tow and Storage Rates**

1. The Kingsport Police Department has established tow rates for each class. These rates are competitive and have been established from a city wide average of current rates being charged. These rates shall remain in effect until this order is revised.



2. MAXIMUM RATES: Basic Hourly rate

	<u>Off-Road** Winching Per Hour</u>	<u>Dollies</u>	<u>Daily Storage</u>	<u>Towing/ Hourly Rate</u>	<u>per add'l employee needed</u>	<u>After Hrs. Release</u>
Class A	\$50	\$35	\$35	\$120	\$55	\$40
Class B	\$60	\$35	\$35	\$120	\$55	\$40
Class C	\$195	\$90	\$35	\$275	\$55	\$40
Class D	<i>NIA</i>	<i>NIA</i>	\$35	\$120	\$55	\$40

\*\*Off-Road Winching means winching required on a vehicle that is off the main traveled portion of the roadway and the adjacent shoulder. (ex: vehicle over an embankment across a guardrail, in a creek or other hazard). It does not include winching of vehicles for positioning. (ex: pulling vehicles apart, vehicle against guardrail, etc.)

- A. Hourly rates begin one hour after arrival "at scene". Wrecker companies may charge a daily storage rate if they store a vehicle at least three hours per day. Most tows require no more than one hour to complete. If, however, a tow requires additional time above the hour, the wrecker company should be compensated for their additional time at the established rate.
- B. Hourly rate shall not be charged for merely standing by and not utilizing equipment. When wreckers are required to wait at the scene for functions to be performed by other emergency personnel, one-half (1/2), of the hourly rate established by this order, may be charged but not exceeded.

Example: A class "A" wrecker responds to an accident scene and emergency personnel have to complete work which prevents the wrecker from completing the tow and the wrecker merely stands by at the scene not utilizing any equipment, then the company may charge \$120.00 for the basic tow, but only \$60.00 per hour of stand-by.

Incidents where wrecker companies respond and then have to stand-by for longer than an hour shall be reported by the company to the Chief of Police or his designee. The Chief shall assign an investigation of said complaints in attempt to prevent such incidents.

- C. Rates established by this order shall not include wreckers using equipment to deal with hazardous materials; however, rates shall be fair and equitable to all involved parties. Specialized equipment rates are not governed by the previous established rates set forth in this order.

A wrecker operator may dispatch additional specialized equipment, which may include wreckers equipped with hydraulic capabilities, only after arrival at the scene, assessing the need for such equipment and informing the investigating officer of the need.

- D. A wrecker operator who uses a higher class wrecker to tow a vehicle in a lower classification shall charge towing rates equitable to the lower class rate.
- E. The Chief of Police may remove from the Rotation List any wrecker company whose tow rates are excessive and whose rates do not meet the guidelines of this order. Disputes over service charges may be settled by the Chief of Police or his designee.
- F. The vehicle owner/operator shall be responsible for payment of towing and related service charges. Payment should be rendered prior to delivery or release. Of the vehicle by the towing company, unless agreed to by the company and the owner/operator.
- G. Wrecker service companies shall keep records of all services and charges made as the result of any police call-out. Records should be maintained for at least 24 months.
- H. Storage rates begin twenty-four (24) hours after a vehicle is towed.

**H. Inspections**

- A. All wreckers shall be inspected by KPD before being placed on the Rotation List, and thereafter shall be inspected annually. Random inspections may also be made by KPD based upon complaints by members of the department, the public, or those with a vested interest, or to ensure compliance with this policy.
  - 1. Wreckers passing inspection shall be affixed with a sticker/decal indicating the date of expiration.
- B. Records of vehicles towed and charges of calls resulting from the KPD Rotation. List shall be open to inspection by authorized police personnel.

**I. Equipment and Vehicle Requirements**

- A. It is preferred that Wrecker/Tow Service Companies have at least two (2) units capable of highly efficient performance.
  - 1. Wrecker companies must have at least one (1) boom type wrecker to be eligible for the Rotation List.

2. If a wrecker company responds with a Class "D" wrecker on their own decision then realizes the tow cannot be completed with the Class "D" wrecker and has to respond a Class "A", no additional charges may be placed for the time and expense to respond a Class "A" wrecker.
- B. Appearance of all wreckers shall be good with equipment painted, name of company and phone number lettered at least 3" high on both sides. Magnetic signs shall not be permitted.
  - C. All wreckers shall have fenders and mud flaps as required by law.
  - D. All wreckers shall have at least one amber-colored flashing light mounted on top of the wrecker, visible 360 degrees. Flashing lights shall be visible for at least 300 feet. No other color shall be utilized or approved. All emergency flashers and directional signals showing to the front shall be amber in color.
  - E. Sirens shall be prohibited.
  - F. All wreckers shall comply with all State and local vehicle safety laws.
  - G. Wreckers shall meet the requirements of the "Classification" section of this policy.
  - H. The following additional equipment shall be required:
    1. At least one heavy-duty push broom.
    2. Flood lights mounted at a sufficient height sufficient to illuminate the scene at night.
    3. One (1) shovel.
    4. One (1) axe.
    5. One (1) pinch bar, pry bar, or crowbar.
    6. One (1) set of bolt cutters.
    7. Minimum of one (1) fully charged 20 lb., or two (2) fully charged 10 lb. class ABC Underwriter Laboratory (UL) approved fire extinguisher(s) securely mounted on the tow vehicle.
    8. Minimum of fifty (50) lbs. of fluid absorption compound.
    9. Three (3) red emergency reflectors.

- I. All towing vehicles shall display the towing company's name, address, phone number, and USDOT number. Such information shall be painted on, or permanently affixed to both sides of the towing vehicle and be visible from 50 feet. Magnetic signs shall not be permitted.

**J. Wrecker/Tow Vehicle Classifications**

- A. There are four (4) distinct towing vehicle classes. Each towing vehicle shall only be listed in one(1) class: The following criteria shall be met for each class for inclusion on the Rotation List:

**1. Class A:** a tow vehicle which has the capability of performing recovery or tow of passenger cars, pick-up trucks, or objects that are similar in size. This classification also includes "wheel lift" type vehicle transporters.

- a. have a minimum manufacturer capacity of 14,000 lbs. or greater GVWR;
- b. boom capacity shall not be less than four (4) tons;
- c. power winch pulling capacity of not less than (4) tons;
- d. one hundred (100) ft. or more of 3/8 inch cable;
- e. the wheel lift shall be capable of picking up a passenger car or pick-up and; possessing equipment capable of lifting the vehicle by the wheels only with nothing touching the vehicle body.

1. wheel lift towing vehicles shall meet all Class A requirements, excluding the belt-type cradle tow plate or tow sling.

2. safety restraint straps (nylon straps with ratchets or the equivalent) shall be provided to secure the towed vehicle's tires into the wheel lift forks.

- f. belt-type cradle tow plate or tow sling to pick up vehicles and equipped with safety chains except for wheel lift towing vehicles as referenced above;
- g. dollies are suggested, but not required.

**2. Class B:** a tow vehicle which has the capacity to tow medium size trucks, trailers, etc.

- a. have a minimum manufacturer capacity of 26,000 lbs. or greater GVWR;
- b. boom capacity shall not be less than six (6) tons;
- c. power winch pulling capacity of not less than ten (10) tons;

- d. two hundred (200) ft. or more of 7/16 inch cable
  - e. cradle tow plate or tow sling to pick up vehicles and equipped with safety chains.
3. **Class C:** a tow vehicle which has the capacity to tow large trucks, road trucks, and trailers.
- a. have a minimum manufacturer capacity of 35,000 lbs. or greater GVWR;
  - b. boom capacity of not less than fifteen (15) tons;
  - c. power winch pulling capacity of not less than thirty (30) tons;
  - d. two hundred (200) ft. or more of 9/16 inch cable;
  - e. airbrakes constructed so as to lock wheels automatically upon failure
4. **Class D:** by design, Class D tow trucks were not primarily constructed to perform recovery operations. Class D tow trucks should be requested when vehicles that are to be towed are located in a position that allow for each hook-up and not for vehicle positions in which extensive winching or recovery efforts are required.

Class D: a flatbed rollback that has the capacity to tow or carry passenger cars, Pick-ups, or small trailers, etc.

- a. have a minimum manufacturer capacity of 14,000 lbs. or greater GVWR;
- b. power winch pulling capacity of not less than four (4) tons;
- c. minimum of fifty (50) ft. of 3/8 inch cable
- d. have at least two (2) safety chains for securing vehicle to carrier bed;
- e. have straps with ratcheting capability that provide for transporting of motorcycles;
- f. if equipped with a tow plate, it must be equipped with a belt-type cradle or tow sling to pick up vehicles and also equipped with safety chains.

**K. Storage Facilities**

- A. Wrecker service companies shall be equipped to provide a fenced lot of at least six (6) feet in height or building for proper safe and secure storage of all vehicles and in compliance with all state and local laws.

1. The storage facilities shall be located within the city limits or within the one (1) mile police jurisdiction outside the corporate limits, as provided by state law. If the storage lot is outside the city limits, then an inside city business address must be maintained.
2. The wrecker service shall be responsible for the storage, safe keeping, and prevention of vandalism of the vehicle and contents.
3. The storage facility shall be staffed between the hours of 8:00a.m. and 5:00 p.m., Monday through Friday, excluding legal holidays. (Note: For the purposes of this policy staffed means access to the vehicle that has been towed within fifteen (15) minutes of arrival)

**L. Call and Notification Procedure**

- A. When an officer is dispatched to a collision, motorist assist, abandoned vehicle, etc. which requires the need of a wrecker; the officer will request the "next in line" or "by owner's request" from the dispatcher and advised the resting position and situation of the vehicle(s). The dispatcher will contact the appropriate wrecker/towing Service Company and document in the wrecker log.
- B. On arrival of wreckers/tow trucks, the investigating officer shall direct the wrecker to a location to standby until all emergency workers are clear from the vehicle to be towed. At such time it is safe to load or hook-up vehicle to be towed, the officer shall direct the wrecker operator to begin work and shall monitor maneuvers, especially backing to ensure that persons are out of the path of the wrecker. The investigating officer may delegate this safety task to another officer first, or if necessary a firefighter or other public safety personnel to accomplish the safety effort. If this task is delegated, then the investigating officer shall directly communicate to the wrecker operator and the safety person to ensure each recognizes the person who is now responsible.
- C. Upon owner/operators request for a preferred wrecker, the officer shall notify the dispatcher of such request; and the owner/operator will be requested to sign the officer's inventory form showing that such request was made. This may include wrecker companies not on the list, and not in the city limits, however, timely response (30 min.) by the wrecker shall be required.
- D. Fire/Rescue agencies arriving before the Police on the scene of any medical situations may request dispatchers to send a particular type or closest wrecker to assist in the stabilization/rescue efforts. Responding officers shall be notified by radio of such requests.
- E. In case of extreme emergency, the nearest wrecker shall be called and goes to the bottom of the rotation list. Fire/Rescue agencies arriving before the Police on the scene of any medical, rescue, or hazardous material situations may

request dispatchers to send a particular type or closest wrecker to assist in the stabilization/rescue efforts. Responding officers shall be notified by radio of such requests.

- F. Soliciting or recommending a wrecker service by any member of the Kingsport Police Department shall be prohibited.
- G. A report of the wrecker log shall be made to the Chief of Police by the 911 Director of Central Dispatch as needed.
- H. If no contract exists, the next wrecker in line shall be called for city-owned vehicles. Phone contact with personnel at the city garage shall be completed prior to towing a city vehicle.

**M. Dispatcher Procedures/Records**

- A. In the event a wrecker is needed by this department and no request for a certain wrecker has been made by the owner/operator, the next wrecker scheduled in line shall be called.
- B. Calls shall be made on a rotating basis, if feasible and practical. If not, the nearest wrecker shall be sent. (TCA 55-8-159 b). Generally, but not exclusively, city limits of the City of Kingsport serve as boundaries for the wrecker service.
- C. If the owner/operator of a vehicle requests a certain wrecker, that wrecker shall be called. The wrecker shall be required to respond in a reasonable time (30 min). The dispatcher will then mark the wrecker log: "Rotation List, R" (for request) and officer's number. Example: R/101. The wrecker being called shall not lose his tum the next time around. A log shall be maintained regarding special requests.
- D. The only exception to this procedure shall be in the event of an emergency (person pinned in a vehicle, a life or death situation, or a major traffic tie-up, when the nearest wrecker shall be called). The dispatcher shall mark the log; the wrecker being called shall then lose his tum the next time around.
- E. If the owner/operator requests any automobile agency, and such agency does not have an approved wrecker, or contact with an approved wrecker, the next wrecker in line shall be called. The wrecker operator shall be notified of the owner's request telling him what automobile agency will get the vehicle.
- F. The Kingsport Police Department shall be notified in writing of any contracts between wrecker services and automobile agencies. In order to expedite and stream line dispatcher duties, Central Dispatch shall be notified which car dealerships the companies have contracted with to provide towing services. A separate list may be maintained in Central Dispatch regarding such request.

- G. When two vehicles are involved and two wreckers are needed, a company with two wreckers may get both and only be charged with one tum, provided both wreckers can respond simultaneously.
- H. A notation shall be made indicating the type of response obtained from each wrecker service called. The date and time called and the dispatcher's initials shall likewise be recorded on the log.

**N. Availability of Wreckers/Tow Services**

- A. Tow trucks shall be available for immediate response 24 hours a day. They must respond in a reasonable length of time after receiving the call or the next scheduled wrecker shall be called and the first one shall lose his turn and be placed at the bottom of the list. As a rule of thumb, a reasonable length of time is 30 minutes. Consideration shall be given the wrecker companies for responding during inclement weather, peak traffic or on-going construction zones. Consideration shall not be given if the wrecker called is unavailable to respond immediately.
- B. A wrecker operator who fails to answer a call or fails to respond in a reasonable length of time shall lose the call and go to the bottom of the list. If the operator misses three (3) consecutive calls, an investigation shall be made by the Chief of Police and suspension or removal from the list shall be considered.
- C. If a wrecker operator desires to be off-duty for any length of time, he will not be removed from the call list if he advises Central Dispatch. When he returns, he shall be placed back on the rotating list at the bottom.
- D. An operator who refuses a call without just reason may be removed from the call list.
- E. Wrecker companies shall not use another wrecker to make a call for them. If a wrecker company has only one (1) wrecker and it is out of service, the wrecker company shall advise Central Dispatch and shall be taken off the rotation list until the wrecker is back in service.

**O. Response By Wreckers/Tow Services**

- A. Amber lights may be used while proceeding to the scene, and must be used at the scene and when towing from the scene.
- B. All wrecker service operators are expected to be familiar with and comply with the traffic laws of the State of Tennessee and Ordinances of the City of Kingsport.



- C. Towing company drivers/employees shall wear a high visibility traffic vest, shirt, or coat that meets ANSI Standard Class 2 or higher when at the scene while in the performance of their duties.
- D. The first wrecker arriving at the scene shall tow the car causing the greatest traffic hazard which shall be determined by the officer at the scene. If a requested wrecker is first to arrive, at the direction of a police officer, it shall help remove vehicles causing traffic hazard from roadway, then pick up his requested tow.
- E. It is the responsibility of the wrecker service to have equipment for removing glass and other debris from the highway accident scene. It is the responsibility of the wrecker operator to remove such debris from the highway (*TCA 55-8-170*). The debris shall be disposed of properly and not placed into the towed vehicle unless contained in an acceptable container or bag.
- F. Soliciting business at the scene by the owner, operator, or representative of any wrecker company shall be prohibited.

**P. Holding and Releasing Vehicles**

- A. Vehicles that have been towed by a wrecker service shall be released upon owner's request, after financial arrangements for paying the wrecker and storage bill have been made.
  - 1. Vehicle which have been released to the owner's insurance agency shall be made available to the tow company representing the said agency without any type of unnecessary delay and pursuant to item B of this section and policy.
- B. Wrecker owner/operator shall make arrangements to have available within one (1) hour the release of owner/operator vehicle, when requested by owner/operator when the request is made during after-hours or on legal holidays.
  - 1. Wrecker owners/operators may place additional charges for after-hour releases. Wrecker companies shall advise vehicles owners of the additional charges for after-hour releases **prior** to picking up their vehicle.
  - 2. Wrecker owner/operators may request police standby during after-hour releases if deemed necessary.
- C. Hold orders placed by the Police Department on vehicles stored for any reason shall be honored by the wrecker establishment. Otherwise, the "tow-in" shall

be released at the owner's request after proof of ownership is established and the necessary financial transactions between vehicle owner and wrecker service are completed. Officers should not place "holds" on vehicles unless there is a legal basis to do so. When an officer places a hold on a vehicle, the officer shall complete a "vehicle hold form" to be submitted to evidence. When the officer is going to cancel a hold, he /she shall complete a "vehicle release" form. The officer shall give the original to the owner and submit a wrecker company before the company may release the vehicle. Generally, all holds of vehicles should be for a reasonable period not to exceed 72 hours.

- D. Wrecker service operators shall deliver the towed vehicle to another garage or storage area at owner's request, once financial arrangements have been made. **EXCEPTION:** *when a vehicle has been towed at KPD request due to a violation of the Uninsured Vehicle Statute (TCA 55-12-139), the vehicle shall be towed to the respective storage lot of the towing company prior to the release. The vehicle shall not be released at any location other than the storage lot. (i.e. driveway of residence, apt, or otherwise, etc.)*
- E. The Chief of Police shall be notified in writing of all vehicles held over thirty Police Department.

Reference: TCA 55-16-101 Report of unclaimed vehicles

TCA 55-16-102 Penalty for failure to report

- F. Officers that have vehicles towed or impounded shall notify owners of the same, in accordance with G.O. 520.5, Section IV, sub. D.
- G. Officers that have vehicles towed or impounded shall notify lien holders of the same; in accordance with G.O. 520.5; Section IV; paragraph D.,1,b.
- H. KPD shall not be responsible for any fee/charge associated with the removal, recovery, towing, and storage of a vehicle except in cases where the vehicle is seized.
- I. In seizure cases, KPD will only pay for storage up to the amount that would be obtained from auctioning or selling the seized vehicle.
- Q. **Miscellaneous**
- A. Calls received by any wrecker company from other than the police shall be reported to the Police Department before the wrecker proceeds to the scene of an accident or crime, even if the owner calls the wrecker direct. No wrecker operator shall remove a vehicle from the scene of an accident or crime before it is investigated by a law enforcement agency, and such agency gives approval to the wrecker operator to removes such vehicle.

- B. All wrecker operators shall be prohibited from chasing or running wrecks.
- C. Wrecker service operator shall not perform repair work on a "tow-in" without the owner's request.
- D. Wrecker owner/operators are not authorized to transmit on the Kingsport Police Department's radio frequencies.
- E. All wrecker/towing service company invoices and paperwork shall include the physical address and primary phone number of the business.
- F. An officer shall inventory and complete a WATSON tow ticket on any vehicle towed and the owner/operator is not present (i.e. arrested and transported; transported by ambulance; etc.). As long as the owner/operator is present and no enforcement action has been taken (arrest; search; etc), a WATSON tow ticket for documentation with particulars (who, what, why, etc) shall be completed.

**R. Complaints, Investigations, and Appeals**

- A. The Chief of Police or designee shall investigate to the extent such individual determines is reasonable, all complaints of services, unfair charges, unethical business practices, unsafe towing practices, overall customer dissatisfaction, conduct, traffic violations, etc.
  - 1. If as a result of any investigation, it is determined that a complaint is valid, corrective action may be taken, which may include suspension of towing privileges for a determined period or removal from the rotation list.
  - 2. An owner of a wrecker/towing Service Company shall be notified in writing of any investigation if it appears that the allegations appear to have any validity and the possibility that an employee or the wrecker/towing service may face corrective action. At the conclusion of the investigation, the wrecker/towing service shall be notified of any findings and corrective action being administered.
  - 3. Wrecker/towing service company or employee desiring to file an appeal of a corrective action finding may do so in writing through the Office of the Chief of Police within seven (7) working days of date the notice of the corrective action is mailed or delivered to such owner or employee.
    - a. The written request for the appeal shall state that an appeal is requested and the reason(s) the wrecker/towing service company or employee believes that the corrective action should not be taken.

4. Upon a timely notice of a written request for the appeal, the Chief of Police shall schedule a hearing to be held within ten (10) working days of such request, if reasonably possible.
5. At the hearing, the Chief of Police shall accept documentary proof submitted by the wrecker/towing service company or employee and hear any testimony of witnesses, if any.
6. The rules of evidence shall not apply to such hearings.
7. At the conclusion of the hearing, the Chief of Police shall render a written decision within fifteen (15) working days of the close of the hearing. The Chief of Police may uphold the decision to impose corrective action; overturn the decision to impose corrective action; decrease or increase the extent of the corrective action; or take other action he/she determines appropriate.
8. An owner of a wrecker/towing service or employee against whom corrective action is taken may appeal the decision of the Chief of Police by filing a written request for an appeal with the City Manager's Office and shall file a copy of such request with the Office of the Chief of Police within seven (7) working days of date the written decision of the Chief of Police is mailed or delivered to such owner or employee. The written request for the appeal must state that an appeal is requested and the reason(s) the wrecker/towing service company or employee believes that the corrective action should not be taken. The City Manager may hear the appeal or designate an employee who does not work under the supervision of the Chief of Police to hear the appeal.
9. Upon receipt of the written notice requesting an appeal of the decision, the City Manager or designee shall conduct a hearing and shall be known as the hearing officer. The owner of the wrecker/towing Service Company or employee filing the appeal shall be known as the petitioner. The hearing shall be *de novo*. A verbatim record of the proceedings shall be taken.

A transcript of the hearing will not be made, unless there is a proper appeal of the decision, as hereinafter set out. A transcript can be made available to the petitioner upon prepayment of a charge adequate to cover the costs of preparation; provided the request and prepayment are received within a reasonable time of the hearing and the court reporter still has a recording of such hearing. Testimony shall be given under oath or affirmation, but the rules of evidence shall not apply. The petitioner may be represented by counsel, may call witnesses on its behalf and may question witnesses. Subject to the foregoing rights of the petitioner, the hearing officer may

conduct the hearing as he/she determines is appropriate. On the basis of the evidence produced at the hearing, the hearing officer shall render a written decision within fifteen (15) working days of the close of the hearing. The decision may uphold the corrective action; overturn the decision to impose corrective action; decrease or increase the extent of the corrective action; or take other action deemed appropriate. The decision shall be reduced to writing, signed by the hearing officer and a copy of the decision shall be mailed to the last known address of the petitioner or at the discretion of the hearing officer delivered to the petitioner. The date of the mailing to the petitioner, if mailed, or the date of delivery to the petitioner, if delivered, shall serve as the date of entry of the decision. The petitioner of the city may appeal the decision by common law writ of certiorari, pursuant to *TCA 27-8101*.

- B. This policy should not be construed in any way to conflict with local business, state law or the ordinances of the City of Kingsport, Tennessee.

So ordered this date of: March 1, 2019

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David A. Quillin, Chief of Police

