

I. PURPOSE

The Boise County Sheriff's Office has established these procedures, and rules to regulate emergency towing service, and establish the non-preference towing objective. Emergency towing service requires special knowledge, skills, equipment and experience. It is in the public interest to establish minimum standards for private towing firms performing emergency towing work at the request of Boise County. It is the objective of Boise County to utilize only those tow service providers whose special knowledge, skills, equipment and experience conform to the following regulations and procedures.

Being on the Tow Rotation Call List is a **privilege and not a right**. To be eligible to be on the Tow Rotation Call List, a tow service provider must complete the Tow Rotation Application and must agree to these Procedures and price schedules provided by Boise County. Tow service providers on the Tow Rotation Call List must follow all Federal, State, and Local laws and regulations pertaining to towing vehicles. Failure to comply with these terms may lead to disqualification or removal from being on the Tow Rotation Call List.

The tow service provider agrees to indemnify and save harmless the County, including its elected officials, employees, and agents against any and all claims, loss, damage, injury, liability, court costs and attorney fees incident thereto, including any claims made by employees of the tow service provider or any of their subcontractors, as well as all other persons, resulting directly or indirectly from the work covered by these Procedures or the equipment used in connection therewith. It is understood this agreement shall apply to any and all such claims whether resulting from the negligence or the intentional acts of the tow service provider, or otherwise.

II. NUMBER OF COMPANIES

Given the time to inspect, monitor and audit the tow service providers on the Tow Rotation Call List, the County reserves the right to set eight (8) as the maximum number of tow service providers on the Tow Rotation Call List. New tow service providers will not be added to the Tow Rotation Call List unless the number of tow service providers on the List falls below eight.

Two (2) separate rotation lists will be kept, one (1) for the tow companies who keep tow vehicles and a driver to operate those vehicles within Boise County on a regular basis. Tow companies must maintain an authorized and approved storage facility within Boise County. Businesses on that list will be called first on tows that have the approved necessary equipment to handle the tow. (2) Second list are for those companies who do not maintain the required equipment and facilities within the county. If no in- County Tow companies are available or they do not have the necessary equipment then companies on the out of county rotation list will be called.

No tow service provider on the Tow Rotation Call List at the time that these procedures are implemented will be removed if they are operating within the guidelines of these procedures.

SERVICES AND PROCEDURES

- a. Tow trucks shall be available for response twenty-four (24) hours a day.
- b. Each tow service provider on list (1) will maintain an average response time of 1 hour for all requests that are received from the County, absent extenuating traffic, remote locations or weather conditions. If a 1 hour response time can not be obtained the company must decline the call.
Drivers/operators will have all equipment necessary for the removal of the vehicle(s) when they arrive at the location of the call.
- c. Each tow service provider must submit annually to tow truck inspections for each tow truck used on the Tow Rotation Call List. Only those approved tow trucks may be used on tows requested by the county.
- d. Tow service providers may provide only one telephone number as a contact number for dispatch to call. If no-one answers the number provided, or they receive an answering machine message, the dispatcher will proceed to the next tow service provider on the Tow Rotation Call List.
- e. Each Tow Service Provider must be in good standing with the Idaho Secretary of State.
- f. In the event the first scheduled tow truck does not respond within the time period set forth above, the next scheduled tow service provider may be called. If the second tow service provider does not respond, the third tow service provider on the list will be called, etc.
- g. The responding tow trucks must be one displaying the firm's name as called by The County. The tow service provider called cannot refer a call to another tow service provider.
- h. When multiple vehicles need to be towed and the called tow service provider cannot handle all the vehicles, the next tow service provider on the list will be called to handle the remaining vehicles not towed by the first tow service provider.
- i. A tow truck equipped to tow two vehicles at one time, the tow service provider may charge fees for each vehicle towed.
- k. Tow service providers shall not perform repair work on any towed vehicles without the owner's written consent.
- l. The owner/operator of the vehicle being towed and stored shall be responsible for payment of all towing and related service charges.

- m. Every tow service provider that tows or impounds a motor vehicle at the request of the County shall immediately notify the Sheriff's office if a dispute develops over the towing fees or release of a vehicle towed at the request of the County. If necessary, these disputes may be referred to the County Prosecutor office for review.
However, such disputes will be regarded as a civil matter between the towing service provider and the owner of the vehicle.
- n. Soliciting for towing work at the scene of an accident is prohibited by owner, operator, or a representative of any tow service provider.
- o. Tow truck providers are prohibited from chasing or running wrecks without a bona fide call from the County or request from a vehicle owner that is involved. In addition to

other penalties or sanctions provided by law, unauthorized solicitation, may be cause for removal from the Tow Rotation Call List, subject to a review of the specific occurrences.

p. Tow service providers who fail or refuse to answer a call, or who fail to respond within one hour (60) minutes as required by these procedures, may lose the call.

Those who fail to respond within 1 hour more than six (6) times in a calendar year may be suspended from the Tow Rotation Call List for a term to be determined by Boise County..

q. Vehicles towed to the impound facility from the tow origination site may contain personal property that needs to be released before the car is released at a subsequent time. Tow service provider shall, after obtaining proof of ownership, release at no charge such personal items as wallets, purses, vehicle ownership papers, keys (other than the vehicle keys), eye glasses, prescription medication and legal documents. Personal effects of children or infants such as school books, backpacks, car seats or other personal effects required for their care and welfare should also be released. This would be done only during normal business hours unless other arrangements have been made with the tow operator, due to an emergency. If there is a dispute regarding what property should be released from a vehicle held in storage, the Sheriff or his designee will be the final authority regarding the release of item(s) in dispute.

r. In the event of special events requiring several tows, the County may request any tow service provider to perform this service at reduced rates to the public. The County may utilize these "Special Event Tows" who agree to tow at the reduced cost, outside of the Tow Rotation Call List. All tow service providers on the Tow Rotation Call List would be contacted and given first option on this service before a tow service provider that is not on the Tow Rotation Call List is contacted.

s. Upon taking custody of a vehicle at the location from which it is being towed, it is the tow service provider's responsibility to have their employees verify the VIN from the vehicle, against the one on the Authorization to tow form (ITD5592), Neither the County, nor the owner of the vehicle will be liable for storage charges that may arise from the failure of the tow service provider to notify the County within 48 hours of any discrepancies between the public VIN and the VIN on the form. (The tow service provider is not responsible when the VIN is damaged, altered or otherwise unreadable).

t. The Sheriff's office is not responsible for any notifications of towing, sale's or disposal of un-claimed vehicles other than stolen vehicle recovery or vehicles towed for evidence purposes. All other notifications, sales and disposals are the sole responsibility of Idaho Transportation Department and/or the Towing Company.

IV. GENERAL OPERATING RULES

a. Tow service providers will not be permitted to operate towing services under more than one business name out of the same location.

b. Tow service providers shall not be permitted more than one (1) towing service on the Tow Rotation Call List, and duplicity of ownership interest shall be grounds for removal of all but one tow service provider from the Tow Rotation Call List.

This rule does not prohibit tow service providers from sharing common storage facilities.

- c. All tow services operators shall comply with State and local traffic laws.
- d. Tow service providers shall abide by these procedures. Should any conflict arise between these procedures and State Statutes, State Statutes will prevail.
- e. Complaints by vehicle owners regarding service fees, damage to vehicles, or allegations of overcharging, are deemed to be civil disputes between the tow service provider and the vehicle owner. Complaints of theft will be investigated as a criminal matter by Boise County or State law enforcement. Any other complaint being made to the County the complainant will be referred to the Civil Courts. Complaints of overcharging will be investigated by the Sheriff's office to determine if they are a violation of the towing rotation rules and cost schedule agreement.
- f. Tow service providers charging more than amount allowed by the fee schedule set forth in attachment (A) of this document may be removed from the Tow Rotation Call List. For an amount of time to be determined by the Boise County sheriff's office. See attachment "Exhibit - A" for Maximum Fees for Tow Services and Charges Schedule.

- h. Tow service providers are required to notify the Sheriff's Office within ten (10) Days of any changes to their contact information (business address, storage facility address, telephone numbers, etc.) and equipment. Failure to do so may result in suspension from the Tow Rotation Call List.

V. DENIAL, SUSPENSION, REVOCATION PROCEDURES

- a. The County may deny, suspend, and/or remove from the Tow Rotation Call List, as the case may be, any tow service provider who fails to qualify, or maintain the these rules and procedures.
- b. The County may deny, suspend, and/or remove from the Tow Rotation Call List, any tow company who has committed a violation of these rules and procedures.
- c. In the event that the County has determined that a tow service provider should be denied or removed from the Tow Rotation Call List for any reason, the tow service provider will be notified in person or by USPS mail of the action taken and the reason for such action.
- d. Appeals to denial, suspension or revocation may be made in writing to the County Sheriff within ten (10) working days of receipt of notice. A review or hearing may then be scheduled to hear facts and arguments to determine the disposition of the appeal.

VI. APPLICATION FOR TOW ROTATION CALL LIST

- a. Any person, firm, partnership or corporation desiring to perform towing service for the County shall make written application to the Boise County Sheriff's Office. Forms for such application shall be made available by the Sheriff's Office.
- b. Such application will provide proof that the applicant meets the requirements and all other provisions set forth by this document.
- c. As part of the application process, the applicant must submit for inspection all vehicles used by the applicant at the request from the Boise County Sheriff's office.

d. Applicants meeting all requirements established by the County may be eligible to be placed on the Tow Rotation Call List and be called to provide tow services.

VII. REQUIREMENTS FOR APPLICATION APPROVAL

The following requirements and criteria shall be required of any tow service provider seeking authorization to be listed on the Tow Rotation Call List for towing by the County.

a. EXPERIENCE

Two years of prior experience, owning or operating a towing service, with experience in all types of towing situations including: power winching; towing passenger vehicles; recreational vehicles; motorcycles

b. INSURANCE

The tow service operator shall maintain the following policies of insurance.

i. **WORKERS COMPENSATION INSURANCE** as required by the State of Idaho.

ii. **COMMERCIAL GENERAL LIABILITY INSURANCE** with protection limits of at least \$750,000 Combined Single Limits (CSL), bodily injury and property damage. Policy must include the following:

1. Premises & Operations Liability; and,
2. Products & Completed Operations.

AND

BUSINESS AUTOMOBILE LIABILITY INSURANCE with protection limits of at least \$750,000 Combined Single Limits (CSL), bodily injury and property damage. Policy must include the following:

1. All Owned, Hired and Non-Owned Autos; and,
2. Garage keeper's Legal Liability including:
 - a. Comprehensive;
 - b. Collision;
 - c. Towing; and,
 - d. \$60,000 Limit.

iii. Certificates of Insurance must be submitted to the County prior to being placed on the Tow Rotation Call List, and on each calendar year thereafter.

iv. Insurance carriers shall notify the Boise County Sheriff's Office immediately if a policy is canceled, suspended or otherwise terminated.

v. Insurance carriers shall make written notification to the Sheriff's Office of any changes to insurance coverage at least ten (10) days prior to the effective date of the change.

vi. Each tow service provider must enter into and sign a hold harmless agreement with the County.

c. EQUIPMENT

i. Tow service providers shall have at least two (2) tow vehicles capable of highly efficient performance at the scene of an accident. The tow vehicles shall consist of at least one (1) rollback, one (1) wheel lift with a sling and winch; ii. All tow vehicles shall display the tow service provider's name, phone number, and such other information as required by State and Federal law and regulations. Such information shall be

contrasting in color to tow truck color and shall be painted or otherwise permanently affixed to both sides of the tow truck. The tow service provider name and phone number

Tow vehicles shall be at least three (3) inches high. For purposes of the requirements of this section, magnetic signs are not acceptable.

iii. All tow vehicles shall be in compliance with the motor vehicle inspection requirements of the Boise County Sheriff's Office

iv. All tow vehicles shall be standard vehicles originally designed and built as tow vehicles, shall not be "pickup" trucks with towing slings and/or winches. The damage free designed tow vehicle should be classified as a "wheel lift", "sling and wheel lift", or "roll back flatbed" tow vehicle.

v. All tow vehicles will be equipped with emergency lights and flashers as designated by the Statutes of Idaho. Sirens are prohibited.

vi. The following minimum equipment is required on each tow vehicle:

Spotlight(s) (Mounted behind Cab)

(6) Lighting Devices (Minimum of (6) Flares, Fuses or other alternate lighting devices w/minimum (20) minute capacity

(2) Safety Securing Devices (Chain, Nylon Strap or Steel Strap w/min breaking strength of 15k pounds)

(4) gallons of Sand or absorbent material Fire Extinguisher w/min capacity of (5) pounds ABC dry chemical

Snatch Block (Minimum (4) ton OEM rating)

(6) Traffic Cones or Triangles w/height of not less than 18"

Portable Lights (Magnetic or plastic base portable tail, stop and turn signal lights.

Single vehicle Roll Bed is exempt.

Towing Dollies (Except Roll Bed Trucks) (2) Wheel Chocks/Scotch Blocks (Excludes tow trucks equipped with locking systems capable of locking the tow truck brake system)

(2) 4-Gallon or larger Trash Cans.

Reflective Vest or uniform w/minimum ANSI class 2 visibility.

4' Wrecking Bar and 3/4" diameter Broom (Minimum 12" width) Flat-Tip Shovel Jumper Cables.

d. PERSONNEL

i. Tow truck operators will be required to maintain a valid Motor Vehicle Operators License. Classes determined by GVW of tow truck they are operating to meet compliance.

ii. Tow truck operators will not respond to any request while under the influence or impaired by alcohol or drugs.

iii. Employees, owners, or drivers will not represent themselves or their towing services as authorized representatives of the County of Boise or any department thereof. Such representation shall include, but is not limited to, public advertisement, verbal claims, or

utilization of similar uniform or vehicle color to imitate those colors adopted by the County.

iv. Owner and drivers shall not have any convictions of crimes of a dishonest nature. Or any felony, outstanding warrants or pending charges that would affect their ability to own or operate a tow truck.

v. The tow truck operators will assume full responsibility for cleaning accident debris (i.e. dirt, broken glass, metal or broken pieces, etc.) from the roadway and surrounding area. All debris, including absorption material placed to clean up fluids shall be removed and deposited in a trash receptacle at the tow service provider's place of business. **This service is mandatory and no additional charges for this service are allowed.**

ii. The tow service provider shall provide reasonable care for the storage, safekeeping, and prevention of vandalism and theft of all vehicles and contents towed.

iii. The storage facility must comply with Code requirements within the jurisdiction in which it is located and shall be secured by a six (6) foot or higher fence or natural barrier sufficient to deter trespassing.

Tow company operators and employees must require proof of ownership on vehicles impounded at the direction of the County before releasing vehicles from the storage facility. Current registration, title, or other legal documents shall be required as proof of ownership.

Tow service providers are to request removal from the Tow Rotation Call List if at any time the company's storage facility is at capacity. Tow service providers will call police dispatch at 208-392-4411 and advise the dispatcher to temporarily remove them from the Tow Rotation Call List until further notice due to full capacity. When the storage facility has available capacity, it will be the tow service provider's responsibility to contact County dispatch to be placed back on the Tow Rotation Call List.

. Tow Truck Classifications

a. Tow Service Providers operating under this agreement must identify each tow truck as either:

- i. Light-duty tow truck capable of towing up to 10,000 pounds in weight;
- ii. Medium-duty tow truck capable of towing between 10,001 pounds and 26,000 in weight; or
- iii. Heavy-duty tow truck capable of towing over 26,000 pounds in weight.

The County may inspect all tow trucks and storage facilities prior to application approval, and prior to expiration of insurance certificates. Inspections shall include, but not be limited to, the checking of equipment, insurance, storage facilities, and personnel for compliance with these rules and regulations. Vehicle inspections may be conducted by an authorized Boise County Sheriff's Employee or a Sheriff's office designee.

The County may also inspect the towing service and facilities at any time circumstances warrant an inspection, provided that such inspection shall be during normal business hours and with due notice.

Tow Service Provider Agreement to these Procedures:

Company Name: _____

By: _____

Title: _____

Address: _____

Phone: _____