



VSP-DIR- 343

Wreckers and Towing

1.0 Purpose

- 1.1 This policy establishes procedures regarding the “wrecker rotation list” and the eligibility requirements for a wrecker or towing service to be added to the list, as well as vehicles that are towed at the request of members for investigative purposes.

2.0 Policy

2.1 The Vermont State Police utilizes wrecker services to assist in quickly and safely removing damaged or disabled vehicles from the roadway in order to remove the hazard and restore the roadway for the normal flow of traffic. Wrecker services will also be used to transport vehicles being seized for investigative purposes.

2.2 The Vermont State Police should strive to utilize only reputable wrecker services.

3.0 Procedure

3.1 Wrecker Rotation

- (1) Each station will have a written "wrecker rotational list" to ensure that calls are evenly distributed among the various wreckers within the station's geographic area of responsibility. Each station will maintain a record in CAD reflecting the date and time that each wrecker was called, and at whose request the wrecker was called.
- (2) All members will adhere strictly to this policy, unless:
 - (A) Extraordinary conditions require the quickest possible response as the member or others are at risk. This is a rare situation; simply stating the road is icy does not meet this standard. If the rotation is bypassed, a notation will be made in the station radio log.
 - (B) The person who requires a wrecker service has a preference. In this case a notation will be made in the station radio log reflecting same.
- (3) Station Commanders may restrict or group wreckers to areas of coverage, i.e., specific towns or areas of major highways. The station shall maintain a separate rotational list for large wreckers or other specialized recovery units, as the station area needs dictate.

(4) At the direction of the station commander, wrecker rotational logs/lists will be made available for inspection.

3.2 Requirements

- 1) The station commander will decide if a company will be added to, or remain on, the rotation. A wrecker service wishing to be added to the rotation for a particular area will provide the following information to the station commander (or designee) responsible for said area.
- 2) All rotation wreckers will also provide the following information on an annual basis:
 - (A) The name of the business and the name of the proprietor, owner or other responsible party.
 - (B) The location(s) that the business operates from to include a physical address.
 - (C) The storage location(s) of vehicles towed.
 - (D) A listing of equipment and vehicles to include each unit's capability and its VT registration number.
 - (E) The means of contacting the service for calls to include all primary and secondary methods. (i.e.: cell phones, pagers)
 - (F) The identities of all persons who will be operating or assisting in the operation of wrecker equipment.
 - (G) A Certificate of Insurance for a liability insurance policy of a minimum amount of \$750,000. The Certificate of Insurance shall be provided to the station commander by the insuring company. The insurance policy must be sufficient to ensure coverage of the towed vehicle while "on - hook" and/or carried on a flatbed. It will include a clause that will ensure that the insuring company will notify the State Police of any changes, cancellation or expiration of the insurance coverage.
- 3) The same requirements must be met for any sub-contracting services a Wrecker Service utilizes.

3.3 Removal from Rotational List

- 1) The station commander may remove from the list or refuse to list a wrecker service that, in his/her opinion is:
 - (A) Utilizing unsafe or incompetent operators;

- (B) Overcharging (based on area fees for comparable services);
- (C) Has operators who, due to a criminal history, previous encounters with the police or other factors, cause the station commander to conclude the person may compromise the ability of the Vermont State Police to consider the service reputable;
- (D) Fails to provide the Station commander with information required by This policy or provides inaccurate information;
- (E) Compromises the operator's ability to perform satisfactory service;
- (F) Fails to respond in a timely manner;
- (G) Fails to comply with legal requirements under Title 23 Vermont Statutes Annotated and Federal Motor Carrier regulations;
- (H) Operates or permits the operation of unsafe or illegal equipment;
- (I) Permits non-employees or children to be present at calls;
- (J) Fails to comply with the department wrecker policy as administered by the station commander. A copy of the wrecker policy should be provided at the time of the application to the rotation list.

3.4 Wrecker companies refused addition to station rotational lists or suspended for violation(s) of department policy shall not be called except at customer request. Stations having knowledge that a wrecker service is not legally authorized to operate in the State of Vermont, i.e., motor vehicle suspensions, etc., shall not call the wrecker service, and shall advise the requesting party of available alternatives.

3.5 The owner/operator of a wrecker service that has been suspended or removed from the list may appeal the suspension/removal to the troop commander. The owner/operator must notify the troop commander, in writing, of his/her intent to appeal the suspension/removal within thirty (30) days of receiving the notice of suspension/ removal from the station commander. All notices of suspension/removal will be sent certified return receipt by the station commander. The decision of the troop commander regarding the suspension/removal shall be communicated to all parties within thirty (30) days and is considered final.

3.6 Members or other department personnel shall not collect or hold fees for wrecker services. Additionally, members shall not discuss fees for services, i.e., how much the tow should/will cost with vehicle owners - if vehicle owners feel they have been overcharged, their complaint should be referred to the station commander.

3.7 The inventory sheet - DPS 261 - will be used when the vehicle is towed to a state police facility and/or held as evidence. This is for inventory only and should not be

utilized for access to the vehicle or in place of a search warrant for evidence or opening of locked containers.

3.8 A wrecker will not tow any vehicle to a state police facility unless it is seized as evidence with the approval of a supervisor.

3.9 Fees for vehicles seized as evidence and towed to a state police facility shall be paid by the department. The department will seek reimbursement from any insurance company/party involved.

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The Vermont State Police Manual is not intended to apply in any criminal or civil proceeding outside of internal department proceedings. No policy included in this publication should be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.