IDAHO STATE POLICE PROCEDURE

07.17 USE OF TOW TRUCKS

I. GENERAL

Idaho Code 49-1812 required the Idaho State Police (ISP) to establish and maintain a list of companies authorized to respond to ISP directed vehicle tows. This policy governs the requirements for placement on a district tow rotation list ("tow rotation list"), the expected response, and the procedure governing suspension or removal from the tow rotation list.

II. USE OF TOW ROTATION LIST

A. Each District will establish and maintain three (3) tow rotation lists for the entire service area, including: a tow rotation list for passenger cars or light-duty tows, a tow rotation list for medium-duty tows, and a tow rotation list for heavy trucks or other large vehicles.
   1. Light-duty, medium-duty, and heavy-duty are defined by the Towing and Recovery Association of America's Vehicle Identification Guide, attached and incorporated into this procedure.
   2. The tow rotation list will be the standard call order for tow companies, and the next tow company in sequence on the applicable tow rotation list should be dispatched unless:
      a. use of the next tow company on the list will cause prolonged delay,
      b. use of the net tow company on the list will significantly increase the likelihood of harm to the public or jeopardize officer safety;
      c. use of the next tow company on the list is otherwise impracticable.
   3. If any of the above apply, the next tow company on the tow rotation list or the geographically closest tow company may be contacted instead.
   4. Rotation lists may be split into geographical areas based on response time.

B. Should a tow company change owners, ISP reserves the right to revise the tow rotation list as needed.

C. When initiating a law enforcement-directed tow, the trooper will inquire of the vehicle driver as to whether there is a preference for the tow company used. If the driver does not express a preference and the vehicle is owned by a business, the driver will then be contacted to see if they have a preference for a tow company.
   1. A driver or owner's preference for a tow company will be honored unless the tow company is unable to respond in a timely fashion, the tow truck is unsafe or uninsured, or the tow truck driver is unlicensed or unqualified to operate a tow truck.
   2. If no preference for tow truck company is expressed, the district tow rotation will determine which company is contacted to conduct the tow.

III. PLACEMENT ON TOW ROTATION LIST

A. To be considered for placement on a tow rotation list, the tow company must complete the application packet and submit it to the district office.

B. An application to be added to a tow rotation list will be reviewed by the District Captain or

designee upon receipt of all required documents, including a criminal history background check.

C. To be eligible for placement on the tow rotation list, the tow company must agree to and must meet the following requirements:

1. The tow company must be available via phone 24 hours per day and submit no more than two phone numbers to be reached at.
2. The tow company must have an accessible and secure storage lot or building. At a minimum, the storage lot or building must be:
   a. large enough to accommodate all vehicles towed for ISP
   b. surrounded by a well-maintained fence of sufficient size to prevent theft or vandalism;
   c. have a working lock on the tow yard gate and any storage buildings;
   d. located at the same location as the business address submitted on the application.
3. Tow company vehicles used for ISP-directed tows must have the following equipment, maintained in safe working condition.
   a. vehicle lighting and equipment specified by Idaho Code;
   b. amber, red, or a combination of amber/red emergency lights visible for 360 degrees;
   c. high-visibility vests or coats complying with ANSI/ISEA 107, 2020 edition, class 2 or 3, which must be worn by all tow company employees while working within the right of way of any Federal-aid highway;
   d. five (5) traffic cones;
   e. one (1) fully charged fire extinguisher having a minimum of five (5) pounds of ABC dry chemical;
   f. broom;
   g. shovel;
   h. lights for towed vehicle; and
   i. tow bar, cradle, towing dolly, or equipment for towing passenger cars.
4. If providing heavy-duty tows, the tow company must have the necessary equipment to perform traffic control at scenes where the recovery operation lasts longer than one (1) hour in duration. The ability to perform traffic control includes providing the following: flaggers certified by the Idaho Transportation Department, signs, cones, and appropriate communication devices.
5. Each tow truck must have the business name of the tow truck company clearly and permanently affixed or otherwise attached on both sides of the truck.
6. The tow company must submit a copy of current insurance showing proof of the following coverage:
   a. $750,000 minimum vehicle liability insurance; and
   b. “On hook” and garage keeper’s insurance of at least $50,000 per incident.
7. The tow company must submit a copy of the current vehicle registration for each towing vehicle. The vehicle registration must show the tow truck company as the registered owner.
8. The tow company must submit the name of all current owners and tow truck drivers.
   a. If additional owners or tow truck drivers are added to the company after placement on the tow rotation list, the tow truck company must submit those names to ISP within 14 days of hiring.
9. The tow company must ensure that all drivers have sufficient knowledge to properly and safely operate all necessary equipment and conduct towing and recovery maneuvers.
10. If more than one company operated out of the same facility and a request is made for a separate place on the tow rotation list, each tow company must show proof of separate billing

systems, vehicle titles, tax numbers, and phone numbers.

11. Equipment, records, and facilities of tow companies on tow rotation lists are subject to inspection at any time by ISP personnel for the purpose of determining whether initial or continued placement on the tow rotation list is appropriate under this policy.
12. Every owner and employee of a tow truck company applying for placement on the tow rotation list must submit to a fingerprint-based background check through the ISP Bureau of Criminal Identification. The results of the fingerprint-based check may be used to determine if initial placement, or continued placement on the tow rotation list, is appropriate.
    a. District personnel access to fingerprint-based background check results will be limited to only those involved in determining the appropriateness of placing the tow company on the tow rotation list.
    b. Fingerprint-based background check results should be stored in a secure location and destroyed after review.
    c. The following guidelines should be used to determine eligibility for placement on the tow rotation list:
        i. An owner or employee of the tow company should not be included in the tow rotation list until five years after completing confinement, probation, or parole for any prior felony offense.
        ii. An owner or employee of the tow company should not be included on the tow rotation list until three years after completing confinement, probation, or parole for any prior misdemeanor offense.

D. The application packet, including a fingerprint-based background check, will be reviewed by the District Captain or designee for a decision on whether to place the tow company on the tow rotation list.
    1. The District Captain or designee will consider all factors set forth in this policy, as well as any other relevant information, when making a decision.
    2. If the tow company has previously been removed from the tow rotation list, information pertaining to the previous removal will also be considered.
    3. The tow company will be advised in writing of placement or non-placement on the tow rotation list.

IV. TOW COMPANY RESPONSE

A. In order to remain on the tow rotation list, the tow company must comply with all requirements set forth in Idaho Code Title 49, Chapter 18.

B. When responding to a law enforcement direct town, the tow truck company must give an estimated time of arrival to the scene.

C. The tow company may not refer the call to another tow company for fulfillment of the tow.

D. A tow company may be suspended or removed from the tow rotation list for:
    1. Failure to continue to meet the requirements set out in sections III and IV of this policy after placement on the tow rotation list.

2. Any failure of the tow company's employees to conduct themselves in a professional manner with ISP employees, other law enforcement agencies, or the public.
   a. use of abusive, intimidating, threatening, or offensive language or actions;
   b. use of profanity;
   c. sexual or other harassment;
   d. attempts to circumvent the tow rotation priority lists via false or misleading statements or other tactics;
   e. failure to follow instructions of ISP or other law enforcement personnel, including communications officers;
3. Refusing to remove a vehicle when dispatched;
4. Responding to a tow with any detectable amount of alcohol or illegal drugs in system;
5. Failure to follow the tow and storage rates submitted to Idaho Transportation Department, or overcharging for tow or storage.This includes, but is not limited to:
   a. overcharging or inflation of tow rates at any time, including but not limited to additional charges, surcharges, excessive charges, or other inequities related to law enforcement-directed tow;
   b. any inequities in service or fees;
6. Any criminal conviction of a tow company owner or employee, including convictions dismissed under Idaho Code 19-2604;
7. Failure to obey the provisions of Idaho Code Title 49, Chapter 18, or the requirements of this procedure.

E. Upon receipt of information establishing a basis for suspension or removal from the tow rotation list, the captain or designee shall initiate the following procedure:
   1. The District Captain or designee will issue a "Notice of Intent to Suspend or Remove" to the tow company.
   2. The notice will set forth the basis for the intended suspension or removal.
   3. District personnel will retain a copy of the notice and proof of mailing.

C. Within ten (10) working days of receipt of the letter, the tow company may request to meet with the District Captain and present information as to why it should not be suspended or removed from the tow rotation list. The request must be received in writing.
   1. If a meeting is requested, the captain or designee will meet with the tow company representative.
   2. The tow company may present evidence, both verbal and written, to dispute the appropriateness of the suspension or removal from the tow list.
   3. The District Captain or designee will consider all evidence presented by the tow company when rendering a decision. The District should retain all evidence presented.

D. Within twenty-one (21) days of the meeting, the District Captain or designee will issue a decision on the issue of suspension or removal from the tow list.
   1. If a suspension is appropriate, the tow company will be suspended for six (6) months for the first offense, twelve (12) months for the second offense, and permanently for the third offense. After a suspension expires, the suspended tow company must submit a modified tow application before being placed back on the tow rotation list.

2. If removal is appropriate, the tow company will be removed from the tow rotation list. The tow company may reapply for placement on the list pursuant to section III of this procedure after a period of twelve (12) months.
3. The decision on whether to suspend or remove a tow company will be issued as an agency Preliminary Order. The District will retain a copy of the Preliminary Order sent to the tow company.
4. The District Captain will send a copy of the Preliminary Order to the appropriate Major.

E. Pursuant to the Administrative Procedure Act (APA), within twenty-one (14) days, the tow company may send a request for reconsideration of the Preliminary Order.
   1. If no request for reconsideration is received within the required time frame, the Preliminary Order will become a Final Order, and the company may be suspended or removed from the tow rotation list.
   2. If a request for reconsideration is received, the Major will review all relevant evidence and Issue a Final Order either upholding or overturning the Preliminary Order.
   3. The Final Order must be issued within twenty-eight (28) days from the date of request for reconsideration.

Law enforcement communications with towing and recovery operators describing an incident and the vehicles involved can insure quick and efficient clearing of these scenes and less disruption to traffic flow. In an effort to standardize communications, the towing industry is adopting the federal vehicle class standards as outlined herein.

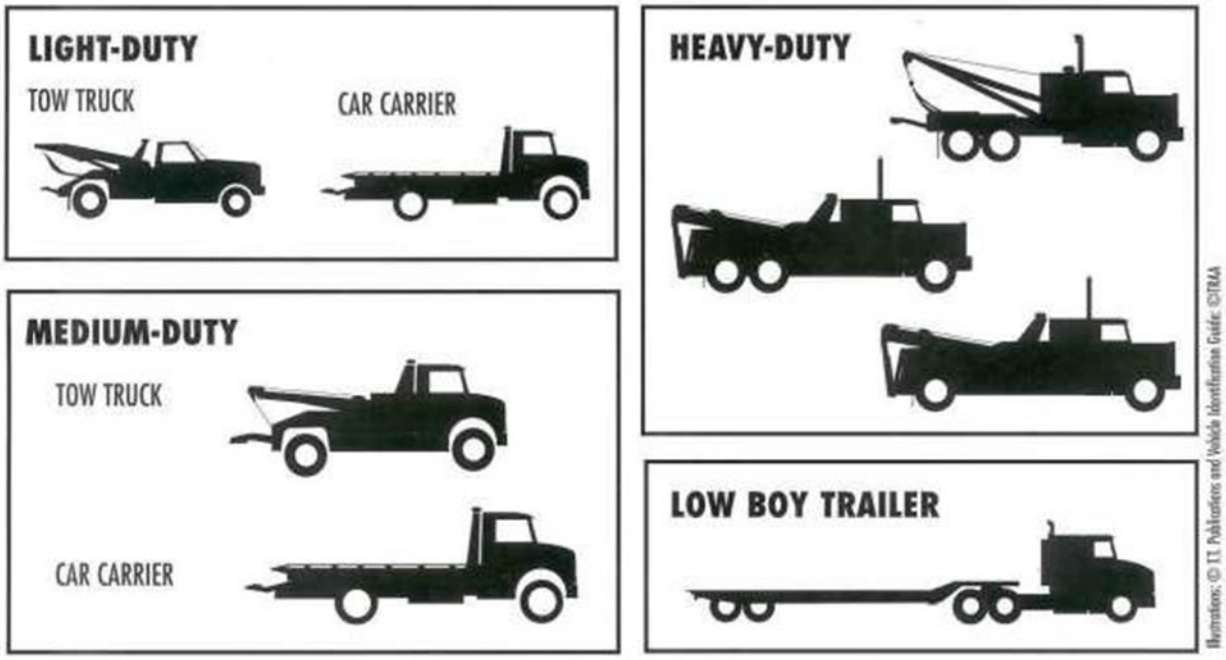
VIN CODES

The year of the vehicle is critical information for towing operators in order for them to reference correct towing procedures. The diagrams on the front are examples of classifications. The following information about vehicle identification numbers affixed to the chassis will help determine the vehicle's year. As noted, the vehicle's year, identified by a letter or number in the VIN sequence, is the eighth character from the right.

EXAMPLE 1995 VIN NUMBER: 1P8ZA1279SZ215470

1980.....A	1987.....H	1994.....R	2001.....1	2008.....8
1981.....B	1988.....J	1995.....S	2002.....2	2009.....9
1982.....C	1989.....K	1996.....T	2003.....3	2010.....A
1983.....D	1990.....L	1997.....V	2004.....4	2011.....B
1984.....E	1991.....M	1998.....W	2005.....5	2012.....C
1985.....F	1992.....N	1999.....X	2006.....6	
1986.....G	1993.....P	2000.....Y	2007.....7	

TOW TRUCK/CAR CARRIER CLASSIFICATION



Information provided by Towing and Recovery Association of America Inc. • 1-800-728-0136 • 703-684-7713 • Sponsored by *Tow Times*® Magazine.

TRAA VEHICLE IDENTIFICATION GUIDE©

CLASS 1 • LIGHT-DUTY • (6,000 lbs. or less GVW - 4 tires)*



CLASS 2 • LIGHT-DUTY • (6,001 - 10,000 lbs. GVW - 4 tires)*



Classes 1 and 2 include passenger vehicles, light trucks, minivans, full size pickups, sport utility vehicles and full size vans.

CLASS 3 • MEDIUM-DUTY • (10,001 - 14,000 lbs. GVW - 6 tires or more)*



CLASS 4 • MEDIUM-DUTY • (14,001 - 16,000 lbs. GVW - 6 tires or more)*



CLASS 5 • MEDIUM-DUTY • (16,001 - 19,500 lbs. GVW - 6 tires or more)*



CLASS 6 • MEDIUM-DUTY • (19,501 - 26,000 lbs. GVW - 6 tires or more)*



Classes 3 through 6 include a wide range of mid-size vehicles, delivery trucks, utility vehicles, motorhomes, parcel trucks, ambulances, small dump trucks, landscape trucks, flatbed and stake trucks, refrigerated and box trucks, small and medium school and transit busses.

Information Needed To Correctly Dispatch Towing and Recovery Units:

- Year, Make and Model of Vehicle to be Towed or Recovered
- DOT Classification (Class 1 – 8 based on GVW)
- Location of Vehicle
- Type of Tow (impound, accident, recovery motorist assist, etc.)
- Additional Vehicle Information
  - 2 wheel drive, 4 wheel drive, all wheel drive
  - damage to vehicle, tire condition
  - vehicle loaded or empty
  - cargo contents
  - does the vehicle have a trailer
  - are the keys with the vehicle

Note: Any vehicle may carry hazardous materials. Advise if placarded.

*** Note:*** The Gross Vehicle Weight Rating (GVWR) of the vehicle to be towed or recovered can be found on the identification label on the vehicle's driver's side doorframe. The number of pounds listed on the label can then be compared with the DOT Classification Vehicle Type Chart for the correct DOT class.

CLASS 7 • HEAVY-DUTY • (26,001 - 33,000 lbs. GVW - 6 tires or more)*



CLASS 8 • HEAVY-DUTY • (33,001 lbs. and over GVW - 10 tires or more)*



Classes 7 and 8 include a wide range of heavy vehicles, large delivery trucks, motor coaches, refuse trucks, cement mixers, all tractor trailer combinations including double trailers.

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