

Wrecker Rules and Regulations

Application Process:

Any person desiring to engage in the business of providing wrecker or emergency wrecker services within the corporate limits of the City of Memphis must first be approved by the Memphis Transportation Commission. Towing without a permit is a violation of the city ordinance and is punishable by a civil penalty.

The Memphis Transportation Commission meets the first Thursday of each month.

Approval for the MPD Wrecker Rotation list comes from MPD

Towing Company Requirements:

Permitted by the Permits Office to do business in city limits.

Current business license issued by Memphis/Shelby County Business Tax Office.

All towing vehicles titled and registered.

Valid DOT number.

Employ drivers are twenty-one years of age or older.

Must comply with the fees and schedule of charges prescribed.

Provide certificate of liability of insurance with the following:

Automobile liability:

\$1,000,000.00 each occurrence -combined single limits

AND

Commercial General Liability:

\$2,000,000.00	General Aggregate
\$2,000,000.00	Products-Completed Operations
\$1,000,000.00	Personal and Advertising Injury
\$1,000,000.00	Each Occurrence (Bodily Injury & Property Damage)
\$ 50,000.00	Fire Damage any One Fire
\$ 5,000.00	Medical Expense any One Person

OR

Garage Liability

With Minimum Limits of:

\$2,000,000.00	Garage Liability General Aggregate
\$1,000,000.00	Garage Liability Each Occurrence
\$ 100,000.00	On Hook
\$ 200,000.00	Garage Keepers Legal Liability

The certificate of insurance shall state the following: “The City of Memphis, its official’s agents, employees and representative shall be named as additional insured on all liability policies.” The additional insured endorsement policy should be attached to the certificate.

MPD Wrecker Rotation Company Requirements:

Permitted by the Permits Office to do business in city limits.

Current business license issued by Memphis/Shelby County Business Tax Office.

Emergency Wrecker company Use and Occupancy Certificate.

All towing vehicles titled and registered.

Valid DOT number.

Employ drivers are twenty-one years of age or older.

A wrecker company shall be independent of any other wrecker company in the same zone.

Must comply with the fees and schedule of charges prescribed.

Provide certificate of liability of insurance with the following:

Automobile liability:

\$1,000,000.00 each occurrence -combined single limits

AND

Commercial General Liability:

\$2,000,000.00	General Aggregate
\$2,000,000.00	Products-Completed Operations
\$1,000,000.00	Personal and Advertising Injury
\$1,000,000.00	Each Occurrence (Bodily Injury & Property Damage)
\$ 50,000.00	Fire Damage any One Fire
\$ 5,000.00	Medical Expense any One Person

OR

Garage Liability

With Minimum Limits of:

\$2,000,000.00	Garage Liability General Aggregate
\$1,000,000.00	Garage Liability Each Occurrence
\$ 100,000.00	On Hook
\$ 200,000.00	Garage Keepers Legal Liability

The certificate of insurance shall state the following: “The City of Memphis, its official’s agents, employees and representative shall be named as additional insured on all liability

policies.” The additional insured endorsement policy should be attached to the certificate.

Emergency wrecker shall provide 24 hours service including holidays.

Arrive at the scene of the accident within 30 minutes of being dispatched to the scene.

Signed and notarized hold harmless agreement stating that it will indemnify, defend and hold the city harmless from any and all claims of any type, including attorney’s fee which may arise out of the performance of the towing of any vehicle under or by the direction from the City of Memphis Police Department.

Rotation List

Recovery, Towing and Storage Standards:

Towing company are dispatched when the vehicle’s owner, operator or agent does not have a request for a specific towing company.

The owner’s request for a specific towing company shall be honored unless:

The requested towing company is not a permitted towing company by the Permits Office.

The requested towing company cannot or does not respond in a reasonable time, as determined by Memphis Police Department.

The vehicle to be towed poses an immediate traffic hazard, as determined by Memphis Police Department.

Towing company’s drivers are responsible for cleaning-up all debris from the accident scenes including but not limited to glass and auto parts from wrecker vehicles.

Call and Notification Procedures:

When MPD is dispatched to a crash, motorist assist, or any other request, the Officer, after determining the need for a towing company, shall contact the Dispatcher. The Dispatcher shall notify the next scheduled towing company on the MPD Wrecker Rotation list to respond unless the parties have already contacted a permitted towing company.

Towing companies shall be available for immediate response 24 hours a day, seven days a week.

If a towing company fails to respond within 30 minutes, at the discretion of the officer, the next scheduled towing company shall be called and the first called towing company shall be placed at the bottom of the rotation list.

If dispatch receives a busy signal, you will receive 2 more attempts before the next scheduled wrecker is called.

Towing companies shall be given all known information regarding the type of incident and equipment that may be required.

A towing company shall not refer a call to another towing company or substitute another company's towing vehicle to avoid losing its turn on the rotation list.

A towing company that refuses a call or fails to respond within 30 minutes to a call may be removed or suspended from the rotation list for a period of time determined by the Permit Administrator.

A towing company failing to answer a call shall lose the call. If five calls are missed by the towing company within a thirty-day time period, the company will be notified, and an investigation may occur.

If the first called towing company cannot remove the vehicle and does not have another towing vehicle that can perform the requested task, then the next scheduled towing company shall be called and permitted to remove the vehicle. The first called towing company shall not be paid for responding to the call. If the Officer's initial determination of the towing vehicle required to remove the disabled vehicle is incorrect and the towing company responds but cannot perform the task because it does not have the required equipment, then the towing company shall be returned to the position of next scheduled towing company on the rotation list.

If a towing company desires to be off-duty for more than twenty-four hours, the towing company shall inform the Wrecker Coordinator to avoid removal from the rotation list. Upon returning to duty, the towing company shall inform the Wrecker Coordinator and the towing company shall be returned to the rotation list.

No representative of the towing company called to the scene shall solicit business while at the scene.

Towing companies are prohibited from calling Dispatch to determine their position on the rotation list.

Service Procedures and Zone Assignments:

A towing company may be listed in each zone if the towing company has distinctly separate storage facilities within the zone, separate and distinct equipment within the zone, and different business offices located in the zone.

It is prohibited for two or more towing companies, owned in whole or in part by the same individual, partnership or parent corporation, to be qualified to participate on rotation within the same zone.

All towing companies' owner and drivers are expected to know and comply with all applicable federal/state regulations, city ordinance, rules and regulations of the Permits Office, and traffic laws of the State of Tennessee.

A towing company shall not perform repair work on towed vehicle without prior written consent of owner.

All towing companies' storage facility must be fully staffed in each operating zone during business hours.

Vehicles should be stored in same zone from which the company was dispatched from.

Personal property or cargo contained in towed vehicles shall be released to the owner/designee upon their request, unless the MPD orders otherwise. Personal property is defined as anything not physically attached or mounted to the towed vehicle.

Towing company drivers/employees shall not wear exposed firearms at any scene while in the performance of their duties.

Wreckers/ Non-Emergency/Emergency/Rotational Wreckers

Inspections

Inspections of the tow trucks and lots are required annual for trucks and storage lots on the MPD Wrecker Rotation list.

New trucks required to be inspected prior to being used on the MPD Wrecker Rotation and/or used within the city limits.

A towing vehicle arriving at the scene shall be affixed with valid towing decal.

Each truck should be equipped with:

- Broom
- Crowbar
- Flags
- Flares
- Firefighter Axes
- Shovel or scoop
- 20lbs Fire Extinguisher
- 10lbs Oil Dry

Wrecker companies that fail inspections have 5 days to reschedule inspection.

Contact Wrecker Coordinator to schedule re-inspection at 901-636-6735 or at permits@memphistn.gov.

Towing and Storage Fees

Towing fees should only be charged for a wrecker used for the purpose of towing a vehicle.

Storage rates begin twenty-four hours after vehicle is impounded.

Storage charges shall cease once the owner/designee contacts the towing company requesting to pick up a vehicle if the towing company cannot accommodate the request.

Customers should be provided with a invoice of the tow, storage, and other fees upon request.

Invoices:

All invoices should include the following:

- Location where the vehicle is towed from
- Tag and VIN of the vehicle
- Time wrecker dispatched to the scene
- Time the wrecker arrival at the scene
- Time the wrecker arrival at the final destination.
- The type of wrecker used and rates

Hourly rates can only be charged for Class B and C nonconsensual emergency wreckers in use or ordered to wait by a law enforcement officer.

Overcharging if found guilty shall result in:

1. Reimbursement of any monies paid; or
2. Vehicle being release with no charges.

Drivers Requirement:

All drivers and driver's helpers should have a driver permit issued by the City of Memphis Permits Office.

All drivers must have either "F" endorsement or Commercial Driver License.

Private Property Tows

Towing company shall have express written authorization for towing and storage of each vehicle from the owner of the vehicle, from the owner or the authorized agent of the owner of the private property from which the vehicle is to be towed from. Written authorization should include the following:

- a. Name of person giving authorization
- b. The year, make and model, and color of the vehicle to be towed;
- c. The reason for the tow;
- d. The license plate number if any and
- e. The vehicle identification number if it is ascertainable.

Towing without proper authorization will result in:

- Reimbursement of monies paid; or
- Vehicle being release with no charges.

Request for information:

Wrecker company should respond to request for information within 3 business days of request. Failure to respond will result in automatic suspension of wrecker license until requested information is received by the Permits Office.

Complaints, Investigations and Permits Administrator Findings:

The owner of a vehicle towed by a towing company many file a written complaint to the Permits Administrator or Wrecker Coordinator if the owner believes that:

- The towing company towed a vehicle without the owner's or law enforcement authorization.
- Charged an excessive towing/storage/other services rate; and/or
- Violated any part of the City Ordinance or Rules and Regulations.

All complaints filed shall contain:

- The name of the complaint
- The complaint's address
- The complaint's phone number and e-mail address
- The time(s) and manner(s) in which the complainant may be contacted
- The name of the towing company
- The cause(s) of the complaint
- Copies of the documents received from or correspondence with the towing company
- The name and phone numbers of any witness and
- Any other facts that may assist the Permits Administrator or Wrecker Coordinator in investigating the complaint

A towing company/driver that violates any part of the City Ordinance or Rules and Regulations may be suspended from participating on the MPD rotation list for a period of time determined by the Permit Administrator, but no more than 10 days. Should the Permit Administrator determine that the violation may justify a longer suspension or a revocation, the administrator may refer the complaint to the Transportation Commission.

Two or more sustained complaints against a towing company shall result in an Administrative Hearing conducted by the Permits Administrator.

Each towing company/driver charged with a violation shall receive disciplinary action in the form of a penalty, suspension, or revocation.

The Permits Administrator shall review complaint and supporting documents and email a copy of the complaint and supporting documents to the towing company for review and response.

If the investigation reveals that the towing company towed the vehicle without the proper authorization and/or charged excessive rates, the Permits Administrator shall resolve the matter by:

- Ordering the towing company to promptly reimburse the complainant any monies paid;
- or
- Ordering the towing company to release the vehicle with no charge or for an amount determined by the Permits Administrator.

Hearings before the Transportation Commission can result in fines, suspension, or revocation.

Acknowledgment

I, _____ the owner of _____
located at _____, do hereby
acknowledge that I have received a copy and read the City Ordinance and Rules and Regulations
for a wrecker/towing company and agree to comply with all regulations.

Signature

Date