

**SHELBY COUNTY SHERIFF'S OFFICE
201 POPLAR AVENUE
MEMPHIS TENNESSEE 38103**

**RULES OF OPERATION
FOR
THE SHERIFF'S ROTATION CALL LIST
FOR WRECKER AND TOWING SERVICE IN
SHELBY COUNTY TENNESSEE**

The Sheriff of Shelby County, Tennessee, and/or his duly commissioned Deputy Sheriffs, shall enforce Chapter 189 of the Privates Act of 1961, as amended by Chapter 147 of the Private Acts of 1979, an act regulating and licensing wrecker and towing service in Shelby County, Tennessee. This act is codified in the Shelby County Code of Ordinances, Chapter 7, Article XVI, Sections 701 to 730, having been placed into local law upon Shelby County becoming a charter form of government effective September 1, 1986. Section 7-503 of the Code is entitled "Rules of sheriff" and reads as follows:

The county sheriff shall promulgate a complete set of rules and regulations describing in detail the procedure to be observed by any licensee under this article. The sheriff shall have authority to change such rules and regulations whenever in his judgment, the interest of the county requires such change or revision, such change or revision to be submitted by resolution to be approved by the board of county commissioners before becoming effective.

The following rules of operation are set forth by the Sheriff of Shelby County, Tennessee for the purpose of regulating the operations of towing vehicles and wrecker service in Shelby County, Tennessee. Division 1 of these rules of operation are based on Sections 701 to 730 of the Shelby County Code of Ordinances and Division 2 contains the rules promulgated by the Sheriff's Office to include the qualifications for towing companies, minimum insurance requirements, requirements for towing equipment, maximum fees for wrecker and towing services, and storage fees.

DIVISION 1

1.1 Application for license. Any person desiring to obtain a towing license must be certified by the Department of Transportation and obtain a license as required by these rules of operation. Such person shall file with the sheriff an application setting forth, among other things, the following:

- (1) The name and address of the person desiring a license.
- (2) The location, description and hourly availability of wreckers owned or operated by the applicant.
- (3) A statement setting forth and describing available space for properly accommodating and protecting all wrecked vehicles to be towed or otherwise removed from the place where they have been disabled.

- (4) The number of wreckers or towing cars owned or available for use by the applicant.
- (5) A statement that the applicant intends to comply with all fees provided for in these rules of operation and all other rules herein.
- (6) That the applicant is in a position to and will provide twenty-four (24) hour service, including holidays, and that he will have at all times a minimum of two wreckers or towing cars and two persons on duty or available at all times in any twenty-four (24) hour period.
- (7) That all wreckers or towing cars will be fully equipped at all times with emergency equipment, such as flags, flares, axes, shovels, fire extinguishers and brooms, and all other equipment applicable in section 2.18 of these rules of operation.
- (8) Except for the time periods set out in subsection (6) of this section governing hours of operation for nights and on weekends, wrecker and emergency equipment shall be operated from one business location only, provided such location is in the operator's zone.
- (9) That such wrecker will be equipped with at least two vehicle jacks, a set of dollies, one hundred (100) feet of towing cable; and that the wrecker company will also have available a trailer for towing motorcycles and any equipment necessary for the towing of special automobiles in order to prevent damage to such automobiles, if such wrecker company wishes to be on the sheriff's approved rotation list for towing such special vehicles.
- (10) Prior to any wrecker service operating on the rotation call list for the sheriff's office, the county shall be added as an additional insured on such wrecker service's insurance coverage. This shall be evidenced by such notation on the certificate of insurance on file with the sheriff's office.
- (11) Any wrecker or towing firm desiring to do business with the county shall first execute a hold harmless agreement, that it will indemnify, defend and hold the county harmless from any and all claims of any type, including attorney's fees, which may arise out of the performance of the towing of any vehicle under or by direction from the sheriff's office.
- (12) Compliance with the above stated conditions shall at all times be a condition precedent to providing any service to or on behalf of the county or the sheriff's office.
(Code of Ord. § 7-505)

1.2 License required; handling and issuing fee. No wrecker or towing operator shall engage in the business within the county or offer such service to any motor vehicle upon the roads, streets or highways of the county unless a license is obtained by the wrecker or towing operator from the county clerk's office. A fee of \$1.00 shall be paid to the county clerk for the handling and issuing of the license.
(Code of Ord. § 7-502)

1.3 Issuance of license; annual license fee; renewal; expiration. When an application under this division has been approved, the county clerk shall grant a towing license to the applicant upon the payment by the applicant of an annual license fee. The annual license fee shall be \$25.00 for each wrecker unless application is made after July 1, in which event it shall be \$12.50 for the remaining period of the year. This fee shall be in addition to fee for handling and issuing of the license set forth in section 1.2 of these rules of

operation. All licenses shall expire on December 31 and shall be renewed between December 1 and December 31 of each year. Towing licenses may be obtained from the County Clerk's Office, Business Tax Office located at 150 Washington Avenue in Memphis, Tenn.

(Code of Ord. § 7-507)

- 1.4 License sticker - Issued.** Whenever the county clerk shall issue a license under the provisions of this division, the county clerk shall furnish the licensee with a sticker having printed thereon the year for which the license has been taken out.

(Code of Ord. § 7-508)

- 1.5 Same - Displayed.** The license sticker furnished under section 1.4 of these rules of operation shall at all times be prominently displayed on the windshield of each wrecker or automobile used for towing purposes.

(Code of Ord. § 7-509)

- 1.6 Investigation.** The sheriff shall investigate or cause to be investigated each applicant for the purpose of determining whether the applicant has the necessary facilities and equipment to qualify as a wrecker or towing operator as required by these rules of operation, and whether the applicant has been convicted of a felony within the last ten (10) years, which will disqualify such applicant from inclusion on the sheriff's rotation call list. If the applicant is qualified, the sheriff shall recommend to the county clerk that a license be issued to the applicant.

(Code of Ord. § 7-506)

- 1.7 Name and address on vehicle.** The wrecker or towing operator shall have inscribed on each side of each wrecker, in letters not less than three inches in height, the name and address of the licensee.

(Code of Ord. § 7-510)

- 1.8 Bills prepared; contents.**

(a) The wrecker or towing operator shall have prepared billheads with the name and the address of his place of business printed thereon. The operator of a wrecker, before towing a disabled vehicle away, shall prepare a bill on this billhead form in triplicate. The original of the bill shall be given to the owner of the disabled vehicle or his authorized representative. One copy shall be sent to the sheriff's office, and the other copy shall be retained by the wrecker or towing operator. This bill shall contain the following information:

- (1) The name and address of the person engaging the wrecker.
- (2) The state license number of the towed vehicle.
- (3) The total amount to be charged for towing. Class B and C billheads will be specifically stated and will include the time of arrival on the scene of the tow and the time of arrival at the final destination of the tow, the number of work hours, the rate charged, and all incidental charges to be specifically described.
- (4) The storage rates per day, or parts thereof.

- (5) The place where the vehicle is towed to include the address and 24-hour telephone number of the place.
 - (b) The duplicate copy of the bill shall be retained by the wrecker or towing operator for a period of six (6) months and shall be exhibited upon the demand of the sheriff or his duly authorized representative, or any person who removes the towed disabled vehicle from the original wrecker or towing operator's place of business to another place of business to another place.
- (Code of Ord. § 7-511)

1.9 Soliciting repair work at scene; dismantling wrecker vehicle.

- (a) It shall be unlawful for the wrecker or towing operator, at the scene of any accident, to high pressure or otherwise coerce or insist upon any owner or operator of a wrecked vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked vehicle.
 - (b) No repairs will be made and no parts removed from such wrecked vehicle at the scene of the accident, or otherwise, until authorized by the owner of the wrecked vehicle in writing; provided, however, that, if the wrecker or towing operator dismantles any such wrecked vehicle without the authority of the owner of the wrecked vehicle, the wrecker or towing operator shall restore such wrecked vehicle to its original condition at the time it was towed and deliver same to the owner or the owner's designee within thirty-six (36) hours. There shall be no charge for dismantling or restoring the wrecked vehicle to its original condition or for storage, if the wrecker or towing operator has dismantled the wrecked vehicle without the authority of the owner of the wrecked vehicle.
- (Code of Ord. § 7-512)

1.10 Location of towed vehicle.

- (a) The wrecker or towing operator shall tow the wrecked vehicle to any place designated by the owner or operator of such wrecked vehicle, unless otherwise directed by the sheriff's office. Unless requested by the owner of such wrecked vehicle, the wrecker or towing operator shall not tow such wrecked vehicle to any location outside the limits of the county.
- (b) In the event that such place to which the owner or operator desires the wrecked vehicle be towed is not open for business or available to receive the wrecked vehicle, then the owner or operator of such towed vehicle and the wrecker or towing operator shall agree between themselves as to the procedure to be followed in towing the vehicle to the requested location.
- (c) Should the wrecker or towing operator tow the wrecked vehicle to his own place of business for a later delivery to the place designated by the owner or operator of the wrecked vehicle, towing and storage charges will be in accordance with these rules of operation. The wrecker or towing operator will inform the owner or operator of the towed vehicle of the rates to be charged.
- (d) In the event that the owner or operator of such wrecked vehicle is not available to designate the place where which such wrecked vehicle is to be towed, then the wrecker or towing operator shall take such wrecked vehicle to his own place of business, unless otherwise directed by the sheriff's office. If the wrecked vehicle is

taken to the wrecker or towing operator's own place of business, the wrecker or towing operator shall thereupon be responsible for the security of the towed vehicle and its contents, and shall also be responsible for contacting the owner of such towed vehicle in accordance with the rules promulgated by the sheriff's office.

- (e) In those instances that require the wrecker or towing operator make a second tow in order to deliver the wrecked vehicle from his own place of business to the place designated by the owner or operator of the towed vehicle, such second tow shall be made within thirty-six (36) hours of the request or designation. Failure of the wrecker or towing operator to comply with such request or designation shall make him in violation of this section and subject to penalties as provided in section 1.15 of these rules of operation.

(Code of Ord. § 7-513)

1.11 Going to accident location unlawfully; exception.

- (a) Class A and B wreckers. It shall be unlawful for any wrecker or towing operator to go to the scene of a wrecked vehicle unless called by the sheriff's radio dispatcher. It shall be unlawful for any wrecker or towing operator to go to the scene of a wrecked vehicle by information received by shortwave or police or sheriff's radio.
- (b) Class C wreckers. Class C wreckers will only respond to those scenes where they are required. Any wrecker or towing operator receiving a scene call for a Class C wrecker will immediately notify the sheriff's radio dispatcher.
- (c) In the event that an accident occurs involving a hazardous material load, the county fire department shall have the authority to identify the wrecker or towing operator that has demonstrated proficiency to the county fire department in the handling of hazardous material loads.

(Code of Ord. § 7-514)

1.12 County employee soliciting business for wrecker. It shall be unlawful for any county employee to solicit business for any wrecker or towing operator. Any employee guilty of violating the provisions of this division shall forfeit his right to continue as a county employee and shall be subject to discharge.

(Code of Ord. § 7-515)

1.13 Solicitation of towing works; unauthorized calls. It shall be unlawful for any person to drive along any street or bridge and solicit towing work. Solicitation of towing work by the operator or other occupant of a licensed wrecker while parked on any street or bridge is also prohibited. A wrecker or towing operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so as provided in these rules of operation. Responding to a call upon notice from gas station attendants, taxicab drivers, or unauthorized persons shall be a violation of section 1.11 of these rules of operation.

(Code of Ord. § 7-516)

1.14 Violations.

- (a) It is declared that the following acts are prohibited and unlawful,, and any wrecker or towing operator doing any such acts may be placed on probation or have the license

revoked, suspended, or not renewed. The sheriff or his designee may suspend or remove any wrecker or towing operator from the rotation call list for any of the following reasons:

- (1) If the permit was procured by fraudulent conduct or false statement of a material fact, or if a fact concerning the applicant was not disclosed at the time the application was made that would have constituted just cause for refusing to issue the license.
- (2) If the licensee proceeds to the scene of an accident in violation of the provisions of these rules of operation.
- (3) If the licensee uses a short wave or police radio to obtain information as to the location of an accident.
- (4) If the licensee pays any person not involved in the accident for information as to the location of the accident.
- (5) If the licensee has violated the fees prescribed under these rules of operation by overcharging or has violated any of these rules of operation.
- (6) If the licensee fails to comply with all reasonable and lawful requests of the owner or operator of the vehicle to be towed to the requested destination.
- (7) If the licensee removes or transports any vehicle, the owner of which is in violation of any law of the County of Shelby or the State of Tennessee, except by explicit instructions of a sheriff's deputy.
- (8) If the licensee disregards the instruction of any person under the traffic bureau of the sheriff's office during the transportation of the vehicle to its destination.
- (9) If the licensee waits for employment by standing or parking upon any street, alley, road, highway, thoroughfare or upon public property.
- (10) If the licensee interferes with the orderly flow of traffic along the streets, alleys, roads, highways, or thoroughfare, except upon the direction of any person under the traffic bureau of the sheriff's office.
- (11) If the licensee invites or permits loitering within or near his wrecker.
- (12) If the licensee transports a vehicle other than by the most direct and safest route and without delay from the point of pick-up to the assigned destination.
- (13) If the licensee fails to comply with any of the ordinances of Shelby County, the State of Tennessee, the United States, or these rules of operation which reflect unfavorably on the fitness of the driver, the driver's helper, or any employee to be employed in the operation of a wrecker service.

1.15 Suspension from rotation call list; revocation or suspension of license; appeals.

(a) Suspension from rotation call list ten (10) days or less; no hearing required. The sheriff or his designee shall have the power to suspend any wrecker or towing operator from the sheriff's rotation call list for a period not to exceed ten (10) days without a hearing, if it is found that such wrecker or towing operator has violated any of the aforementioned requirements or rules of operation.

- (1) After the suspension expires, the wrecker or towing operator will not be approved to be returned to the sheriff's rotation call list until such time as all requirements are met, and/or all violations of these rules of operation are corrected, and the wrecker or towing operator meets all provisions of these rules of operation.

- (b) Suspension from rotation call list for more than ten (10) days; hearing required. If any wrecker or towing operator is charged with any of the violations set forth in section 1.14 of these rules of operation which do not immediately endanger public safety, but the nature or gravity of the violation indicates that, if found guilty, the penalty may require suspension from the sheriff's rotation call list for a period of more than ten (10) days, the sheriff or his designee shall notify the wrecker or towing operator in writing of the nature of the offense and shall schedule an administrative hearing to be held by the sheriff or his designee. At such hearing, the wrecker or towing operator shall be allowed to answer such charges.
- (1) For violation(s) heard in any one administrative hearing, suspension from the sheriff's rotation call list shall not exceed thirty (30) days.
 - (2) The decision of the sheriff or his designee to suspend a wrecker or towing operator from the sheriff's rotation call list is final and not subject to appeal.
 - (3) After the suspension expires, the wrecker or towing operator will not be approved to be returned to the sheriff's rotation call list until such time as all requirements are met, and/or all violations of the sheriff's rules of operation are corrected, and the wrecker or towing operator meets all provisions of the sheriff's rules of operation.
- (c) Suspension from rotation call list exceeding thirty (30) days; license suspended or revoked; hearing required. If a wrecker or towing operator is charged by the sheriff or his designee with any of the violations set forth in section 1.14 of these rules of operation, or any other requirements or rules herein, which could result in suspension from the sheriff's rotation call list for a period exceeding thirty (30) days, or could result in revocation or suspension of the license of the wrecker or towing operator, the sheriff or his designee shall notify the wrecker or towing operator in writing of the nature of the violation(s) and shall schedule an administrative hearing to be held by the sheriff or his designee. At such hearing, the wrecker or towing operator shall be allowed to answer such charges.
- (1) Revocation of license. Any wrecker or towing operator whose license has been revoked shall not be eligible to again apply for a license for a period of one (1) year from the date of such revocation and all authority and permission granted by the license shall be terminated
- (d) Appeals. Appeals to the decision to suspend or remove a wrecker or towing operator from the sheriff's rotation call list for a period which exceeds thirty (30) days, or to suspend or revoke the license of a wrecker or towing operator, shall be by written petition from the wrecker or towing operator to the traffic bureau commander within ten (10) days after a determination has been made.
- (1) The reason for an appeal must be stated in the petition.
 - (2) The appeal will be reviewed by a committee comprised of members of the traffic bureau and chaired by the bureau commander with the final decision being made by majority vote of the committee.
 - (3) The appealing wrecker or towing operator will be notified in writing of the final decision.

(Code of Ord. § 7-518)

DIVISION 2

2.1 Duty of the Sheriff; purpose of rules.

- (a) The county sheriff and/or his duly commissioned deputy sheriff's shall enforce Division 1 of these rules of operation.
- (b) In accordance with section 7-503 of the Shelby County Code of Ordinances, this division is set forth by the sheriff for the purpose of regulating the operation of towing vehicles and wrecker services within the unincorporated areas of the county.
- (c) In carry out the duties of the sheriff's office, wrecker or towing operators, qualified under these rules of operation, shall be authorized to provide towing services in designated zones and on a twenty-four (24) hour rotation basis.

2.2 Prior agreements. Any prior agreements, promises, negotiations of representation not expressly set forth in this division are of no force or effect.

2.3 Qualifications of towing company - Generally.

- (a) In order to qualify, a towing company must be a resident of the county, must have an established place of business in the county, and must obtain an application from the Sheriff's Office Traffic Bureau.
- (b) After proper application has been made, each towing firm must have available for the sheriff's deputy conducting the investigation the following:
 - (1) All licenses connected with this type of business in the applicant's name.
 - (2) Proper vehicle registration and title in the applicant's name.
 - (3) Proper lettering of business name, address, and phone number permanently displayed on the wrecker in lettering not less than three (3) inches in height. No magnetic or plastic signs will be allowed.
 - (4) The name of the business and the address on the wrecker must correspond with the actual name of the business and the address.
 - (5) The owner must have available and furnish correctly the applicant's name and the co-owner's name, if any.
- (c) When the business sells or otherwise disposes of a wrecker, the applicant's business name, address and phone number shall be removed from the wrecker.
- (d) The towing firm must have a minimum of one (1) wrecker equipped as defined in section 2.18 of these rules of operation.
 - (1) All tow equipment used for sheriff's calls must meet full inspection qualifications.
 - (2) The towing company must be able to respond to calls twenty-four (24) hours per day, including Sundays and holidays.
 - (3) If the towing company neglects to acknowledge requests for its services on more than three (3) occasions within one (1) month without good cause, it will be suspended from the call list.
 - (4) The sheriff's office will be kept advised of any additional towing equipment purchased over the amount set out in the original application, and this equipment must be inspected and approved before it can respond to sheriff's office calls.

- (5) The sheriff's office will be kept advised as to any changes in telephone numbers or the moving from one location to another.

2.4 Same - Insurance required of applicant. Before the collector of licenses and privileges shall issue any license under this division the applicant shall deposit with the collector a certificate of an underwriter that the applicant has, in force, a policy or policies of insurance issued by an insurance company authorized to transact business in the state as follows:

- (a) A garage keeper's legal liability policy covering fire, theft, explosion and collision with a minimum limit of \$100,000, subject to a deduction of no more than \$500, with each accident being a separate claim; and
- (b) A garage liability policy covering the operation of the applicant's own business, equipment or vehicle with a minimum of \$750,000 combined single limits to cover bodily injury, including death and property damage; and
- (c) General Liability coverage with a minimum limit of \$100,000; and
- (d) Storage lot coverage with a minimum limit of \$20,000 for vehicles on lot; and
- (e) Hook Coverage (care, custody, and control)
 - (1) Class "A" – minimum of \$50,000.
 - (2) Class "B" – minimum of \$75,000.
 - (3) Class "C" – minimum of \$100,000.
- (f) The policy or policies must contain an endorsement providing for ten days notice to the county in the event of any material change or cancellation of the policy or policies.
- (g) A copy of the towing company's current insurance must be on file with the Shelby County Sheriff's Office. It shall be the towing company's responsibility to see that this requirement is met.

2.5 Towing companies to give notice of wrecked vehicles.

- (a) When a towing company receives a call from the owner or agent of a wrecked vehicle, it will be the duty of the towing firm to advise the sheriff's radio dispatcher immediately for investigation.
- (b) No towing vehicle on the sheriff's rotation call list will be allowed to tow any vehicle that has been involved in an accident without the proper police agency being notified. Any towing company in violation of this subsection will be suspended immediately for an indefinite period.

2.6 Towing zones. The boundaries and number of wrecker towing zones are established by the sheriff's office in order to promote public safety and efficiency of service. A description of the towing zones is maintained at the Traffic Bureau of the Sheriff's Office located at 11670 Memphis-Arlington in Arlington, Tenn. and is available online at www.sheriff-shelby.org.

- (a) Each towing company will be assigned a zone, by the sheriff's office, within which the towing company is authorized to operate.
- (b) The wrecker that makes the scene by request of the Shelby County Sheriff's Office must have the address and phone number for the towing company assigned to that zone.

- (c) No person shall, regardless of the number of towing companies in which he has an interest, acquire more than one (1) listing per zone on the sheriff's rotation call list. This section shall apply to each towing company in which any single individual has any ownership interest. For purposes of this section, the term "interest" is defined as including, but not limited to, any participation in a towing company or tow-in business, either directly or indirectly, near or remote, or any pecuniary interest.
- (d) If the vehicle is to be towed to the towing company's storage lot, it will be towed to the storage facility assigned to the zone in which the said vehicle was towed from.

2.7 Owner or agent taking charge of vehicle. The owner of an automobile or his authorized agent may take charge of a vehicle at the scene of an accident, with the action of the agent being as binding as that of the owner.

2.8 General duties as to accidents.

- (a) The radio dispatcher of the sheriff's office will advise a wrecker to proceed to the location of an accident, obeying all traffic laws regarding speed, reckless driving, etc.
- (b) Emergency lights will not be used in proceeding to an accident scene, unless ordered to do so by a sheriff's deputy. Emergency lights will be turned on only after arriving at the scene of the accident and will remain on until the vehicle has reached the tow destination of the disabled vehicle.
- (c) On arrival at the accident scene, the tow driver will immediately contact the investigating officer for instructions on towing the vehicle.
- (d) The towing company's driver or driver helper called to remove a vehicle from the scene of an accident shall thoroughly clean the streets, alleys, roads, highways, or thoroughfares of all glass, metal, oil dry, solvent provided by the fire department, and any other debris created by the involvement of the vehicle to be towed, as long as the sheriff's deputy maintains traffic control.
- (e) The towing company's driver or driver helper called to remove a vehicle from the scene of an accident shall assist in hazardous waste cleanup at the direction of the investigating sheriff's deputy, fire personnel, or emergency management personnel.

2.9 Designation of towing company; leaving county.

- (a) In accidents where drivers remain at the scene, the investigating sheriff's deputy will contact the owner or agent of the towing company he desires, as the owner will at all times have the right to designate the towing company desired to tow the vehicle, provided such towing company is on the approved sheriff's rotation call list. If the driver of the vehicle is the owner or operator of a towing company, he may use his own wrecker. In cases where the request is made by the owner to tow a vehicle to a location outside the county, the decision will be made by the investigating sheriff's deputy whether it is necessary to hold the vehicle in the county for further investigation.
- (b) In accidents where the owner or his/her agent cannot remain at the scene due to injuries or for any other reason, the investigating officer will advise the sheriff's radio dispatcher to send a wrecker assigned to the respective zone.
- (c) The tow company after having been authorized to tow a wrecked vehicle will at no time tow the vehicle beyond the boundaries of the county until a complete and

thorough investigation has been authorized by the investigating officer to remove the vehicle.

2.10 Placing hold on vehicle. When a hold is placed on a vehicle by the sheriff's office for the purpose of continuing an investigation, under no circumstances will the vehicle be released until authorized by the division of the sheriff's office that placed the hold on the vehicle.

2.11 Tampering with or repairing vehicles.

- (a) If an owner or any employee of any towing company is suspected of exchanging any part of any vehicle in his care, such as tires, hubcaps, batteries, or lights, a complete investigation will be conducted with all evidence submitted to the attorney general for such action as the facts warrant.
- (b) If any owner or employee of a towing company tows a wrecked vehicle to his place of business and dismantles or does any type of repair to the vehicle without written authorization of the owner or duly authorized agent representing the owner, the towing company will be in violation of this division, causing immediate suspension of the towing company from the sheriff's rotation call list pending a complete and thorough investigation.
- (c) If a towing company is found guilty of violating this section, the towing company will be suspended from the sheriff's rotation call list for a period of time, up to and including permanent removal, in the discretion of the sheriff, or his designee, consistent with section 1.15 of these rules of operation.

2.12 Duties of dispatcher; towing company stickers.

- (a) The sheriff's radio dispatcher shall follow the towing zones established by the traffic bureau of the sheriff's office and shall supply all towing companies on the sheriff's rotation call list with current zone boundaries and the names of the towing companies authorized to operate in each zone. The sheriff's rotation call list is maintained at the Traffic Bureau of the Sheriff's Office located at 11670 Memphis-Arlington in Arlington, Tenn. and is available online at www.sheriff-shelby.org.
- (b) The sheriff's radio dispatcher shall maintain an updated rotation call list of all towing companies approved and inspected as set forth in these rules of operation. In cases where more than one towing company is located in a zone, the sheriff's radio dispatcher shall use the rotating system.
- (c) Any wrecker on the scene without a current sticker, properly displayed, will not be allowed to tow. The sticker must be prominently displayed on the windshield of each wrecker at all times.
- (d) A wrecker sticker issued pursuant to these rules of operation shall not be sold, assigned, mortgaged or otherwise transferred. Written notification must be submitted by the wrecker or towing operator to the county clerk's office immediately upon the licensee terminating the wrecker service or upon revocation of his license.

2.13 Response time. Reasonable response time of thirty (30) minutes will be allowed to get to the scene. If this time is not met, the wrecker will not be allowed to tow. Reasonable delays due to inclement weather conditions will be allowed, at the discretion of the

sheriff's radio dispatcher. Three (3) violations of this rule within a thirty (30) day period may result in suspension from the sheriff's rotation call list as set forth in section 1.15 of these rules of operation.

2.14 List of accessories, equipment, etc. All accessories and safety equipment required on each wrecker must be specified in a list attached to the application. See Section 2.18 of these rules of operation for required equipment.

2.15 Towing company owner's responsibility; driver's license.

- (a) No towing company owner shall permit any of its drivers or driver helpers, while operating a wrecker, to engage in any activities or practices contrary to the public safety or welfare, or contrary to the proper discharge of their duties in the course of their employment.
- (b) Each towing company owner shall be responsible for its employees' compliance with local county and municipal ordinances and applicable federal and state laws. Any violations by employees of a towing company shall be cause for revocation, suspension, probation or failure to renew the license of the towing company and the permits of the drivers or driver helpers.
- (c) Every wrecker driver responding to a call will maintain and carry a valid driver's license when responding to calls for the sheriff's office. If found to have an invalid license or operating under a revoked driver's license status, the wrecker driver will be treated as any other violator and the towing company the driver represents will be disregarded from the call and an investigation will be conducted to determine whether the towing company is in violation of these rules of operation.
- (d) All towing companies shall keep a list of all owners and all employees who will be required, at any time, to drive a towing vehicle. This list will contain the full name, driver's license number, and date of birth of each driver and will be produced on demand by the Shelby County Sheriff's Office.
- (e) At no time will any towing company, owner and/or employee deny towing services to any person on the grounds of handicap, age, race, color, religion, sex or national origin.

2.16 Release of vehicles; fees; hours.

- (a) All towing companies that are on the sheriff's rotation call list will be required to release any vehicle in their care to its owner. If there is a hold on the vehicle, the owner must have a written release from the sheriff's office before the vehicle can be released.
- (b) The owner of the vehicle is responsible for all towing, recovery, and storage fees. All fees must be paid before the towing company is required to release the vehicle.
- (c) For the safety of towing companies and vehicle owners, such release will be made during the following hours:
 - (1) Monday through Friday from 8:00 a.m. to 5:00 p.m.
 - (2) Saturday from 8:00 a.m. to 12:00 p.m.All other times, including Sundays and holidays, will be at the discretion of the towing company and by appointment only.

(d) For pickup of all vehicles, one (1) hour notification from the owner of the vehicle is required.

2.17 Review of rules. The rules of operation in this division will be subject to review every three (3) years by a committee consisting of a representative from the county sheriff's office, the county attorney's office, and the Shelby County Towing and Recovery Association.

2.18 Requirements and classifications for all towing equipment; identification of towing companies.

(a) General equipment. All wreckers regulated by these rules of operation must be equipped with the following:

- (1) Minimum of one (1) broom, shovel, ax, bolt cutter, and pry bar;
- (2) Minimum of one (1) fully charged 20-lb. fire extinguisher with an Underwriters Laboratory rating of four (4) A:B:C or more that is securely mounted on the vehicle;
- (3) Minimum of one (1) 50-lb. bag of fluid absorption compound;
- (4) Minimum of three (3) flares or three (3) red emergency reflectors;
- (5) One (1) set of dollies for each class "A" wrecker per towing company; and
- (6) A beacon to be used on the scene and while a vehicle is in tow.

(b) Prohibited equipment. No wrecker may be equipped with a siren.

(c) Class "A" wreckers. The designation of class "A" is for wreckers used to tow passenger cars, pickup trucks, small trailers or other vehicle having a gross vehicle weight with zero (0) through five thousand (5,000) pounds and meeting the following requirements:

- (1) Towtruck chassis minimum manufacturer's capacity of three-fourths (3/4) of a ton; and
- (2) Individual boom capacity of not less than four (4) tons; and
- (3) Individual power-winch pulling capacity of not less than four (4) tons; and
- (4) One hundred (100) feet or more of three-eighths (3/8) inch cable on each drum.
- (5) Belt-type cradle tow plate or tow sling to pick up vehicles with cradle of tow plate to be equipped with safety chain; or
- (6) A towtruck equipped with a device capable of lifting the wheels of a disabled vehicle in such a manner as to allow the vehicle to be towed (wheel lift); or
- (7) A towtruck equipped with a bed capable of sliding or rolling back in such a manner as to allow a disabled vehicle to be pulled or loaded onto the bed and the bed returned to a hauling position on the towtruck (rollback), and
 - (i) The truck chassis shall have minimum manufacturer's capacity on one (1) ton (10,000 lbs. G.V.W.R.);
 - (ii) Lift cylinders:

Two (2) with a minimum three (3) inch bore each; or

- One (1) with a minimum five and one-half (5 ½) inch bore.
- (iii) Individual power winch pulling capacity of not less than four (4) tons;
 - (iv) Fifty (50) feet or more of five-sixteenths (5/16) inch or larger cable on winch drum;
 - (v) Two (2) safety chains for securing vehicle to carrier bed;
 - (vi) Carrier bed shall be a minimum of sixteen (16) feet in length and minimum of eight-four (84) inches in width inside side rail; and
 - (vii) Cab protector, constructed of a solid steel or aluminum, that extends to a height of four (4) feet above the floor or to a height at which it blocks the forward movement of the bumper of the vehicle being towed.
- (d) Class “B” wreckers. The designation of class “B” is for wreckers used to tow medium-size trucks, trailers, or other vehicles having a gross vehicle weight of five thousand one (5,001) through eleven thousand (11,000) pounds and meeting the following requirements:
- (1) Towtruck chassis minimum manufacturer’s capacity of one and one-half (1 ½) tons; and
 - (2) Individual boom capacity of not less than six (6) tons; and
 - (3) Individual power-winch pulling capacity of not less than ten (10) tons; and
 - (4) Two hundred (200) feet or more of at least seven-sixteenths (7/16) inch cable on each drum.
 - (5) Cradle tow plate or tow sling to pick up vehicles with cradle of tow plate to be equipped with safety chain; or
 - (6) A towtruck equipped with a device capable of lifting the wheels of a disabled vehicle in such a manner as to allow the vehicle to be towed (wheel lift).
- (e) Class “C” wreckers. The designation of class “C” is for wreckers used to tow large trucks, road tractors and trailers or other vehicles having a gross vehicle weight in excess of 11,000 pounds and meeting the following requirements:
- (1) Towtruck chassis minimum manufacturer’s capacity of not less than three (3) tons and tandem rear end with three (3) axles; and
 - (2) Individual boom capacity of not less than fifteen (15) tons; and
 - (3) Individual power-winch pulling capacity of twenty-five (25) tons or more; and
 - (4) Two hundred (200) feet or more of nine-sixteenths (9/16) inch cable or larger on each drum; and
 - (5) Air brakes so constructed as to lock wheels automatically upon failure.
- (f) The wrecker and all equipment must be in compliance with all county ordinances or state laws.
- (g) The owner of a wrecker shall have the towing company’s name, address, and business phone number painted or otherwise permanently affixed on the outside of each front door of each wrecker in letters not less than three (3) inches in height.

2.19 Wrecker fees prescribed by classification; recovery of vehicles submerged in water or off the pavement. The maximum allowable fees for towing services shall be as follows in the unincorporated areas of the county:

- (a) Class “A” wrecker fees. \$125.00 per tow to include the point of final destination given to the wrecker driver in accordance with section 1.10 of these rules of operation.
- (b) Class “B” wrecker fees. \$200.00 for the first hour or any portion thereof and for each additional hour thereafter for the use of the wrecker.
 - (1) The fee for the use of a licensed driver helper will be \$45.00 per hour commencing at the time the wrecker arrives on the scene where the vehicle to be towed is located and terminating at the time the wrecker and vehicle to be towed arrive at the point of final destination.
- (c) Class “C” wrecker fees. \$350.00 for the first hour or any portion thereof and each additional hour thereafter for the use of the wrecker.
 - (1) The fee for the use of a licensed driver helper will be \$75.00 per hour commencing at the time the wrecker arrives on the scene where the vehicle to be towed is located and terminating at the time the wrecker and vehicle to be towed arrive at the point of final destination.
- (d) The owner or operator of any vehicle submerged in water or off the pavement more than two hundred (200) feet will be charged the applicable hourly rate of a class B wrecker. The wrecker driver will be allowed a maximum time of three (3) hours to recover any submerged vehicle. The investigation sheriff’s deputy will determine the need for diver personnel or specialty equipment.

2.20 Storage fees; stolen vehicles; notification.

- (a) The storage of a towed vehicle on the private storage facility or lot of a wrecker or towing operator shall be \$30.00 for each twenty-four (24) hour period or fraction thereof, after the first two (2) hours of storage.
- (b) When a stolen vehicle is recovered by the sheriff’s office and stored on the private storage facility or lot of a wrecker or towing operator, the owner of the stolen vehicle will be liable for the wrecker fees, but will not be liable for storage fees, if the owner reclaims the stolen vehicle within five (5) days after notification of the recovery and whereabouts of the stolen vehicle. If the owner does not pickup the stolen vehicle within the five (5) day period, the owner will be liable for all storage fees from the time the stolen vehicle was first towed to the private storage facility or lot.
- (c) For purposes of this section, proper notification shall be defined as:
 - (1) A telephone call to the registered owner or the agent of the owner documenting date and time by the sheriff’s office; and
 - (2) A registered letter to the registered owner by the county sheriff’s office.
- (d) If an owner or agent requests that vehicles be taken to place other than the towing company’s storage lot, payment of towing and/or recovery services will be rendered at the completion of services. The method of payment will be left to the discretion of the towing operator. If payment cannot be made at the time of completion, the vehicle will be taken to the towing company’s storage lot and the towing company

has the right to charge for the second tow. If the owner requests the towing company to remove the vehicle from the towing company lot, the owner will be responsible for daily storage fees and all towing fees while the vehicle is in possession of the towing company.

2.21 Storage facilities.

- (a) Towing companies shall provide a lot or building for proper, safe, and secure storage of towed vehicles.
- (b) The storage facility shall be located in close proximity to the wrecker company's business.
- (c) The towing company shall be responsible for the storage, safekeeping and prevention of vandalism of all vehicles and contents of vehicles towed for the sheriff's office.
- (d) A fence sufficient to deter trespassing or vandalism shall secure the storage facility.
- (e) The storage facility shall be secured, or available to access, between the hours of 8:00a.m. and 5:00 p.m., Monday through Friday, excluding legal holidays.
- (f) The storage area shall be of sufficient size to accommodate all vehicles towed by the towing company for the sheriff's office.

2.22 Annual inspections. The wrecker coordinator of the sheriff's office, or his designee, will ensure that all wrecker and storage facilities are physically inspected a minimum of, but not limited to, once each year. This inspection shall include equipment, driver's files, insurance, and storage facilities. Any records that are deemed necessary to ensure that these rules of operation are being followed may also be inspected. The wrecker coordinator, or his designee, may inspect wrecker companies at any time during normal business hours.

2.23 Complaints. All complaints will be investigated by the Shelby County Sheriff's Office. Any complaint that is found to be true will result in disciplinary action as set forth in section 1.15 of these rules of operation.
(Code of Ord. § 7-517)

2.24 Disciplinary actions. The assistant traffic bureau commander of the sheriff's office, or his designee, will determine the extent and severity of disciplinary action in accordance with sections 1.14 and 1.15 of these rules of operation.

Resol. No. 18, 03-26-07; Sheriff 12-29-03; Sheriff 01-08-90; Ord. No. 62, 12-18-89