

Allegan County Central Dispatch
Non-Preference Towing Services Policy
Police Policy #3

Distribute to: ACCD Personnel
Allegan County Law Enforcement Agencies
All Allegan County Non-Preference Towing Services

Approved by: Allegan County Central Dispatch 9-1-1 Policy and Procedure Board

Approved Date: October 20, 2009

Effective Date: *January 1, 2010*

Purpose: This policy is to provide efficient, swift, and economical wrecker service to citizens in Allegan County. Included are operational guidelines to provide for the efficient and equitable delivery of qualified and courteous service and to protect the safety of people and property. Violation of any section of this policy may result in the ineligibility of a participating service.

A towing service ("Service") that is qualified as defined in this policy will be eligible to receive requests for service of "Non-Preference" calls from Allegan County Central Dispatch (ACCD). Non-preference towing runs are those requested through ACCD by citizens and/or emergency service providers in which there is no specific Service requested.

Allegan County Towing Policy Sub-Committee (TPSC) will review Services for the non-preference rotation monthly.

If a Service believes it has met all criteria within this policy to be added to the non-preference rotation list, it shall file a signed and written application at least thirty (30) days before the review date (located on the last page of this policy). The TPSC will review the application and policy criteria and if all requirements are met, will approve the application at the next regularly scheduled meeting of the committee and the TPSC will report back to the Allegan County Policy and Procedure Board.

Section 1: Liability Insurance & Indemnification

Any service seeking to be qualified for ACCD non-preference towing calls must show that it has the following required insurances and at all times must maintain such insurances:

- A. Workers' Compensation and Employers' Liability
- B. General Liability (occurrence basis only) with the following coverage inclusions:
 - 1. Broad form general liability endorsement or equivalent, if not in policy proper.
 - 2. Independent Contractor.
 - 3. Product Completed Operations.
 - 4. Contractual Liability.

C. Vehicle Liability Coverage and Michigan No-Fault Coverage including all owned and leased vehicles.

- (1) The coverage in Item "A" must carry the statutory minimum. The limits of liability for Items "B" and "C" shall not be for less than \$1,000,000.00 (one million) per occurrence and/or aggregate combines single limit Personal Injury, Bodily Injury, and Property Damage. With respect to Items "B" and "C", the Service must produce a certificate of insurance identifying ACCD as an "additional insured". Certificates of insurance must be forwarded to ACCD prior to a Service being qualified to take non-preference calls for service.
- (2) The certificate(s) of insurance may be requested by the TPSC at any time and will include a 30-day advance notice of cancellation to ACCD.
- (3) The certificate(s) of insurance shall cover each "wrecker"* and "operator"*** used by that Service.
- (4) When a Service obtains a renewal of insurance certificate(s) and/or changes insurance carrier(s), the Service shall have its insurance carrier forward to ACCD an original copy of the renewal/new insurance certificate(s).
- (5) Upon receiving notification from an insurance carrier that coverage is not in effect, the Service shall immediately lose its qualification to receive ACCD non-preference towing calls until such time that the insurance carrier notifies ACCD that the Service is in compliance with insurance requirements. If in a five (5) year time period, ACCD is notified three (3) times that the Services' insurance coverage is not in effect, that Service will lose its qualification to receive ACCD non-preference towing calls for six (6) months or more, once that time period of six (6) months has expired, the Service can re-apply to be placed back on the ACCD non-preference call list.
- (6) By signing the acknowledgement below, the authorized representative of any Service is agreeing that the Service shall indemnify and defend ACCD from any liability arising from the Service's action or inactions or those of its agents, officers and employees. The Service shall provide its carriers a copy of this Policy.

Section 2: Service Requirement and Standards

The following provisions are required by the TPSC for Services requesting placement on the non-preference call list. Failure to comply with all of these requirements may result in the loss of qualification for non-preference towing calls as provided in this policy. The TPSC may establish additional requirements provided the Allegan County Policy and Procedure Board approve the additional requirements. A Service shall not conceal or misrepresent any material facts when seeking qualification under this Policy and may be immediately terminated from participating if such concealment or misrepresentation comes to light.

*"Wrecker" refers to each vehicle commercially used by the Service, including those vehicles owned, leased, or borrowed.

***"Operator" means a wrecker driver, whether an employee, agent, or independent contractor.

- (1) **Policy Dissemination.** The TPSC, or the ACCD Assistant Director or designee, shall provide a copy of the requirements of this Policy for qualification of Non-Preference Services to the representatives of any Service requesting information on qualification standards. This document defines the TPSC standards and service expectations.
- (2) **Policy Acknowledgment.** Prior to qualification, the Service representative shall sign and date the form indicating he/she has read the requirements, understands them, and the Service is willing to adhere to the requirements. The original signed form shall be maintained at ACCD.
- (3) **No Guarantee.** Nothing in this Policy shall be interpreted as guaranteeing to participating Services a particular number of runs or a number of runs that is comparable to other participants, since there may be regular instances in which Services are utilized out of the routine rotation.
- (4) **Legal Compliance.** All qualified Services taking non-preference calls from ACCD shall be in compliance with all rules and regulations as prescribed by ordinances, zoning requirements, and state laws pertaining to this type of business.
- (5) **Time of Operation and Timeliness of Service.**
 - A. Qualified Services shall provide 24-hour, seven-days-a-week service, having at least one (1) tow vehicle available.
 - B. Services responding to ACCD non-preference runs will be expected to give priority to ACCD non-preference runs and to respond to sites of service in a reasonable amount of time.
 - C. Response time to calls dispatched by ACCD shall be reasonable and as currently determined by the TPSC to be a maximum of twenty (20) minutes from the time of Service dispatched to arrival at the requested site or scene. It will be the responsibility of the contacted Service to inform Central Dispatch if they cannot make it to the dispatched location within twenty (20) minutes, and to inform dispatch of what their estimated time of arrival would be. If the estimated time of arrival is more than twenty (20) minutes, dispatch will advise the officer requesting the non-preference wrecker of how long it will take, and the officer will make the final determination whether that Service will respond or another Service needs to be contacted. In times of extenuating conditions (i.e. severe weather, snow, etc), the TPSC recognizes that the Service may take longer than the allotted time of twenty (20) minutes to arrive at the dispatched location. Multiple violations reported to the TPSC may lead to temporary suspension from the non-preference towing rotation. This requirement does not imply that any Service may violate any Local Ordinance or State Law in order to arrive within the twenty (20) minute response time.

- D. The Service shall answer telephone calls for service request within 5 rings or it will be considered not available for an ACCD non-preference call. Occurrences of unavailability may result in temporary suspension. Not available will count as a non-preference call.
- E. **Cancelled Calls.** If the Service contacted is cancelled (disregarded) prior to arriving on scene, the Service will be placed at the top of the non-preference rotation.
If the Service contacted is cancelled (disregarded) prior to the Service arriving on scene or service being provided (i.e. hooking up the vehicle), neither the agency that requested the Service nor the vehicle owner/operator shall be obligated to compensate the Service.

(6) Geographic Location of Office and Storage Facility.

- A. The Service shall maintain an office and secure storage area physically located in the designated service zones to be served and all necessary equipment should be located within the service zones, unless approved by the TPSC, exception would be two (2) miles outside of Allegan County, into one of the surrounding counties (Ottawa, Kent, Barry, Kalamazoo, and Van Buren), response time would still be a maximum of twenty (20) minutes [as stated in 5C]. Exceptions may be made based on specialized equipment needs as dictated by emergency conditions.
- B. A storage facility shall include a method of secure enclosure (i.e. building or fencing), which complies with local and state ordinances and zoning requirements. This area shall be locked when the business is unattended.
- C. The storage facility may be subject to random visits by members of the TPSC or a designated representative.
- D. Each Service will provide the TPSC with the exact location of its storage facility. Each Service shall have its own storage facility at one location; no multiple storage facility locations are authorized.
- E. Upon a Service being contacted by a customer or anyone that has an interest with a vehicle at the Services' impound lot, the Service must respond to the lot within 20 minutes. No additional fees will be charged to the customer if responding between the hours of 8:00am-5:00pm, Monday-Friday. Multiple violations reported to the TPSC may lead to temporary suspension from the non-preference towing rotation. (Approved by the 9-1-1 Policy & Procedure Board, 2-16-10.)
- F. Each Service's office and storage facility shall be clearly marked with signs that include: the name of the business, regular business hours, and the business telephone number (including weekend and after hours telephone numbers if applicable).
- G. The Service shall comply with all applicable provisions of MCL () 257.252 a-g as it applies to abandoned vehicles.

- H. Each Service shall have its own telephone number and be answered only as the Service indicated.

(7) **Services Provided & Rates.**

- A. The Service shall tow all vehicles to the location directed by the motorist or to the Services' storage facility.
- B. No assigning or subletting of responsibilities and duties to another Service or Operator will be allowed.
- C. The Service shall remove all glass, debris, and other injurious substances from the scene, providing it is not hazardous material, pursuant to law.
- D. The Service shall not remove a wrecked vehicle from the scene of an accident without authorization by a law enforcement officer.
- E. Each Service must assess customer charges according to a rate schedule, which contains rates that do not significantly exceed the total amount typically charged for such services by other Services and is presently on file with the TPSC. This provision is not designed to interfere with the business operations of the Services, but merely to insure that vulnerable motorists are not victimized. For the October review of each year, Services shall provide to the TPSC a listing of their current rates for services on a form provided. Failure to comply with this requirement may result in temporary suspension from participation on the non-preference rotation list. The TPSC must be notified in writing of any midyear changes. This rate schedule will be kept on file at Central Dispatch and is available upon request.
- F. **Anti-Gouging Compliance Checks.** For all non-preference towing calls, the towing company shall provide the TPSC a copy of the invoice via email [centraldispatch@allegancounty.org] or fax [269-673-6293]. The invoices will be randomly selected and audited by the TPSC on a monthly basis to ensure that the Service is billing the customer according to the rate sheet on file with the TPSC. Failure to comply with this requirement may result in temporary suspension from participation on the non-preference rotation list. The invoices received by the TPSC will be destroyed after 30 days. More than one form of payment shall be accepted to include: cash, credit card, check, ATM, or debit card with proper identification.
- G. The Service shall not assess a lien against or hold personal property except the towed vehicle. Unattached personal property contained within the towed vehicle shall not be held in lieu of payment of towing or storage charges/fees.
- H. Services called are the services that are expected to arrive at the run. Activities such as "run jumping" and sending affiliated services in place of the service called for are prohibited. The monitoring of police/ambulance

service radio frequencies for the purpose of response to the scene of any mishap, without specifically being requested is also prohibited.

- I. The Service shall abide by all laws when responding to and towing vehicles requested by ACCD. This includes all equipment and traffic laws.
- J. ACCD and law enforcement agencies shall not be held responsible for any liabilities incurred while a Service is providing service at a scene the Service is dispatched to by ACCD. The Service agrees it is not acting as, nor will it represent itself as an agent of ACCD or the law enforcement agencies while performing services.

(8) Wreckers & Equipment.

- A. Each Service must maintain on file at ACCD, an accurate list of all wreckers, including a current copy of its' Michigan registration, and related equipment that will be used to provide services hereunder. The Service shall ensure that the list is current and to notify the TPSC or ACCD Assistant Director when there are any additions or deletions to the list.
- B. The Service agrees to mechanically maintain its company trucks and clearly mark each with the name, address, and telephone number of the business. The trucks/wreckers shall not bear markings that suggest they are police vehicles.

(9) Wrecker Operators.

- A. Services shall verify that drivers and equipment to be utilized for ACCD requests are qualified under the provisions of the Motor Carrier Safety Act, 1963 PA 181, and the Michigan Vehicle Code, 1949 PA 300 as amended.
- B. All operators shall exhibit professional and courteous service to the public, public officials, and emergency services personnel. Under no circumstances shall profanity, obscene gestures, threats or other inappropriate behavior be tolerated.
- C. Fraudulent, deceptive or unethical business practices of Services and/or wrecker operators may result in temporary suspension from participation on the non-preference rotation list.
- D. In October of each year, Services and agencies are required to provide the TPSC, ACCD Assistant Director, or designee with a list of the names of their drivers and copies of their current drivers' licenses; when drivers are added during the year, the Service will notify Allegan County Central Dispatch Assistant Director.

Section 3: Non-Preference Tow Calls for Service.

Requests for Service shall be dispatched according to the following:

- (1) Customer preferred service whenever readily available and when public safety is not a concern.
- (2) Contracted insurance services whenever readily available and when public safety is not a concern.
- (3) If ACCD receives a request for a non-preference tow out of a particular geographical area (i.e. Kent County), the adjacent geographical area Service shall be called, utilizing the same criteria for that particular area. The Service utilized shall be credited with a non-preference tow.
- (4) Any Service receiving a personal request for service at the scene of any accident shall obtain a name and call back phone number. This information is to be made available to the officer at the scene. If more than one call for service is necessary, the officer at the scene will decide which service performs the tow.
- (5) Allegan County is divided into service areas for the purpose of non-preference towing calls.
 - A. The service areas will be determined by the TPSC and are at the Committee's discretion. Criteria for the service areas will be based upon geographical locations, access to areas, and number of Services, and practicality to serve in these areas.
 - B. Service areas will be reviewed on an annual basis at a minimum and changes will be made to reflect the most effective service to the general public and local, county, and state law enforcement agencies. These areas are subject to change at the discretion of the TPSC at any time; and if a designated area becomes overloaded with services, the TPSC may adjust the service areas/boundaries. There may be circumstances in which ACCD does not adhere to service areas.
 - C. Location of Services shall be determined as the location of the office of such Services during normal daytime hours, not the location of driver/equipment after normal working hours. Normal working hours shall be determined as 8:00 a.m. to 5:00 p.m.

Section 4: Loss of ACCD Qualifications and Calls for Service.

- (1) A violation of any section of this policy may result in the loss of the qualification of any Service participating in the ACCD non-preference towing policy. Loss of qualification may be temporary or permanent.
 - A. ACCD, Law Enforcement, and Emergency Service Personnel shall report to their immediate supervisor the Service or individual who violated this policy. The supervisor shall then make a report of the incident in writing to the ACCD Assistant Director, who will then take the complaint to the

TPSC. Information provided in the report shall include: date, time, location, and a description of the circumstances.

- B. If for some reason, there is not a law enforcement officer on scene and the customer and/or Service wants to file a complaint, they should contact the Supervisor of the agency that requested the Service to respond to the scene. If a fire department requests a no-preference Service, without an officer present, and the customer and/or Service wants to file a complaint, they should contact the Chief or Assistant Chief of that fire department.
 - C. Written complaints or concerns submitted regarding a Service shall be investigated by the TPSC or designee. Such investigation will not interfere with any criminal investigation arising from the same conduct. The Service shall cooperate with the TPSC or designee in the course of the investigation and shall make relevant records available for inspection and copying.
 - D. The TPSC will not accept complaints filed by participating Services against other Services. A Service shall contact an officer on the scene, and the officer will make the determination whether a complaint should be filed, and the officer may file a complaint to his/her supervisor. If a Service has a complaint against another Service in reference to violating operational procedures as set forth in this policy, the Service shall send a written complaint to the Assistant Director of Central Dispatch for the TPSC to investigate.
 - E. Letters of warning may be sent to a Service from the TPSC or designee for infractions of this policy.
- (2) If as a result of infractions there is a potential for loss of qualification, the TPSC will report the outcome of the investigation to the ACCD Policy and Procedure Board and recommend action. The TPSC may request and/or recommend further investigation to be conducted by a member of the ACCD Policy and Procedure Board.
- A. If the recommendation brought forth by the TPSC is approved by the ACCD Policy and Procedure Board to revoke the qualification of a Service, the TPSC or designee shall send a notice of this action to the offending Service. Such revocations shall be due to documented complaints by participating law enforcement agency personnel which reveals the wrecker service is in direct violation of existing wrecker policy. This notice will offer a description of the known charges at the time. If the offenses are noted to be of a minor nature, a hearing time will be set prior to the loss of qualification taking place. The Hearing Board will consist of three (3) members of the Allegan County Central Dispatch Policy and Procedure Board; those members will be appointed by the board at the time a hearing is needed.

- B. The hearing shall allow for a consideration of the facts and circumstances surrounding the complaint and provide a representative of the towing company an opportunity to speak to the charge(s). Additional charges may be added at that time.
 - C. The Hearing Board shall make a determination from the information considered at the hearing. The Service in question will be notified of the outcome in writing.
 - D. The Service, if notified of a loss of qualification, may make a request for reconsideration/appeal to the ACCD Policy and Procedure Board Chairperson. The decision of the Policy Board Chairperson will be final.
- (3) If a Service cancels its insurance coverage or has its insurance cancelled, the loss of qualification will be immediate upon confirmation of the cancellation, and the Service shall not be entitled to a pre-termination hearing. The Service will be notified and may appeal to the Policy and Procedure Board as pursuant to Step 2D, above.

Section 5: Log of Towed Vehicles.

All towing calls shall be documented at ACCD. The most appropriate method of recording this information shall be determined by the TPSC. Minimum information shall generally include: type of preference (owner's, officer, or non-preference), the nature of the call, time, date, location, vehicle description, and Service dispatched. A comment section is available to document any problem encountered, i.e. too long to respond, refused to clean debris, etc. Tow logs shall be made available for public inspection during normal business hours, with a written request.

Logs of towed vehicles shall be retained at ACCD for six (6) years plus the current year.

Section 6: Criminal Investigations.

Criminal cases may be investigations requiring confidentiality or having special needs. A police agency may deviate from the requirements outlined in this policy during the course of these investigations based on the Freedom of Information Act.

Section 7: Exception/Revision Responsibility.

- (1) ACCD reserves the right to deviate from this Policy when in its sole discretion, unusual circumstances warrant it.
- (2) An Allegan County Law Enforcement Officer may deviate from this policy for criminal investigation purposes.
- (3) Responsibility for the continued review and revision of this policy lies with the TPSC in cooperation with the Allegan County Central Dispatch Policy and Procedure Board.
- (4) TPSC reserves the right to change this policy at any time, with or without notice.

Section 8: Acceptance of Requirements.

I have received, read, and understand the ACCD Non-Preference Towing Policy. I attest that I have the authority for the Service I represent to agree to this Policy and on its behalf, I agree that it will adhere to the above listed requirements and those listed in the ACCD Non-Preference Towing Policy. Failure to comply with any of these requirements may result in our Service's loss of qualification for ACCD Non-Preference towing calls. I further understand the ACCD Non-Preference Towing Policy is designed to distribute non-preference calls for Service as equitably as possible. ACCD will make every effort to do so through this policy; however there is no guarantee to Services who are qualified and participating in the non-preference towing policy of any specific number of runs.

Company: _____

Business Address: _____

Storage Facility Address: _____

Telephone number: _____

Owner/Agent: _____

Signature: _____ Date: _____

-Towing Policy Sub-Committee