

# Georgia Department of Public Safety

## Policy Manual

SUBJECT <b>WRECKER QUALIFICATIONS/ROTATION LISTS</b>	POLICY NUMBER <b>7.05</b>
DISTRIBUTION <b>ALL EMPLOYEES</b>	REVISED DATE <b>11/4/2024</b>
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### 7.05.1 Purpose

To establish a policy that governs utilization, requirements, and suspension of wrecker services interacting with the Georgia Department of Public Safety (DPS), as an extension of law enforcement activity.

### 7.05.2 Policy

It is the statutory mission of DPS to enforce traffic laws and protect the traveling public, which often requires DPS to rely upon independent wrecker services to safely and efficiently remove vehicles and debris from the roadway. Establishing a system of rotating wrecker services benefits the operations of DPS and prioritizes public safety.

This policy neither creates any benefit for any wrecker service, owner, operator, manager, or driver, nor establishes any rights or legal duties pertaining to them.

### 7.05.3 Definitions

For this policy, the following definitions apply:

- A. Emergency Suspension – an immediate suspension imposed by a Post Commander prior to seeking permission through the chain of command. A Post Commander may impose an emergency suspension to protect life, health, or safety; for the protection of consumers; or because the wrecker service no longer qualifies for inclusion on the Wrecker Rotation List, based on this policy's requirements.
- B. Nonconsensual Tow – defined by DPS's Regulatory Compliance Rules as "the towing of trespassing vehicles on private property without the prior consent or authorization of the owner or driver of the vehicle being towed." Any vehicle tow at the request of a sworn member pursuant to a Post's Wrecker Rotation List is not "non-consensual" as that term is described in O.C.G.A. § 44-1-13.
- C. Request for Review of Notice of Suspension – a written request that a suspended wrecker service must file (if it so chooses) within fifteen (15) days' receipt of the DPS suspension order. If the written request is not received by DPS within the 15-day period, the wrecker service's opportunity for review shall be waived.
- D. Storage Area – a secure impound, facility or lot maintained by a Wrecker Service and located in the county of its towing operations, for storage of vehicles towed or removed by that Wrecker Service in that same county.
- E. Suspension – the removal of a Wrecker Service from any Georgia State Patrol (GSP) Post Wrecker Rotation List.

- F. Wrecker - a vehicle designed, equipped, or used to recover, tow, or carry other motor vehicles by means of a hoist, crane, sling, lift, roll-back, slide back, or a mechanism of a like or similar character or any combination thereof, with the terms "tow truck" and "wrecker" synonymous.
- G. Wrecker Service - any wrecker company, corporation, or business, including owner(s), operator(s) (of the business or the tow trucks), manager(s), and driver(s).
- H. Wrecker Rotation List or "the List" – a catalog of eligible area Wrecker Services within a GSP Post's territory, which has been approved and maintained pursuant to the terms and conditions of this policy, and for purposes of DPS enforcement responses on roadways in need of towing services. Rotation allows for each approved Wrecker Service, in turn, to respond to calls for towing assistance, thereby equitably distributing calls among them.
- I. Large Wrecker Rotation List – a list maintained by a Post Commander, separate from the Wrecker Rotation List, consisting of approved Wrecker Services that own or lease specialized equipment.
- J. Local List – a list of Wrecker Services established, utilized, and maintained by a local government or local law enforcement entity and adopted by DPS for use corresponding to a Post territory (e.g., a wrecker rotation list maintained by a sheriff's office).

#### **7.05.4 Procedures**

##### **A. General Requirements**

- 1. All Post Commanders shall take the necessary steps to compile, establish, and use a Post Wrecker Rotation List or adopt a Local List.
- 2. It is the responsibility of a Post Commander who maintains a List to ensure that each Wrecker Service on the List receives its fair share of Wrecker Rotation List requests.
- 3. An owner or part-owner of a Wrecker Service may not have more than one of his/her businesses approved on any given Post's Wrecker Rotation List.
- 4. It is imperative that Wrecker Services utilized by DPS conduct themselves in a professional manner, provide competent services, utilize industry and community standards, including offering services at a reasonable and fair cost to the public, and comply with state and federal laws, rules, and regulations, as well as this policy.
- 5. Neither this policy nor the acceptance of a Wrecker Service's application shall be construed as a contract or other form of agreement.
- 6. Except as provided for in O.C.G.A. § 40-6-10(a)(8)(A), all liability and responsibility for payment for the use of a Wrecker Service shall lie solely with the owner/driver of the towed vehicle, and not with the State of Georgia, DPS, or any member of DPS.

##### **B. Requirements for Choosing and Following a Local List.**

- 1. Within GSP Troop C and in any other county or municipality that is appropriate, the DPS Commissioner may choose, at his/her discretion, to utilize a Local List.

2. For use of a Local List, a Post Commander shall provide a written request to the Troop Commander for his/her initial review, recommendation, and forwarding to the Commissioner or his designee through the appropriate Adjutant for final determination.
3. Utilizing a Local List requires policy corresponding to the Local List (Local Policy), as follows:
  - a. The Local Policy shall meet or exceed the standards set forth in this DPS policy;
  - b. The Post Commander shall request a copy of the Local Policy and forward it through the GSP chain to the Troop Commander, who shall consider the Local Policy as part of his/her review and recommendation concerning the Local List;
  - c. Prior to approval of a Local List by the Commissioner or his designee, the Local Policy shall be provided to the DPS Legal Division for review, determination, and a memorandum concerning whether the Local Policy meets or exceeds the standards set forth in this DPS policy, with the memorandum provided to the Commissioner or designee, and to the Post Commander through his Chain of Command;
  - d. Wrecker Services on a Local List utilized by DPS shall comply with the criteria, responsibilities, and qualifications required of a Wrecker Service under this or the equivalent Local Policy; and
  - e. A Post on notice of a Wrecker Service's compliance failures or policy violations shall report the Wrecker Service to the agency maintaining the Local List for that agency's investigation and determination concerning the Wrecker Service. Should the Post have reasonable objections related to that investigation and determination, then the Post should discontinue use of the Local List and initiate a Wrecker Rotation List for the Post per this policy.

C. Criteria for Inclusion on a Wrecker Rotation List

1. Establishment, Timing, and Duration
  - a. A Wrecker Rotation List is valid for one year, beginning each January 1.
  - b. Wrecker Services on a List must reapply annually, in writing, for inclusion on the next year's List. Post Commanders will email or send U.S. mail reminders to all Wrecker Services currently on their list by October 1 to be returned by November 15<sup>th</sup>, unless exceptional circumstances and timing are determined by the Commissioner or his designee and provided in writing.
  - c. Upon compliance with the requirements of this policy, and with the approval of the Post Commander, the Wrecker Service may be included on the Post's List for the next calendar year.
  - d. Wrecker Services are not permitted entry on a Wrecker Rotation List once the annual List has been established. To be considered for placement on the List, the Wrecker Service must apply during the required application period.
  - e. The Post Commander has no obligation to include any Wrecker Service or number of Wrecker Services in his/her Post territory. Each Post Commander should survey the current calls for tow services in the assigned counties,

prior to determining how many and which Wrecker Services should be included on the Post List.

- f. Wrecker Services that have been previously included on a Wrecker Rotation List maintained by a Post are not guaranteed to remain on that Post's List in subsequent years.

## 2. Application and Documentation.

- a. To be considered for a Wrecker Rotation List for the coming year, a Wrecker Service must submit a timely written request, read and complete the application packet, including presenting the required documentation to the Post within the territory of service.
- b. A Wrecker Service must utilize DPS 14 – Application Packet for Wrecker Rotation List, for application to be on a List and must accurately and fully complete it.
- c. Each Wrecker Service applicant should review this policy in its newest form, which can be found online at <https://dps.georgia.gov/chapter-7-administrative-matters>. The Post of the territory of application may also either email the application (which is deemed to establish receipt) or seek the applicant's signature when receipt is by hand-delivery.
- d. The Post Commander will be responsible for the inspection of the Wrecker Service's documents, Storage Areas, Wreckers, vehicles, and equipment in order to ensure compliance with DPS policy.
- e. A Wrecker Service shall timely submit the following documentation to a Post to be considered for that Post's Wrecker Rotation List:
  - 1) Proof of a minimum of twelve months pre-paid insurance coverage that is required by this policy and may be shown by valid certificates of insurance.
  - 2) A declaration of ownership identifying all parties (by name and address) who own any interest in the service, property, or business, LLC, etc.;
  - 3) Copy of title or registration for each Wrecker operational in conjunction with the List;
  - 4) A copy of the Wrecker Service's current business license;
  - 5) A current 3-year certified Motor Vehicle Report (MVR) from the Georgia Department of Driver Services (DDS) for each Wrecker Service driver (owner, manager, or operator) who may be operating a Wrecker;
  - 6) A photocopy of the driver's license for each person who may be driving a Wrecker; and
  - 7) A release signed by each owner, operator (of the business or a tow truck), manager, and driver authorizing DPS to conduct criminal history background checks.

## 3. Inspections

- a. DPS is authorized to conduct random inspections of a Wrecker Service, as follows:
    - 1) For consideration of inclusion on a Wrecker Rotation List;
    - 2) Before renewal to the next year's List; or
    - 3) At any time while a Wrecker Service is authorized on a List.
  - b. Inspections by DPS include review and evaluation of a Wrecker Service's pertinent documents, Storage Areas, Wreckers, vehicles, and equipment. Pertinent documents may include but are not limited to bills, charging summaries, and invoices.
  - c. To ensure the safety and roadworthiness of recovery vehicles, the Post Commander shall coordinate with the Department's Motor Carrier Compliance Division (MCCD), which, in turn, will perform annual safety compliance inspections of all wreckers, tow trucks, and recovery trailers used by the Wrecker Service to transport or tow vehicles.
4. Storage Area Requirements
- a. A Wrecker Service operating in a given county shall tow and store vehicles to a Storage Area lawfully owned or operated and properly maintained by the Wrecker Service within the same county. However, an exception may apply if one or more of the following occurs:
    - 1) The owner or driver of the towed vehicle requests the vehicle be towed and stored elsewhere;
    - 2) Reasonable, extenuating circumstances exist that make use of the Storage Area in the county impractical or infeasible;
    - 3) The appropriate Adjutant temporarily waives this requirement for good cause shown (e.g., a natural disaster damages the Storage Area); or
    - 4) This policy requires otherwise.
  - b. Access:
    - 1) A Wrecker Service shall maintain regular business hours and a public business telephone number;
    - 2) All Wrecker Services shall provide reasonable access to any towed vehicle seven (7) days per week; and
    - 3) A Wrecker Service shall provide means by which the owner or driver of a vehicle towed by the Wrecker Service may contact an available attendant at its dedicated Storage Area who is responsive to reasonable requests to access the respective vehicle in accordance with this policy.
  - c. Security
    - 1) Each Storage Area requires effective and efficient security for towed vehicles, including but not limited to an enclosure with a minimum of 6-ft. fencing, as well as proper and functional lock(s) and lighting.

- 2) Vehicles involved in SCRT investigations shall be stored in an enclosed, secure building(s) within the Storage Area and shall also be covered with tarps and/or other material, as requested. DPS reserves the right to choose an alternate Storage Area for evidence preservation, should the Storage Area and materials of the responding wrecker service not meet DPS's requirements.

## 5. Insurance

- a. A Wrecker Service must maintain at least the minimum liability and property damage insurance prescribed by DPS and the Federal Motor Carrier Safety Administration (FMCSA), as follows:
  - 1) Garage Keepers Legal Liability Insurance (GKLL) of \$50,000.00 or more on each Storage Area, with coverage sufficient for the actual value of all stored vehicles towed or removed to such Storage Area, as well as the contents of such vehicles.
  - 2) For all vehicles used in the intrastate business of the Wrecker Service (operating exclusively within Georgia):
    - a) \$100,000/person
    - b) \$300,000/accident
    - c) \$50,000 property
  - 3) For all vehicles used in the interstate business of the Wrecker Service, \$1,000,000 liability (Title 49, CFR, 387.7(a))
- b. Form MCS-90 (Proof of Financial Responsibility for motor carriers) must be filed electronically with FMCSA.

## 6. Drivers and Employees

- a. A Wrecker Service must maintain and provide to the respective Post Commander a list of all personnel operating wrecker equipment, as well as a current 3-year certified Motor Vehicle Report from the Georgia Department of Driver Services (DDS) on each of those drivers.
- b. Drivers must maintain a valid driver's license of the appropriate class and with the appropriate endorsements required under Georgia Law to operate the Wrecker Service's equipment.
- c. Drivers must meet all applicable driver qualification requirements specified by state and federal law, rules, and regulations, including medical qualifications.
- d. Wrecker Services on a List may add a driver during the calendar year; however, submission of documents and driver qualifications shall meet all requirements set forth in this policy.

## 7. Calls

- a. A Wrecker Service shall maintain a maximum of two telephone numbers to be called for dispatching wreckers.

- b. If called and the Wrecker Service is unable to respond to a call, the Wrecker Service should notify the Troop Communications Center immediately.
- c. The Wrecker Service is prohibited from calling its own back-up wrecker.
- d. If the Wrecker Service is unable to respond to the initial call, the Troop Communications Center will contact the next Wrecker Service in rotation on the List.
- f. Upon arriving at the scene, should the Wrecker Service require assistance, a request shall be made of a sworn member, who will call for an additional wrecker from the Wrecker Rotation List.

8. Wreckers, Tow Trucks, and Equipment.

- a. The following items and equipment must be maintained on all wreckers and tow trucks:
  - 1) Each vehicle must be permanently marked on both sides of the body or cab of the vehicle, in letters and figures in sharp color contrast to the background and legible from a distance of 50 feet during daylight hours while the vehicle is stationary, with:
    - a) The name of the motor carrier (wrecker company) city, address, and telephone number; and
    - b) The carrier's state or federal USDOT number;

NOTE: For intrastate carriers (operating solely within Georgia) see the DPS Safety Rulebook, Chapter 1 (1-390.21(h)); for carriers operating in interstate (across state lines) commerce, see Title 49, CFR 390.21.

- 2) Valid registration tag and revalidation decal displayed on the rear of the vehicle, clearly visible to the public;
- 3) All light permits required by law;
- 4) Flashing or revolving amber lights with 360-degree visibility and in compliance with all other requirements of Georgia law, including but not limited to O.C.G.A. Section 40-8-35;
- 5) Battery jumper cables;
- 6) Fire extinguisher;
- 7) Sweeping broom;
- 8) Flat shovel;
- 9) Container for debris;
- 10) Motorcycle straps (4);
- 11) Tow away lamps (tail, stop and turn signal lights for vehicles being towed);

- 12) Stopped vehicle warning devices (e.g., three bi-directional reflective triangles); and
  - 13) 25 pounds (or sufficient amount) of "Oil-Dri," "Stay Dry," sand or other absorbent medium, for vehicle fuel or other spills.
- b. All Wreckers used by a Wrecker Service must be equipped, at a minimum, as required by this policy.
  - c. A Wrecker Service must provide proof of ownership or a lease agreement for each towing vehicle used in its business.
  - d. A Wrecker Service must maintain with DPS current proof of Georgia Intrastate Motor Carrier Registration (GIMCR) (for intrastate carriers) or Unified Carrier Registration (UCR) (for interstate carriers), and comply with all state and federal safety rules and regulations.
9. Large Wrecker Rotation List
- a. In order to be included on the Large Wrecker Rotation List, a Wrecker Service shall own or lease and maintain a wrecker that must be mounted on a vehicle with a minimum Gross Vehicle Weight Rating (GVWR) of 35,000 pounds and must have a minimum towing capacity of 80,000 pounds.
  - b. All policy requirements of the Wrecker Rotation List are also required of the Large Wrecker Rotation List.
  - c. Post Commanders should survey their territories and attempt to identify Wrecker Services that can provide resources beyond normal services, including but not limited to larger wreckers and specialized equipment. If more than one Wrecker Service wishes to participate in providing the same type services, the Post Commander shall establish a Large Wrecker Rotation List, separate from the Post's Wrecker Rotation List.

D. List Exclusion and Compliance Failures

1. Inclusion on a Wrecker Rotation List is not a vested right, entitlement, or contractually binding agreement.
2. Because of public safety concerns and public interactions arising from emergency, difficult, or unusual roadway situations and circumstances, DPS has the authority and responsibility to require those Wrecker Services seeking or maintaining inclusion on a List to fully comply with the requirements set forth in state and federal laws, rules, regulations, and this policy, and to conform its services to industry standards and reasonable pricing within the community.
3. A Wrecker Service's application for inclusion on a List may be denied, as vetted by and at the sole discretion of the Post Commander, notwithstanding that Wrecker Service's previous inclusion on such List.
4. Wrecker Services that fail to meet compliance requirements will be advised in writing of the particulars of their non-compliance. To the extent feasible, such Wrecker Service shall be provided with a reasonable opportunity (not to exceed 30 days) to reach compliance.



5. Determination of material misrepresentation(s) related to the application, documentation, or inspection shall result in List exclusion, at the sole discretion of DPS.
6. Grounds set forth in the Suspension section below are also applicable for List exclusion.
7. In the event that a Post Commander determines that a Wrecker Service should not be included on a List due to information found in the criminal history or MVR of any owner or driver of that Wrecker Service, the Post Commander shall send a request through the Troop Command for consideration by the appropriate Adjutant, who will make the final determination regarding any exclusion from the List.

E. Grounds and Procedures for Suspension

1. DPS may, in its discretion, suspend a Wrecker Service from a List for any reason including, but not limited to, one or more of the following:
  - a. Material misrepresentation(s) related to the application, documentation, or inspection, as determined within the sole discretion of DPS.
  - b. Failure to comply with or violation of any of the provisions of this policy.
  - c. Repeated and substantiated complaints from customers regarding fraudulent or unethical business practices.
  - d. Poor or inefficient service which adversely affects public safety, or the duties of the investigating sworn member.
  - e. Conduct which is unlawful, unsafe or criminal.
  - f. Failure to respond to calls appropriately or within a reasonable amount of time, as follows:
    - 1) Upon receiving a call for service from the List, a Wrecker Service may inform the Post that it is unable to respond due to a lack of available services, except:
      - a) A failure to provide service responses to three or more such calls in one calendar month or repeated failures over several months will be considered as failure to respond appropriately and may result in suspension from the List; or
      - b) A failure to provide sufficient, advance notice to the Post of a verifiable inability to answer calls due to unforeseen circumstances may result in suspension from the List.
    - 2) Upon informing a Post that it will accept a call for service, a Wrecker Service shall arrive within a reasonable amount of time. If a Wrecker Service agrees to accept the call but then fails to respond, it may be suspended from the List after a single incident.
  - g. Criminal incidents of an owner, operator (of the business or a Wrecker), manager, or driver, including but not limited to the following:

- 1) Upon an arrest or an indictment (without disposition) on a felony charge, crime of moral turpitude, or obstruction charge, whether felony or misdemeanor;
  - 2) Upon a custodial arrest by a DPS sworn member, whether on a felony or misdemeanor charge; or
  - 3) A history of conviction(s) for criminal misconduct, including
    - a) A felony;
    - b) A crime of moral turpitude; or
    - c) A series of misdemeanor convictions indicating a pattern of immoral or indecent conduct.
- h. For charging customers excessive or unreasonable rates or fees, including but not limited to the following:
- 1) Gate fees, administrative fees, card fees, or fees imposed because the service arose from a List or other law enforcement call; and
  - 2) For purposes of this policy, any rates established or required by a county or city for similar services shall be considered reasonable rates for that same area.
2. Suspension Procedures
- a. Warning: Upon determining that a reason may exist for suspension from a List, the Post Commander should issue a written warning to the Wrecker Service listing the suspected violation, and advising that if it were determined that the Wrecker Service was found engaging in the suspected violation in the future, then a recommendation of suspension will be made through the DPS chain of command or an emergency suspension will be imposed as warranted by the circumstances.
  - b. Recommendation of Suspension: Upon determining that a reason exists for suspension from a List, the Post Commander must immediately notify the Troop Commander, as follows:
    - 1) In writing;
    - 2) Detailing facts or circumstances of concern;
    - 3) With recommendation regarding List suspension; and
    - 4) With notice and supporting facts of any issuance of an emergency suspension per Section "c" directly below.
  - c. Emergency Suspensions:
    - 1) Emergency suspensions may be imposed if, in the opinion of the Post Commander, immediate suspension of the Wrecker Service on the Post's List is necessary:
      - a) To protect life, health, or safety;

- b) For the protection of consumers; or
    - c) Because the Wrecker Service no longer qualifies for List inclusion pursuant to this policy
  - 2) The Post Commander may immediately issue an emergency suspension upon a reasonable attempt to notify the affected Wrecker Service.
  - 3) Emergency suspensions shall immediately be rescinded by the Post Commander if the conditions authorizing such issuance cease to exist. Such emergency suspension shall otherwise remain in effect until otherwise ordered by DPS.
- d. Steps through the Chain of Command:
- 1) Upon receipt of the Post Commander's notice of concerns or emergency suspension of a Wrecker Service, the Troop Commander shall send written notice to the appropriate Adjutant.
  - 2) The Adjutant will review the documentation, investigate as necessary, make recommendations regarding suspension, and forward those recommendations to the Legal Division for review and consultation.
- e. Notice of Suspension to the Wrecker Service and List Removal.
- 1) Upon the Adjutant's determination that the Wrecker Service should be suspended from the List, the Legal Division will prepare a written notice of suspension for the Adjutant's review and signature, and the Wrecker Service shall be immediately removed from all DPS Wrecker Rotation Lists as directed by the Adjutant.
  - 2) DPS shall serve the notice on the Wrecker Service via personal service or Certified Mail, return receipt requested. Such certified notice shall be deemed received three days after mailing.
  - 3) The notice shall advise the Wrecker Service that it has been suspended from any and all Lists utilized by DPS.
- f. Suspension Review Processes and Determination:
- 1) A Wrecker Service making a request for review of a suspension must comply with the following:
    - a) The request shall be in writing to DPS; and
    - b) The request must be received by DPS within 15 days of the Wrecker Service's receipt of the suspension notice.
  - 2) If DPS does not receive a written request for a review from the suspended Wrecker Service within the 15-day period, any opportunity for a review shall be waived.
  - 3) Upon receipt by DPS of a timely, written, request for review, the following must occur:
    - a) The Legal Division shall schedule a review within 60 days before the appropriate Adjutant.

- b) As scheduled by DPS and determined by the appropriate Adjutant, the review may either be an in-person meeting or a review of submitted documentation, evidence, or written statements.
- c) The appropriate Adjutant shall issue his/her preliminary findings for review by the Commissioner or the Commissioner's designee.
- d) The Commissioner or designee will issue a final decision upholding, modifying, or reversing the preliminary findings.
- e) The decision of the Commissioner or designee shall be final and, once a decision is issued, there shall be no further review.

F. Eligibility and Limitations following Suspension

- 1. Upon the expiration of the term for which a Wrecker Service has been suspended, the Wrecker Service shall become eligible to apply for inclusion on the Wrecker Rotation List during the application period for the coming calendar year.
- 2. However, eligibility to apply for inclusion on the List does not guarantee placement on the List.
- 3. DPS's decision regarding whether to include a Wrecker Service on the upcoming year's List following expiration of a suspension involves a totality of circumstances review, which may consider certain criteria, conduct, or factors similar to the prior grounds for suspension or exclusion and shall remain in the sole discretion of DPS.

G. Wrecker Rotation List Procedures:

- 1. When a need for a Wrecker arises, and the owner/driver of the vehicle in need has no preference as to what Wrecker Service is used, the next Wrecker Service on the Wrecker Rotation List shall be contacted.
- 2. If the owner/ driver of a vehicle makes a reasonable request for a specific tow service, that tow service will be contacted. Such requests must be made on an individual incident basis. Advance blanket requests are not practical for safety and efficiency and, therefore, will not be honored.
- 3. If the use of the tow service requested by the owner/ driver would result in an excessive delay to the sworn member in the execution of their duties, the sworn member may exercise the option of using the next Wrecker Service on the Wrecker Rotation List.
- 4. In an emergency situation, involving significant threat to life or property, the sworn member may utilize the closest equipment or services necessary to stabilize the situation.
- 5. It is the responsibility of the Wrecker Service (driver) to ensure that all safety equipment, such as chains or cables and tow-away lighting, is used in accordance with state and federal laws, guidelines, and regulations, as well as the manufacturer's requirements, and as designed for the safe and legal operation of recovery vehicles.

6. No Wrecker Service shall “run,” “wreck chase,” or solicit business in any manner, directly or indirectly, at or near the site of an accident, or at or near a disabled vehicle, whether the solicitation is for the purpose of removing, repairing, wrecking, storing, trading or purchasing the vehicle. Unless the Wrecker was dispatched per the Wrecker Rotation List, a motorist called the Wrecker Service to request its services, or the owner or driver of a vehicle involved in an accident flagged down the Wrecker Service to request assistance, the presence of a Wrecker Service at or near the site of a wrecked or disabled vehicle shall create a presumption that the Wrecker Service is soliciting business, which shall be a violation of this policy.
7. No tow service should be dispatched from a bordering state unless requested by the vehicle owner. A reasonable arrival time, traffic conditions, and public safety should be considered when evaluating such requests.

H. Local List Procedures (e.g., Sheriff’s Offices or City/County Police Departments)

1. In those counties where the Post is authorized to use a Local List, the sworn member will contact the Troop Communications Center, and the Dispatcher shall request the next Wrecker Service on the Local List.
2. If the Wrecker Service called does not arrive within an appropriate time frame, the sworn member will contact the dispatch location to request an estimated time of arrival. If this time is unreasonable, the sworn member shall request the next Wrecker Service on the List and notify their Troop Communications Center and Post NCO of the event, which will be documented on the Communications CAD system.
3. In the event the Commissioner or designee determines that a Local List is being handled in a manner that is inconsistent with this policy, the Commissioner or designee will direct the Post Commander to reassume responsibility for a Post Wrecker Rotation List.
4. If a Local List is returned to Post control, the Post Commander may review each Wrecker Service(s) and driver(s) to ensure they meet DPS requirements set forth in this policy, including requesting updated criminal history and driver’s history before the application period for the coming calendar year’s List. The Post Commander may also require that any Wrecker, tow trucks, and recovery trailers used by the Wrecker Service be inspected by MCCD at any time.

I. Miscellaneous

Wrecker and towing companies that desire to be on the Wrecker Rotation List, which companies also actively engage in Non-Consensual Towing pursuant to functions specified in O.C.G.A. § 44-1-13, which is regulated by DPS, must possess a Non-Consensual Towing (NCT) Permit issued by DPS, and must conform to all laws, rules, and regulations governing such transportation. Failure to do so will result in removal from the List.