

# Georgia Department of Public Safety

## Policy Manual

<b>SUBJECT</b> <b>WRECKER QUALIFICATIONS/ROTATION LISTS</b>	<b>POLICY NUMBER</b> <b>7.05</b>
<b>DISTRIBUTION</b> <b>ALL EMPLOYEES</b>	<b>DATE REVISED</b> <b>8/10/2015</b>

### 7.05.1 Purpose

- A. To establish a policy that will govern how the wrecker rotation will be maintained.
- B. To describe criteria by which wrecker service operators should govern themselves while conducting business with the Department.
- C. To ensure that wrecker companies utilized by the Department use and maintain safe roadworthy recovery vehicles.
- D. To specify the minimum required equipment for wrecker services utilized by the Georgia Department of Public Safety.
- E. To identify procedures for suspension of a wrecker service from a Georgia Department of Public Safety wrecker list.

### 7.05.2 Policy

It is the intent of the Georgia Department of Public Safety to utilize those wrecker services that desire to participate in business generated by the Department. For purposes of Policy 7.05, a "wrecker service" means any wrecker company, corporation or business, including owner(s) and operator(s). An owner or part owner may not have more than one wrecker service appear on a single Post Wrecker Rotation List. All Post Commanders will establish and maintain a Wrecker Rotation List, except where exempt, that will insure that each service maintained on the post wrecker list receives its fair share of requests. An owner or part-owner of a wrecker service business may not have more than one business appear on a single Post Wrecker Rotation List.

Those outside the Department judge the Department by the manner in which it conducts itself. With this in mind, the Department is concerned with the conduct of those who operate in concert with it. It is therefore imperative that wrecker services utilized by the Department conduct themselves in a professional manner, providing competent service at a reasonable and fair cost to the public, while complying with state and federal laws, rules, and regulations.

This policy governs the manner and method by which members of the Georgia Department of Public Safety may secure the services of a wrecker operator to tow and store vehicles upon the request of the owner/operator or as otherwise required by law. This policy and the acceptance of a wrecker service's application there under, shall not be construed as a contract or other form of agreement. All liability and responsibility for payment for the services of the wrecker service shall lie with the owner/operator, and

neither the State of Georgia, the Department of Public Safety, nor any member of the Georgia Department of Public Safety are responsible for payment therefore.

This policy is created as a procedure for the Georgia Department of Public Safety and is created for the benefit of its members to assist in operations. This policy is not intended to create any benefit for any wrecker service or wrecker owner or operators of any wrecker service. This policy neither creates nor establishes any right owed nor does it create any legal duty owed to any wrecker service or its owners or operators.

### **7.05.3 Procedures**

#### **A. Application of Policy**

1. This policy may not apply in the geographical area designated by the Georgia Department of Public Safety as Troop C of the Georgia State Patrol or in certain areas of Region 1, 2 and 3 of the Motor Carrier Compliance Division. Within this area, and in any other county or municipality that is appropriate, the Commissioner of the Department of Public Safety may choose, at his discretion, to utilize the wrecker services that have contracted with a local government entity to provide services that meet or exceed the standards set forth in this policy.
2. Post Commanders may elect to utilize the wrecker services list maintained by a local government entity to provide services that meet or exceed the standards set forth in this policy. Any election to utilize a wrecker rotation list by an outside agency must be approved by the Commissioner or his designee upon review of the outside agency's wrecker rotation policy by Legal Services. Requests to utilize an outside agency's list shall be forwarded to the Troop Commander for his initial review and recommendation. The request will be forwarded to the Commissioner or his designee through the Commanding Officer.

#### **B. General Criteria for Inclusion on the GSP Wrecker Rotation List**

1. A wrecker list will be valid for one year beginning each January 1.
2. Wrecker services must reapply annually, in writing, for inclusion on a Post's wrecker list. Post Commanders will mail reminders to all wrecker services currently on their list by October 1 to be returned by November 1. An application must be submitted along with the following documentation:
  - a. Proof of a minimum of six months pre-paid insurance coverage or a certificate of insurance;
  - b. A declaration of ownership demonstrating all parties (by name and address) who own any interest in the service;
  - c. Copy of title or registration for each wrecker operated in conjunction with the GSP Post wrecker rotation lists;
  - d. A copy of the company's current business license;
  - e. A current 3-year certified Motor Vehicle Report (MVR) from the Georgia Department of Driver Services (DDS) for each driver who will be operating a wrecker or tow truck;
  - f. A copy of the motor vehicle registration;

- g. A photocopy of the driver's license for each person who will be driving a wrecker, and
  - h. A release signed by each owner and driver authorizing the DPS to conduct criminal history background checks.
3. Each wrecker service is subject to the inspection of pertinent documents, work sites, vehicles and equipment before renewal to the next year's wrecker list and at any time while operating on the DPS wrecker rotation list. Pertinent documents include but are not limited to bills, charging summaries and invoices.
  4. Upon receiving written request for inclusion on a wrecker list, the Post Commander will be responsible for the inspection of the wrecker service's documents, work sites, vehicles and equipment in order to insure compliance with Department policy. Each wrecker company should be provided a copy of this policy and sign for receipt of same.
    - a. To ensure the safety and roadworthiness of recovery vehicles, the Post Commander shall coordinate with the Department's Motor Carrier Compliance Division (MCCD) who in turn will perform annual safety compliance inspections of all wreckers, tow trucks, and recovery trailers used by the wrecker company to transport or tow vehicles.
    - b. Upon compliance with the requirements of this policy, the wrecker service may be included on the Post wrecker list for the next calendar year.
    - c. Wrecker companies failing to meet compliance requirements will be advised in writing of the particulars of their non-compliance. Such companies shall be provided with a reasonable opportunity (not to exceed 30 days) to reach compliance.
    - d. In the event that a Post Commander determines that a service should not be included on a rotation list due to information found in the criminal history or MVR, the Post Commander shall send a request through the Troop Commander for consideration by the Commanding Officer. The Commanding Officer will make the final determination whether the service will be excluded from the rotation list.
  5. Each wrecker service is subject to random inspections of pertinent documents, work sites, vehicles and equipment throughout the year.
  6. Wrecker services are not permitted to enter the rotation list once the yearly list has been established. To be considered for placement on the list, a service must apply during the required application period.
  7. All wreckers used by a wrecker service must be equipped at least in accordance with the stipulations set out in section (21) of this paragraph.
  8. A wrecker service must maintain a secure storage area for towed vehicles in the county for which they are authorized to operate, unless otherwise authorized by the Commanding Officer.
    - a. Liability insurance, which covers stored vehicles and contents, must be maintained on the storage lots.

- b. The storage lot must be fenced with a minimum of 6 ft. fencing, lighted and equipped with a lock or enclosed building.
  - c. The wrecker service must provide for effective and efficient security for the lot.
9. A wrecker service must maintain the minimum liability and property damage insurance prescribed by the Georgia Department of Public Safety and the Federal Motor Carrier Safety Administration (FMCSA), as applicable, on all vehicles used in its business as follows:
- a. Intrastate (operating exclusively within the boundaries of Georgia)
    - 1) \$100,000/person
    - 2) \$300,000/accident
    - 3) \$50,000 property
    - 4) \$50,000 Garage Keepers Legal Liability Insurance (GKLL) (Liability insurance which covers stored vehicles and contents, must be maintained on each impound or storage lot(s) sufficient to cover the actual value of all stored vehicles towed or removed to such lot or storage facility).
  - b. Interstate (Operating across state lines; state to state)
    - 1) \$1,000,000 liability (Title 49, CFR, 387.7(a))
    - 2) MCS-90 (Proof of Financial Responsibility for motor carriers)
10. A wrecker service must maintain regular business hours and a listed public business telephone number.
11. All wrecker services will provide reasonable access to any towed vehicle 7 days per week.
12. A wrecker service must provide proof of ownership or a lease agreement for each towing vehicle used in its business.
13. A wrecker service must maintain current proof of Georgia Intrastate Motor Carrier Registration (GIMCR) (for intrastate carriers) or Unified Carrier Registration (UCR) (for interstate carriers) with the Georgia Department of Revenue or, the Georgia Department of Public Safety after July 1, 2014. Wrecker companies and drivers must comply with all state and federal safety rules and regulations.
14. 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 those drivers.
15. Drivers must maintain a valid driver's license of the appropriate class and with the appropriate endorsements required to operate the wrecker service's equipment under Georgia law. Drivers must also meet all applicable driver qualification requirements, including medical qualification requirements, specified by both state and federal law.

16. A wrecker service may maintain a maximum of two telephone numbers to be called for dispatching calls.
17. If called and the wrecker service is unable to respond to a call, the wrecker service should notify the Post immediately. The wrecker service is prohibited from calling its own back-up wrecker. If the wrecker service is unable to respond to the initial call, the Post will contact the next wrecker in rotation.
18. Upon arriving at the scene, should the wrecker service require assistance, a request will be made for such with the officer. The officer will call for the additional wrecker, from the Post approved Wrecker Rotation List.
19. Post Commander should survey their territories and attempt to locate wrecker services that can provide resources beyond normal services (larger wreckers and specialized equipment). If more than one service wishes to participate in providing the same type services, the Post Commander shall establish a list for those requests to be maintained within the contained guidelines.
20. In order to be included on the Post Large Wrecker Rotation List, the wrecker 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.
21. The following items and equipment must be maintained on all wreckers and tow trucks:
  - a) 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:
    - 1) The name of the motor carrier (wrecker company) city of address, and telephone number, and
    - 2) The carrier's state or federal USDOT number.

NOTE: For intrastate carriers (operating solely within Georgia) see the Georgia Department of Public Safety Rulebook, Chapter 1 (1-390.21(h)); for carriers operating in interstate (cross state lines) commerce, see Title 49, CFR 390.21.
  - b) Valid registration tag and revalidation decal;
  - c) Valid emergency light permit issued by DPS.
  - d) Flashing or revolving amber light with 360 degree visibility;
  - e) Battery jumper cables;
  - f) Fire extinguisher;
  - g) Sweeping broom;
  - h) Flat shovel;
  - i) Container for debris;

- j) Motorcycle straps (4), and
- k) Tow away lamps (tail, stop and turn signal lights for vehicles being towed), and
- l) Stopped vehicle warning devices (e.g. three bi-directional reflective triangles)

22. Wrecker and towing companies who desire to be on the wrecker rotation list, who also engage in Non-Consensual Towing functions specified in OCGA §44-1-13, which is regulated by the Department of Public Safety, must possess a Non-Consensual Towing (NCT) Permit issued by the Department, and conform to all laws, rules, and regulations governing such transportation. Failure to do so will result in removal from the rotation list.

### C. Suspension Procedures

1. The Department may, in its discretion, suspend permanently or for a limited period of time a wrecker service from the wrecker rotation list. Reasons that a wrecker service may be removed from a wrecker rotation list include, but are not limited to the following:
  - a. Failure to comply with or violation of any of the provisions of this policy.
  - b. Repeated and substantiated complaints from customers regarding fraudulent or unethical business practices.
  - c. Poor and/or inefficient service which adversely affects the public safety or the duties of the investigating officer.
  - d. Unlawful, unsafe and/or criminal conduct.
  - e. Failure to respond to calls appropriately or in a timely manner.
    - 1) Upon being contacted a wrecker service may inform the Post that it is unable to respond due to a lack of available services. However, failure to respond in this manner to three 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 rotation list. This would not apply if the service advised the post before being called of their inability to answer calls due to unforeseen circumstances.
    - 2) Upon informing a Post that a wrecker business will accept the call for service, a wrecker shall arrive in a timely manner. If a wrecker service indicates that it will accept the call but then fails to arrive, the service may be suspended from the rotation list after a single incident.
  - f. Upon arrest or indictment of any owner or operator for a felony charge.
  - g. For charging customers excessive or unreasonable rates. For purposes of this policy, any rates established or required by the Georgia Department of Public Safety or by a county or city for similar services shall be considered reasonable rates for that same area.
  - h. A history of criminal misconduct including a previous felony conviction or a series of misdemeanors indicating a pattern of immoral or indecent conduct.

2. Upon determining that a reason may exist for suspension from the wrecker rotation list, the Post Commander shall immediately notify the Troop Commander in writing with an explanation along with recommendations regarding suspension from the list.
3. Upon receipt of such notice, the Troop Commander shall send written notice to the Commanding Officer.
4. The Commanding Officer, will review this documentation, investigate as necessary, make recommendations regarding suspension, and forward those recommendations to the Legal Services Section for review and consultation.
5. Upon the Commanding Officer's determination that the wrecker service should be suspended from the wrecker rotation list, the Legal Services Section will prepare the written notice of suspension. The wrecker service shall be immediately removed from all DPS Wrecker Rotation Lists as directed by the Commanding Officer.
6. The Department 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.
7. The notice shall notify the wrecker service of the following:
  - a. The wrecker service has been suspended from any and all DPS wrecker rotation lists;
  - b. The wrecker service may, within 15 days of receipt of the suspension notification, request a review of the suspension, and
  - c. Such request must be made in writing and received by the Department within the 15-day period specified.
8. If the Department does not receive a written request for a review within the 15 day period any opportunity for a review shall be waived.
9. Upon receipt of a timely, written review request, Legal Services shall schedule a review within 60 days before the Commanding Officer. The review may be in person at a meeting scheduled by the Department or a review of submitted documentation, evidence or written statements as determined by the Commanding Officer.
10. The Commanding Officer shall issue his preliminary findings for review by the Commissioner or the Commissioner's designee. The Commissioner or his designee will issue a final decision upholding, modifying or reversing the preliminary findings. The decision of the Commissioner or his designee shall be final. The wrecker service is not entitled to any further review. Once a final decision is issued, there shall be no further review.
11. A suspension from DPS's Wrecker Rotation List may be temporary or permanent. A permanent suspension contemplates a period of at least three years, after which time the wrecker service may seek reconsideration for reinstatement. Whether to permit a suspended service to apply for inclusion on the rotation list is a determination which is completely within the discretion of the Department. Each request will be reviewed by the Commanding Officer or his designee on a case by case basis. A request for re-consideration shall be sent

from the Post Commander through the Troop Commander to the Commanding Officer for consideration.

12. Upon receipt of a timely, written reinstatement request, the Commanding Officer shall determine whether the review is an in-person meeting scheduled by the Department or the Commanding Officer's review of submitted documentation, evidence, or written statements. The review shall be scheduled within 14 days.
13. The Commanding Officer or his designee shall issue a decision to uphold or modify the suspension or reinstate a business or business owner or operator to become eligible to apply for inclusion on the rotation list. Eligibility to apply for inclusion on the rotation list does not guarantee placement on the rotation list. The decision of the Commanding Officer or his designee shall be final and the wrecker service is not entitled to any further review. The suspended wrecker service will not be entitled to any further request for reinstatement or review until at least three (3) years following the last, final decision or order.

D. Wrecker Rotation Procedures: GSP Posts

1. When a need for a wrecker arises, and the owner/operator of the vehicle has no preference as to what wrecker service is needed, the next wrecker service on the Post Wrecker Rotation List shall be used.
2. If the owner/operator of a vehicle makes a reasonable request for a specific wrecker service, that wrecker service will be used. These 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 wrecker service requested by the owner/operator would result in an excessive delay to the officer in the execution of their duties, the officer may exercise the option of using the next wrecker service on the Post Wrecker Rotation List.
4. In an emergency situation, involving significant threat to life or property, the officer may utilize the closest equipment or services necessary to stabilize the situation.
5. It will be the responsibility of the wrecker driver to insure that all safety equipment, such as chains or cables and tow-away lighting, are 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 is allowed to "run" a wrecker call for the purpose of soliciting business.

E. Wrecker Rotation Procedures: Outside Agency Rotation List (e.g. Sheriff's Offices; County Police Department)

1. In counties of the State where other local agencies request that their office operate the wrecker rotation for the DPS, these agencies must have a written policy governing wrecker qualifications/rotation lists. This policy must ensure that the services provided meet or exceed the policies and requirements of the Georgia Department of Public Safety.
2. The Post Commander of the territory shall request a copy of the other local agency's policy. Upon receipt, the policy will be forwarded through the GSP



chain of command to the Commissioner or his designee. The Troop Commander shall review it and prepare a recommendation of approval/denial for the Commissioner or his designee. The Commissioner or his designee shall review the recommendation and notify the local agency head of the findings.

3. The Troop Commander will not consider nor review the application process used by the local agency for their wrecker rotation list.
4. In those counties where the Post is utilizing a local agency's wrecker rotation list, the officer will contact the local agency's dispatch location directly and notify it of the wrecker assistance required.
5. If the wrecker does not arrive in the appropriate time frame, the officer will notify the dispatch location and request an estimated time of arrival. If this time is unreasonable, the officer shall request the next wrecker in rotation and notify their patrol post of the event, which will be documented on the Radio Operators report.
6. In the event, the Commissioner or his designee determines the wrecker rotation is being handled in a manner that is inconsistent with this policy; the Commissioner or his designee will direct the Post Commander to assume responsibility for the rotation. The Commissioner of the Department of Public Safety will notify the Vice Chairman of the Board of Public Safety of the final determination.