

## **TOW TRUCK ROTATION LIST POLICY**

The Spanish Fork Police Department requests vehicles to be towed at various times for various reasons. This policy provides guidance about how tow trucks are to be dispatched to tow a vehicle. This policy does not regulate how private owners of real property or of vehicles obtain towing services.

Purpose for Tow Truck Rotation List. All vehicles being impounded for a violation of local, state, or federal law shall be towed by a tow truck on the Spanish Fork Police Department Tow Truck Rotation List.

The owner of any vehicle involved in an accident and in need of being towed may request any towing service to respond to tow the vehicle, provided the vehicle can be safely removed from the travel portion of the street during the time the investigating officers are on site. If the owner has no preference or their preferred carrier is not able to timely respond, the officer will call a tow truck from the Tow Truck Rotation List.

Trucks from the Tow Truck Rotation List will rotate through the list. The officer requesting a tow truck will have Dispatch contact the tow truck company at the top of the list. If a tow truck company receives a request for a tow and cannot respond, for any reason, or is more than 15 minutes in responding, it will fall to the bottom of the list.

Eligibility for Admission to the Tow Truck Rotation List. The Spanish Fork Police Department desires that tow truck operators and companies provide a reliable, timely, and safe service to residents of the City or travelers through the City who need towing services. In order to accomplish that goal, the following criteria must be met before being added to the Tow Truck Rotation List:

1. An application approved by the Spanish Fork Police Department must be submitted.
2. Certification, registration, and insurance as approved by the State of Utah and required by UCA §72-9-602, and including a Utah State Wrecker Inspection Certificate, must be provided with the application.
3. Have access to a storage facility within Spanish Fork City limits that is certified by the State of Utah.
4. Have a current letter of approval from the Utah State Tax Commission if the storage facility is to be used a State impound lot.
5. Show proof that a certified tow truck operator lives within a ten minute response time of the storage facility located within City limits.
6. Establish a minimum of a one year history of stability and reliability of promptly responding to towing requests.
7. Obtain a valid Spanish Fork City business license, and renew it annually.
8. Complete a letter of understanding (standard form).

**The Spanish Fork City Police Department will accept applications for admission to the Tow Truck Rotation List every two years, during the month of January in even numbered years, commencing in 2020.**

Requirements to Remain on the Tow Truck Rotation List. Once a towing company is listed on the Tow Truck Rotation List, it must continue to provide reliable, timely, and safe towing services to remain on the list. In order to remain on the List, the following criteria must be met:

1. Respond to requests for towing services within 15 minutes of being dispatched. If a tow truck company fails to respond within the 15 minute time limit, the next company on the list will be dispatched. The initial company will not be allowed to charge any fees, costs, or expenses.
2. Store vehicles in their Spanish Fork storage facility unless requested or authorized by the owner to store the vehicle elsewhere. All storage facilities must meet State of Utah requirements for tow storage lots, as well as Spanish Fork City zoning, fencing, and landscaping requirements.
3. Have the capability of removing abandoned and/or inoperable vehicles.
4. In the event of a tow request to an accident, clean up any wreckage debris, rubble, or items located on the street or in the immediate vicinity of the location from where the vehicle is to be towed from. Each tow truck shall be equipped with brooms, buckets, liquid absorbing material, dustpans, shovels, and/or other equipment/tools necessary to perform the required clean-up. This is in addition to equipment the State requires on tow trucks.
5. All operators, employees, or agents of the tow company are required to follow the instructions, directives, or orders of police officers on site.
6. Maintain a current 24-7 telephone number with the Spanish Fork Police Department and with Central Utah 911 (the local dispatch center) so the tow company can be contacted at any time they are needed. The tow company is to notify both the Spanish Fork Police Department and Central Utah 911 of any change of phone numbers within 12 hours of the change.
7. Comply with all federal, state, and local requirements governing parking enforcement and towing companies.
8. All operators, employees, or agents of the tow company are required to remain free of serious criminal charges. In the event that any operator, employee or agent is criminally charged, they will be assessed on a case-by-case basis by the Spanish Fork Police Department.

Removal from the Tow Truck Rotation List. A tow truck company may be removed from the Tow Truck Rotation List for any of the following reasons:

1. Loss of any State certifications or insurance.
2. Failure to comply with any of the requirements to remain on the List set forth in the preceding section.
3. The receipt of three valid complaints against a tow company within any consecutive 180 days. A complaint is validated after investigation by the supervising lieutenant over towing and a finding that a complaint is justified. The lieutenant will follow this process:
  - a. Within 10 days of receipt of a complaint, the accused tow company will be given written notice of the complaint, including the date of occurrence, a description of the vehicle towed, the location of the incident, and a brief statement of facts.
  - b. The tow company will have 10 days after receipt of the notice to respond.
  - c. The lieutenant will review the complaint, the response, and may talk to the complainant, the tow truck operator, any police officers present, and any witnesses. Once the investigation is complete, the lieutenant will issue a ruling. If possible, a ruling will be issued within 20 days of the tow company's response.

d. Unless the decision triggers removal from the Tow Truck Rotation List, the decision of the lieutenant is final.

In the event of removal, the lieutenant over towing will issue a Notice of Removal From the Tow Truck Rotation List to the affected tow company at the address listed on their application, or as updated by the company. The Notice shall state the reasons for the removal, give the effective date, and provide information about how the removal action may be appealed. Any company removed must meet the eligibility requirements for admission to the List to be re-instated. A two year waiting period is imposed before an application to be added to the Tow Truck Rotation List may be made.

Appeals from Removal from the Tow Truck Rotation List. If a tow company is removed from the Tow Truck Rotation List, it may appeal the decision to the Chief of Police by following the following procedures:

1. File a written notice of appeal within 10 days of the date on the Notice of Removal.
2. State the reasons, with specificity, why the removal order is inaccurate and why the tow company believes it should not be removed from the List.
3. Within 20 days of receipt of an appeal, the Chief shall convene a hearing to receive evidence concerning the removal. The tow company may be represented by counsel, as well as provide witnesses who have knowledge concerning the alleged facts relating to the removal. The supervising lieutenant over towing and any officers with firsthand knowledge of the basis for removal shall also be allowed to present evidence they have. If the basis for the removal is three valid complaints, the tow company may challenge any of the three complaints, but must give notice of its intent to do so in the notice of appeal.
4. Within 20 days of the hearing, the Chief shall issue his ruling, setting forth the reasons he/she is upholding the removal of why he/she is not upholding the removal. The decision of the Chief is final and non-appealable.