

Licensing and Regulatory Affairs Committee  
Draft Minutes

Virginia Board for Towing and Recovery Operators meeting held on December 11, 2007,  
at the Holiday Inn Crossroads 2000 Staples Mills Road, Richmond, Virginia 23230.

**Members present:**

Charlie Brown  
Roy Boswell  
Ray Hodge  
Gary Teter  
Ron Miner  
Woody Herring  
Lt. Curtis Hardsion  
Ray Drumheller

**Others Board Members present:**

Randy Seibert  
Cary Coleman

**Staff present:**

Benjamin Foster, Board Executive Director  
Daphane Phillips, Administrative Assistant  
James A. Gurney  
Victoria Simmons  
Eric K. G. Fiske, Senior Assistant Attorney General

**Call to order:**

The meeting was called to order at 1:18 p.m.

**Public Comments:**

There were no public comments.

**Minutes from the last meeting**

Chairman Brown asked the members if they reviewed minutes from the November 13, meeting. Seeing no questions, Chairman Brown called for a motion to approve the minutes; motion was made by Ray Drumheller and seconded Roy Boswell. The minutes were adopted unanimously.

### **Ms. Simmons overview on Regulations:**

Ms. Simmons stated that they were one-third the way through the general proposed regulations, and the executive branch review the Secretary's review was in process. Once that process has been completed, then it will go to the Governor's Office for approval. Ms. Simmons will be pushing very hard to obtain the Governor's approval before the General Assembly sessions that comes right after Christmas. Once the Governor approves the general regulations, then Ms. Simmons will file them with the Registrar's Office. After about two weeks have passed, the regulations are published in the Virginia Register. After Register publication, then the Board will hold a public hearing. Ms. Simmons stated that all the comments have to be summarized, and the Board will decide what to do with each one. Once the board adopts the final regulations, they will go back to town hall for review by the Dept of Planning and Budget, Secretary, and the Governor's Office for approval of the final regulations. The process will go back to the Registrar for a second publication of the final adopted regulations.

Mr. Hodge wanted to know where the board stands regarding the public safety regulations. Ms. Simmons stated that she would provide a potential time line regarding the regulations. If the board will not approve the final draft public safety regulations until January, then there will not be enough time to get through the steps in order to process the regulations before July 1, considering all is well with the process. Mr. Hodge wanted to know if there is an alternate. Ms. Simmons stated that the only way is for the Governor to approve the promulgation of an emergency regulation that will only last for a year. Once the year is up, the permanent regulations need to be in place before the emergency regulations dies.

### **Committee Business:**

The committee had discussions on various changes to the Public Safety Document.

### **Motions:**

Two motions passed and one failed in regards to the Public Safety Document.

Mr. Hodge made a motion and Mr. Teter seconded, to change section **24 VAC 27- 50 - 60 (B). General Requirements for Equipment,** Companies who were in business and used in a rotation or contract basis for Public Safety Towing from 5 years to 3 years. He asked that all in favor please raise your right hand. The count were four in favor, two opposed, the vote passed.

Lt. Curtis Hardsion made a motion and seconded by Mr. Boswell, to change section **24 VAC 27- 50 – 60. (C)** "Companies who were in business and used in a rotation or contract basis for Public Safety Towing may have three (3) from the effective date of these regulations in order to comply with this provision." Chairman Brown asked for all

in favor of the change to raise their right hand. The count were five (5) in favor, Two (2) opposed, the vote passed.

Document attached:

**Adjournment:**

Chairman Brown called for a motion to adjourn. Mr. Herring made the motion, seconded by Mr. Drumheller, the adjournment passed unanimously; meeting adjourned at 2:55 p.m.

**Board of Towing and Recovery Operators**

**Licensing and Regulatory  
Affairs Committee**

**Working Paper**

**November 13, 2007**

## Public Safety Regulations

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## **Purpose**

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

## **Requirement for regulation**

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

## **24 VAC 27- 50 - 10. Definitions**

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

**"Board"** or **"BTRO"** means the Virginia Board for Towing and Recovery Operators.

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

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

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

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

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

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

Code of the Virginia.

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

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

**“Owner of the Vehicle”** means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); is an employee, agent, or representative of an insurance company representing any party involved in the collision that resulted in a police-requested tow; (iv) 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, but not including a lessee under a lease not intended as a security, registered owner of the vehicle. “Owner of the Vehicle” may be another towing and recovery business representative that is an agent of any of the aforementioned persons.

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

**“Private Property/Trespass Tow”** means requests for towing and recovery services made by the owner, operator or lessee of private property, or the authorized agent thereof, pursuant to the provisions of Article 3 of Chapter 12 of Title 46.2 of the Code

of Virginia, or local ordinances adopted under that Article, or under contract between such person and a towing and recovery operator which specifies what tows are to be made from the property when a motor vehicle or vehicle or self propelled apparatus is on the property in violation of law or rules promulgated by the owner, operator, or lessee of the private property.

**“Recovery”** means to bring a vehicle back to normal position or condition; i.e.; back to a position that would normally be used when in operation.

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

**“Support Personnel”**...**“Charlie Brown”**

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

**“Towing”** means to draw or pull along a vehicle behind licensed tow truck or haul a vehicle on a platform attached to a registered tow vehicle. **Ron**

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

**“Towing and Recovery Services”** means services offered by a business licensed



as a public safety towing and recovery operator. Any person who in any way advertises himself as a towing and recovery operator or in any way conveys the impression that he is engaged in services of providing towing and recovery of vehicles shall be deemed to be engaged in towing and recovery services.

**“Tow truck”** means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as defined in § 46.2-100 of the Code of Virginia.

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

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

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 License 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

- A. All fees shall be nonrefundable.
- B. Examination fees shall be determined by the Board.

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

As a condition for licensure, all operators shall:

- A. Be licensed and in good standing with the Virginia Board of Towing and Recovery Operators as a Class A or Class B Operator.
  - 1. Class B - If an Operator was in business on or before January 1, 2006 and has been satisfactorily towing for one or more public safety agencies continuously during that time period and submits documentation as such, that operator may be deemed by the Board to satisfy the initial licensing requirements for a BTRO Class B Public Safety Operators license. The Operator will have to meet the requirements for the next cycle of Continuing Education. A portion of the documentation must be a letter of endorsement by the public safety agency(ies) for which the operator has been performing work as a public safety tow operator.
  - 1a. Class B – In order for Operators who start(ed) their business on or after January 2, 2006 to obtain a Class B Public Safety Operators license, the operator must provide documentation of satisfactory service to one or more public safety agencies and must successfully complete testing and/or class(es) for certification including TRAA Level 1, IITR or other similar programs as approved and determined by the Board.
  - 2. Class A – If an Operator was in business on or before January 1, 2004 and has been towing for one or more public safety agencies continuously during that time period, that operator may be deemed by the Board to satisfy the initial licensing requirements for a BTRO Class A Public Safety Operators license.
  - 2a. Class A – In order for Operators who start(ed) their business on or after January 2, 2006 to obtain a Class A Public Safety Operators license, the operator must provide documentation of satisfactory service to one or more public safety agencies and must

successfully complete testing and/or class(es) for certification including TRAA Level 3 or other similar programs as approved and determined by the Board.

- B. Provide the name of the individual or business entity under which the applicant intends to be certified. However, the applicant/certificant, at time of application and each renewal of license, shall provide the Board with any and all trade or fictitious names under which the operator conducts or offers towing and recovery services.
- C. Designate and advise the Board of the main or principal office and all additional satellite facilities and the physical addresses. Should such change, the Board shall be notified within 30 days such change occurs.
- D. Designate a Responsible Individual who shall be knowledgeable of all applicable state, federal or local laws and regulations related to those public safety and incident management towing and recovery services offered or rendered by the operator, and who shall be responsible for assuring that the operator conforms to them.
- E. List the principal owner's name or owners' names and the name of the Responsible Individual and of the principal manager and of all other individuals involved in the management and operation of the business on the application for license and advise the Board of any change of same.
- F. Certify on the application whether any owner, manager, or other individual involved in the management or operation of the business entity, including the Responsible Individual, has been convicted of any criminal offense, whether felony or misdemeanor.

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

- A. All public safety towing drivers and recovery supervisors shall meet the minimum training standards and attend continuing education programs, approved by the Board as indicated below. **Defer all education material for Education Committee.**

B. Class A public safety towing drivers shall possess a nationally recognized certification, or equivalent, approved by the Board, adequate for towing and recovery of trucks with a GVW of 26,001 lbs. or greater. Drivers shall attend and pass a minimum of 40 4 hours of continuing education every three years pertaining to the towing and recovery of trucks with a GVW of 26,001 lbs. or greater, with at least one hour being devoted to towing vehicles with a GVW under 26,000lbs. Certification shall be by a professional training organization, or other curricula approved by the BTRQ Board. Training shall consist of minimum of 5 2 hours classroom and 5 2 hours hands on training. Class A public safety towing drivers who can document that they were employed as a public safety tow driver for a public safety tow operator as of June 30, 2008 may be granted a drivers authorization by the Board if submitted by a licensed Board Public Safety operator. Such drivers would not have to possess the national certification. Drivers so authorized must comply with all continuing education requirements for the next year's cycle. Drivers entering into the business after June 30, 2008 must meet the national certification or equivalent requirement.

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

D. Class A and B Responsible Individual - The Responsible Individual, designated by the Operator, must have 4 years practical experience as a public safety tow driver for an operator serving a public safety agency or shall possess a national certification for

towing and recovery of vehicles in the Class to which they are to be responsible. The responsible Individual must attend 8 hours of general continuing education each year, starting in FY 2010. The general continuing education may be in any business management or other business related course. The continuing education hours must also contain at least 3 hours of one or more of the following course topics; Hazardous Materials, Manual on Uniform traffic Control Devices, towing and recovery classes, Occupational Safety and Health Administration courses, Tow truck and/or Motorist safety, Update on regulations and laws pertaining to the Tow Industry. The Responsible Individual must attend one National Incident Management System (NIMS) or Traffic Incident Management (TIM) seminar each year in addition to the above minimum requirements. There is no set length of the seminar, but must be approved by the Board. Representation on Boards, Associations and committees will be considered for qualification of these continuing education requirements, as determined by the board.

E. The Board will accept for review and possible certification related coursework and training as continuing education such as, train the trainer programs, in order to recognize in-house training to be developed by licensed Operators. Such training will be required to meet certain documentation practices approved by the Board.

~~—shall be grandfathered with a written request to the BTRC from a licensed Class A public safety operator for the drivers first licensing period after July 1, 2008. A licensed Class A public safety operator with a written request to the BTRC can request a thirty day grace period for any Class A driver applicant.~~

~~C. Class B public safety towing drivers shall possess a national certification adequate for towing and recovery of vehicles with a GVW of 26,000 lbs. or less. Drivers shall attend and pass a minimum of 10 hours of continuing education every 3 years pertaining to the towing and recovery of vehicles with a GVW of 26,000 lbs. or less. Certification shall be by a professional training organization approved by the BTRC. Training shall consist of minimum of 5 hours classroom and 5 hours hands on training. Class A public safety towing drivers shall be grandfathered with a written request to the BTRC from a licensed Class A or Class B public safety operator for the drivers first licensing period after July 1, 2008. A licensed Class A or Class B~~

~~public safety operator with a written request to the BTRO can request a thirty day grace period for any Class B driver applicant~~

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

As a condition for certification:

- A. The public safety tow operator shall have an office location for towing and storage. The office must be for the use of the towing operator and meet the following minimum criteria:
1. Be at a rigid structure or manufactured building with Commonwealth of Virginia seal affixed of at least 144 square feet and equipped for answering inquiries in person and via telephone, receiving mail so that business may be discussed out of the elements and where electricity and heat are available. The location may also have a storage facility located at the same address if permitted by local laws, ordinances, or regulations.
  2. In jurisdictions where the public safety tow operator has a valid business permit to operate from their residence which precludes members of the public conducting business there, the public safety tow operator must advertise the storage lot location where owners of vehicles towed or their agents may go to recover their vehicle. The storage lot must have must meet all federal, state and local building laws, codes, ordinances and regulations and have a structure or manufactured building affixed with seal of the Commonwealth of Virginia approval of a minimum 144 square feet where business pertinent to the release of a vehicle may be conducted out of the adverse weather conditions. As these structures will be required to meet several federal, state and local laws, codes, ordinances and regulations, tow operators who were in the business of public safety towing by contract or rotation list will have until July 1, 2010 to meet this regulation. Proof of operation must be submitted with the application in order to qualify for this exemption and grace period.

3. When the main office of the business is not located at the storage lot, the public safety tow operator must be able to respond to the lot when summoned by telephone to release a vehicle within one (1) hour of an owner calling the advertised number for the public safety tow operator.
4. All signs and notices required to be posted at the main office must be posted at the remote office.
5. If the mailing address for the public safety tow operator is a post office box, a street address must be listed on all advertisements, receipts and official or business related records.
6. Business hours for the storage lots and main office, must be prominently posted at the street address so that it is visible from the portions of the property open to the public, subject to local zoning ordinances.
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. **Ron to add additional language (Done)**
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. **Ron Miner (Done)**

B. The towing company licensed 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 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. Licensed 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. (add word federal to this line)

- ~~1. Be at a permanent structure of at least 144 square feet and equipped for answering inquiries in person and via telephone, receiving mail so that business may be discussed out of the elements and where electricity and heat are available. The location may also have a storage facility located at the same address if permitted by local laws, ordinances, or regulations.~~
- ~~9. In jurisdictions where the public safety tow operator has a valid business permit to operate from their residence, the public safety tow operator must advertise the storage lot location where owners of vehicles towed or their agents may go to recover their vehicle. The storage lot must have telephone, electricity and heat available and be a structure of a minimum 144 square feet where business pertinent to the release of a vehicle may be conducted out of the adverse weather conditions.~~
10. When the main office of the business is not located at the storage lot, the public safety tow operator must be able to respond to the lot when summoned by telephone to release a vehicle within one (1) hour of an owner of the vehicle calling advertised number for the public safety tow operator.



- ~~11. All signs and notices required to be posted at the main office must be posted at the remote office.~~
- ~~12. If the mailing address for the public safety tow operator is a post office box, a street address must be listed on all advertisements, receipts and official or business related records.~~
- ~~13. Business hours for the storage lots and main office, must be prominently posted at the street address so that it is visible from the portions of the property open to the public.~~
- ~~14. 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 8:30 a.m. and 4:30 p.m., Monday through Friday, except for state and federal Holidays recognized by the Commonwealth of Virginia. **Ren to add additional language**~~
- ~~15. The "normal business hours may be shared between the remote storage lot and the main office if the business hours for each are posted at each location and are stated on the application to the Board of Towing and Recovery Operators. **Ren Miner**~~

~~B. The towing company licensed 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 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. Licensed public safety operators shall not share storage lots with any other Operator unless the shared storage lot is divided by a stationary fence with a separate, locked entrance to each storage area.~~

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

- D. Storage area shall be surfaced with stone, asphalt, permeable surface pavement, concrete or other similar product.
- E. The towing company office and or storage facility of a towing company licensed as a public safety towing and recovery operator shall display a sign with the towing company name and phone number. Sign shall be visible and legible from a state, county or city maintained highway. Sign shall be at least nine square feet ~~3' X 3'~~ or as approved by local zoning.
- F. The Public Safety License of a towing company licensed 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 towing company licensed 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). Towing company 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 towing company is operating precludes the imposition of this type of charge.      **Mr. Beall**
- H. The towing company licensed 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 towing company is operating precludes the imposition of this type of charge.      **Mr. Beall**

**24 VAC 27- 50 - 60. General Requirements for Equipment - Ray Hodge to research.**

As a condition of certification:

- A. Any tow truck of an operator licensed as a public safety towing and recovery operator responding to an accident scene shall be equipped with the following safety equipment:
1. United States Department of Transportation required fire extinguisher (5lb.)
  2. Minimum ANSI Level 2 reflective vest or as OSHA approved for roadway and speed. ~~gear shall be available in the truck.~~ (NIMS Compliant or ANSI Rated) **Next Meeting**
  3. Two revolving and or flashing amber warning lights visible 360 degrees
  4. 5 lbs. of oil absorbent material
  5. Push broom
  6. Square tip shovel
  7. Two rear flood lights
  8. Flashlight
  9. Three road flares, or triangles or traffic cones.
  10. First Aid kit
  11. Two way communication (not CB or ham radio)
  12. Rear tow lights
  13. Factory manufactured and rated towing and/or recovery unit
  14. Container for debris removal.
  15. Proper grade of recovery chain (#80) or equivalent strap. **MIHRA or VATRO to provide language**
- B. Class B towing company licensed as a public safety towing and recovery operator shall own/lease a minimum of 1 towing/recovery truck with a minimum GVW of 10,000 lbs. and a recovery unit of a minimum rating of 8 tons. Unit shall have 2 winches and a boom that raises and lowers, extends and retracts by hydraulics. Unit must have a hydraulic operated wheel lift with a rating of 3500 lbs. Company shall also own/lease a rollback having a minimum GVW of 14,500 lbs. and a minimum deck length of 19'. **Companies who were in business and**

**used in a rotation or contract basis for Public Safety Towing may have five three (53) years from the effective date of these regulations in order to comply with this provision. Companies which cannot show by letterhead from a public safety agency that they were towing for public safety requests as stated above shall meet the requirement from the effective date of this regulation. Ron Miner (Done)**

- C. Class A towing company licensed as a public safety towing and recovery operator shall own/lease a minimum of 2 towing/recovery trucks with a minimum GVW of 50,000 lbs. each and a recovery unit of a minimum rating of 30 tons. Unit shall have 2 winches rated at 25,000 lbs. each with a minimum of 150' of 5/8" wire rope. Unit must have a boom that raises and lowers, extends and retracts by hydraulics. Unit must have a hydraulic operated under lift rated to lift 12,000 lbs. at full extension. **Companies who were in business and used in a rotation or contract basis for Public Safety Towing may have three (3) years from the effective date of these regulations in order to comply with this provision. Companies which cannot show by letterhead from a public safety agency that they were towing for public safety requests as stated above shall meet the requirement from the effective date of this regulation.**
- D. Class A towing company licensed as a public safety towing and recovery operator shall own/lease or have a written agreement up to date and readily available for BTRO inspection with a subcontractor to provide the following equipment within a timely manner:
1. Lowboy hydraulic operated trailer capable of transporting a wrecked or disable road tractor and or debris
  2. Box trailer 48' or longer
  3. Dump truck, dump trailer or container
  4. Air cushions designed for and capable of up righting a loaded tractor and trailer (80,000 lbs.).
  5. A skid steer loader, forklift, or wheel loader capable of moving cargo and/or debris from the highway.
  6. Adequate personnel to offload cargo
  7. Tandem road tractor

~~8. Forklift~~

~~89. A rotator or crane with a minimum capacity of 35 tons.~~

- E. A winch, boom or under lift that does not have a factory manufacturer rating plate attached to it or that has been altered from its original construction will not qualify for public safety towing unless unit has been certified to meet or exceed Board of Towing and Recovery Operator standards. Certification shall be done by a reputable testing facility regularly engaged in the testing of such equipment. All testing and/or certification cost shall be the responsibility of the towing company.

~~24 VAC 27- 50 - 70. Public Safety Certification by Examination~~

~~Education Ad Hoc Committee~~

~~24 VAC 27- 50 - 80. Public Safety Certification by Endorsement~~

~~Education Ad Hoc Committee~~

**24 VAC 27- 50 - 90 70. Standards of Practice**

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

- A. Any tow truck operator licensed as a public safety towing and recovery operator summoned by a law enforcement officer who responds to a motor vehicle accident or incident shall possess a public safety license issued by the BTRO.
- B. Support personnel needed to clear an accident scene are encouraged but not required to be licensed or hold a drivers authorization by the BTRO. ~~Support personnel shall qualify under Section 40 of these regulations.~~
- C. At least one BTRO driver's authorization holder or an operator licensed as a public safety towing and recovery operator shall be at the accident scene at all times during recovery.

- D. All of an operator licensed as a public safety towing and recovery operator places of business, including their offices and storage facilities shall comply with any required state or local building or zoning laws or codes.
- E. If required by the locality in which the operator licensed as a public safety towing and recovery operator designates as his principal place of business, an operator must maintain a valid business license from that locality.
- F. Any operator licensed as a public safety towing and recovery operator permanently ceasing to provide towing and recovery services shall notify the Board in writing and return the Board issued operator's license for voluntary cancellation and termination within 15 days.
- G. An operator licensed as a public safety towing and recovery operator must maintain the following proof of insurance; (i). \$750,000 for Automobile Liability; (ii) ~~\$750,000~~ 500,000 for Commercial General Liability; (iii) \$50,000 for Garagekeepers Legal Liability, (iv) \$50,000 On Hook coverage/Motor Truck Cargo coverage, (v) Worker's Compensation shall be required regardless of the number of employees. ~~as required by state and federal entities.~~ **Mr. Teets**
- H. Any tow operator not licensed for Public Safety Towing, who arrives unsolicited at the scene of a motor vehicle accident or incident, or is in violation of sections I or J of this regulation, may have their license to tow revoked for a period not less than one calendar year from the date of offense or adjudication by the Board, which ever is longer. This shall in no way preclude other measures deemed appropriate and authorized by the Board from being imposed. **Ron Miner**
- I. Public safety tow operators shall only respond to locations when it is specifically requested to do so by a law enforcement agency or official. If any tow operator responds to a scene without having been requested by a law enforcement agency or official, or the vehicle owner or a responsible authorized agent as defined in these regulations, the law enforcement official on the scene may direct the tow operator to leave even if that operator would have been called for the public safety tow in accordance with the applicable contract, memorandum of

understanding or other local rotation list. In such instances, the law enforcement official reserves the right to direct the tow operator to provide services when immediate assistance is necessary to protect persons, property or in the public interest. If the public safety agency requests a public safety tow operator to respond, but a tow operator requested by the vehicle's owner or responsible agent prior to the public safety request arrives first, or simultaneously, the public safety tow operator may be directed to leave the scene without collecting any fees at the discretion of the on-scene public safety official. Similarly, the tow operator requested by the owner may be directed to leave the scene if, in the sole discretion and judgment of the law enforcement official on the scene, the tow operator is not skilled or equipped to handle the situation. **Ron Miner**

- J. Whenever a public safety tow operator is requested to remove a vehicle and the owner of the vehicle or their authorized agent or driver is not at the scene at the time of the tow, the law enforcement agencies are encouraged by the Board to complete a locally prepared form that lists at a minimum the:

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

**Ron Miner**

#### **24 VAC 27- 50 - 100. Operating without Public Safety Certification**

- A. Should the Board, after investigation, determine an operator is engaged in or offering public safety towing and recovery services without a license, then, as authorized by §46.2-2808 of the Code of Virginia, the Board may bring an action in the name of the Commonwealth to enjoin any such violation of law, as well as any violations of these regulations, or Chapter 28 of Title 46.2 of the Code of Virginia.

- B. Those persons found to be engaged in or offering public safety towing and recovery services without a license may be subject to a Board imposed civil penalty of up to \$1,000 for each violation pursuant to Va. Code §§46.2-2811 and 46.2-2824.
- C. Additionally, the Board may seek criminal prosecution for such a violation pursuant to Section 46.2-2812 of the Code.

#### **24 VAC 27- 50 - 110. Consumer Complaints**

##### **Gary Teter to research with help from Andy Alvarez.**

- A. The Board's Executive Director or designated staff shall have the authority to initiate an expedited process to mediate and resolve complaints filed against those licensed or otherwise regulated by the Board according to guidelines developed by the Board.
- B. Anonymous complaints received by the Board shall be handled in accordance with Board's policy and guidance documents.

#### **24 VAC 27-50 - 120. Renewal of Public Safety Certification**

- A. All those licensed by the Board as a public safety towing and recovery operator shall, on or before June 30th of every year, submit a completed renewal application and pay the prescribed annual licensure fee.
- B. It shall be the duty and responsibility of each licensee to assure that the Board has the licensee's current mailing address. All changes of mailing addresses or change of name shall be furnished to the Board within 30 days after the change occurs. All notices required by law or by these rules and regulations are to be deemed validly tendered when mailed to the address given by the licensee to the Board, and the licensee shall not be relieved of the obligation to comply with any notice so mailed if there has been a failure to notify the Board of changes.
- C. The license of every operator licensed as a public safety towing and recovery



operator who does not submit the completed form and fee or forms and fees, applicable, by June 30th of each year may be allowed to apply for renewal for up to one year after that date by paying the prescribed renewal fee and late fee. However, if the renewal has not been submitted to the Board within 62 days after the June 30th due date, then on and after August 31st of that year the operator's license is lapsed. Engaging in towing and recovery services with a lapsed license constitutes operating without a license and may subject the licensee to disciplinary action and civil penalties imposed by the Board.

- D. An operator licensed as a public safety towing and recovery operator whose license has been lapsed for more than one year and who wishes to resume providing services as a towing and recovery operator shall apply for a new operator's license.

#### **24 VAC 27- 50 - 130. Requirements for Continuing Education**

**Education Ad Hoc Committee**

#### **~~24 VAC 27-50-140. Requirements for Insurance~~**

**~~Captain Chumley~~**