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2 **Board of Towing and Recovery Operators**

3

4 **Licensing and Regulatory**  
5 **Affairs Committee**

6

7

8 **Working Paper**

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**December 20, 2007**

**Public Safety Regulations**

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1 **Purpose**

2 To establish minimum requirements, including qualifications, standards, necessary  
3 equipment, and public safety concerns necessary and appropriate to permit a Class  
4 A or Class B operator to provide public safety towing and recovery services.

5  
6 **Requirement for regulation**

7  
8 The Virginia Board of Towing and Recovery Operators is mandated in Section 46.2-  
9 2826 of the Code of Virginia to establish regulations required of Class A and Class B  
10 operators to provide public safety towing and recovery services.

11  
12 **24 VAC 27- 50 - 10. Definitions**

13  
14 The following words and terms when used in these regulations, by the Virginia Board  
15 of Towing and Recovery Operators, or the Board's related documents, unless  
16 expressly stated otherwise, shall have the following meanings:

17  
18 **"Board"** or **"BTRO"** means the Virginia Board of Towing and Recovery Operators.

19  
20 **"Class A Operator"** means a towing and recovery business towing vehicles of an  
21 unlimited gross vehicle weight.

22  
23 **"Class B Operator"** means a towing and recovery business towing vehicles of a  
24 gross vehicle weight of 26,000 pounds or less.

25  
26 **"Driver"** means a person who drives or is in actual physical control of a tow truck. A  
27 driver shall have obtained an authorization document issued by the Board in order to  
28 drive a tow truck while providing towing or recovery services.

29  
30 **"Equipment"** means any tow truck, vehicle or related machinery or tools used to  
31 provide towing or recovery services.

32  
33 **"Gross vehicle weight"** means the aggregate weight of a vehicle and the load  
34 thereon.

35  
36 **"Gross vehicle weight rating"** means as defined in Section 46.2-341.4. of the

1 Code of the Virginia.

2

3 **Law-enforcement officer**" means any officer authorized to direct or regulate traffic  
4 or to make arrests for violations of the Code of Virginia or local ordinances  
5 authorized by law relating to drivers or driving of motor vehicles.

6

7 **"Operator"** means, for the purposes of these regulations, the same as "Towing and  
8 recovery operator", notwithstanding the provisions of §46.2-100, which defines  
9 operator differently.

10

11 **"Owner of the Vehicle"** is defined as set forth in §46.2-1217 of the Code of  
12 Virginia.

13

14 **"Public Safety Tow"** means requests for towing and recovery services made by a  
15 law enforcement officer of the county, city, or town, or by a State Police Officer within  
16 the county, city, or town pursuant to §46.2-1217 of the Code of Virginia. Additionally,  
17 it shall mean towing requests made by a law-enforcement officer at the request of  
18 the owner or operator of an unattended, abandoned, or immobile vehicle, when no  
19 specific service provider is requested by such owner or operator or if an unattended,  
20 abandoned, or immobile vehicle is located so as to impede the free flow of traffic on  
21 a public highway declared by resolution of the Commonwealth Transportation Board  
22 to be a portion of the interstate highway system.

23

24 **"Private Property/Trespass Tow"** means requests for towing and recovery services  
25 made by the owner, operator or lessee of private property, or the authorized agent  
26 thereof, pursuant to the provisions of Article 3 of Chapter 12 of Title 46.2 of the Code  
27 of Virginia, or local ordinances adopted under that Article, or under contract between  
28 such person and a towing and recovery operator which specifies what tows are to be  
29 made from the property when a motor vehicle or vehicle or self propelled apparatus  
30 is on the property in violation of law or rules promulgated by the owner, operator, or  
31 lessee of the private property.

32

1       **“Recovery”** means to bring a vehicle back to normal position or condition, such as  
2       back to a position that would normally be used when in operation.

3  
4       **“Responsible Individual”** means an individual identified through the Operator’s  
5       licensure process who is designated by the Operator to represent and be  
6       accountable for all aspects of licensure of and for the Operator and who is either the  
7       principal owner or chief executive officer of the business entity or manager or both of  
8       business operations for the operator.

9  
10      **“Tow”** means when the towing vehicle has engaged the towed vehicle by a physical,  
11      mechanical means which causes the towed vehicle to be lifted off of the ground, or  
12      moved for any distance whatsoever.

13  
14      **“Towing”** means to draw or pull a vehicle behind a tow truck or haul a vehicle on a  
15      platform attached to a tow truck.

16  
17      **“Towing and recovery operator”** means any person, including a business,  
18      corporation, or sole proprietor, offering services involving the use of a tow truck and  
19      services incidental to the use of a tow truck. Such shall include but not be limited to  
20      those engaged in the business of (i) removing disabled vehicles, parts of vehicles,  
21      their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring  
22      to the highway or other location where they either can be operated or removed to  
23      other locations for repair or safekeeping vehicles that have come to rest in places  
24      where they cannot be operated.

25  
26      **“Towing and Recovery Services”** means services offered by a licensed Operator  
27      endorsed by the Board to provide Public Safety towing. Any person who in any way  
28      advertises himself as a towing and recovery operator or in any way conveys the  
29      impression that he is engaged in services of providing for hire Public Safety towing  
30      shall be deemed to be engaged in towing and recovery services.

31  
32      **“Tow truck”** means a motor vehicle for hire (i) designed to lift, pull, or carry another  
33      vehicle by means of a hoist or other mechanical apparatus and (ii) having a  
34      manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck"

1 also includes vehicles designed with a ramp on wheels and a hydraulic lift with a  
 2 capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow  
 3 truck" does not include any "automobile or watercraft transporter," "stinger-steered  
 4 automobile or watercraft transporter," or "tractor truck" as defined in § 46.2-100 of  
 5 the Code of Virginia.

6

7 **“Tow Truck Decal,” “Decal”** or similar words mean a Board issued decal to be  
 8 affixed to the driver side door of a tow truck owned, leased or operated by a licensed  
 9 towing and recovery operator.

10

11 **24 VAC 27- 50 - 20. Fees**

12

13

In addition to fees required by 24VAC27-30-20 the following fees shall be applicable:

Certification Item	Fee
Initial Fee Structure/Application Fee,	\$50
Annual Endorsement Renewal	\$50
Annual tow truck decal, per vehicle	\$5
Late renewal (operator, or truck decal)	150 percent of renewal fee
Reinstatement following revocation or suspension of certification	\$1000
Verification of certification to another jurisdiction or government entity	\$25
Returned check	\$35
Duplicate copy of certification, or tow truck decal.	\$10

14

15 A. All fees shall be nonrefundable.

16

17 B. Examination fees shall be determined by the Board.

18

19 **24 VAC 27- 50 - 30. General Requirements for Operators**

20

21 As a condition for endorsement in order and to provide Public Safety towing, all  
 22 Operators shall:

23

24 A. Be licensed and in good standing with the Virginia Board of Towing and

1 Recovery Operators as a Class A or Class B Operator.

2 1. Class B - If an Operator was in business on or before January 1, 2006 and  
3 has been satisfactorily towing at the request of one or more law enforcement  
4 agencies continuously since that time and submits documentation as such,  
5 that Operator may be deemed by the Board to satisfy the initial endorsement  
6 requirements for a Board Class B Public Safety Operators Endorsement. The  
7 Operator will have to meet the requirements for the next cycle of continuing  
8 education. A portion of the documentation must be a letter of endorsement  
9 by the law enforcement agency or agencies for which the Operator has been  
10 performing work as a public safety tow Operator.

11  
12 In order for an Operator who starts their business on or after January 1, 2006  
13 to obtain an endorsement as a Class B Public Safety Operator, the Operator  
14 must provide documentation of satisfactory service from one or more law  
15 enforcement agencies and must successfully complete tests or a class or  
16 classes for certification including TRAA Level 1, IITR or other similar  
17 programs as approved and determined by the Board.

18  
19 2. Class A – If an Operator was in business on or before January 1, 2004 and  
20 has been towing for one or more law enforcement agencies continuously  
21 since that time and submits documentation as such, that Operator may be  
22 deemed by the Board to satisfy the initial endorsement requirements for a  
23 Board Class A Public Safety Operators endorsement.

24  
25 In order for an Operator who started their business on or after January 1,  
26 2004 to obtain a Class A Public Safety Operators Endorsement, the Operator  
27 must provide documentation of satisfactory service to one or more law  
28 enforcement agencies and must successfully complete tests or classes for  
29 certification including TRAA Level 3 or other similar programs as approved  
30 and determined by the Board.

31  
32 B. Provide the name of the individual or business entity under which the applicant  
33 intends to be certified. However, the applicant, at time of application and each  
34 renewal of license, shall provide the Board with any and all trade or fictitious

1 names under which the operator conducts or offers towing and recovery  
2 services. Should such change, the Board shall be notified within 30 days such  
3 change occurs.

4

5 C. Designate and advise the Board of the main or principal office and all additional  
6 satellite facilities and the physical addresses. Any should such change, the  
7 Board shall be notified within 30 days such change occurs.

8

9 D. Designate a Responsible Individual who shall be knowledgeable of all applicable  
10 state, federal or local laws and regulations related to those public safety and  
11 incident management towing and recovery services offered or rendered by the  
12 operator, and who shall be responsible for assuring that the operator conforms to  
13 them. Should such change, the Board shall be notified within 30 days such  
14 change occurs.

15

16 E. List the principal owner's name or owners' names and the name of the  
17 Responsible Individual and of the principal manager and of all other individuals  
18 involved in the management and operation of the business on the application for  
19 license and advise the Board of any change of same within 30 days of such  
20 change.

21

22 F. Certify on the application whether any owner, manager, or other individual  
23 involved in the management or operation of the business entity, including the  
24 Responsible Individual, has been convicted of any criminal offense, whether  
25 felony or misdemeanor. Should such change, the Board shall be notified within  
26 30 days such change occurs.

27

28 **24 VAC 27- 50 - 40. Training Requirements**

29

30 A. All public safety towing drivers and recovery supervisors shall meet the minimum  
31 training standards and attend continuing education programs, approved by the Board  
32 as set out in these regulations.

33

34 B. Class A public safety towing drivers shall possess a nationally recognized  
35 certification, or equivalent, approved by the Board, adequate for towing and recovery

1 of trucks with a GVW of 26,001 lbs. or greater. Drivers shall attend and pass a  
2 minimum of 4 hours of continuing education every year pertaining to the towing and  
3 recovery of trucks with a GVW of 26,001 lbs. or greater, with at least one hour being  
4 devoted to towing vehicles with a GVW under 26,000 lbs. Certification shall be by a  
5 professional or training organization, or other curricula approved by the Board.  
6 Training shall consist of minimum of 2 hours classroom and 2 hours hands on  
7 training. Class A public safety towing drivers who can document that they were  
8 employed as a public safety tow driver for a public safety tow operator as of June 30,  
9 2008 may be granted a drivers authorization by the Board if submitted by an  
10 Endorsed Board Public Safety Operator. Such drivers shall not have to possess a  
11 nationally recognized certification. Drivers so authorized must comply with all  
12 continuing education requirements for the next year's cycle. Drivers entering into the  
13 business after June 30, 2008 must meet the national certification or equivalent  
14 requirement.

15  
16 C. Class B public safety tow drivers shall possess a nationally recognized certification,,  
17 or equivalent, approved by the Board, adequate for towing and recovery of trucks  
18 with a GVW of 26,001 lbs. or greater. Drivers shall attend and pass a minimum of 2  
19 hours of continuing education every year pertaining to the towing and recovery of  
20 trucks with a GVW of 26,001 lbs. or less. Certification shall be by a professional or  
21 training organization or other curricula approved by the Board. Training shall consist  
22 of a minimum of 1 hour classroom and 1 hour hands on training. Class B public  
23 safety tow drivers who can document that they were employed as a public safety tow  
24 driver for a public safety tow operator as of June 30, 2008 may be granted a drivers  
25 authorization by the Board if submitted by an Endorsed Board Public Safety  
26 Operator. Such drivers would not have to possess a nationally recognized  
27 certification. Drivers so authorized must comply with all continuing education  
28 requirements for the next year's cycle. Drivers entering into the business after June  
29 30, 2008, must meet the national certification or equivalent requirement.

30  
31 D. Class A and B Responsible Individual - The Responsible Individual, designated by the  
32 Operator, must have 4 years practical experience as a public safety tow driver for an  
33 Operator or as an Operator providing Public Safety towing services to a law  
34 enforcement agency or shall possess a national certification for towing and recovery

1 of vehicles in the Class to which they are to be responsible. The Responsible  
2 Individual must attend 8 hours of general continuing education each year, beginning  
3 on July 1, 2010. The general continuing education may be in business management  
4 or other business related course. The continuing education hours must also contain  
5 at least 3 hours of one or more of the following course topics; Hazardous Materials,  
6 Uniform Traffic Control Devices, Public Safety towing and recovery classes,  
7 Occupational Safety and Health Administration courses, Tow truck and/or Motorist  
8 Safety, update on regulations and laws pertaining to Public Safety towing and Public  
9 Safety and towing recovery services. The Responsible Individual must attend one  
10 National Incident Management System (NIMS) or Traffic Incident Management (TIM)  
11 seminar each year in addition to the above minimum requirements as approved by  
12 the Board. Representation on Boards, leadership position in a professional  
13 association or committee which will be considered for qualification of these  
14 continuing education requirements, as determined by the Board and providing they  
15 relate to public Safety Towing and recovery.

- 16
- 17 E. The Board will accept for review and possible approval for continuing education  
18 eligibility related coursework and training such as, "train the trainer" programs, in  
19 order to recognize in-house training to be developed by licensed operators. Such  
20 training shall be required to meet certain documentation practices approved by the  
21 Board.

22

23

24 **24 VAC 27- 50 - 50. General Requirements for Office and Storage Area**

25

26 As a condition for endorsement:

- 27
- 28 A. The public safety tow operator shall have an office location for towing and  
29 storage. The office must be for the use of the towing operator and meet the  
30 following minimum criteria:
- 31
- 32 1. Be at a rigid structure or manufactured building with at least 144 square  
33 feet and equipped for answering inquiries in person and via telephone,  
34 receiving mail so that business may be discussed out of the elements and  
35 where electricity and heat are available. The location may also have a

1 storage facility located at the same address if permitted by local laws,  
2 ordinances, or regulations.

3  
4 2. In jurisdictions where the public safety tow Operator has a valid business  
5 permit to operate from their residence which precludes members of the  
6 public conducting business there, the public safety tow Operator must  
7 advertise the storage lot location where owners of vehicles towed or their  
8 agents may go to recover their vehicle. The storage lot must meet all  
9 federal, state and local building laws, codes, ordinances and regulations  
10 and have a structure or manufactured building of a minimum 144 square  
11 feet where business pertinent to the release of a vehicle may be  
12 conducted out of the adverse weather conditions. As these structures will  
13 be required to meet several federal, state and local laws, codes,  
14 ordinances and regulations, tow operators who were in the business of  
15 public safety towing by contract or rotation list will have until July 1, 2010  
16 to meet this regulation. Proof of operation must be submitted with the  
17 application in order to qualify for this exemption and grace period.

18  
19 3. When the main office of the business is not located at the storage lot, the  
20 public safety tow operator must be able to respond to the lot when  
21 summoned by telephone to release a vehicle within one (1) hour of an  
22 owner calling the advertised number for the public safety tow operator.

23  
24 4. All signs and notices required to be posted at the main office must be  
25 posted at the remote office.

26  
27 5. If the mailing address for the public safety tow operator is a post office  
28 box, a street address listing the main office or storage lot building must be  
29 listed on all advertisements, receipts and official or business related  
30 records.

31  
32 6. Business hours for the storage lots and main office, must be prominently  
33 posted at the street address so that it is visible from the portions of the  
34 property open to the public, subject to local zoning ordinances.

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7. The main office or storage lot, whether a private residence or commercial property must be open and manned for normal business between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except for state and federal Holidays recognized by the Commonwealth of Virginia, unless otherwise specifically stated in a local ordinance or contract that the office and/or storage lot does not need to be manned by an employee of the tow operator. Such local ordinance or contract specifically stating the main office or storage lot does not have to be manned must have been in effect prior to July 1, 2007 in order to not be required to meet this regulation.

8. The “normal business hours may be shared between the remote storage lot and the main office if the business hours for both are posted at each location and are stated on the application to the Board of Towing and Recovery Operators, unless otherwise regulated by and subject to local zoning ordinances.

B. The Operator endorsed as a public safety towing and recovery Operator shall maintain and own or lease a dedicated storage area able to contain all public safety towed vehicles towed by the Operator. Storage area shall be fully enclosed by a commercial grade fence which is at least six feet tall, or enclosed by a permanent structure, have adequate lighting and remain reasonably clear of debris. Storage area shall have a minimum of 1500 of square footage for Class B Operators and a minimum of 3000 square footage for Class A Operators. Endorsed public safety Operators shall not share storage lots with any other Operator unless the shared storage lot is divided by a 6 feet high stationary fence with a separate, locked entrance to each storage area.

C. The office and storage area shall meet or exceed all federal, local and state code and zoning requirements.

D. Storage area shall be surfaced with stone, asphalt, permeable surface pavement, concrete or other similar product.

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E. The Operator's office and or storage facility of an Operator endorsed as a public safety towing and recovery Operator shall display a sign with the towing company name and phone number. Signage shall be visible and legible from a state, county or city maintained highway. Signage shall be at least nine square feet or as approved by local zoning.

F. The Public Safety Endorsement of an Operator endorsed as a public safety towing and recovery Operator shall be displayed at the business office and copies shall be displayed at all storage facilities and satellite offices.

G. The Operator endorsed as a public safety towing and recovery operator will make the vehicle and or contents of vehicle available to the vehicle registered owner, namely, the person (1) who has vested ownership, dominion, or title to the vehicle; (2) is the authorized agent of the owner; (3) is an employee, agent, or representative of an insurance company representing any party involved in the collision that resulted in a public safety tow; or (4) is a person subject to a security interest in another person, is entitled to the use and possession of the vehicle, including a lessee under a lease intended as security only during normal business hours (8:00 a.m.-5:00 p.m., Monday through Friday). An Operator may charge a separate fee for this service if requested before or after the company's regular office hours, unless the local ordinance or contract under which the Operator is operating precludes the imposition of this type of charge.

H. The Operator endorsed as a public safety towing and recovery operator shall make a reasonable attempt to provide covered storage or materials when necessary to protect the contents of vehicle in storage area from weather. The towing company may charge a separate reasonable fee for this service, unless the local ordinance or contract under which the Operator is operating precludes the imposition of this type of charge.

**24 VAC 27- 50 - 60. General Requirements for Equipment**

As a condition of certification:

1 A. Any tow truck of an operator endorsed as a public safety towing and recovery  
2 operator responding to an accident scene shall be equipped with the following  
3 safety equipment:

- 4 1. United States Department of Transportation required fire extinguisher (5  
5 lb.),
- 6 2. Minimum ANSI Level 2 reflective vest or OSHA approved for roadway  
7 and speed. (NIMS Compliant or ANSI Rated),
- 8 3. Two revolving and or flashing amber warning lights visible 360 degrees,
- 9 4. 5 lbs. of oil absorbent material,
- 10 5. Push broom,
- 11 6. Square tip shovel
- 12 7. Two rear flood lights,
- 13 8. Flashlight,
- 14 9. Three road flares, or triangles or traffic cones,
- 15 10. First Aid kit,
- 16 11. Two way communication (not CB or ham radio),
- 17 12. Rear tow lights,
- 18 13. Factory manufactured and rated towing and/or recovery unit,
- 19 14. Container for debris removal, and
- 20 15. Proper grade of recovery chain (#80) or equivalent strap.

21  
22 B. Class B towing company endorsed as a public safety towing and recovery  
23 operator shall own/lease a minimum of 1 towing/recovery truck with a minimum  
24 GVW of 10,000 lbs. and a recovery unit of a minimum rating of 8 tons. Unit shall  
25 have 2 winches and a boom that raises and lowers, extends and retracts by  
26 hydraulics. Unit must have a hydraulic operated wheel lift with a rating of 3,500  
27 lbs. Company shall also own/lease a rollback having a minimum GVW of 14,500  
28 lbs. and a minimum deck length of 19'. Operators who were in business and  
29 used in a rotation or contract basis for public safety towing may have three (3)  
30 years from the effective date of these regulations in order to comply with this  
31 provision. Operators which cannot show by letterhead from a law enforcement  
32 agency that they were towing for public safety requests as stated above shall  
33 meet the requirement from the effective date of this regulation.

34

1 C. Class A towing company endorsed as a public safety towing and recovery  
2 operator shall own/lease a minimum of 2 towing/recovery trucks with a minimum  
3 GVW of 50,000 lbs. each and recovery units, one with a minimum rating of 35  
4 tons and one additional with a minimum rating of 25 tons. All units shall have 2  
5 winches rated at 25,000 lbs. each with a minimum of 150' of 5/8" wire rope. All  
6 units must have a boom that raises and lowers, extends and retracts by  
7 hydraulics. All units must have a hydraulic operated under lift rated to lift 12,000  
8 lbs. at full extension. Operators who were in business and used in a rotation or  
9 contract basis for Public Safety Towing may have three (3) years from the  
10 effective date of these regulations in order to comply with this provision.  
11 Operators which cannot show by letterhead from a public safety agency that they  
12 were towing for public safety requests as stated above shall meet the  
13 requirement from the effective date of this regulation.

14  
15 D. Class A Operators endorsed as a public safety towing and recovery operator  
16 shall own/lease or have a written agreement, up to date and readily available for  
17 the Board's inspection, with a subcontractor to provide the following equipment  
18 within a timely manner:

- 19 1. Lowboy hydraulic operated trailer capable of transporting a wrecked or  
20 disable road tractor and or debris,
- 21 2. Box trailer 48' or longer,
- 22 3. Dump truck, dump trailer or container,
- 23 4. Air cushions designed for and capable of up righting a loaded tractor and  
24 trailer (80,000 lbs.),
- 25 5. A skid steer loader, forklift, or wheel loader capable of moving cargo,  
26 and/or debris from the highway,
- 27 6. Adequate personnel to offload cargo,
- 28 7. Tandem road tractor, and
- 29 8. A rotator or crane with a minimum capacity of 35 tons.

30  
31 E. A winch, boom or under lift that does not have a factory manufacturer rating plate  
32 attached to it or that has been altered from its original construction will not qualify  
33 for public safety towing unless unit has been certified to meet or exceed Board  
34 standards. Certification shall be done by a reputable testing facility regularly

1 engaged in the testing of such equipment. All testing and/or certification cost  
2 shall be the responsibility of the Operator.

3  
4 **24 VAC 27- 50 – 70. Standards of Practice**

5  
6 Violations of any standard of practice set out in this section may be subject to Board  
7 disciplinary actions or sanctions, including suspension or revocation of an operator's  
8 Endorsement and imposition of civil penalties.

- 9
- 10 A. Any tow truck operator endorsed as a public safety towing and recovery operator  
11 summoned by a law enforcement officer who responds to a motor vehicle  
12 accident or incident shall possess a public safety endorsement issued by the  
13 Board.
  - 14
  - 15 B. Personnel needed to clear an accident scene are encouraged but not required to  
16 be licensed, endorsed or hold a drivers authorization by the Board.
  - 17
  - 18 C. At least one Public Safety Operator or a Driver providing services on behalf of a  
19 Public Safety Operator shall be at the accident scene at all times during  
20 recovery.
  - 21
  - 22 D. All endorsed public safety towing and recovery operator places of business,  
23 including their offices and storage facilities shall comply with any required state  
24 or local building or zoning laws or codes.
  - 25
  - 26 E. If required by the locality in which the operator endorsed as a public safety  
27 towing and recovery operator designates as his principal place of business, an  
28 operator must maintain a valid business license from that locality.
  - 29
  - 30 F. Any Operator endorsed as a public safety towing and recovery operator  
31 permanently ceasing to provide towing and recovery services shall, within 15  
32 days, notify the Board in writing and return the Board issued operator's  
33 endorsement for voluntary cancellation and termination.
  - 34

- 1 G. An Operator endorsed as a public safety towing and recovery Operator must  
2 maintain, regardless of the number of employees the following proof of  
3 insurance; (i). \$750,000 for Automobile Liability; (ii) 500,000 for Commercial  
4 General Liability; (iii) \$50,000 for Garage-keepers Legal Liability, (iv) \$50,000 On  
5 Hook coverage/Motor Truck Cargo coverage, and (v) Worker's Compensation.  
6
- 7 H. Any tow Operator not endorsed for Public Safety Towing, who arrives unsolicited  
8 at the scene of a motor vehicle accident or incident, or is in violation of sections I  
9 or J of this regulation, may have their license as an Operator revoked for a period  
10 not less than one calendar year from the date of offense or adjudication by the  
11 Board, which ever is longer. This shall in no way preclude other measures  
12 deemed appropriate and authorized by the Board from being imposed.  
13
- 14 I. Public safety towing Operators shall only respond when specifically requested by  
15 a law enforcement agency or official. If any Operator responds to a scene without  
16 having been requested by a law enforcement agency or official, or the vehicle  
17 owner or the driver of the vehicle, the law enforcement official on the scene may  
18 direct the Operator to leave the scene even if that Operator would have been  
19 called for the public safety tow in accordance with an applicable contract,  
20 memorandum of understanding or local or State Police rotation list. In such  
21 instances, the law enforcement official shall have the right to direct the Operator  
22 to provide services when immediate assistance but only in emergency  
23 circumstances. If the law enforcement agency or official requests a public safety  
24 Operator to respond, but an Operator requested by the vehicle's owner or  
25 responsible agent prior to the public safety request arrives first, or  
26 simultaneously, the public safety Operator, at the discretion of the on-scene law  
27 enforcement official, may be directed to leave the scene without collecting any  
28 fees. Similarly, the Operator requested by the owner may be directed to leave the  
29 scene if, in the sole discretion and judgment of the law enforcement official on  
30 the scene, the tow Operator is not skilled or equipped to handle the situation.  
31
- 32 J. Whenever a public safety Operator is requested to remove a vehicle and the  
33 owner of the vehicle or their authorized agent or driver is not at the scene at the  
34 time of the tow, the law enforcement agencies or official are requested and

1 encouraged by the Board to complete a locally prepared form that lists at a  
2 minimum the:

- 3
- 4 - Owners name and address, if known,
- 5 -Description of the vehicle and any visible prior damage,
- 6 -Storage facility name and address,
- 7 -Inventory of accessible contents of the vehicle, and
- 8 -One copy should be given to the tow operator's driver, one copy to the  
9 owner of the vehicle and one retained by the law enforcement agency.

10  
11  
12 **24 VAC 27- 50 - 80. Operating without Public Safety Endorsement**  
13

- 14 A. Should the Board, after investigation, determine an operator is engaged in or  
15 offering public safety towing and recovery services without an endorsement,  
16 then, as authorized by §46.2-2808 of the Code of Virginia, the Board may bring  
17 an action in the name of the Commonwealth to enjoin any such violation of law,  
18 as well as any violations of these regulations, or Chapter 28 of Title 46.2 of the  
19 Code of Virginia.  
20
- 21 B. Those persons found to be engaged in or offering public safety towing and  
22 recovery services without an endorsement may be subject to a Board imposed  
23 civil penalty of up to \$1,000 for each violation pursuant to Va. Code §§46.2-2811  
24 and 46.2-2824.  
25
- 26 C. The Board may seek criminal prosecution for such a violation pursuant to Section  
27 46.2-2812 of the Code.

28  
29  
30 **24 VAC 27- 50 - 90. Consumer Complaints**  
31

- 32
- 33 A. The Board's Executive Director or designated staff shall have the authority to  
34 initiate an expedited process to mediate and resolve complaints filed against  
35 those licensed or otherwise regulated by the Board according to guidelines  
36 developed by the Board.  
37

1 B. Anonymous complaints received by the Board shall be handled in accordance  
2 with Board's policy and guidance documents.

3  
4  
5 **24 VAC 27-50 - 100. Renewal of Public Safety Certification**  
6

7 A. All those endorsed by the Board as a public safety towing and recovery Operator  
8 shall, on or before June 30th of every year, submit a completed renewal  
9 application and pay the prescribed annual endorsement fee.

10  
11 B. It shall be the responsibility of each endorsee to assure that the Board has the  
12 endorsee's current mailing address. All changes of mailing addresses or change  
13 of name shall be furnished to the Board within 30 days after the change occurs.  
14 All notices required by law or by these rules and regulations are to be deemed  
15 validly tendered when mailed to the address given by the endorsee to the Board,  
16 and the endorsee shall not be relieved of the obligation to comply with any notice  
17 so mailed if there has been a failure to notify the Board of changes.

18  
19 C. The endorsement of every Operator endorsed as a public safety towing and  
20 recovery Operator who does not submit the completed form and fee or forms and  
21 fees, applicable, by June 30th of each year may be allowed to apply for renewal  
22 for up to one year after that date by paying the prescribed renewal fee and late  
23 fee. However, if the renewal has not been submitted to the Board within 62 days  
24 after the June 30th due date, then on and after August 31st of that year the  
25 operator's endorsement is lapsed. Engaging in towing and recovery services  
26 with a lapsed endorsement constitutes operating without a license and may  
27 subject the endorsee to disciplinary action and civil penalties imposed by the  
28 Board.

29  
30 D. An Operator endorsed as a public safety towing and recovery Operator whose  
31 endorsement has been lapsed for more than one year and who wishes to resume  
32 providing services as a public safety towing and recovery Operator shall apply for  
33 a new Operator's endorsement.