



WYOMING LEGISLATIVE SERVICE OFFICE

Research Memo

13 RM 009

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Author: Michael Swank, Senior Research Analyst

Re: Towing Industry in Wyoming

QUESTIONS

1. How does the Wyoming Highway Patrol manage towing activities along state highways?
Include the following:
 - a. Use of towing rotations?
 - b. Variation of rates charged for different towing services?
 - c. Other issues?
2. How are police or sheriff department-generated towing activities managed among local law enforcement agencies around the state?
3. What concerns currently impact the towing industry according to different stakeholders (i.e. – law enforcement, towing professionals, customers/insurers, etc.)?
4. How do other surrounding states regulate their towing industries and what are some of the current issues impacting regulation in these states?

ANSWERS

1. The Wyoming Highway Patrol (WHP), a division of the Wyoming Department of Transportation (WYDOT), emphasizes two significant goals related to its handling of the towing of vehicles from Wyoming highways:
 - Maintain a program for the safe and efficient removal of vehicles; and
 - Provide this vehicle removal service in a fair and reasonable manner, especially for those individuals who are not able to actively assist in their own vehicle's removal due to an accident or other emergency.

In order to do this, the WHP worked with the Wyoming Attorney General's Office to develop the *Rotational Tow and Recovery Carrier Guidelines*. These guidelines set out basic standards for the WHP and the tow and recovery carriers (hereinafter referred to as *carriers*) to follow when a rotational call is made by the WHP to clear wrecked or abandoned vehicles from state highways. Carriers voluntarily sign up to be placed on the rotational call list and agree to meet the guideline standards. The guidelines essentially allow the WHP to consistently manage how it will work with carriers and conduct towing calls.

The guidelines contain several important requirements including the following:

- Allows for the WHP to perform annual inspections¹ of participating carriers to cover equipment and operators' driving license status; there are no other specific training or certification requirements set out in the guidelines for carrier operators;
- Carriers are required to allow individuals access to the wrecked or abandoned vehicle to collect personal property that is not attached to or considered a part of the vehicle (i.e. – medications, purse, wallet, etc.);
- Carriers are only allowed one wrecker to be stationed or used in any one geographical area for a rotational call, but some carriers may operate in more than one geographical area;
- Carriers that violate the guidelines may receive a written reprimand or be suspended from the rotational program for up to a year, depending on the infraction(s); there is an appeals process available for carriers who dispute any assessed penalty and suspension from the list and penalties do not occur until after the appeals process has been completed; and
- Carriers must review and sign an acknowledgement page showing they understand the guidelines.

Overall, the WHP notes that the guidelines do not set out any contractual relationship with carriers, but the guidelines specifically state that carriers which participate in this rotational program "shall not conduct business in any fashion that discredits or adversely affects the Wyoming Highway Patrol."

a. The rotational call system and process occur as follows:

- A vehicle is wrecked along a highway;
- If the vehicle operator or owner² is able to manage, the owner may call for emergency tow and recovery services of their choosing; if a vehicle owner is unable to manage or is not present (also for abandoned vehicles), the state trooper will call the dispatcher and the dispatcher will call the next carrier on the rotation list;
 - The rotation list is a series of lists for different geographical areas of the state;
 - A carrier can accept or refuse a rotation call, but if refused (see next bullet), the carrier is rotated to the bottom of the list and another carrier is called;

¹ WYDOT's administrative rules – Chapter 1 (Motor Carriers), Section 11 – deals with Tow and Recovery Vehicles and how such vehicles will be classified and what minimum requirements must be met. These rules must be followed for all carriers in the state, not just those carriers on the rotation list. Inspections are performed after a carrier applies for operating authority in the state and they occur annually between January 1 and June 30.

² Keep in mind that the owner of a wrecked vehicle may be an insurance company once a vehicle has been assessed and valued after a wreck.

- The dispatcher will call the next rotational carrier and the carrier's "turn" may be accepted or refused. Refusal may occur under three different circumstances: 1) dispatcher telephones the carrier once without answer, then a second time if necessary after a two (2) minute interval; or 2) the carrier does not confirm acceptance of the call within five (5) minutes of being paged or through a designated answering service; or 3) refuses the call while communicating directly with the dispatcher;
- Once accepted, the carrier proceeds to the vehicle site;
- The vehicle operator or owner may later claim the vehicle at the carrier's recovery storage site.
- The vehicle operator or owner must pay all applicable or negotiated fees to the carrier.

According to the guidelines, the WHP will keep records of the rotation calls attempted/accepted as part of the program oversight. Based on this data, Table 1, below, summarizes the number and percent by the type of towing calls by the WHP over the last two state fiscal years (2012 and 2013 – through March 31, 2013). The WHP made almost 11,000 towing calls over the last two fiscal years with about 94% of those made from the carrier rotation list.

Table 1. Wyoming Highway Patrol Towing Calls, FY 2012 – FY 2013 (through March 31, 2013).

Towing Call Type	Number of Calls	Calls as Percent of All Calls Made
All Towing Calls Made – Rotation List and Special Requests	10,955	100.00%
Rotational List calls - Total	10,265	93.70%
<i>Calls Accepted by Carrier</i>	6,168	56.30%
<i>Calls Denied by Carrier</i>	4,097	37.40%
<i>Carrier Not Answer (2-Minute Call-Back Guideline)</i>	7	< 0.1%
<i>Carrier Not Return Message</i>	1,590	14.51%
<i>Carrier Refuse Call</i>	2,500	22.82%
Special Request Calls - Total	690	6.30%
<i>Motorist Special Request</i>	517	4.72%
<i>WHP Emergency Special Request (not "rotation" call)</i>	173	1.58%

Source: LSO Research summary of Wyoming Highway Patrol information.

Please note two important points: 1) When a member of the public has their vehicle towed by a rotational program participating carrier, that individual, not the WHP, is responsible for all towing and recovery costs and the WHP states that it does not get involved with carrier-customer negotiations or disputes; and 2) the WHP only pays for towing and recovery services for its own vehicles, commonly towed at the request of the WYDOT mechanics shop, which specifies the carrier to use. For FY 2007 – 2012, the WHP paid \$14,960 for patrol vehicle tows.

Other instances where the state may have a vehicle towed include vehicles towed for evidentiary purposes. For example, vehicles from drug investigations are the responsibility of the Wyoming Division of Criminal Investigation, under the Wyoming Attorney General's Office and vehicular homicide cases are the responsibility of the local county or district attorney's office.

- b. **The WHP states that it does not regulate the towing industry overall nor the carriers that voluntarily sign up to be included on the WHP's rotation list. However, the WHP does require that the carriers which participate in the rotation list calling program must file a summary rate disclosure document called the *Wrecker Fee Schedule*. This is a short, one-page sheet on which a carrier states its standard minimum fees for different actions that may be taken during a tow. These actions include the tow/recovery service call, including rates for daytime and nighttime calls, hook-up fee, winch fee, labor costs (for such things as equipment operators, clean-up crews, etc.) and vehicle storage costs. According to the guidelines, participating carriers must file a new rate sheet *before* rate changes take effect. See Attachment A for a tabular summary of some example rates disclosed to the WHP as part of this requirement of the rotational program.**

The WHP considers these sheets as public records. However, the WHP states that these sheets are not disclosed to vehicle owners/operators at the time of a call for two basic reasons: 1) the volume of sheets for the number of companies on the rotation list would be unreasonable to have troopers maintain in the field (i.e. - 29 separate fee schedules for the Laramie County rotation; 23 in Albany County; 10 in Carbon County, etc.); and 2) since the dispatcher makes the tow and recovery calls, and not the trooper, the trooper often does not know which carrier will take the call and arrive to complete the call. Still, owners/operators that are available at the time of the tow and recovery call are allowed to state any preference for a specific carrier; these requests do not impact a carrier's position on the rotation list. Also, when an owner/operator is available at the time of the call, troopers may provide a Tow Carrier Disclaimer sheet to the individual if a rotational list carrier is used, see below:

"The Wyoming Highway Patrol maintains a rotational list of available area Tow Carriers for the purpose of removing disabled, hazardous, or abandoned vehicles from public roadways. The Wyoming Highway Patrol does not regulate, establish, or otherwise control fees charged by Tow Carriers.

A wrecker from the following company has been called for your vehicle:

Company Name: _____ Telephone #: _____

Charges and services you receive from this Tow Carrier are the responsibility of the Tow Carrier and are not related to or associated with the Wyoming Highway Patrol. Any representation by the Tow Carrier, written, verbal, or implied, that fees for their service are related to the Wyoming Highway Patrol is a violation of the Wyoming Highway Patrol Tow Carrier policy and should be reported to the Patrol.

If you have comments, concerns, or questions about fees for Tow Carrier services please contact your insurance company or the specific Tow Carrier."

- c. **The WHP states that three issues may contribute to problems or complications with tow and recovery activities as a result of a WHP rotational list call:**
- Though the rotational program is managed by the WHP, according to the guidelines, carriers are not allowed to market their services or invoke any business or preferred relationship status with the WHP to the vehicle owner/operator when responding to these calls. However, when a vehicle owner or operator is unavailable to manage his/her own tow and recovery call, the individual and others in the same situation are basically a captive market for carriers, not a free and competitive market. This leads

to the second concern...

- When a vehicle operator/owner is not available to select their own carrier, the individual is left with the rotational list carrier of which the individual may not have a previous or informed relationship. In such cases, fees are unknown and in many cases the tow and recovery actions are completed and fees incurred when an individual later attempts to claim the vehicle. This individual is now at the mercy of the carrier to release the vehicle and whatever fees are applied to the call since the individual was not available to negotiate with the carrier and the WHP or other state/local authorities do not regulate the carriers. This leads to the third concern...
- Many individuals whose vehicles have been towed by a rotational list participating carrier have come to the attention of the WHP complaining of inconsistent or exorbitant rates. In addition, some complaints noted that carriers have stated or implied a relationship with the WHP and vehicle owners/operators often wish for the WHP to intervene. In some cases, the WHP has been accused of being in collusion with carriers.

- 2. In a similar fashion to the WHP, many local law enforcement agencies (municipal police as well as county sheriff departments; herein referred to as "departments") manage towing programs on a rotational basis. Of the eleven departments that responded to LSO Research inquiry, nine (or 82%) specifically stated that they use a carrier rotation list program. The process for making such calls and completing those towing assignments is also similar to that outlined above for the WHP: officer requests dispatch to make the call and the next available carrier completes the call. The resulting towing charges are also the responsibility of the towed vehicle's owner.**

In terms of how carriers are overseen by local law enforcement, three departments mentioned an application and approval process for carriers to be included on the list based on local or state minimum standards. However, in no case did a department state that it regulates carrier business practices or fees; though one department stated that it was leaning toward additional requirements due to continued/ongoing problems with select carriers and its impact on the integrity of the department. Two additional points include: 1) several departments noted city ordinance or regulations governing tows for abandoned or impounded vehicles as may be needed during investigations and arrests; and 2) departmental vehicles requiring a tow generally occur with one or two select community carriers and are generally via contract or flat-rate agreements with the carrier(s).

- 3. In addition to the local law enforcement departments and the WHP, other stakeholders were surveyed by LSO Research to help identify and clarify current issues related to the Wyoming towing industry that may need to be studied. Stakeholders included both tow and recovery carriers and a motor vehicle insurance company. Although these comments are not intended to provide input on all current towing issues around the state, based on both written and verbal correspondence from all of these stakeholders, the following generally summarizes the main concerns about non-consensual and/or predatory towing practices in the state (in no specific priority order):**

- **Carrier business hours:** This issue includes both towing call availability to remove vehicles as well as storage facility availability to access personal property within a vehicle after the vehicle has been towed (i.e. – medications, purse/wallet, etc.);

- **Access to vehicle and owner/operator personal property when in storage:** In addition to the business hours issue, this issue includes requiring separate fees, for example an "inventory" or "gate" fee to merely access a stored vehicle for inspection and to retrieve personal property (fees may apply even during regular business hours);
 - **Tow and recovery fees:** This issue deals both with the type of varying fees charged throughout the tow and recovery process as well as the fee levels. All stakeholder groups mentioned issues with "exorbitant," "inconsistent," "unfair," "unreasonable" fees applied to towing and recovery calls, particularly for non-consensual tows and tows resulting from calls made by state and local law enforcement agencies;
 - **Carrier call refusal or inadequate response times:** This includes time officers must wait with damaged or abandoned vehicles before a tow carrier arrives as well as the impact of higher fees for slow or inefficient carrier response – or carrier refusal to perform tow once the carrier arrives at tow site; may also include carriers stationing wreckers in multiple communities to get on multiple rotation lists, but still using those trucks in other communities for which the carrier may not be on rotation lists or should only have one spot on rotation lists (may drastically increase fees and time as stated above);
 - **Public-private relationship or reputation damage:** This includes impact both to the public agencies working directly with carriers to make/complete calls as well as towing businesses or industry reputation from select carriers in the system;
 - **Regulatory authority for public agencies and/or standards for carriers** (*separate from the motor carrier regulations of WYDOT and particularly noted in relation to public safety and fair treatment considerations when carriers engaged with law enforcement agencies' rotation lists*): Issue includes desire for consistent or mandatory application for carrier operator background checks, reasonable/standard/market driven fee structure and/or fee maximums with full disclosure to customers, and standards for or the elimination of single carriers that utilize multiple company names to get more rotation call exposure, etc.;
 - **Abandoned vehicle costs and title process:** Issue deals with unclaimed or abandoned vehicles for which carriers may be out the cost of tow and recovery services as well as cumbersome process for carrier to clear abandoned vehicle title to assist with cost recovery;
 - **Communication between parties:** Issue deals with how law enforcement officers and dispatchers may not provide enough description or guidance to carriers on specific tow and recovery calls as well as lack of enforcement of guidelines on problem carriers; issue also includes carriers that monitor some calls through police scanners and only agree to take the best or most profitable calls or to get to another carrier's call to persuade available owners to switch carriers;
 - **Crash-chasing and non-standard wrecker companies:** This issue includes concern over carriers trolling roadways for crashes to get to potential calls before rotation calls are made by emergency personnel (law enforcement officers or dispatchers) as well as potential poaching of calls by out-of-state carriers (generally near state border communities) that do not meet Wyoming carrier rules or standards;
4. **One of the main issues with how states may (or may not) regulate the towing industry in their state is that the federal government has classified tow and recovery carriers as interstate motor carriers for the purposes of interstate commerce. As part of several revisions to the federal motor carrier statutes (1994: Federal Aviation Administration Authorization Act; 1995: Interstate Commerce Commission Termination Act; and 2005: Safe, Accountable, Flexible, Efficient Transportation Equity Act) states are preempted from heavily**

regulating motor carriers from state to state. Essentially, these federal revisions set out a deregulated industry where issues like prices, routes, and other motor carrier services would be competitive and more uniformly governed. However, federal law does allow several exceptions where states may regulate motor carriers, including tow and recovery carriers. Three exceptions are shown below:

- A state or local authority may enact a safety regulatory program with respect to motor carriers;
- A state or local authority may enact a provision relating to the price of nonconsensual transportation by a tow truck; and
- A state or local authority may require in the case of a motor vehicle to be towed from private property without consent of the owner that the towing operator have prior written authorization from the property owner and/or that the property owner be present at the time of the tow.

Though the second and third exceptions most directly relate to regulation of tow and recovery carriers, the first exception may also present an avenue for reasonable state regulation of such carriers (i.e. – safe removal of vehicles from public roadways, etc.). In all cases, the most pertinent issue related to tow and recovery carriers is the issue of non-consensual tows and the consistent and fair treatment of the towed vehicle's owner who is not available at the time a tow is authorized or conducted.

According to a report provided to the U.S. Congress in 2007 *Review of Federal and State Laws Regarding Vehicle Towing*, despite many court opinions over the years, there are no definitive interpretations related to how far states may go within these exceptions to regulate motor carriers. There is a case currently before the U.S. Supreme Court dealing with this issue and an opinion should be rendered before the end of the June 2013 (*Dan's City Used Cars v. Pelkey*, No. 12-52; Oral Arguments: March 20, 2013). Still, Table 2, below, summarizes other states' (surrounding Wyoming and western states) consensual and non-consensual/predatory towing laws based on recent legislative action, from 2010 to the present. See Attachment B for additional states consensual and nonconsensual/predatory towing law summaries.

Table 2. Examples of Other States' Consensual (C) and Nonconsensual/Predatory (NC/P) Towing Laws and Regulations, from 2010 to present.¹

State	State Law Summary
Arizona	<p>C: (Administrative Rules) In addition to specifying tow truck, tow company, and other specifications and requirements of tow carriers, the rules also set out how tow operators may engage tow assignments. Drivers must possess valid driver's license, medical exam certificate, have limited moving violations, not be convicted of specified crimes within certain timeframes, and maintain truck and equipment and be open to inspection without notice.</p> <p>NC/P: (Statute) Makes it unlawful for a private towing carrier to tow or transport a motor vehicle from private property without the permission of the owner or operator, unless the carrier receives a request from a law enforcement agency or the express written permission of the owner or agent of the owner of the property. Set other requirements pertaining to towing.</p>

Table 2. Examples of Other States' Consensual (C) and Nonconsensual/Predatory (NC/P) Towing Laws and Regulations, from 2010 to present.¹ (cont.)

Colorado	<p>C: (Statute and Administrative Rules) The Public Utilities Commission has the duty to prescribe reasonable rules and regulations covering the operations of towing carriers, including requirements for public identification, storage facilities, responsibilities with respect to towed vehicles and their contents, and nonconsensual towing. Statutes also address permitting and insurance.</p> <p>NC/P: (Statute) Authorizes the Public Utilities Commission to make rules and prescribe rates for the operations of towing carriers, including the circumstances under which a towing carrier may tow a vehicle without the consent of the owner and the allowable rates and charges for nonconsensual towing.</p>
Idaho	<p>NC/P: (Statute) Authorizes public removal of abandoned, wrecked, or stolen vehicles. Provides for officer notice to vehicle owner of liability for removal. Allows for a post-storage hearing for the vehicle owner if the owner contests that the removal of the vehicle was in error. Defines when a carrier may charge for tow services and allows an owner to refuse the tow under reasonable circumstances. Specifies disclosure of certain information from the tow carrier to the towed vehicle's owner at the time the vehicle is claimed. Allows for the state police agency to have an authorized tow list as well as authorizes background checks of tow carrier operators. Specifies no additional fee allowed to be charged for vehicle owner or insurance agent to inspect vehicle while in storage.</p>
Nebraska	<p>NC/P: (Statute) Except in cities of the metropolitan or primary class, makes a person parking a vehicle in a properly posted, restricted parking lot without the consent of the owner or tenant guilty of an infraction and the vehicle subject to being towed away at the request of such lot owner or tenant. Requires the towing operator to notify law enforcement of such tow within 24 hours. Requires the tow operator to disengage the vehicle upon request of the owner or driver of the vehicle at any time before the vehicle is fully attached to the towing vehicle. Requires the tower to provide a written statement to the vehicle owner or driver. Prohibits any owner or tenant causing the towing of a vehicle from soliciting or accepting any form of compensation from the person or business towing away the vehicle. In cities of the metropolitan or primary class which have not adopted a conforming ordinance, makes vehicles parked in a properly posted, restricted parking lot without the consent of the owner or tenant subject to being towed away. Provides for liens, liability for damages and other towing practices and requirements.</p>

Table 2. Examples of Other States' Consensual (C) and Nonconsensual/Predatory (NC/P) Towing Laws and Regulations, from 2010 to present.¹ (cont.)

Nevada	<p>C: (Statute) Requires motor carriers, including tow carriers, to disclose to the Nevada Transportation Authority rate and fee schedules for services available from the carrier. Requires the schedules to be a public record and changes to be done only with at least 30 days' notice to the state authority. The Authority may investigate and require changes to such rates and fees as deemed reasonable. Does limit the Authority's ability to regulate types of services, geographical areas, or pre-negotiated rates between carriers and customers. Prescribes additional requirements of tow carriers, including maintaining a dispatch log, applying for and receiving a certificate of public convenience, and other requirements.</p> <p>NC/P: (Statute) Prohibits a person engaged in the operation of off-street parking facilities from towing, removing or authorizing the towing and removal of any vehicle within 24 hours of the expiration of the period for which a particular fee is paid. Prohibits towing or removal from such facilities if there was no attendant on duty or other means for the patron to pay the parking charges when the vehicle was first parked, or if the device provided for payment does not dispense a ticket or time-dated slip. Requires any person that tows a vehicle without the knowledge of the registered owner to immediately report the towing by oral communication to the city police department or to the county sheriff's office.</p>
New Mexico	<p>NC/P: (Statute) Requires a towing service performing nonconsensual tows to obtain approval of a tariff from the Public Regulation Commission. Prohibits such towing service from charging a different rate than specified in approved tariffs in effect at the time. Requires towing services performing nonconsensual tows to observe reasonable, non-predatory and non-discriminatory rates and practices.</p>
Utah	<p>C: (Administrative Rules) Defines consensual tows and general tow carrier requirements required for all tow carriers, including facility/equipment/business inspections, and tow truck/driver and motor carrier certifications.</p> <p>NC/P: (Administrative Rules) In addition to general requirements that are required of all carriers, rules specifies requirements for both police or law enforcement generated non-consensual tows as well as non-police or law enforcement non-consensual tows (i.e. – unauthorized vehicle on private property). Specifies carrier reporting of all non-consensual tows it completes and to maintain minimum levels of liability insurance if participating in non-consensual tows of any sort. All non-police generated non-consensual tows must be reported to local law enforcement. Rule sets maximum fees for all non-consensual tows including tow hourly rates, storage fees, and fuel surcharges; rates may vary depending on size of vehicle to be towed (small, medium, large vehicles). Sets up a Tow Truck Steering Committee to advise state authorities when reviewing rates, fees, certification requirements, etc.</p>

Source: LSO Research adapted and modified from National Conference of State Legislatures (NCSL) information.

¹ Montana has its state highway patrol carrier rotation system authority established in state statute under 61-8-908.

Note: This list is not intended to be completely comprehensive to each state's law and regulatory structure, but provide examples of multiple states' approaches to tow and recovery carrier regulations.

If you need anything further, please contact LSO Research at 777-7881.

Attachment A

Example Towing Rates and Fees Disclosed to the WHP as Part of the Rotational Program.

Source: LSO Research summary of Wyoming Highway Patrol information

NS = "Not Specified" by Carrier

Tow Company	Wrecker Type	Basic Rates and Fees									
		Daytime Call - Minimum	Nighttime Call - Minimum	Per-Mile - Unloaded	Per-Mile - Loaded	Hook-up Fee	Winch Fee	Dolly Fee	Clean-up Fee	Operator Labor	Additional Labor
1	Small	\$55	\$75	\$3.50	\$3.50	\$55	\$1 per foot; \$35 min.	\$50	\$50 per hour	Included with Wrecker Call	\$50 per hour
2		\$100	\$200	\$1.50	\$1.50	\$65	\$50 min.	\$50	\$40 per hour	\$65 per hour (Monday - Friday, 8 a.m. to 5 p.m.); \$130 per hour after hours	\$40 per hour
3		\$150	\$150	\$4.00	\$5.00	Included with Wrecker Call	\$75 min.	\$50	\$25 minimum	\$65 per hour	\$65 per hour
4		\$25	\$50	\$4.00	\$4.00	\$50	\$50 per hour	\$50	\$50 per hour	\$50 per hour	\$50 per hour
5		\$90	NS	\$5.00	\$5.00	NS	\$125 per hour	NS	\$75 per hour	Included with Wrecker Call	\$75 per hour
1	Large	\$225	\$275	\$9 plus fuel surcharge	\$13 plus fuel surcharge	\$175 (\$225 motorhomes)	\$300 per hour, min.	NS	NS	\$90 per hour	\$60 per hour
2		\$175	\$250	NS	\$4 to \$8	\$150 to \$250	\$175 to \$250 per hour	NS	\$150 to \$250 per hour	\$175 to \$250 per hour	\$85 to \$250 per hour
3		\$300	\$300	\$8 to \$10	\$8 to \$10	Included with Wrecker Call	\$250 per hour	NS	\$75 per hour	\$75 per hour	NS
4		\$150	\$150	\$8.00	\$8.00	\$175	\$250 per hour	NS	\$75 per hour	\$75	\$75 per hour
5		\$225	\$275	\$9 plus fuel surcharge	\$13 plus fuel surcharge	\$175 (\$225 motorhomes)	\$300 per hour, min.	NS	NS	\$90 per hour	\$60 per hour
6		\$450	\$500	\$5	\$7	\$395	\$750 per hour	NS	\$225 per hour	\$225 per hour	\$225 per hour
7		\$350 to \$750 depending on wrecker size		NS	\$6 per unit	\$395	\$750 per hour	NS	Recovery prices based on weight of units and cargo (Cents per Pound)		

Tow Company	Wrecker Type	Additional/Other Rates and Fees				
		Additional Equipment Fee	Storage Fee - Inside	Storage Fee - Outside	Air-Bag Fee	Other Fees
1	Small	NS	\$25	\$20	NS	NS
2		Skid Steer - \$125 per hour	\$25 per day	\$10 per day	NS	NS
3		\$50	\$65	\$40	NS	NS
4		NS	\$30	\$20	NS	NS
5		Off-road Wrecker - \$125 per hour	NS	\$30 per day	NS	Dump Fee; Supplies Fee
1	Large	NS	\$75 per day	\$50 per day	NS	Traffic Control; After Hours Gate Fee; Old Grouch Fee
2		\$150 to \$250 per hour	\$50 per day	\$50 per day (first week free)	NS	Heavy Equipment; Crane Service; Dry Van; Reefer; Trailer
3		See "Other Fees"	\$100 per day	\$40 per day	NS	Reefer; Dry Box
4		NS	NS	\$25	NS	NS
5		NS	\$75 per day	\$50 per day	NS	Traffic Control; After Hours Gate Fee; Old Grouch Fee
6		NS	\$200	\$75	NS	NS
7		Additional surcharge rates per pound for the following: Night, Weekend, Holiday; Inclement Weather; Secondary Cargo Handling; Buckled Trailer; Percentage Value of Salvaged Cargo; Hazardous Materials				

Attachment B

Summary of Other States' Consensual (C), Nonconsensual/Predatory (NC/P) and Towing Rotation (TR) Towing Laws and Regulations, from 2010 to present

Source: LSO Research adapted and modified from National Conference of State Legislatures (NCSL) information. **Note:** *This list is not intended to be completely comprehensive, but provide examples of multiple states' approaches to tow and recovery carrier regulations.*

State	State Law Summary
Arkansas	<p>C: (Statute) The Arkansas Towing and Recovery Board is authorized to promulgate rules and regulations to regulate the towing industry, including licensing, insurance, safety and equipment requirements; it may also require itemized billing and the public posting of maximum rate schedules.</p> <p>NC/P: (Statute) Allows property owners or persons controlling the property to have abandoned or unauthorized vehicles removed by a towing and storage firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board. Authorizes cities or incorporated towns by ordinance to regulate towing practices. Requires a towing firm to obtain from the property owners or agents a written statement containing certain specific information, prior to removal of a vehicle, which shall be made available upon request by any person claiming an interest in the removed vehicle. Prohibits a towing or storage firm from paying any compensation related to vehicle removal to the owner or agent requesting the removal. Requires the towing company to notify the local police department or sheriff's office within two hours of removing a vehicle. Provides notice requirements to owners and lienholders. Provides for violations.</p>
California	<p>NC/P: (Statute) Limits authorization to immobilize a vehicle to peace officers or regularly employed and salaried employees engaged in directing traffic or enforcing parking laws and regulations. Allows the owner or person in lawful possession of private property to cause the removal of a vehicle parked on the property if a sign is clearly posted that contains certain information or under other specific circumstances. Requires the tow truck operator to provide written notice to the vehicle owner. Requires the property owner to notify local traffic law enforcement within one hour of authorizing the tow. Requires, upon a vehicle owner's request, a towing company or its driver to immediately release a vehicle that is not yet removed from private property; limits decoupling fees. Requires storage facilities to accept both credit card and cash payments. Prohibits a towing company from removing a vehicle from private property without first obtaining from the property owner or lessee a written authorization that contains certain information. Prohibits general authorization of a towing company to remove a vehicle; provides exemptions. Requires a towing company that removes a vehicle from private property to notify the local law enforcement agency within 30 minutes of removal. Provides that a vehicle removed from private property must be stored in a facility that meets certain criteria. Relates to other towing practices. Provides for violations and penalties.</p> <p>TR: (Statute) Requires any freeway service patrol tow truck driver and any California Highway Patrol rotation tow truck operator to have a valid tow truck driver certificate. The statutes identify criteria for revocation of the certificate and/or participation in the rotation system (i.e. conviction of certain crimes). They also require rotation tow truck operators to comply with certain notification requirements. Freeway service patrol tow trucks must display a highway patrol logo and a carrier identification number.</p>

Connecticut	NC/P: (Statute) Requires the Commissioner of Transportation to establish and publish a just and reasonable schedule of uniform rates and charges for the nonconsensual towing and transporting of motor vehicles and for the storage of motor vehicles.
Delaware	NC/P: (Administrative Rules) Rules set out both basic requirements of tow carriers as well as specific requirements to be "Approved Tower" on a state-maintained list. Rules specify tow vehicle classes and basic and mandatory equipment to be located with the vehicle at all times. The "Approved Tower" process requires formal application process including background and driving record check of tow carrier drivers. Other requirements include disclosure of rates and fee schedule, to be disclosed to the state before any changes take effect and rates must be "reasonable" and "comparable" within the tow carriers' service area.
Florida	NC/P: (Statute) Generally deals with non-consensual tows from private property. Details allowable procedures and requirements for storage at facilities within a maximum distance from the tow location. Carriers must notify local law enforcement within specified timeframe from time of tow. Specific provision allows local municipal authorities to further regulate carriers, including establishing regulations on tow carrier rates. Counties must establish maximum rates which may be charged on the towing of vehicles from or immobilization of vehicles on private property. TR: (Statute) All reputable wrecker operators shall be eligible for use in the system provided their equipment and drivers meet recognized safety qualifications and mechanical standards...The division is authorized to limit the number of wrecker operators participating in the wrecker operator system...The division is authorized to establish maximum rates for the towing and storage of vehicles...where such rates have not been set by a county or municipality...The department shall establish by rule a procedure for setting such rates...A final order of the department denying, suspending, or revoking a wrecker operator's participation in the system shall be reviewable in the manner and within the time provided... Also discusses wrecker operator systems at the county/municipal level, similar to that used by the Division of Florida Highway Patrol.
Georgia	NC/P: (Statute) Prohibits certain towing incentives and surveillance. Makes it unlawful for any towing and storage firm to enter into an agreement to provide automatic or systematic surveillance of a property for purposes of vehicle removal. Permits removal of vehicles only upon call by a property owner for each individual case of trespass. Prohibits payment by a towing and storage firm to any property owner or agent for the right to remove a vehicle.
Illinois	C: (Statute) The Commission must adopt special forms and regulations applicable to non-relocation towing (all towing except for trespass towing), to encompass definitions of terms, licensing, ratemaking, record-keeping, insurance or surety coverage, fees, and such other necessary provisions. However, the Commission shall also adopt rules to do with the exemption of non-relocation towing at the request of the vehicle owner.

<p>Illinois (cont.)</p>	<p>NC/P: (Statute) Places conditions and restrictions on towing or removal of a vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle. Requires any towed or removed vehicle to be stored at the towing service's place of business, which must be open during certain hours. Requires the towing service to notify law enforcement within 30 minutes of completing such towing or removal. Requires the tow truck operator to immediately release a vehicle if the owner or legally authorized person arrives at the scene prior to actual removal or towing of the vehicle, upon payment of a reasonable service fee of not more than one-half the posted rate of the towing service. Prohibits rebate, payment, or other valuable consideration from the towing service to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles. Requires certain property owners, prior to towing or removing any vehicle from private property without the consent of the owner or legally authorized person, to post a notice that warns motorists that unauthorized vehicles will be towed away at the owner's expense and that meets other certain requirements. Requires a towing service to file a copy of its current rates with local law enforcement, not to exceed a defined maximum. Requires a person to file a notice of intent in each community where s/he intends to engage in the removal of vehicles from private property, at least 7 days before commencing towing. Prohibits removal of a vehicle from private property except upon express written instructions of the property owners or agents. Requires a vehicle to be released to its owner or custodian within 30 minutes after requested if during business hours. Requires any towing or storage charges to be payable by both credit card and cash. Prohibits a waiver of liability for damages incurred during storage or towing. Provides for violations and penalties.</p>
<p>Louisiana</p>	<p>C: (Statute) The Department of Public Safety and Corrections, office of state policy, is required to adopt rules and regulations to govern the towing and storage industry in Louisiana, including prohibiting accident chasing. State statutes address licensing, vehicle storage fee, maintenance of records, and insurance requirements.</p> <p>NC/P: (Statute) Prohibits nonconsensual towing of a motor vehicle from from any parking area unless either authorized by a law enforcement agency, or if the motor vehicle has been tagged for removal, or if a private property owner has placed signage warning motorists that unauthorized vehicles may be towed. Requires a tow truck operator to provide a billing invoice that includes certain information to the owner or redeemer of the vehicle. Requires all nonconsensual towing fees to be uniform and set in accordance with rules and regulations promulgated by the Louisiana Public Service Commission and by the Department of Public Safety and Corrections, office of state police. Provides for violations and penalties.</p> <p>TR: (Statute) Law enforcement agencies may establish a rotation list of towing companies with tow trucks licensed in accordance with the provisions...However, prior to a tow truck company's participation on a law enforcement agency's rotation list, the tow truck company shall comply with the provisions...The Department of Public Safety and Corrections, office of state police shall establish minimum standards, rules, and procedures for participation in a rotation list which shall be approved by the House and Senate transportation, highways, and public works committees prior to their adoption. Any local law enforcement agency may adopt minimum standards consistent with the office of state police rules or comply with the standards established by the office of state police.</p>

Massachusetts	<p>C: (Administrative Rules) Rules define maximum rates allowed for tow carrier charges under varying circumstances, such as tows over long distances, etc. Impacted rates include per-mile surcharges, fuel surcharges, tow service call, and other services. Rules specifically state that they are not intended to be applicable when towing vehicles to locations other than tow carrier's garage.</p> <p>NC/P: (Statute) Prohibits removal of a motor vehicle which is parked or standing on a private way or upon improved or enclosed property unless the operator of the vehicle has been forbidden so to park or stand, either directly or by posted notice, by the person who has lawful control of such way or property. Also prohibits removal of a vehicle without the consent of the owner unless the person who has lawful control of such way or property has notified the chief of police, police commissioner or designee in writing that the vehicle is to be removed. Provides for violations and penalties. Limits the charges that can be imposed for removal and storage of the vehicle.</p>
Missouri	<p>NC/P: (Statute) Allows a property owner or lessee to authorize a towing company to remove an abandoned or improperly parked vehicle without authorization of a law enforcement officer only under certain circumstances, including when the property owner, lessee, manager or security manager is present or a sign is displayed prohibiting public parking, warning that unauthorized or improperly parked vehicles will be removed at the owner's expense and displaying other specific information. Requires a property owner or lessee that requests a towing company to tow abandoned property without authorization from a law enforcement officer to complete an abandoned property report, which must then be provided by the towing company to the local law enforcement agency within a certain period of time. Sets requirements for law enforcement. Provides for violations.</p>
New Jersey	<p>C: (Statute) Requires tow operators to comply with any reasonable request of the motorist either to repair an inoperable vehicle or to transport it to a site where the repair may be made, and to accept various methods of payment.</p> <p>NC/P: (Statute) Defines predatory towing and creates a comprehensive framework to establish and enforce minimum standards for tow truck operators. Prohibits a person from towing a motor vehicle without the consent of the owner or operator, unless 1) the person has entered into a contract for private property towing with the owner of the property, 2) a sign is posted in a conspicuous place containing certain specific information, 3) the property owner has authorized the removal of the particular motor vehicle and 4) the person tows the vehicle to a secure storage facility that meets certain requirements. Provides for exemptions. Requires the director to establish certain regulations pertaining to nonconsensual towing. Limits fees for nonconsensual towing services. Requires the release of a vehicle that has not actually been moved or removed from the property upon request of the owner or operator and prohibits unreasonable or excessive decoupling fees. Defines other unlawful practices for towing companies; provides for violations and penalties.</p>
New York	<p>NC/P: (Statute) Prohibits an owner or operator of a parking facility from towing or immobilizing a vehicle or authorizing such actions unless a notice is displayed warning that unauthorized vehicles will be towed at the owner's expense and providing other information. Prohibits an owner or operator of a parking facility from soliciting or accepting payment or other consideration from a commercial tower for the towing and storage of vehicles removed from the facility. Provides for violations and penalties. Affirms local regulations that afford greater protection to the consumer than these provisions, including those that regulate charges, require contracts between an owner and commercial tower, require the owner to be present when a vehicle is towed, or regulate the hours when a commercial tower must be available to release a towed vehicle. Requires commercial towers and storage lot operators to accept credit or debit card payments for certain towing and storage charges if such payments are accepted in the ordinary course of business. Neither section</p>

applies to cities having a population of one million or more.

Oklahoma

C: (Statute and Administrative Rules) The Department of Public Safety is authorized to license, supervise, govern and control towing services and must adopt rules that state the requirements for facilities, storage of vehicles, necessary towing equipment, the records to be kept by operators, insurance and other matters.

NC/P: (Statute) Carriers must obtain a license, with annual renewal, from the Department of Public Safety; license number should be displayed, on both sides of every wrecker vehicle operated by a carrier. The Department can issue a letter of reprimand, cancel, suspend, revoke, or refuse to issue or renew the license when it finds carrier has not complied with the provisions of the Nonconsensual Towing Act of 2011, or any rules adopted by the Department. The Corporation Commission must determine the maximum fees and charges for carriers which perform tows in incorporated or unincorporated areas when the services performed are at the request of any officer of the Department or of a municipality, county, or political subdivision. Rates impacted, include distance rates, hourly rates, hookup rates, fuel surcharges, specialty labor or equipment surcharges, storage and after-hours release rates, and additional rates like the disconnection and reconnection rates necessary to prevent mechanical damage to such vehicle.

TR: (Statute) The Department of Public Safety has the power to license, supervise, govern and control wrecker vehicles and wrecker or towing services. It shall adopt rules as are necessary to carry out the intent statute. The rules shall state the requirements for facilities, for storage of vehicles, necessary towing equipment, the records to be kept by operators, liability insurance and insurance covering the vehicle and its contents while in storage to adequately protect the interests of the public. Unless otherwise regulated by the governing body of the political subdivision, the wrecker vehicle used to perform wrecker or towing services requested by a political subdivision shall be from the licensed wrecker or towing service whose location is nearest to the vehicle to be towed. The police chief of any municipality and the county sheriff of each county shall keep rotation logs on all requested tows. Rotation logs shall be made available for public inspection upon request. A wrecker service shall not be removed from rotation without notification to the wrecker operator stating the reason for removal from the rotation log. Except as otherwise provided the Department and any municipality, county or other political subdivision shall not place any wrecker or towing service upon an official rotation log unless the service meets the following requirements: 1) Principal business facilities are located within Oklahoma; 2) Tow trucks are registered and licensed in Oklahoma; and 3) Owner is a resident of the State of Oklahoma or the service is an Oklahoma corporation. No operator or wrecker or towing service upon the rotation logs shall charge fees in excess of the maximum rates for services performed within this state.

Oregon	<p>NC/P: (Statute) Authorizes towing of vehicles without notice to the vehicle's owner or operator only under certain circumstances, including violation of a prominently posted parking prohibition. Allows the owner of a parking facility or proscribed property to have a tower tow an unlawfully parked or abandoned vehicle and requires the tower to take, record the time and date of, and store at least one photograph of the vehicle demonstrating the parking violation. Also requires the tower to notify the local law enforcement agency of the location of the towed vehicle within one hour after it is placed in storage and to give notice to the vehicle's owner. Requires the owner of private property on which a vehicle has been abandoned to affix notice to the vehicle at least 72 hours before towing the vehicle stating that the vehicle will be towed if it is not removed. Prohibits a tower from towing a motor vehicle from a parking facility without first contacting the owner of the facility or the owner's agent. Requires a tower to provide certain information to the owner or operator of the vehicle, and limits towing fees. Also prohibits soliciting towing business within 1,000 feet of a motor vehicle accident or parking a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the facility for towing business unless notice is provided.</p>
Rhode Island	<p>NC/P: (Statute) Prohibits accident chasing by tow trucks. Makes it unlawful for any tow car or truck to be at the scene of a motor vehicle accident unless summoned by the participants in that accident or by the owners of the vehicles involved. Provides for violations and penalties.</p>
Texas	<p>C: (Statute and Administrative Rules) Registration, permitting and insurance requirements. The DOT issues permits; political subdivisions may regulate tow truck operations to the extent allowed by federal law and may also require registration within certain limits.</p> <p>NC/P: (Statute) Authorizes political subdivisions to regulate booting companies and operators and tow truck operation, including fees that may be charged or collected in connection with a non-consent tow. Limits fees for non-consent tows from private property in an area in which no political subdivision regulates such fees.</p> <p>TR: (Statute) Only applies to the unincorporated area of a county with certain population thresholds. The sheriff's office may maintain a list of towing companies to perform non-consent tows of motor vehicles initiated by a peace officer investigating a traffic accident or a traffic incident. The towing companies must operate in a county to which the statute applies. A peace officer initiating a non-consent tow of a motor vehicle shall notify the sheriff's office that the tow is being initiated. The sheriff's office shall contact successive towing companies on the tow rotation list. The sheriff's office may assess a towing company an administrative fee to be included on the tow rotation list in an amount not to exceed the amount necessary to implement the statute. The commissioners court of a county in which a list is maintained shall adopt policies to implement the statute in a manner that ensures: 1) equal distribution of non-consent tows among the towing companies that perform non-consent tows in the county; and 2) consumer protection, including fair pricing, for owners or operators of motor vehicles towed by towing companies on the tow rotation list. The sheriff's office shall make a list maintained under this section available for public inspection.</p>

Virginia	<p>C: (Statute and Administrative Rules) The Board of Towing and Recovery Operators is authorized to establish the qualifications of applicants for licensure and examine and license applicants, and to promulgate regulations to do with tow carriers, including record-keeping requirements. Statutes address licensure requirements, including prohibitions on false advertisement. See also administrative code pertaining to regulations for towing and recovery operators.</p> <p>NC/P: (Statute) Authorizes local regulation of towing pursuant to police towing requests. Allows an owner, operator or lessee of a parking area to have any unauthorized vehicle removed by towing or otherwise if signs are posted at all entrances to the parking area clearly and conspicuously disclosing the towing practices and other required information. Notice of vehicle removal must be given by the tow truck operator to the State Police or local law enforcement agency and Provides for violations and penalties. Requires tow truck operators to display and abide by a list of fees. Prohibits a vehicle from being towed if the owner or agent of the owner is present and removes the vehicle from the premises before it is actually towed; holds such owner liable to a reasonable fee. Relates to other towing practices and requirements.</p>
Washington	<p>NC/P: (Statute) Prohibits incentive towing programs for private property impounds. Prohibits registered tow truck operators from asking for or receiving monetary or nonmonetary incentives from a property owner or agent authorized to sign an impound authorization, for or on account of the impounding of a vehicle. Prohibits a tow truck operator from being beneficially interested in an agreement between a person having control or possession of private property and an agent of the person authorized to sign an impound authorization, or having an interest in a firm whose functions include signing impound authorizations. Provides for violations. Relates to impounding unauthorized vehicles. Provides that no person may impound or tow an unauthorized vehicle on nonresidential private property or in a public facility for less than 24 hours unless a conspicuously posted sign lists the times a vehicle may be impounded and other information. Requires a private property owner or agent to provides a signed authorization to the registered tow truck operator before the operator may proceed with the impound. Prohibits a person who engages in or offers to engage in the activities of a registered tow truck operator from being associated in any way with a person or business whose main activity is authorizing the impounding of vehicles. Relates to other towing practices and requirements.</p>