

At a Regular Session of the County Commission of Kanawha County, West Virginia, held at the Courthouse, thereof, on the 20<sup>th</sup> day of December, 2007, the following order was made and entered:

Subject: Adoption of the Policy for the Dispatch of Towing Services

The following Motion was offered by W. Kent Carper, Commissioner, that the County Commission of Kanawha County, West Virginia, does hereby authorize its signatures and therefore adopts the Policy for the Dispatch of Towing Services to become effective immediately upon adoption.

A copy of the Ordinance is attached hereto and made a part hereof, and the Commission, being of the opinion, that this request is proper, does accordingly authorize the Commissioners of the Kanawha County Commission to sign the aforesigned Policy for the Dispatch of Towing Services for Kanawha County, West Virginia.

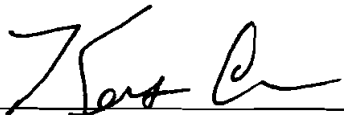
The adoption of the foregoing Motion having been moved by:

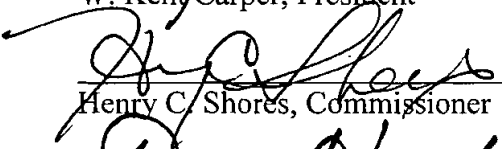
W. Kent Carper, Commissioner, and duly seconded by:

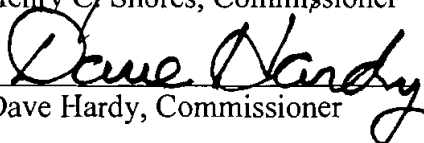
Henry C. Shores, Commissioner, the vote thereon was as follows:

W. Kent Carper, President	<u>Aye</u>
Henry C. Shores, Commissioner	<u>Aye</u>
Dave Hardy, Commissioner	<u>Aye</u>

**WHEREUPON**, W. Kent Carper, President declared said Motion duly adopted; and it is therefore **ADJUDGED** and **ORDERED** that said Motion be, and the same is hereby adopted.

  
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 W. Kent Carper, President

  
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 Henry C. Shores, Commissioner

  
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 Dave Hardy, Commissioner



REGULATIONS  
FOR THE DISPATCH OF TOWING SERVICES BY  
THE KANAWHA COUNTY COMMISSION

**Policy:**

It is the policy of the Kanawha County Commission (Commission) through the cooperation of the Kanawha County Sheriff Department (KCSD) to dispatch towing services in a safe, efficient and equitable manner. The primary concern of the KCSD is public safety.

**Authority:**

Pursuant to WV Code 24-6-12, the Commission hereby promulgates the following Regulations for the dispatch of towing services in Kanawha County. These regulations apply only to the request for towing services by the KCSD and do not alter or amend any towing regulations promulgated by the Department of Public Safety (West Virginia State Police) or any other municipal agency.

**Effective Date:**

These Regulations are effective upon entry of an appropriate Order from the Kanawha County Commission.

**Definitions:**

For purposes of these Regulations, the following definitions shall apply:

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon the highway, except devices moved by human power or used exclusively upon stationary rail or tracks, as defined by WV Code 17C-1-2.

“Wrecker company” means a business engaged in the transportation upon the public streets and highways of the state of West Virginia and damaged, disabled, unattended or abandoned vehicles together with personal effect and/or cargo by the use of wreckers. The terms wrecker company, wrecker service, tow truck service and towing service are synonymous.

**PROCEDURE:**

**Dispatch List:**

The KCSD shall maintain and provide to the METRO 911 Service a Dispatch List of wrecker companies who are approved to provide towing services for the KCSD. This list shall include the name, physical address of each location that receives and responds to dispatch calls, telephone number(s) and name of the owner, or at least fifty percent (50%) interest owner, of the wrecker company.

**Wrecker Company Requirements:**

In order to be included on the Dispatch List, the wrecker company must meet the

1. Be in full compliance with Title 50 Public Service Commission Series 9, § 150-9-1 through 5.11. The Public Service Commission Rules set forth all the requirements for training, equipment, insurance and licensing.
- 1a. For clarity purposes the Public Service Regulations 150 CSR 9, 5.9 through 5.9.d are repeated herein verbatim.

5.9. Storage facilities for motor vehicles transported in third-party tows by wrecker companies.

5.9.a. Any facility or place of storage that is operated by a wrecker or towing company:

1. Shall be completely enclosed by a fence or other suitable barrier;
  2. Said fence or barrier shall be at least 8 feet in height and constructed of an opaque material;
  3. Any vehicle stored or placed in said facility or place of storage shall be stored or placed within the legal boundaries of the property owner.
  4. All vehicles stored or placed in said facility or place of storage shall be completely hidden from lateral public view.
2. Maintain a physical location that is operated as a wrecker company that is manned on a twenty-four (24) hour basis. Pagers and answering machines do not qualify as "manned" or "responding." If the wrecker company operates more than one physical location for the receipt of dispatch calls and dispatches wreckers from that location, it is the wrecker companies responsibility to notify the KCSD of the additional locations. Notwithstanding the immediately foregoing sentence, the additional locations must be manned on a twenty-four (24) hour basis. The physical location shall have adequate facilities to keep, maintain and preserve records, papers and documents necessary to carry on the business and to make the business location available for inspection by the Sheriff or his designated representative at all reasonable times. No wrecker company may consider any individual driver's place of residence as a substation or extension of his service nor shall any other location be considered as his place of business unless it adheres to the definition hereinabove.
  3. Respond to calls in a reasonable time on a twenty-four (24) hour basis, including weekends and holidays regardless, of weather conditions. Response time will be that time that the average driver would receive the call, go directly to his vehicle, and drive to the scene. It will be the responsibility of the wrecker company to advise the requesting officer if there is a longer response time and give an estimated time of arrival to METRO Communications to be relayed to the requesting officer when called. If it is reasonable time as judged by the deputy and supervising officer, this additional response time may be allowed. In every

instance it will be the judgment of the officer on the scene to decide along with the shift supervisor if cancellation of the wrecker/tow service is warranted or if the estimated time of response is excessive.

4. Answer all routine calls for towing and recovery services, and shall not refuse to remove any vehicle, if capable.
5. Provide a detailed description of the geographic area for which the wrecker company provides services.
6. Required Equipment:  
All wrecker companies will be equipped with the following minimum equipment as required by federal or state law and regulations set forth by the Department of Motor Vehicles, Department of Highways, Public Service Commission, or any local, state or federal regulatory agency:
  - A. Trucks with a minimum manufacturer's rated capacity of at least ten thousand (10,000) lbs. gross vehicle weight with dual wheels;
  - B. Securely mounted on the chassis, a complete and commercially manufactured crane and winch having a minimum manufacturer's capacity of at least eight (8,000) lbs. Electric or hand crank winches to not satisfy this subsection;
  - C. At least one hundred (100) feet of 3/8 inch cable securely attached to a wrecker/tow winch;
  - D. A wheel lift which must be commercially manufactured to prevent damage to vehicles;
  - E. At least one (1) roll-back carrier with a manufacturer's rated capacity of at least ten thousand (10,000) lbs. gross vehicle weight with a minimum one hundred and two (102) inch CA dimension. Mounted on the chassis must be a complete, commercially manufactured hydraulic operated roll-back carrier with a manufacturer's rating of at least eight thousand (8,000) lbs. and minimum length of seventeen (17) feet;
  - F. At least one (1) large truck with a manufacturer's rated capacity of at least forty (40,000) lbs. with dual wheels with a commercially manufactured twenty (20) ton unit (bed, winch, and having at least one-hundred-fifty (150) feet of 5/8 inch cable) or having an agreement with one or more wrecker companies to provide said equipment.
  - G. One fire extinguisher on each wrecker/tow truck;
  - H. One push broom on each truck;
  - I. One shovel;

- J. One complete set of wooden, metal, or rubber blocks;
- K. Two (2) "J" hooks;
- L. Twenty (20) twenty-minute flares or reflectors;
- M. One First Aid kit.

**Removal from Dispatch List:**

If a wrecker company fails to comply with all the requirements of these Regulations or fails to respond to a dispatch call, the wrecker company may be removed, without notice, from the Dispatch List.

A wrecker company may be removed, without notice, from the Dispatch List, for dishonesty, causing damage by negligence or other acts that are determined to be inappropriate.

**Complaint Procedure: Wrecker Companies:**

If a wrecker company reasonably believes it has been removed from the Dispatch List or has not received dispatch calls for towing services at locations nearest to its physical location (collectively "adverse action"), the wrecker company shall provide, by certified mail, return receipt requested, a written notice to the KCSD that states the following information:

- The date and time of the adverse action;
- A detailed description of the adverse action along with any supporting documents;
- The name, address and telephone number of any witnesses who may support its claim of adverse action;
- The person(s) the wrecker company believes is or may be responsible for the adverse action; and
- The notice must be signed by the authorized representative of the wrecker company.

In response to such notice, the KCSD shall investigate such claim and provide the wrecker company with a response within thirty days of receipt of the notice. Complaints that are not fully documented as reasonable as possible or are so vague that a proper investigation of the material facts can not be credibly conducted, will not be honored until a reasonable amount of information can be provided to this agency.

**Complaint Procedures: Citizens:**

Any citizen who has a complaint regarding a towing company may file such complaint with the following public agencies:

Kanawha County Sheriff's Department  
409 Virginia Street, East

Kanawha County Planning &  
Development Commission

Charleston, WV 25301

Post Office Box 3627  
Charleston, WV 25336

Carolyn Charnock, Executive Director  
Metro Emergency Operations Center  
911 EMERGENCY SERVICE  
407 Virginia Street, East  
Charleston, West Virginia 25301

The agency to whom a complaint is filed shall notify the other potential affected agencies for input on a response. The response shall be provided to the citizen within fifteen (15) days by the agency that has primary responsibility over the issue raised in the Complaint. In the event the agencies cannot agree or cannot decide who has primary responsibility to respond, the Director of 911 Metro Communications shall choose the appropriate party to respond to the complaint:

**Requests for Wrecker Services:**

When requesting wrecker services through a METRO 911 communication station, KCSD personnel shall utilize only wrecker services listed on the **Dispatch List** unless emergency circumstances dictate the use of a different service. This does not apply to requests made on behalf of the owner/operator of the vehicle being towed where they have specified a wrecker company that can timely remove the vehicle in a safe and efficient manner as determined by KCSD personnel.

METRO 911 communications station shall maintain the **Dispatch List** containing the wrecker companies within their respective area of responsibility that meet the requirements of this policy and to be utilized by the KCSD.

No wrecker company will respond to any situation requiring law enforcement presence until said wrecker company has been notified by METRO Communications or by the authority of the department shift commander. If any wrecker company responds to any situation to which they are not requested to respond, the wrecker company may be removed, without notice, from the **Dispatch List**.

**Selection of Wrecker Company:**

In the event that the owner/operator is not present, is present but has no preference for a wrecker service, or is unable to request a specific wrecker service due to illness, injury, or lack of competency, the KCSD will request the closest available wrecker service on the **Dispatch List**, provided the wrecker service is able to readily supply the specific services required.

In the event a vehicle is towed and the owner/operator is not aware that the vehicle has been towed, the KCSD shall make a reasonable attempt to contact the last known registered owner and advise the owner that the vehicle was towed, the reason for the towing, and the wrecker company which towed the vehicle. The KCSD shall document that the owner was contacted or that attempts to contact the owner were made.

**Inspections:**

The Sheriff may provide for not less than one (1) annual inspection of all wrecker/tow trucks and facilities that are authorized to participate in serving as a wrecker/towing service to determine conformance with the Regulations. The Sheriff or his authorized agent may conduct additional inspections without notice during normal business hours.

**Impounded Vehicles:**

The wrecker company shall obtain authority from KCSD before any requested "hold" is released on any vehicle and shall record the name of the releasing officer in the company's records relative to the vehicle in question.

When a vehicle is released it shall not be turned over to anyone that does not show proof of ownership through a valid title to the automobile and a valid registration of the automobile.

A copy of a "tow slip" shall be provided to the wrecker/tow driver by the deputy causing the vehicle to be towed indicating the condition of the vehicle and any other information as required by this agency. This form will be kept on file at the main office of the wrecker company and the original at the KCSD.

**Company Sale or Transfer:**

The sale or transfer of controlling interest in a wrecker company shall immediately cancel that company from the Dispatch List. The new owner or controlling party may apply for inclusion on the Dispatch List upon proof of compliance with all requirements in these Regulations. The sale or transfer of a controlling interest of a wrecker company that is on the Dispatch List does not guarantee a right nor a privilege for that company to be placed on the KCSD Dispatch List.

Prepared by:

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Charleston, WV 25337-3710  
304-345-4222  
Counsel for Kanawha County Sheriff,  
METRO 911 and Kanawha County Planning Committee

Approved and Recommended By Kanawha County Planning Committee:

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Susan Blake, Chairman

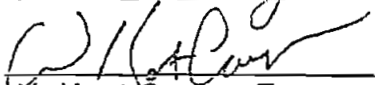
Reviewed by Attorney for Kanawha County Commission:

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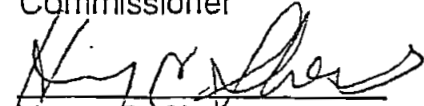


Marc J. Slotnick  
WVSB # 5956  
c/o Kanawha County Commission

Accepted and Approved by the Kanawha County Commission this 15<sup>th</sup> day of February 2005.



W. Kent Carper, Esq.  
Commissioner



Henry C. Shores  
Commissioner

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David J. Hardy, Esq  
Commissioner