Chapter 38

WRECKER SERVICES

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Sec. 38-1. General regulations.

The following regulations shall apply to all wrecker services utilized by the police department.

(1) No city employee will hold any financial interest or any form of ownership in any wrecker service.

(2) No city police officer or firefighter will recommend any wrecker service to the owner or driver of a wrecked or disabled vehicle during the performance of his duties.

(Ord. No. 2005-10, § A, 6-20-2005)

Sec. 38-2. Qualification criteria.

(a) All wreckers shall have appropriate safety equipment, fire extinguishers, warning devices, flashlights, and all other equipment necessary to protect the motoring public and be equipped with amber flashing lights visible in all directions for a distance of 500 feet in normal sunlight. Such equipment shall be maintained in good working order. All authorized amber flashing lights shall be activated and wrecker operators shall wear reflective traffic safety vest while performing recovery operations or when circumstances are such that the vehicles being transported create a potentially hazardous condition for other motorists.

(b) Each wrecker service on the rotation list must place a sign on the driver and front passenger door of each of its wreckers indicating the company name, address, and telephone number of the zone to which it is assigned. This sign shall be painted on the doors of the wrecker or otherwise permanently affixed to the doors. The letters of the sign must be no less than two inches high. If the wrecker is registered in a name other than that of the wrecker service, the owner's name must also appear on the doors in letters no less than one inch high. All lettering on wreckers shall be plainly visible and shall be in a color that contrasts to that of the wrecker.

(c) Each wrecker service on the rotation list must place a sign on the exterior of its business location clearly visible indicating the company name, telephone number, and business hours.

(d) Each wrecker service on the rotation list shall carry liability insurance on its wreckers and its premises in an amount not less than $300,000.00 for a Class A wrecker, $500,000.00 for a Class B wrecker and $750,000.00 for a Class C wrecker.

(e) Each wrecker service on the rotation list shall carry insurance that covers vehicles, cargo, and other property in or on the vehicle during transit in an amount of not less than $75,000.00 for a Class A wrecker, $150,000.00 for a Class B wrecker and $250,000.00 for a Class C wrecker.

(f) Each wrecker service on the rotation list shall carry garage keeper's liability insurance covering customer's vehicles in an amount not less than $100,000.00 for a Class A wrecker, $200,000.00 for a Class B wrecker and $200,000.00 for a Class C wrecker.

(g) Each wrecker owned by any wrecker service on a rotation list shall be equipped with a towing log. The towing log shall be maintained by the wrecker service and shall accurately reflect all towing done by the wrecker service at the request of the police department. The police department shall design the wrecker log format. Each wrecker service owner shall be responsible for producing this towing log upon request by a police department officer.

(h) Wrecker operators must display professional behavior when conducting business at the request of the police department.

(i) Wrecker services and operators shall be familiar with and shall comply with the laws regarding solicitation (S.C. Code 1976, § 56-5-3180).

(j) A new rotation list will be created each calendar year. A wrecker service desiring to be on the rotation list in the next year must apply in writing by October 1 and be inspected and qualified prior to December 31. On December 31 of each year the police department will publish the wrecker rotation list to be effective January 1 of the following year.

(k) A wrecker service not currently on the police department's wrecker rotation list and desiring to be added may apply in writing at any time but must first be inspected and qualified.

(l) A wrecker service that fails to pass inspection and qualification as prescribed by regulation will be notified of the deficiencies. When the wrecker service corrects the deficiencies, it may request a new inspection.
(Ord. No. 2005-10, § B, 6-20-2005)

Sec. 38-3. Wrecker service rotation list; responsibilities.

(a) A wrecker requesting to be put on the rotation list must physically have a business within four miles of the city limits and must have a current business license issued by the city. The wrecker to be used must be housed at that location during normal business hours. The term "normal business hours" or "business hours," as used in this section, means at least from 8:30 a.m. to 5:00 p.m., Monday through Friday and additional hours designated and posted by the company. The vehicle towed must be towed to the same business location where the wrecker is housed during normal business hours, unless the vehicle owner or operator requests that the vehicle be towed to another location. Normal business hours must be clearly posted. Storage lots are not considered as a separate business. A wrecker service or owner can only be on the list one time. There will only be one telephone number for one wrecker service at any one address on rotation. Pagers and cellular phones are not acceptable. A wrecker service must immediately notify the police department upon change of address or telephone number.

(b) When the services of a wrecker are needed and when the owner or driver of the vehicle to be towed has no preference as to which wrecker service he desires, a wrecker will be called from the wrecker rotation list. The investigating officer will use his discretionary authority to deny request for specific wrecker service whenever the request will delay the timely restoration of safe traffic movement.

(c) The wrecker service must have a wrecker of sufficient size and strength to handle the job. The police department will have the right not to call a wrecker service that, in its opinion, fails to meet this qualification for a specific job. Under these conditions, the wrecker service not called will remain on the top of the rotation list.

(d) Wreckers shall respond only upon the request of the police department.

(e) Wrecker services will be called from the rotation lists in the order in which they appear on the lists. If a particular wrecker service is unavailable when called, it will be passed over and the next wrecker service on the list will be called to the scene.

(f) Wrecker services shall be available to the police department to respond to rotation calls as well as requests by the department for the immediate release of personal property on a 24-hour, seven-day-a-week basis. The wrecker service location shall have an agent present during business hours and at the request of the owner of the towed vehicle or his designee, the wrecker service must immediately release personal items such as medicines, medical equipment, keys, clothing, and tools of the trade, child restraint systems and perishable items. The wrecker service shall also be available for the release of the towed vehicle to the vehicle owner or vehicle owner's designee on a reasonable after-hours basis, including weekends. Should there be a dispute between the vehicle owner or the vehicle owner's designee and the wrecker service regarding any storage fees or charges, the vehicle owner or the vehicle owner's designee must provide the wrecker service written notification of the dispute. If the dispute is settled in favor of the wrecker service then the owner of the towed vehicle is liable for all charges which accrued pending the resolution. The wrecker service must cease any storage charges that would otherwise accrue from the time the wrecker service receives written notification of the dispute until the dispute is settled. Upon release of the vehicle, the wrecker service shall provide an itemized statement of all charges. If the vehicle owner is not available to sign a release, the wrecker service must release the vehicle to the owner's insurer or to the owner's designee.

(g) When a wrecker service or wrecker driver is unable to answer a call, the officer shall be promptly notified of the reason for the unavailability. A wrecker service or driver cannot refuse a call without prior notification of unavailability or without just cause.

(h) Unless the owner or driver of a vehicle is incapacitated or unavailable, the investigating officer at the scene will make a determination of the owner or driver's preference of a wrecker service. The investigating officer will use his discretionary authority to deny request for a specific wrecker service whenever the request will impair the timely restoration of safe traffic movement. In the event the owner or driver of the vehicle does not have a preference or preference cannot be determined, the investigating officer will utilize a wrecker from the rotation list. The wrecker service responding to such call shall provide the vehicle operator with a card containing the wrecker service name, address, telephone number, and business hours.

(i) A wrecker service shall respond, under normal conditions, in a timely manner not to exceed 30 minutes. Failure to respond in a timely manner may result in a second rotation wrecker being requested. If the second wrecker is requested before the arrival of the first rotation wrecker, the initially requested wrecker will forfeit the call and will immediately leave the collision/incident scene.

(j) A wrecker service may respond with a wrecker of a higher class than requested. However, wrecker service is limited to the rates of the requested classification.

(k) It shall be the responsibility of the wrecker service to perform a general clean-up of the accident area before leaving the scene of any accident. This responsibility requires the wrecker service to remove all debris such as broken glass, liquids, and materials from an accident area by sweeping up such debris and removing this material from the scene in a garbage can-type container on each wrecker. All wreckers shall be equipped with brooms, shovels, commercial absorbent and all other equipment necessary to fulfill this responsibility.

(l) Each wrecker service shall be responsible for securing personal property in a vehicle at an accident scene. The wrecker service shall be responsible for preserving personal property in a vehicle towed from an accident scene.

(m) The wrecker service shall maintain the towed vehicle in a safe storage area in a manner that would prohibit further damage and ensure protection of personal property. This may be a locked building or a secured fenced-in area where the stored vehicles and other property will not be accessible to the public. Wrecker services may charge a daily storage fee, commencing 12 hours after the vehicle is towed to the storage area and terminating when the vehicle owner or vehicle owner's designee offers or attempts to pick up the vehicle and offers to pay the wrecker service's legitimate accrued charges.

(1) Outside storage facilities must be sufficiently lighted, fenced, and locked for protection of vehicles and property.

(2) Fencing around storage facilities must be of adequate size to discourage theft of vehicles and property stored within, and may not be less than six feet in height.

(3) Inside storage, covers, tarpaulins, or other devices must be available for protection of vehicles or personal property.

(n) A wrecker service may secure assistance from another wrecker service when necessary to complete the recover; however, this does not supersede subsection (c) of this section nor does it permit wrecker service to accept a rotation call and dispatch the call to secondary wrecker services. Only one bill is to be submitted to the owner or operator for the work performed.

(o) Motorists utilizing the police department wrecker rotation list will have the option of paying by major credit card. The wrecker service may request, prior to dispatching, if the motorist intends to pay by major credit card. If the wrecker service does not accept major credit

cards, the next wrecker or towing service that does accept credit cards will be utilized. Any wrecker or towing service called that does not accept credit cards will remain on the top of the rotation list.
(Ord. No. 2005-10, § C, 6-20-2005)

Sec. 38-4. Complaints and disciplinary procedures.

(a) Complaints from or about wrecker services regarding an incident involving the city police department or its operation of the wrecker lists must be received in writing within 30 days of the alleged incident. Complaints should be directed to the chief of police. The chief of police may refer the police committee or the city administrator.

(b) Failure of any wrecker service to comply with the regulations as stated may result in their removal from the rotation list by the police chief.
(Ord. No. 2005-10, § D, 6-20-2005)

Sec. 38-5. Wrecker classifications.

(a) *Class A (light duty) wrecker.* Class A wreckers, for towing vehicles weighing 7,000 pounds or less, (passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles) shall meet the following minimum requirements:

(1) *Conventional wrecker.*

a. Minimum gross vehicle weight rating (GVWR) of not less than 10,000 pounds.

b. Individual boom capacity of not less than 8,000 pounds as rated by the manufacturer.

c. Individual PTO or hydraulic power winch capacity of not less than 8,000 pounds as rated by the manufacturer with at least 100 feet of three-eighths inch cable drum.

d. A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500 pounds as rated by the manufacturer, with safety chains.

e. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.

f. Dual rear wheels.

g. Additional safety equipment as specified by the regulations.

(2) *Rollback wrecker.*

a. Minimum gross vehicle weight rating (GVWR) of not less than 11,000 pounds.

b. Must have at least an 8,000-pound winch as rated by the manufacturer with at least 50 feet of three-eighths inch cable or larger.

c. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.

d. Additional safety equipment as specified by the regulations.

(b) *Class B (medium duty) wrecker.* Class B wreckers, for towing vehicles weighing between 7,001 and 17,000 pounds or multiple vehicles weighing 7,000 pounds respectively (medium-sized trucks, road tractors/trailers and similar vehicles), shall meet the following requirements:

(1) The tow truck chassis shall have a minimum gross vehicle weight rating (GVWR) of not less than 22,000 pounds.

(2) Must have at least a 12-ton boom assembly as rated by the manufacturer.

(3) Two winches, each of 10,000 pound capacity or more as rated by the manufacturer.

(4) A manufactured wheel-lift with a retracting lifting capacity of not less than 6,500 pounds as rated by the manufacturer, with safety chains.

(5) Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.

(6) Additional safety equipment as specified by the regulations.

(c) *Class C (heavy duty) wrecker.* Class C wreckers, for towing vehicles in excess of 17,000 pounds (large trucks, road tractor/trailers and similar vehicles), shall meet the following minimum requirements:

(1) Truck chassis having a minimum gross vehicle weight rating (GVWR) of not less than 46,000 pounds.

(2) Tandem axles or cab to axle length of not less than 102 inches.

(3) A single or double boom with a capacity of not less than 50,000 pounds as rated by the manufacturer.

(4) A single winch with a capacity of 50,000 pounds as rated by the manufacturer or an individual power winch capacity of not less than 25,000 pounds as rated by the manufacturer and a total rating with both winches of 50,000 pounds.

(5) A manufactured wheel-lift with a retracting lifting capacity of not less than 12,000 pounds as rated by the manufacturer, with safety chains.

(6) 150 feet of five-eighths inch cable or larger, plus 50 feet of five-eighths inch drop cable.

(7) Airbrakes constructed so as to lock wheels automatically upon failure.

(8) Light and air brake hookups.

(9) Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.

(10) Additional safety equipment as specified by the regulations.

(Ord. No. 2005-10, § E, 6-20-2005)

Sec. 38-6. Rates.

(a) Only wrecker services on the city's police department wrecker rotation list shall be subject to the regulations of this chapter governing fees.

(b) Fees charged for rotation list calls shall be reasonable and not in excess of those rates charged for similar services provided in response to requests initiated by any other public agency or private person.

(c) A standard tow is defined as responding to the scene, hooking up the vehicle, performing a general clean up if the call involves responding to a collision scene and providing responsible assistance to the owner to get to a safe location.

(d) Special operations are operations involving the process of uprighting an overturned vehicle or returning a vehicle to a normal position on the roadway which requires the use of auxiliary equipment due to the size or location of the vehicle and/or the recovery of a load which has spilled, or the off-loading and reloading of a load from an overturned vehicle performed to right the vehicle.

(e) A copy of the approved fees will be kept in the wrecker at all times. It will be presented upon request to the person for whom the tow services were provided, his agent, any officer at the scene, or any supervisor who is inspecting the wrecker or wrecker service.

(f) The city police committee will complete a review of the fees for the police department rotation wrecker services to determine its validity and reasonableness.

(g) Wrecker services may lower rates at any time and may raise rates for non-police department calls at any time.

(h) Maximum approved rates are set forth in wrecker rotation fee schedule in section 38-7. (Ord. No. 2005-10, § F, 6-20-2005)

Sec. 38-7. Wrecker rotation fee schedule.

Following is the City of Gaffney Wrecker Rotation Fee Schedule:

Classification	*Violations*	*Collisions*	*Stranded Motorist*	*Storage Fees*
Class A	$160.00	$200.00	$125.00	$25.00 per unit per day
Class B	$260.00	$300.00	$225.00	$25.00 per unit per day
Class C	$450.00 per hour	$450.00 per hour	$450.00 per hour	$25.00 per unit per day

(Ord. No. 2005-10, § F, 6-20-2005)