

	POLICY & PROCEDURE	SERIES # 625	PAGE 1 OF 6
	SUBJECT POLICE WRECKER LIST PROCEDURE		EFFECTIVE DATE 01/09/2019
			OVERSIGHT Operations
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P # 625 dated 11/04/11.		

I. PURPOSE:

The purpose of this policy is to define the administrative requirements for local towing businesses desiring to be placed on the Police Division's Wrecker List.

II. POLICY:

It is the policy of the Hampton Police Division to provide for the removal, storage, and impoundment of motor vehicles by local towing companies at the direction or request of the Division while maintaining public safety and protecting property, both public and private. It is the responsibility of the Special Projects Unit to maintain a current list made up of no more than 20 local towing companies that meet State and City requirements.

III. PROCEDURE:

A. APPLICATION CRITERIA

1. Towing companies will submit a letter to the Special Projects Unit Supervisor expressing their desire to be added to the Police Division's Wrecker List. Towing companies will be required to provide the Police Division with copies of licenses, certificates, letters and lease agreements attesting to the following:
 - a. The towing company has a valid City of Hampton business license.
 - b. The business has a storage area physically located within the City of Hampton and it has been approved by the City of Hampton's Community Development Department as complying with all zoning regulations. Vehicles that are towed per Division requests must be stored within the City of Hampton.
 - c. The towing company has a valid bulk carrier permit.

APPROVED:
CHIEF OF POLICE



- d. The towing company has a dedicated phone number used solely for the company that will be added to the Division's tow list.
 - e. Each tow company on the Division's list must have their own wrecker. Effective January 16, 2019, all new towing companies applying to be placed on the Division's list must have a minimum of three (3) wreckers, one of which must be a rollback/flatbed wrecker. The wrecker must be properly registered with the Virginia State Corporation Commission and in the tow company's name that is to be added to the Division's tow list.
 - f. The towing company must carry the minimum insurance coverage required by the Commonwealth of Virginia for their towing operation with such insurance in the company's name that is on the Division's tow list. Proof of such insurance must be maintained on the storage lot and a copy provided to the Police Division annually.
 - g. Towing companies must charge the required fees for a police tow per city ordinance 21-215 and are required to accept the following forms of payment: 1 – Cash, 2 – Insurance Company Check, 3 – Certified Check, 4 – Money Order, and 5 – at least one of two commonly used, nationally recognized credit cards (Visa or MasterCard).
 - h. All towing company drivers must have the required Department of Criminal Justice (DCJS) Drivers Authorization Document card (DAD) and comply with all laws and regulations.
2. The following standards will apply to all wreckers included on the Police Division's wrecker list:
- a. Towing companies on the Division's police tow list will be inspected annually to ensure they have valid insurance policies, business license, DAD licenses and Virginia driver's licenses. Officers will also inspect copies of receipts for police tows to ensure companies are charging the appropriate fees. Officers will also at least once annually inspect company's wreckers checking their mechanical condition, lettering, cleanliness, and the condition of their cables, straps, and dollies.
 - b. In addition to the wrecker's normal "boom", wreckers must be equipped with a wheel-lift or other device designed to provide "damage-free towing".

- c. All wreckers will clearly display the business name, city, state and telephone number as required by State Code number 46.2-1076.
- d. All wreckers will be equipped with the necessary equipment to provide for the damage free towing of motorcycles (straps, slings, etc.).
- e. Wreckers must be in compliance with each item on the current Hampton Police Division's "Wrecker Inspection Form" and are required to have the following equipment:
 - (1) Broom, shovel, trash container, and approved "oil dry" absorbent material for cleaning accident debris from accident scenes
 - (2) A flashlight or spotlight
 - (3) Safety chains
 - (4) Three red reflectorized triangular warning devices or flares
 - (5) A fire extinguisher that meets U.S. Department of Transportation's minimum specifications (U.L. ABC)
 - (6) Basic hand tools (wrenches, pliers, screwdrivers, etc.)
 - (7) American National Safety Institute approved high visibility safety vest
- f. All tow/wrecker vehicles meeting the Hampton Police Division requirements are required to display a City of Hampton "Tow Inspection" sticker on the vehicle. These inspection stickers will be affixed to the vehicle by the officer conducting the inspection. Tow/wrecker vehicles without a valid City of Hampton "Tow Inspection" sticker on the vehicle ARE NOT PERMITTED to tow for the Police Division.

B. OPERATIONAL REQUIREMENTS

The following general operational requirements will apply to all wreckers included on the Police Division's wrecker list:

1. All vehicles towed at the direction of the Hampton Police Division will be available for release to owners on a twenty-four hour basis. All towing companies included on the Division's wrecker list must be able

to meet this requirement.

2. All vehicles towed at the direction of the Police Division will be towed to and stored at a lot located within the City of Hampton.
3. Towing companies included on the Division's wrecker list will be responsible for the qualifications of their drivers.
4. Towing companies included on the Division's wrecker list are expected to provide a 30 minute or less response time to police calls.
5. Any relocations of a towing company's storage area will require a new zoning certification to be submitted to the Police Division attesting that the new location meets all zoning requirements.
6. If, for any reason, a wrecker company is unavailable to respond to a police call, the next company on the rotation will be called. No substitutions or "sub tows" will be permitted. The wrecker company called by the Communications Center will be the wrecker company providing the towing service.
7. Towing companies included on the Division's wrecker list will require a Police Release Form to be presented prior to releasing any vehicle towed as a result of a police call.
8. When conducting business between the towing company and any authorized third party repair or salvage business, the towing company will not release any vehicle towed or stored as a result of a police call without first receiving the Police Release Form.
9. A towing company may not withhold personal property (not attached to the vehicle) from the owner of a vehicle prior to the payment of the towing and/or storage fees.
10. Every wrecker driver must wear an American National Safety Institute approved high visibility safety vest while working on behalf of a Hampton Police Division requested tow.

C. COMPLAINT PROCEDURES

The Hampton Police Division will refer any questions relative to the business practices of a towing company to the appropriate company. The Police Division will investigate complaints about wrecker improprieties. When possible, the complaint should be outlined in writing, signed by the complainant, and forwarded to Special Projects Unit for investigation. Members of the Hampton Police Division will immediately notify the Supervisor of the Special Projects Unit of any towing company in violations of this policy.

D. CRITERIA FOR REMOVAL FROM THE LIST

1. The following situations may result in a towing company being suspended or removed from the Division's wrecker list:
 - a. **UNBECOMING CONDUCT:** (profanity, abusive behavior, drinking, etc.) The towing company and its employees, while operating in a Police Division initiated situation, will conduct themselves in such a manner so as to reflect positively on the towing company and the City of Hampton.
 - b. **VIOLATIONS INVOLVING REGISTRATIONS, OPERATOR'S LICENSE OR INSURANCE:** (Example; A lapse in the company's insurance policy or the company had prior knowledge or should have known that one of its drivers operators license was suspended or revoked and allowed the driver to operate a wrecker.)
 - c. **FALSE OR MISLEADING INFORMATION:** Any towing company owner, operator, driver or employee intentionally providing false or misleading information to the Hampton Police Division.
 - d. Failure to comply with Chapter 21, Article VIII of the Hampton City Code pertaining to "Police Requested Towing" or a violation of any federal, state, or local laws or Ordinances.
 - e. Loss of Insurance or not having insurance in the company's name that is on the Division's tow list.
 - f. Loss of business license or failure to pay business or personal property taxes.
 - g. Failure to have the appropriate DAD Licenses for the company drivers.
 - h. Failure to have a tow truck properly registered in Virginia under the company's name that is on the Division's tow list.
 - i. Failure to maintain a dedicated phone number that is used solely for the tow company that is on the Division's tow list.
 - j. Change of ownership.
 - k. Failure to respond to police calls (without an acceptable explanation).

- I. Repeated response times of more than 30 minutes to police calls.
 - m. Overcharging or charging unapproved fees. Towing companies may only charge those towing fees approved and outlined in the City of Hampton Ordinance 21-215 (b) (3). (Example: Charging dolly fees, "access" fees or unreasonable vehicle title processing fees)
 - n. Storing vehicles towed per Division request outside of the City of Hampton.
 2. Applying for reinstatement:
 - a. Towing companies **MAY NOT APPLY FOR REINSTATEMENT FOR 12 MONTHS** from the date of removal.
 - b. Towing companies will be required to submit a letter to the Commander of the Support Services Unit requesting consideration to be reinstated to the Police Tow List. The Unit Commander will review the application, attach his/her recommendation and forward the letter through their Chain of Command to the Chief of Police for final approval.

E. INSPECTIONS AND ADMINISTRATION:

1. The Special Projects Unit will be responsible for the administration of the Division's tow list. The Special Projects Unit will inspect each towing / wrecker vehicle towing for the Hampton Police Division annually. A record of these inspections will be maintained by the Special Projects Unit.
2. To ensure compliance, the Special Projects Unit may conduct documented unscheduled inspections of town companies and towing / wrecker vehicles throughout the year.
3. If a towing company is suspended or removed from the Hampton Police Division tow list, the owner of the company will be notified in writing by the Chief of Police or his designee.
4. The Special Projects Unit supervisor will immediately notify the supervisor in the Emergency Communications Center, via e-mail, of any changes to the Hampton Police Division tow list.