

HOUSE BILL NO. HB0116

Towing company regulation.

Sponsored by: Representative(s) Jaggi and Senator(s) Cooper

A BILL

for

1 AN ACT relating to towing companies; authorizing the
2 department of transportation to administer a rotation list
3 for nonconsensual towing and vehicle recovery as specified;
4 specifying rotation list minimum requirements; granting
5 rulemaking authority; requiring fingerprinting for purposes
6 of criminal background checks as specified; providing a
7 penalty; and providing for an effective date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 31-5-1701 is created to read:

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13

ARTICLE 17

14

NONCONSENSUAL TOWING SERVICES

15

1 31-5-1701. Towing companies; rotation list;
2 requirements; local provisions.

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4 (a) The department shall provide by rule and
5 regulation for the safe and efficient removal of vehicles
6 from the state highways when the owner or operator of the
7 vehicle is unable to actively assist in the vehicle's
8 removal.

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10 (b) Rules adopted by the department pursuant to this
11 section shall include the following minimum features:

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13 (i) A voluntary rotation list for tow truck and
14 recovery carriers to be called by law enforcement officials
15 when vehicle towing or recovery is required;

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17 (ii) Basic standards for law enforcement
18 officials and the tow truck and recovery carriers to follow
19 when a rotational call is made to clear a wrecked, disabled
20 or abandoned vehicle from a state highway;

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22 (iii) Identification of geographical areas for
23 the operation of a rotation list in that area;

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1 (iv) Procedures for tow truck and recovery
2 carriers who wish to be placed on the rotational call list;

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4 (v) Minimum equipment standards for small and
5 large simple tow trucks and small and large recovery tow
6 trucks to be placed on separate rotation lists;

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8 (vi) Determination that each company has
9 equipment required pursuant to paragraph (v) of this
10 subsection to operate independently within the rotation
11 area for which it is approved;

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13 (vii) Inspections of carriers as necessary to
14 enforce equipment and licensing requirements for the class
15 of tow truck operated;

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17 (viii) Provision for reprimand, assessment of a
18 penalty not to exceed five hundred dollars (\$500.00) or
19 suspension from the rotation list for a period of up to one
20 (1) year, for carriers violating the rotation list
21 requirements;

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23 (ix) An appeals process for carriers who dispute
24 any assessed penalty or suspension from the rotation list;

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(x) A requirement that every owner, driver and operator of an applicant towing company provide information and fingerprints as necessary to obtain, at the applicant's expense, a criminal history record background check as provided under W.S. 7-19-201. The department may deny the application of any person who has been convicted of or has pleaded guilty or nolo contendere to a felony with the previous ten (10) years;

(xi) A requirement that an individual applicant or at least seventy-five percent (75%) of the employees of an applicant company, hold a certification from a nationally recognized certificate program for tow truck operators or have a minimum of one (1) year of experience in the towing business for small and medium tow trucks and three (3) years of experience for large tow trucks;

(xii) A requirement that a tow truck or recovery carrier file a summary rate disclosure document which states typical fees for commonly used towing and recovery procedures, including such items as daytime and nighttime call rates for each piece of equipment, hook-up fees, winch fees, labor costs, mileage charges, fuel surcharges and

1 vehicle storage charges. The rate disclosure document
2 shall not include a per pound charge. No fee shall be
3 charged that is not identified on the carrier's rate
4 disclosure document on file with the department;

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6 (xiii) A requirement that a simple tow truck
7 company have a current vehicle storage and disposal
8 facility license pursuant to W.S. 31-13-114. The facility
9 shall be secured by a fence, under direct management and
10 authority of the towing company and in the same
11 geographical area identified pursuant to paragraph (iii) of
12 this subsection for which the towing company is authorized.
13 The company shall provide owners with access to vehicles
14 during normal business hours;

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16 (xiv) Authorization for an insurance company
17 that accepts coverage and liability for a vehicle involved
18 in a call to relocate the vehicle from the tow company's
19 custody immediately upon verbal notice and acceptable
20 payment arrangements by the insurance company
21 representative or its contracted vendor. The insurance
22 company requesting the relocation shall hold harmless the
23 tow truck or recovery carrier for any liability following
24 removal of the vehicle from the company's custody;

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2 (xv) Prohibition of solicitation, running of the
3 roads or wreck chasing.

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5 (c) The department shall establish a volunteer task
6 force to provide advisory input and information regarding
7 regulation of towing companies. The task force shall
8 include representatives of the towing industry, the
9 insurance industry, the trucking industry and the public.

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11 (d) A local law enforcement agency may adopt and
12 administer a local law enforcement rotation system that is
13 not inconsistent with this section. A local towing company
14 operator desiring to be placed on the local rotation system
15 shall be a qualified towing company as provided in
16 paragraphs (b)(iv) through (xv) of this section.

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18 (e) For purposes of this section:

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20 (i) "Nonconsensual towing" means tow truck motor
21 carriers providing simple towing or recovery towing
22 services for a vehicle that is transported in response to
23 state, county or local law enforcement authority where the

1 owner of the vehicle has not arranged for the towing
2 services;

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4 (ii) "Recovery towing" means the use by a towing
5 service of air bags, winching, hoisting, up-righting,
6 removing, or otherwise relocating a vehicle when the
7 vehicle is found in such a location, state or position in
8 which it could not remove itself from the location, state
9 or position under the use of its own power, even if it were
10 in complete operating condition;

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12 (iii) "Simple towing" means a routine or
13 standard tow that does not require recovery towing, and
14 includes normal use of a tow sling, wheel lift, or winch
15 cable to winch a vehicle onto a tilt bed tow truck, whether
16 the vehicle is mobile or in contact with the roadway
17 surface;

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19 (iv) "Towing company" means a person that
20 controls, operates or directs over the public roadways one
21 (1) or more motor vehicles, including trucks and wreckers,
22 equipped with a mechanical device used to tow, winch, or
23 otherwise move another motor vehicle, but does not include
24 a political subdivision of the state.

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2 **Section 2.** W.S. 7-19-106(a) by creating a new
3 paragraph (xxvii) and 7-19-201(a) by creating a new
4 paragraph (xxiii) are amended to read:

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6 **7-19-106. Access to, and dissemination of,**
7 **information.**

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9 (a) Criminal history record information shall be
10 disseminated by criminal justice agencies in this state,
11 whether directly or through any intermediary, only to:

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13 (xxvii) The department of transportation for
14 purposes of towing company rotation lists pursuant to W.S.
15 31-5-1701.

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17 **7-19-201. State or national criminal history record**
18 **information.**

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20 (a) The following persons shall be required to submit
21 to fingerprinting in order to obtain state and national
22 criminal history record information:

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1 (xxiii) Applicants, employees and drivers of
2 towing companies applying for inclusion on a towing company
3 rotation list pursuant to W.S. 31-5-1701.

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5 **Section 3.** This act is effective July 1, 2014.

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(END)