

# ROANE COUNTY WRECKER AND TOWING ROTATION POLICY

Revised: July 12, 2019

In accordance with West Virginia Code Chapter 24, Article 6, Section 12, this policy has been established to provide "for the most prompt, fair, equitable and effective response to requests or dispatches for emergency towing services". Wrecker services will be expected to adhere to this policy, as well as all applicable rules and laws including, but not limited to, West Virginia Code Chapter 17; West Virginia Secretary of State Code of State Rules; Title 150 of the Legislative Rules of the West Virginia Department of Transportation, Division of Highways, as well as all other pertinent laws contained in the State Code of West Virginia.

## I. General Guidelines

1. Wrecker services shall be called for the removal of wrecked, stolen, illegally parked or abandoned vehicles, and those vehicles which constitute an obstruction to traffic from the streets, highways, roads and other property lying within the County of Roane. The purpose of this policy is to establish a wrecker rotation list to be used when a wrecker is required or requested for emergency towing services on calls that have been dispatched to/or have been responded to by a law enforcement agency/officer or emergency services agency. This policy does not cover the removal of vehicles disabled on the streets/roads as a result of mechanical or structural failure where no collision was involved or the transporting of wrecked vehicles from one location to another after being towed in by an authorized wrecker.
2. Wrecker services wishing to participate must obtain and complete a Wrecker Service Rotation Application from the Roane County Commission. The following documents must be attached to the application:
  - a. A list of all vehicles and equipment to be used in responding on calls.
  - b. A list of all wrecker operators, including full legal name, date of birth and driver's license number.
  - c. Copy of WV Business Registration Certificate.
  - c. Proof of insurance coverage.
  - d. Copies of each vehicle registration form.
  - e. Copy of most recent WV PSC annual inspection form.
  - f. Physical address of business/storage yard and two contact phone numbers.
3. The Roane County Wrecker Committee will review the application to determine if the wrecker service qualifies to be placed on the list. The review will establish whether or not the wrecker service has the necessary facilities and equipment as required in this policy, and whether the owner(s)/operator(s) has been convicted of a felony which will disqualify such wrecker service from being included on the rotation list. Once the application has been reviewed, the Roane County Commission will make a formal determination at a regularly-scheduled public meeting for approval.

- a. If a wrecker service is not approved, a letter stating the reason for denial will be sent.
4. The Roane County Commission may decide the number of wrecker services that will be placed on the list in order to promote public safety and efficiency of service. The list will be frozen at the current number per geographic area. The Roane County Wrecker Committee, based on need, may make recommendations to the Roane County Commission to add the number of wrecker companies necessary to maintain the list.
5. In accordance with West Virginia State Code 24-6-12, every three years, the Roane County Commission shall “establish a policy that provides for the most prompt, fair, equitable and effective response to requests or dispatches for emergency towing services”.
6. Any changes of insurance, new operators, new equipment or any changes to required information stated in the Wrecker Service Rotation Application and policy must be supplied to the Roane County Commission within 48 hours of the time the change took place or went into effect.

## II. Qualifications

1. Wrecker services must be licensed at their physical address to do business within the State of West Virginia.
2. Wrecker services must meet all requirements of the West Virginia Public Service Commission. Equipment must meet or exceed safety requirements set forth by the PSC.
3. The Wrecker Committee will contact the Public Service Commission to determine if there have been any complaints filed against the applying wrecker service. Any discovery of complaints will be brought to the Roane County Commission for review.
4. The wrecker service must have both a rollback wrecker and a conventional wrecker at the location/physical address for the geographic location for which they are applying. Those applying for the heavy-duty rotation must have at least one heavy duty wrecker and meet all other requirements set forth in this policy.
5. All wreckers shall have appropriate safety equipment, fire extinguishers, warning devices, flashing amber lights and all other equipment necessary to protect the motoring public. Wrecker operators shall wear reflective traffic safety vests while performing recovery operations.
6. All wreckers shall have the company name and telephone number clearly displayed on the driver side and passenger side doors. Magnetic signs will not be permitted.
7. Wrecker service must be available 24 hours a day, 7 days a week, 365 days a year and provide two (2) telephone numbers at which they can be reached at any time.
8. Wrecker services must be able to respond to the scene within 45-minutes. Calls for heavy-duty wreckers will be allowed 60-minutes. *Exceptions: weather conditions.*

9. Wrecker services shall have nothing on its vehicles, building, or correspondence that implies any official relationship between the wrecker service/operator and the Roane County Commission.
10. Wrecker services shall not charge rates for services rendered for rotation list calls which are greater than their customary and usual charges for such services.
11. The wrecker service shall respond to a call with a wrecker classified to meet or exceed the size of the vehicle to be towed; however, if the wrecker used is larger than necessary, the charges shall be based on the lowest classification of wrecker capable of performing the tow.
12. Wrecker services must have a storage facility that is sufficiently lighted, fenced, and locked for protection of vehicles and property being towed. Indoor facilities meeting requirements are acceptable.
13. Both light-duty wrecker services and heavy-duty wrecker services shall abide by the same rules and regulations.

### III. Call Allocation System

1. The county shall be divided into Northern Wrecker Rotation, Southern Wrecker Rotation, and Heavy-duty Wrecker Rotation. The boundary shall be drawn to divide the county into northern and southern sections by using these reference points: (1) Route 119 at 3863 Charleston Road, Gandeeville, and (2) Route 36 at 3753 Clay Road, Spencer.
  - a. If there are no companies listed or available on the heavy-duty wrecker rotation, any wrecker company can be called to a scene to make an evaluation. If the responding company does not have adequate equipment to handle the incident, they will notify the 911 Center. The 911 Center will contact the closest available heavy-duty wrecker.
2. The Roane County 911 Center, located at 205 East Main Street, Spencer, will be the primary dispatching agency for all law enforcement agencies, fire departments, and emergency medical agencies within the county. Wrecker and towing service logs will be maintained by the 911 Center. These logs will show each call made for service, the wrecker service to which it was given and any failures to respond or cancellations.
  - a. Requests for records of wrecker logs should be made in writing to the Roane County 911 Center. A fee of \$1.50 for the first page and \$1.00 for each additional page will be charged. An electronic copy can be sent upon request at no charge.
3. The rotation list for each geographic region and category shall be maintained at the 911 Center. Wrecker services will be called in succession from the top of the list. Except as provided herein, following each call, the wrecker service will be rotated to the bottom of the list.

#### IV. Dispatching Procedures

1. The law enforcement officer on the scene shall advise the 911 Center of the necessary information required to contact the appropriate wrecker service. Fire Department and EMS personnel will not contact a wrecker service except in scenario #6 and #7 of dispatching procedures. This includes, but is not limited to: number of vehicles requiring towing services, the type of vehicle(s), specific location of the vehicle(s) and type of wrecker required.
  - a. In the event of a multi-vehicle accident, only one wrecker service will be sent from the rotation list unless the service cannot handle the number of vehicles in a timely manner to restore the flow of traffic.
  - b. In the event a county vehicle requires towing the rotation list must be utilized, except for emergency situations as listed in #6 below.
2. If the owner/operator of the vehicle requests a specific wrecker service or AAA, the law enforcement officer shall advise the 911 Center of such and indicate "per owner's request". If the specified service is not available, the 911 Center shall advise the officer and the rotation list shall be utilized.
  - a. The law enforcement officer or 911 dispatcher shall not suggest a wrecker service to the owner/operator if the owner/operator does not specifically ask for a wrecker service by name.
  - b. If the law enforcement officer in charge at the scene determines the owner requested wrecker company cannot respond within the time stated in the policy or in the event of road blockage, they may cancel the owner request and use the rotation list.
3. If the owner/operator does not have a preference of wrecker service, or if the owner/operator is incapacitated, the rotation list shall be utilized.
4. The 911 dispatcher will contact the owner/operator requested wrecker service or the next wrecker service on the appropriate rotation list.
5. When contacting a wrecker service utilizing the rotation list, the 911 dispatcher shall abide by the following procedures:
  - a. Contact the wrecker service located next on the rotation list (based on geographic location and category as described herein), using only the two (2) telephone numbers provided. If there is no response after both telephone numbers have been contacted, the dispatcher shall wait five (5) minutes to allow for a response from that wrecker service.
  - b. If there is no response, the dispatcher will contact the next service on the rotation list. The wrecker service that did not respond will move to the bottom of the rotation list.

- c. If the dispatcher has attempted to contact each wrecker service listed on the rotation list and has not received a response, the dispatcher will utilize the other geographic rotation list first and then, if necessary, attempt to contact the closest available wrecker service including non-rotational wrecker services and/or out-of-county wrecker services.
    - d. Provide the wrecker service with adequate information to determine the type of equipment needed and the location of and/or directions to locate the vehicle. If special services have been requested the dispatcher should advise the wrecker service.
  6. The wrecker service called to the scene will make an evaluation to determine if further equipment is necessary. It will be the responsibility of the wrecker service to contact the 911 Center to request additional equipment and/or another wrecker service that has the necessary equipment.
  7. Certain emergency situations may require the immediate notification of the closest wrecker service to the scene of an incident. If the 911 dispatcher, upon taking an emergency call, feels that a wrecker may be necessary to prevent loss of life or property, the dispatcher has the right to contact the closest wrecker service and does not have to utilize the rotation list. In addition, in a situation where law enforcement has not arrived on the scene of an accident, and a wrecker is needed to stabilize a vehicle for rescue, the fire department officer-in-charge (OIC) can request the closest wrecker service be contacted. The 911 dispatcher will notify the responding law enforcement officer and advise that a wrecker has been called out prior to his/her arrival due to emergency needs.
  8. If a wrecker service is requested on the scene of an incident where law enforcement is not needed, the fire department officer-in-charge (OIC) will make the request using the procedures listed above in this section.
  9. If a wrecker service is dispatched and then cancelled, for whatever reason, that wrecker service will maintain its position on the rotation list and will receive the next call for service.
  10. If a wrecker service is called and refuses to carry out the request, that wrecker service will forfeit their call for service and the next wrecker service will be notified.
  11. Calls made directly to the 911 Center from a vehicle owner/operator for non-emergency towing will be provided the names and numbers of all wrecker services in the county, if time permits. Such calls will not be made by the 911 dispatcher to the requested service, nor will rotation be utilized.

V. Responding to Calls/Responsibilities

1. The wrecker service may not assign, transfer, pledge, surrender or otherwise encumber or dispose of its place on the rotation list.
2. The wrecker service owner/operator shall inform the 911 dispatcher of their estimated time of arrival (ETA).

3. If the wrecker service desires to be unavailable for any length of time, they must inform the 911 Center of such and shall be unavailable until further formal notice has been made. No disciplinary action will be taken against the wrecker service when proper notification of unavailability has been made. Upon becoming available, the wrecker service will be restored on the rotation list.
4. Wrecker services are prohibited from responding to an accident without being requested to do so by the 911 Center or the owner/operator of the vehicle. If the wrecker service receives a call from anyone other than the 911 dispatcher requesting their services at the scene of an accident involving death, injuries or property damage, the wrecker service must immediately notify the 911 Center of the accident.
5. If the owner-requested wrecker service cannot respond within the time stated in this policy, the wrecker service must notify the 911 Center of the estimated time of arrival and reason for delay. If the law enforcement officer in charge at the scene determines that this delay is unreasonable, the request for their services may be cancelled. If the call for services was done utilizing the rotation list, the wrecker service will forfeit their turn and will be placed at the bottom of the list.
6. When responding on calls, no wrecker service operator will speed, drive recklessly, create a traffic problem at the scene or be under the influence of drugs or alcohol.
7. The wrecker service/operator called to the scene will be responsible to the law enforcement officer in charge of the investigation of the accident or other incident. The officer will have charge over the wrecker and wrecker operator until the scene is cleared. No wrecker service will remove any vehicle(s) from the scene of an accident until notified to do so by the investigating officer in charge at the scene.
8. It will be the responsibility of the wrecker service to thoroughly clear the street/road of all debris, glass and liquid created by the involvement of the vehicles its operator has been called to tow.
9. When a vehicle is released at the scene by the investigating officer, the wrecker service shall tow it to any location the owner requests. If the owner is absent or is incapacitated, the wrecker service shall tow the vehicle to its storage area for safekeeping.
10. The vehicle owner/operator is responsible for payment of any and all charges imposed by the wrecker service.
11. If a law enforcement officer places a hold on a vehicle, the wrecker service should advise the owner of which agency placed the hold and their telephone number. Only the law enforcement agency that placed the hold on the vehicle can release it; the 911 Center has no authority to release such vehicles.

## VI. Liabilities

1. The 911 Center shall assume no liability for the type of wrecker and/or equipment that is requested from the scene.

2. The Roane County Commission, Roane County 911 Center, or any emergency services agency utilizing this rotation policy shall assume no liability for wrecker requests where the vehicle(s) has already left the scene.
3. The Roane County Commission, Roane County 911 Center, or any other emergency services agency will not be held responsible for any charges imposed by the wrecker service or any damage caused to the vehicle by the wrecker operator.
4. The Roane County Commission, Roane County 911 Center, and/or any other emergency services agency will not be held responsible for charges imposed by the wrecker service where their response has been requested utilizing the rotation list and the owner/operator refuses their service and/or has contacted another wrecker service without notification to the officer or 911 Center.

#### VII. Complaints/Reviews

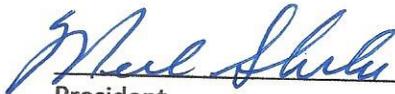
1. All wrecker calls are subject to review by the Roane County Commission, 911 Center, or law enforcement personnel. The Roane County Commission reserves the right to contact all parties involved in any such cases.
2. Wrecker services may file complaints with the Roane County Commission if they feel that policy was not followed by another wrecker service, 911 dispatcher, law enforcement officer, or other emergency services agency.
3. Emergency services agencies and officers may also file complaints if they feel that policy was not followed by a wrecker service or other agency.
4. Complaints should be typed or legibly handwritten, dated and signed. The complaint should be descriptive and include the incident date, location, agencies or units involved, and should state the reason for the complaint. Complaints must be submitted within five business days following the occurrence of the event. The Roane County Commission will review and investigate the complaint within thirty days.
5. Complaints should not be made to the 911 Center, fire department or law enforcement agency.

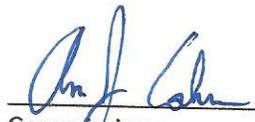
#### VIII. Grounds for Removal or Suspension

1. Responding to accidents without being dispatched or called by the owner:
  - a. First offense-warning and written notice
  - b. Second offense-suspension from the list for 30 days
  - c. Third offense-removal from the rotation list
2. If a wrecker service refuses to take a call:
  - a. First offense-warning and written notice
  - b. Second offense-suspension from the list for 30 days
  - c. Third offense-removal from the rotation list

3. Failure to arrive at the scene in the required time:
  - a. First offense-warning and written notice
  - b. Second offense-suspension from the list for 30 days
  - c. Third offense-removal from the rotation list
  
4. Wrecker service will be removed from the rotation list if:
  - a. The wrecker owner/operator willfully and knowingly violates this policy.
  - b. The wrecker operator arrives at the scene of a call under the influence of drugs or alcohol.
  - c. The wrecker operator obstructs the emergency scene, argues or attempts to fight with any emergency services personnel at the scene of a call.
  - d. The wrecker operator or owner contacts an agency directly to make a complaint concerning the rotation policy.
  - e. A vehicle has been removed from an accident scene by an operator without its having been investigated or cleared by a law enforcement agency.
  - f. The wrecker service fails to meet the requirements set by this policy or to otherwise comply with the provisions of this policy.
  
5. The Roane County Commission has the right to remove any wrecker service from the rotation list at any time when a formal complaint has been filed against them. This policy does not create a contract between the wrecker service and the Roane County Commission.

Adopted as amended, this 12 day of July 2019, by the Roane County Commission.

  
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President

  
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Commissioner

  
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Commissioner