

Instruction Sheet

Following are the required forms needed for the **FY2018-2019 Tow Service Requirements, Guidelines and Standards**. Carefully read through each page of the guidelines starting on page 11 so you are fully aware of the expectations and requirements of the tow service agreement. When you understand and agree to the guidelines as they are laid out in this document, complete and return all of the required forms. Only return to Bountiful Police the required forms in a three-ring binder with your Tow Company Name on the front and side of the binder, complete with page dividers labeled as follows: **Approval Sheet, Tow Company Information, Business Owners, Tow Operators, Tow Trucks, and Storage Yards**. Paperwork will not be accepted unless it's in a binder with page dividers. Last year's binder can be picked up at the Records Division Monday through Friday 8 a.m. to 4 p. m.

This policy needs to be completed and returned to Bountiful Police by **Monday, July 2, 2018**. You will be notified by email advising "Approved" or "Not Approved". **The effective date is August 1, 2018 through July 31, 2019**. If you have any questions, please call Kathy at 801-298-6005.

1. **Tow Company Application and Approval Form (Page 5)**
2. **Tow Company Information (Page 6)**
 - a) Business License with proof of applicable regulatory fees
 - b) Certificate of liability insurance listing separately Bountiful, West Bountiful, Woods Cross and North Salt Lake Cities as Certificate Holders
 - c) Certificate of Workers Compensation Insurance
 - d) The rate sheet that is given to customers
3. **Business Owners (Page 7)**
4. **Tow Truck Drivers (Page 8)**
 - a) BCI criminal history report for each tow truck operator that shows "Criminal History Verified" and/or arrest history attachments for our records
 - b) Color photocopy of driver license for each tow truck operator
 - c) Photocopy of valid UT Medical Card required by UDOT for each tow truck operator
 - d) Photocopy of towing certification for each tow truck operator
5. **Tow Trucks (Page 9)**
 - a) Utah DMV registration certificate for each tow truck
 - b) UDOT inspection form/report and certification for each tow truck with date of issue
 - c) Required color photos of each tow truck including the license plate
6. **Storage Yards (Page 10)**
 - a) Utah State Tax Commission Letter
 - b) If applicable, Central Office Authorization Letter
 - c) Color photos of yard fence, signage, and on-site office
7. **Do not** return the "Tow Service Requirement, Guideline, & Standards" packet – **only the required forms, pages 5 through 10**.
8. **Do not** email any of the required information as it will not be accepted.

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Disclaimer

The Police Departments of Bountiful, Centerville, North Salt Lake, Woods Cross and West Bountiful is establishing a Towing Rotation List, in accordance with the requirements found in Utah Administrative Code R714-600, to be used when a sworn officer requests the removal and towing of a motor vehicle.

Being on the Towing Rotation List is a privilege and not a right. To be eligible to be on the Rotation List, towing companies must fill out the **Tow Company Application and Approval Form (page 5)** and must agree to comply with the rules and regulations as set forth in this Towing Rotation Agreement. Towing companies on the Towing Rotation List must also follow all federal and state laws and regulations pertaining to towing companies. Failure to comply with the terms of this Agreement or applicable federal and state laws and regulations may lead to sanctions against the towing company as described in the Agreement.

The signature of the authorized representative on the Application and Agreement page shall confirm:

1. The towing company and all employees read the entire document
2. The information provided is complete and accurate
3. The towing company and all employees are bound by provisions of the Agreement.
4. The towing company understands the requirements to be placed on and remain on the Towing Rotation List and accepts the conditions of the Agreement,
5. The towing companies accepts responsibility for the actions of its owners, agents, employees and tow truck passengers as they relate to the agreement and do so with the full understanding that inclusion on the Towing Rotation List is voluntary and a discretionary privilege and not a legal right.

Falsification of any portion of this Application or Agreement or in the documentation provided in support of the Application shall be cause for immediate suspension from the Towing Rotation List and may be charged as a separate criminal offense.

Minimum Requirements for Rotation Consideration

This Towing Rotation Agreement applies to Bountiful, Centerville, North Salt Lake, Woods Cross, and West Bountiful.

The Company must have at least one agency-approved yard within the described area. The company is a separate and distinct entity and does not share any of the following with another company: storage yard/lot, tow trucks, telephone numbers, business licenses or insurance policies.

APPLICATION INSTRUCTIONS

**The following application forms must be provided to Bountiful Police.
Incomplete applications will be denied!**

1. **Tow Company Application & Approval (Page 5)**
 - a) Signed and completed application by business owner.
 - b) “Agree to Terms as Stated”

2. **Tow Company Information (Page 6)**
 - a) Update addresses, phone numbers, yard state tax # as needed.
 - b) Business License, or receipt, for place of business and each yard showing that the Company is licensed as a towing company and has paid all applicable regulatory fees.
 - c) Certificate of Liability Insurance in an amount of at least \$1,000,000 which lists Bountiful City, North Salt Lake, Woods Cross, and West Bountiful as certificate holders.
 - d) Certificate of Workers Compensation Insurance which lists Bountiful, North Salt Lake, Woods Cross, and West Bountiful as certificate holders.
 - e) The rate sheet that is given to customers.

3. **Business Owners (Page 7)**

4. **Tow Truck Drivers (Page 8)**
 - a) Medical Card Expiration.
 - b) BCI Criminal History Report for each tow truck operator that shows “Criminal History Verified” and has arrest history attachments for our records. Since the Tow Company is responsible for their driver’s actions, it is the decision of the Tow Company to determine eligibility of an employee based on their criminal history.
 - c) Color photocopy of Driver License for each tow truck operator.
 - d) Photocopy of valid Utah Medical Card as required by UDOT for each tow truck operator.
 - e) Photocopy of towing certification for each tow truck operator.
 - f) Concealed Firearm Permit.

5. **Tow Trucks (Page 9)**
 - a) Complete ALL information on tow trucks, including license plate, expiration, and VIN.
 - b) UDOT Inspection Form & Certification for each tow truck with date of issue date.
 - c) Utah DMV Registration Certificate for each tow truck to be used for rotation calls.
 - d) Color photos of left, right, front and rear of each tow truck, including license plate.

6. **Storage Yard (Page 10)**
 - a) Utah State Tax Commission letter.
 - b) Central Office authorization letter, if applicable.
 - c) Color photos of yard fence, signage, and on-site office.

Tow Company Application & Approval Form

I certify that all drivers operating under this Tow Service Agreement (TSA) are qualified and competent. I further certify that I have read and understand this TSA and agree to abide by all the provisions. I further agree to indemnify, defend and save harmless the State of Utah, Davis County, Bountiful City, North Salt Lake City, Woods Cross City, and West Bountiful City, including its officers, agents, and employees from any and all claims and losses accruing or resulting to the tow company in connection with the performance of the TSA, and from any and all claims and losses accruing or resulting to any person, firm, or corporation who may be injured or damaged by the tow company in the performance of this TSA. The company, and the agents and employees of the tow company, in the performance of this TSA, shall act in an independent capacity and not as officers or employees or agents of the State of Utah, Davis County, Davis County Cities, or Davis County Law Enforcement Agencies. The terms of this TSA (2016-2015 TSA) will become effective:

August 1, 2018 through July 31, 2019

Approval
Police Chief Ross

Approval
Date

Signature
Tow Company Owner

Printed Name
Tow Company Owner

Tow Company Name

Title

Yes No

Agree to Terms as Stated

Tow Company Information

Application Date _____

Tow Company _____

Impound Yard Address _____

Yard State Tax # _____

Phone # for Dispatch to Call _____

Tow Company Owner _____

Tow Company Mailing Address _____

Tow Company Email Address _____

-

Business Owner(s)

1. Name _____ DOB _____

Address _____

Cell Phone _____

2. Name _____ DOB _____

Address _____

Cell Phone _____

3. Name _____ DOB _____

Address _____

Cell Phone _____

Tow Truck Drivers

1. Name _____ DOB _____ Years of Experience _____

Medical Card Expiration _____

Office Use Only!!

BCI-UCCH DL Med-Card Wreckmaster-AAA Certification Concealed Firearm Permit

2. Name _____ DOB _____ Years of Experience _____

Medical Card Expiration _____

Office Use Only!!

BCI-UCCH DL Med-Card Wreckmaster-AAA Certification Concealed Firearm Permit

3. Name _____ DOB _____ Years of Experience _____

Medical Card Expiration _____

Office Use Only!!

BCI-UCCH DL Med-Card Wreckmaster-AAA Certification Concealed Firearm Permit

4. Name _____ DOB _____ Years of Experience _____

Medical Card Expiration _____

Office Use Only!!

BCI-UCCH DL Med-Card Wreckmaster-AAA Certification Concealed Firearm Permit

5. Name _____ DOB _____ Years of Experience _____

Medical Card Expiration _____

Office Use Only!!

BCI-UCCH DL Med-Card Wreckmaster-AAA Certification Concealed Firearm Permit

Tow Trucks

1. Year _____ Make _____ Class _____ Lien Holder _____

UT License _____ Expiration _____ VIN _____

Type of Carrier Wheel Lift Flat Bed Optional 4x4 Heavy Medium Light

Office Use Only!!

UDOT Insp. DMV Photos.

2. Year _____ Make _____ Class _____ Lien Holder _____

UT License _____ Expiration _____ VIN _____

Type of Carrier Wheel Lift Flat Bed Optional 4x4 Heavy Medium Light

Office Use Only!!

UDOT Insp. DMV Photos.

3. Year _____ Make _____ Class _____ Lien Holder _____

UT License _____ Expiration _____ VIN _____

Type of Carrier Wheel Lift Flat Bed Optional 4x4 Heavy Medium Light

Office Use Only!!

UDOT Insp. DMV Photos.

4. Year _____ Make _____ Class _____ Lien Holder _____

UT License _____ Expiration _____ VIN _____

Type of Carrier Wheel Lift Flat Bed Optional 4x4 Heavy Medium Light

Office Use Only!!

UDOT Insp. DMV Photos.

STORAGE YARDS

All Rotation Yards Must Be State Tax Commission Approved

All of the yards listed must have a yard office that is staffed and open for business during normal business hours, Monday through Friday, unless a company provides evidence of the Central Office exception. In that case, yard number one (1) will be listed as the central office and a copy of the written Central Office Authorization letter from the State Tax Commission and Motor Vehicle Division must be submitted with the application.

1. Yard Address _____ Yard Phone _____
State Tax # _____ On-Site Yard Operator _____ DOB _____
Check One: Own Lease Rent

Office Use Only!!

Utah State Tax Commission Letter Photos

2. Yard Address _____ Yard Phone _____
State Tax # _____ On-Site Yard Operator _____ DOB _____
Check One: Own Lease Rent

Office Use Only!!

Utah State Tax Commission Letter Photos

**Bountiful, Centerville, North Salt Lake, Woods Cross, West Bountiful
Tow Service Requirements, Guidelines & Standards**

This Tow Service Agreement, Requirements, Guidelines and Standards (TSA) contains terms and conditions a towing company agrees to comply with to receive and maintain a position on the rotation tow listing with Bountiful, Centerville, North Salt Lake, Woods Cross, and West Bountiful. Participation in the tow rotation is voluntary. Any tow company, by agreeing to participate in the program, does not establish a contractual relationship and is not acting as an agent for the Davis County Government, Cities in Davis County, or the State of Utah when performing services under the TSA. Exceptions to compliance with the TSA shall not be authorized by a verbal agreement. Any exceptions shall be documented as a written addendum to the TSA.

1. PURPOSE

The purpose of the establishment and implementation of this rotation program include but are not limited to the following:

- A. Providing a non-discriminatory, uniform system for the rotation of tow trucks for Law Enforcement generated tow service requirements.
- B. The establishment of guidelines and standards to effectively serve the needs of the Law Enforcement agencies, dispatch centers, general public and towing companies.
- C. Assure tow companies, towing equipment and trucks comply with all applicable federal, state, county and city statutes, ordinances and regulations including permits, licensing and driver training requirements in order to be placed on the rotation program.
- D. Assure all impound and storage yards used by tow companies, on the rotation tow program, comply with the requirements of applicable federal, state, county and city statutes, ordinances and regulations.
- E. Assure Law Enforcement Agencies receive professional, reliable and capable towing and recovery services.
- F. Assure the motoring public is provided professional, efficient, reliable towing, handling, storage and recovery services to include lock outs, breakdowns, tire changes etc

2. POLICY

This TSA does not apply to and is not intended to hinder the activities of any private tow truck business in providing tow services to the general public on a consent basis. The TSA applies to requests through Bountiful's Dispatch Center for tow truck services involving the following situations including but not limited to:

- A. Vehicles towed for State Tax Impound.
- B. Vehicles involved in accidents requiring the use of tow trucks to remove vehicles.
- C. Slide offs requiring the use of tow trucks to pull vehicles back on the roadway.
- D. Vehicles that are disabled and require a tow truck to remove.
- E. Unlawfully parked vehicles.
- F. Driver Arrest

3. TOWING AREAS

A. This policy shall establish tow areas for two types of tow trucks to facilitate the distribution of calls and meet the needs of law enforcement with regards to response time and availability of tow services.

B. Rotation areas are:

- 1) For Davis County Sheriff's Office (DCSO) and all Agencies dispatched by the DCSO Communications Centers are divided between North and South Davis County at Park Lane in Farmington, Utah.
 - a) Light/medium duty rotation tow truck companies on rotation will respond accordingly, South Davis Companies to calls for service South of Park Lane and North Davis Companies North of Park Lane.
 - b) South tow companies will also cover Farmington in general and on Hwy 89 to the Main Street over pass.
- 2) Heavy duty rotation tow companies operating in Davis County shall be dispatched on a county wide basis. Rotation for those shall be held at the Davis County Sheriff's Communications Center.
- 3) For Clearfield City Police and Layton City Police, the rotation area will be with tow companies in the North rotation area.

- 4) For Bountiful, Centerville, North Salt Lake, Woods Cross, and West Bountiful Cities, dispatched by Bountiful City Police Dispatch, the rotation areas will be with tow companies in the South rotation area.
 - 5) Calls for mountain recovery in the Forest Service Area of Davis County will be on a county wide basis for those companies that have the equipment and vehicles capable of recovery in a rural setting.
- C. Vehicles towed shall be stored or impounded in the State Tax Commission approved towing yard of the designated tow company in the rotation area it was towed from.
- 1) Exceptions to this requirement shall be when directed by Law Enforcement to take the vehicle to a specific storage location.
 - 2) Vehicles towed from accident scenes and/or hold for owners may be towed to another location at the request of the vehicle owner. Tow companies shall obtain authorization from the owner designating the location the vehicle is to be towed.

4. ROTATION

- A. Bountiful Dispatch shall maintain a rotation tow list for light/medium duty tow companies. A rotation tow list for heavy duty tow companies will be maintained and dispatched through Davis County Sheriff's Dispatch and used by all agencies.
- B. Tow truck companies shall be dispatched according to their place on the rotation list.
- C. A call to a tow company shall constitute one turn on the list and the tow company shall move to the bottom of the list.
 - 1) This includes when a tow company fails to answer the phone, is unable to respond, is unable to perform the required service, refuses to respond or provide service, or is canceled due to an excessive response time.
 - 2) Any company calling back to cancel or pass more than 25% of its call volume in a one-month period may receive disciplinary action as outlined in the standard suspension rules listed in Section 15.
- D. If it is determined the tow company is not needed and is canceled by Bountiful, up to and including arrival on scene and standby time which does not result in a tow, there

shall be no charges and the tow company shall be placed back at the top of the rotation list for that tow area.

- E. If the tow company responds to a call and is canceled by the vehicle's registered owner or agent prior to the tow company taking possession of the vehicle, there shall be no charge and the tow company shall be placed back at the top of the rotation list.
 - 1) Possession is deemed to arise when the vehicle is removed and is in transit or attached to the tow vehicle.
- F. Nothing in the TSA shall prohibit an officer or scene Incident Commander, from requesting a specific tow company.
 - 1) An officer or on-scene commander may also request one tow company with one tow truck to tow two vehicles, if the situation at the scene is cluttered and unable to handle additional tow trucks.
- G. If two or more tow companies are called to the same incident scene, distribution of the vehicles shall normally be given by Bountiful Dispatch Center. However, it shall be at the discretion of the Incident Commander or officer to change assignments if needed. When a change is made, other than as dispatched, Bountiful Dispatch Center shall be notified. The tow companies shall not change vehicle assignments unless directed by an officer to do so.
- H. A tow company responding to and arriving at a scene, which was not dispatched, shall not tow any vehicle. The Incident Commander may use the tow company as a necessary resource to immediately clear a hazard at their discretion.
- I. A tow company accepting a call under the rotation system must respond to the requested site with the company's own equipment or equipment it has leased.
- J. If another tow company takes the call on behalf of the tow company being dispatched, both companies shall be disciplined following the standard rules listed in Section 15.
- K. Regardless of the class of a tow truck a tow company may send to a call, charges shall not be more than for the class of vehicle towed or serviced.

- L. Tow companies and/or their operators are prohibited from “cruising” or jumping calls by listening to the police band radio, or driving the freeways and roadways in an effort to pre-empt the proper functioning of the rotation system.
 - 1) Tow companies or employees in company vehicles pulling up to any incident scene, such as accidents, slide offs, break downs, that would have required Law Enforcement interaction shall turn on their overheads to warn traffic, determine if there are injuries and notify the applicable dispatch center. Once the law enforcement agency arrives, the tow company or employee must leave the scene unless the officer requests their assistance.
 - 2) The tow company may be requested by the officer to move a vehicle to a safe location and leave it. The assistance provided shall not change the tow company’s place in the rotation.
 - 3) Any tow truck company cruising or jumping calls will be subject to disciplinary action following the standard suspension rules listed in Section 15.

5. RESPONSE TO CALLS

- A. The tow company shall respond to calls 24-hours a day, seven (7) days a week within the maximum response time limits established by this policy.
- B. An appropriately licensed tow truck driver shall respond with a properly equipped tow truck of the class required to tow the vehicle and be in possession of the appropriate class of license and applicable endorsements.
- C. Response time is the time between notification by the dispatch center and time of arrival at the designated scene. The maximum response times are:
 - 1) Light and/or Medium Duty – 20 minutes
 - 2) Heavy Duty – 30 minutes
 - 3) The response time requirements may be extended due to circumstance that either hinder compliance or make it impossible to meet; such as inclement weather, blocked roads, mountain recovery, or other similar conditions. The Tow Truck Company is required to notify dispatch of the reason for delay, ETA, and current location.

- D. The tow company shall advise Bountiful Dispatch, at the time of notification, if they are either unable to respond or unable to meet the maximum response time.
 - 1) If after accepting the call the tow company is unable to respond or will be delayed in responding, the operator shall immediately notify dispatch.
- E. If a tow company accepts a call and fails to arrive at the scene within the maximum time limits, except in special circumstances, the call to that tow company may be voided and another tow company called to provide the required services. Disciplinary action shall be in accordance with the standard suspension rules listed in Section 15.
 - 1) Bountiful Dispatch will log “failure to meet” regarding required response time.
- F. A tow company dispatched to the scene of a traffic accident shall be responsible for the cleanup of debris caused by the vehicles involved in the accident from the travel portion of the roadway, and cleaned to the satisfaction of the officer in charge of the accident. Cleanup shall be completed prior to the tow company leaving the scene. For non-compliance, disciplinary action shall be in accordance with the standard suspension rules listed in Section 15.

6. TOW COMPANY APPLICATION / RECERTIFICATION

- A. The non-preference towing rotation list utilized by Bountiful is open to any natural person or legal entity that owns or operates a tow and recovery business within the south end of Davis County from Farmington City south.
- B. For the purpose of application, to be on the towing rotation list within Bountiful, North Salt Lake, Woods Cross, and West Bountiful “owns or operates” means having a physical yard located within the south end of Davis County from Farmington City south.
- C. Tow companies participating on rotation within Bountiful, North Salt Lake, Woods Cross, and West Bountiful shall meet all the requirements outlined in this document and applicable federal, state, county and city statutes, ordinances and regulations to remain on the rotation list to include:
 - 1) Comply with all equipment requirements of the Motor Carrier Safety Act as set forth in Utah Code Ann. Ss 72-9-101 et seq.
 - 2) Obtain and display current certification of inspection for each tow truck as required by Utah Code Ann. Ss 72-9-602.

- 3) Ensure all tow truck drivers are properly trained to operate the equipment they are responding with and properly licensed as required under the Uniform Drivers License Act as set forth in Utah Code Ann. Title 53, Chapter 3.
- 4) Comply with Rule R900-4 of the Utah Administrative Code.

7. ANNUAL OPEN ENROLLMENT

- A. This agreement will expire **July 31st** of every year.
- B. Bountiful Police will conduct one annual open enrollment period from **June 9th to July 2nd** each year for tow companies interested in being on the rotation list to apply.
 - 1) Bountiful shall give the current rotation tow companies email notification of the enrollment period.
 - 2) **Tow packets will be emailed to participating tow companies. Packets will also be available on our website, www.bountifulcitypd.com, or the Bountiful Police Records Division.**
- C. Tow companies on the rotation list shall reapply by completing updated paperwork and documentation and return it to the Bountiful Police Records Division by **July 2, 2018 at 4:00 p.m.**
- D. Packets will be available for new tow companies who wish to apply for the rotation list during open enrollment. The completed forms and documentation must be returned to the Bountiful Police Records Division no later than **July 2, 2018 at 4 p.m.**
- E. Should a tow company wish to be removed from the tow rotation list for a specific period of time, the tow company shall notify Bountiful Police in writing: **Bountiful Police, Attention Kathy, 805 South Main, Bountiful, UT 84010**. The tow company will be removed from the list. It shall be the tow company's responsibility to notify Bountiful Police in writing when the tow company wishes to return to the tow rotation list. Tow companies returning to the list will be placed at the bottom.
 - 1) Letters requesting removal and reinstatement must be on company letter head and can be delivered or faxed (801-298-6027) to Kathy Lovoi.
- F. Any tow company failing to meet or maintain all requirements and necessary equipment as set forth by DOT for truck inspections and certifications, the State Tax Commission for Impound Yard certification or the requirements within this document shall be removed from rotation until such compliance requirements are fixed or

corrected. Tow companies shall provide written documentation to Bountiful's Police Chief requesting reinstatement to the rotation list.

- G. If a change in address occurs for the principal office of a tow company, the tow company shall notify Bountiful Police (Kathy) of this change within ten business days.

8. TOW COMPANY REQUIREMENTS

All tow companies participating on the rotation system shall:

- A. Provide a telephone number to the Dispatch Centers where the tow company can be reached 24-hours a day and maintain radio or cell phone communications when responding to rotation calls.
- B. Have an approved State Tax yard in the rotation area they are on rotation. The yard shall meet requirements of Utah State Tax Commission Rule R873-22M-17 and the tow company shall comply with the Department of Transportation and Public Safety Commission laws, rules, and regulations related to the towing and storage of impounded vehicles. (UCA 41-6-102.5 and 72-9-603).
- C. Have a valid Business License for the State Impound Yard issued by the City in which the yard is located.
- D. Have current motor vehicle registration(s) issued by the State of Utah for all tow trucks responding to rotation calls.
- E. Insure all drivers/operators have a current and valid driver license in their possession when operating a tow truck on a rotation call.
- F. Have a current certificate of insurance listing specific equipment/property insured. The certificate must show the required One Million (\$1,000,000.00) general liability insurance with an MCS90 endorsement.
- G. Maintain general premises liability insurance for each storage yard in use in such amounts as to cover losses that may arise at those facilities.
- H. Have their trucks lettered with the company name on the doors of the truck. The name shall match the DOT number issued to the tow truck company. No magnetic signs or non lettered trucks will be allowed for rotation calls.

- I. Comply with equipment requirements set forth of the Motor Carrier Safety Act as set forth in Utah Code Ann, ss 72-9-101 et seq.
- J Comply with all applicable motor vehicle laws enacted by the State of Utah and exercise diligent and reasonable care when responding to rotation calls.
- K Comply with specific directions from law enforcement officers, unless such acts would cause unnecessary damage or possible injury to the operator or others in the area.
- L. Ensure all tow truck drivers are trained to operate the equipment they respond with and are licensed as required under the Uniform Drivers License Act as set forth in Utah Code Ann. Title 53, Chapter 3. Training and Certification is required for each driver/operator.
- M. Ensure employees performing tow services on behalf of the tow company are both physically and mentally capable of performing the required duties.
- N. Ensure all operators obtain a copy of their Criminal History and submit it with the tow application. **It's the responsibility of the Tow Company to accept or deny employment based on the operator's criminal history.**
- O. Represent a professional image. Employees shall wear clothing that is modest, functional, contributes to safety, and has a driver's name attached.
- P. While involved in the Bountiful Police rotation tow operations or related business, the Tow company and/or employee(s) shall refrain from any acts of misconduct including but not limited to, any of the following:
 - 1) Rude or discourteous behavior.
 - 2) Lack of service, selective service, or refusal to provide service which the tow company is capable of performing.
 - 3) Any act of sexual harassment or sexual impropriety.
 - 4) Unsafe driving practices.
 - 5) Exhibiting any objective symptoms of alcohol or drug use.
- Q. Wear appropriate warning garments (e.g., vests, jackets, shirts, retro reflective clothing) for daylight and hours of darkness in accordance with OSHA Standards.

R. Only respond to a request for service with the equipment and persons necessary to complete the task.

1) Exception would be responding with a driver trainee.

9. TOWING, STORAGE and ADMINISTRATIVE FEES

Fees charged for calls originating from Bountiful Police shall be reasonable, valid, and not in excess of those rates charged for similar services provided in response to requests initiated by a public agency or private person.

A. Maximum Towing Rates as defined by R909-19-12 shall be followed. Charges shall not be more than for the class of vehicle towed or serviced.

B. Maximum Storage Rates as defined by R909-19-14 shall be followed.

C. A \$5.00 administrative fee may be charged for entering vehicle information into the IVS system on all police generated tows such as accidents, hold for owners, and state tax.

D. A \$30.00 administrative fee may only be charged if the tow company provides a MVR print out and posted certified mail receipts at such time the vehicle is released to the owner.

E. A towing company who charges rates above those defined in R909-19-12 and R909-19-14 shall be subject to disciplinary action in accordance with the standard suspension rules listed in Section 15 “**TERMS OF DISCIPLINARY ACTION**” (Page 23).

10. STORAGE FACILITIES

A. The towing company shall be responsible for the safekeeping and prevention of vandalism of all vehicles and contents which are stored or impounded.

B. Storage facilities owned by a towing company and shared with another tow company or other business establishment shall be physically separated and secured from each other.

C. The tow company employee’s shall be properly trained to conduct business transactions related to towing, storage and release of vehicles/property.

D. Tow company owners will ensure they or their employees are available during normal business hours to provide assistance to the public regarding towing issues.

- 1) Upon approval from the appropriate Law Enforcement Agency, the tow company or their employee shall release personal property from a vehicle, in compliance with state law, which has been stored or state impounded at the request of the vehicle's registered owner or agent.
- 2) A receipt shall be provided for the removed property, with a copy placed in the stored vehicle. This procedure shall also apply to the removal of property by the tow company and/or their employee to a secured area within the business.
- 3) In cases where a vehicle has been impounded for evidence or investigation, personal property will not be released until the vehicle has been cleared by the Law Enforcement Agency handling the investigation.
- 4) No fee shall be charged for the release of personal property during normal business hours.
 - a) The maximum charge for non-business hour release shall not exceed the hourly tow rate charge.

11. TOW COMPLAINTS

- A. All related tow service complaints received or initiated by Law Enforcement against a tow company or tow company's employees, shall be accepted and investigated in a fair and impartial manner.
 - 1) All complaints will be received in written form, with all applicable documentation included.
 - 2) The tow company and their employees shall cooperate with Law Enforcement during the course of an investigation.
- B. The tow company shall be notified in writing of the findings within 30-days of the conclusion of any complaint.

12. COMPLIANCE WITH LAW

- A. The tow companies and employees shall, at all times, comply with federal, state, and local laws and ordinances and all applicable court orders.
- B. Any conviction of the tow company, owner, operator, employee or driver involving a stolen or embezzled vehicle, fraud related to the towing business, stolen or embezzled property, a crime of violence, a drug-related offense, felony driving while under the influence of alcohol or drugs, misdemeanor driving while under the influence of alcohol or drugs, or moral turpitude may be cause for suspension or removal of a tow company or employee, or denial of a tow company/employee's application, or termination of the TSA.

13. COMPLIANCE WITH TSA

- A. The tow company agrees, as a condition of inclusion in the rotation tow program, to comply with the terms and conditions of the TSA. Furthermore, the tow company or Company’s agent agrees that failure to comply with these terms and conditions shall be cause for disciplinary action (i.e., written reprimand, suspension, termination, or denial of an application).
- B. A violation of the equipment requirements, related to safety, or violation of GVWR, shall be cause for suspension.
 - 1) The suspension shall remain in effect until the suspension period is completed and an inspection of the equipment has been made and concluded the tow company is in compliance.
- C. A violation of overcharging or a pattern of overcharging shall be cause for suspension.
 - 1) The suspension shall remain in effect until the suspension period is completed and proof of reimbursement to the aggrieved customer has been provided to Bountiful’s Police Chief.
- D. Allowing an incompetent tow truck driver to respond to a rotation call shall be cause for disciplinary action of the tow company.
- E. A tow company responding a tow truck driver to a rotation call (i.e., those drivers dispatched by the tow company’s business) for whom the following information has not been submitted, shall be cause for disciplinary action of the tow company:
 - 1) Tow Operator/Driver Information.
 - 2) Documentation indicating completion of an approved tow truck driver training program such as Wreck Master.

14. DISCIPLINARY ACTION

- A. Bountiful’s Police Chief shall take disciplinary action against a tow company for violations investigated and sustained. Furthermore, the tow company agrees that failure by the tow company to comply with these terms and conditions shall be cause for disciplinary action (i.e., written reprimand, suspension, denial of an application, or termination from the Rotation Tow Program).
 - 1) Bountiful’s Police Chief shall retain discretion regarding the length of any suspension imposed pursuant to the terms and conditions of this TSA.
- B. Nothing shall preclude the Bountiful Police Chief from taking the appropriate enforcement or administrative action for any violations of law.

- C. Nothing herein shall be deemed to prohibit the Bountiful Police Chief from immediately suspending, terminating, or denying an application of any tow company or employee whose conduct, in the opinion of the Chief, is deemed to be a danger to the motoring public, or who has engaged in conduct constituting a flagrant violation.
- D. Records of violations shall be retained by the Bountiful Police Department for 36 months.
- E. Disciplinary action taken against a tow company by any agency Bountiful Police serves shall be honored by all other Agencies being serviced by the tow company through Bountiful Police.

15. TERMS OF DISCIPLINARY ACTION

- A. Violations of the terms and conditions of the TSA may be cause for disciplinary action in the following manner:
 - 1) First violation within a 12-month period – letter of written reprimand.
 - 2) Second violation within a 12-month period – 1 to 30-day suspension.
 - 3) Third violation within a 12-month period – 60 to 90-day suspension.
 - 4) Fourth violation within a 12-month period – termination of the TSA.

NOTE: In lieu of termination, the Bountiful Police Chief may impose additional suspensions for longer periods, if deemed appropriate.

- B. Violations of the terms and conditions of the TSA which warrant suspension for the first violation are categorized as major violations. Any subsequent or continuing major violation may be cause for termination.
 - 1) When considering disciplinary action for a major violation of the TSA, Bountiful’s Police Chief should take into consideration all violations which have occurred within 36-months prior to the date of the current violation.
- C. A suspended or terminated tow company shall not be eligible for a rotation listing for the duration of the suspension or termination.
- D. If the tow company is serving a suspension for one year or more, the tow company shall be required to have complied with all terms and conditions of the current TSA at the time of reinstatement.
- E. A tow company shall comply with all the terms of the suspension prior to reinstatement or re-application.

16. HEARING/APPEAL

- A. A hearing shall be granted, upon a tow company's request, within ten business days, for any of the following circumstances:
 - 1) The tow company is served with a disciplinary action.
 - 2) Denial of a tow company's tow application or a tow company/driver application.
- B. A hearing shall be held as soon as practicable.
- C. The hearing shall be conducted by the Police Chief's (or designee) of Bountiful, North Salt Lake, Woods Cross, and West Bountiful. The tow company shall be entitled to present all relevant facts and circumstances in support of the tow company's position.
- D. The tow company shall be notified in writing of the decision(s) within ten business days of the date of completion of the hearing.
- E. Disciplinary action shall not take effect until the hearing and appeal process has been exhausted, with the exception of tow companies whose conduct is deemed to be a danger to the motoring public or who continue to violate the terms and conditions of this TSA.
- F. If a tow company fails to request a hearing or appeal within the specified time or fails to appear at a scheduled hearing or appeal, the action taken by the Bountiful Police Chief shall be final and the disciplinary action shall take effect upon written notification to the tow company.