STATE OF TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY

Tennessee Highway Patrol

TOWING SERVICE STANDARDS MANUAL

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I. Purpose of Manual:

The purpose of this Manual is to state the policies, procedures, and standards for Members of the Tennessee Department of Safety and Homeland Security (DOSHS) and for towing companies in regards to towing service standards and to further ensure the safe and efficient removal, storage and safekeeping of any and all vehicles being towed by and placed into custody of such towing companies.

II. Declaration of Policy:

A. It shall be the policy of the DOSHS to establish a Tennessee Highway Patrol (THP) Rotating Schedule Towing List, of towing companies who meet or exceed standards prescribed in this Manual. District Wrecker Lieutenants shall have the authority and responsibility to ensure that inspections on towing companies are performed on all towing companies' equipment and facilities and to further verify that towing companies' drivers are qualified before authorizing inclusion on the Rotating Schedule Towing List. Only towing companies passing inspection will be placed on the Rotating Schedule Towing List. Absent a vehicle owner's request for a specific towing company, only those towing companies whose equipment, drivers, procedures and services conform to the following procedures and standards will be utilized by DOSHS. These measures ensure the following for the citizens, who use the roads and highways in the State of Tennessee:

1. That the towing company is reputable, reliable, possesses adequate equipment, and qualified employees;

2. That the towing company is properly licensed and insured; and

3. That the towing company charges a fair, equitable, and reasonable rate for services rendered.

B. DOSHS shall allow any qualified, as determined by this Manual, towing company to submit an application for inclusion on the THP Rotating Schedule Towing List. By submitting an application for inclusion on the THP Rotating Schedule Towing List, towing company agrees and understands that the policies, procedures and standards within this Manual shall strictly govern its initial and continuing inclusion on the THP Rotating Schedule Towing List.

C. As inclusion on the THP Rotating Schedule Towing List is voluntary, a towing company may remove its name at any time.

D. Towing companies/owners/employees and/or towing vehicles may be immediately removed from the Towing List by the District Captain for non-compliance with the requirements of this Manual until compliance is verified.

E. DOSHS shall periodically review the policies, procedures and standards in this Manual and shall reserve the right to amend, as deemed necessary, any affected part(s). If policies, procedures and/or standards are amended, notification will be made to all affected personnel.

F. The DOSHS Commissioner shall be the final authority in all policies, procedures and standards governed by this **Towing Service Standards Manual** (hereinafter referred to as "Manual").

III. Definitions:

A. Abandoned Vehicle/Motorist Assist Call List: A list of approved towing companies maintained by the DOSHS that the THP calls on a rotating basis for motorist assistance and to tow abandoned vehicles.

B. Department: Tennessee Department of Safety and Homeland Security.

C. District Wrecker Lieutenant: THP Lieutenant who is the primary administrator of the Towing List and whose primary duties, include but are not limited to, reviewing and approving applications for inclusion on the THP Rotating Schedule Towing List, inspecting towing companies' vehicles and equipment, responding to questions concerning the THP Rotating Schedule Towing List, investigating complaints from citizens and towing companies and making recommendations to the Commissioner concerning complaint resolutions. In the event the District Wrecker Lieutenant is not available, the above responsibilities shall be the duty of the District Captain or a designee.

D. Level I Safety Inspection: **North American Standard Inspection (NAS)** - An inspection that includes examination of driver's license; medical examiner's certificate and Skill Performance Evaluation (SPE) Certificate (if applicable); alcohol and drugs; driver's record of duty status as required; hours of service; seat belt; vehicle inspection report(s) (if applicable); brake systems; coupling devices; exhaust systems; frames; fuel systems; lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps/flags on projecting loads); securement of cargo; steering mechanisms; suspensions; tires; van and open-top trailer bodies; wheels, rims and hubs; windshield wipers; emergency exits and/or electrical cables and systems in engine and battery compartments (buses), and HM/DG requirements as applicable. HM/DG required inspection items will be inspected by certified HM/DG inspectors.

E. Level V Safety Inspection: **Vehicle-Only Inspection** - An inspection that includes each of the vehicle inspection items specified under the NAS Inspection (Level I), without a driver being present. These inspections can be conducted at any location.

F. Member of the Department: Any Commissioned Officer of the DOSHS, including, but not limited to, Troopers, Commissioned Homeland Security Officers, CID Agents, etc.

G. THP: Tennessee Highway Patrol.

H. Tennessee Highway Patrol Rotating Schedule Towing List (Hereinafter referred to as "Towing List"): A list of approved towing companies maintained by the DOSHS that the THP calls on a rotating basis to tow vehicles.

I. Towing Company: Any person, firm or corporation engaged in the business of offering towing service by use of a tow truck and storage facility.

J. Working Days: Monday through Friday excluding official Tennessee state holidays.

IV. Recovery, Towing, and Storage Standards:

A. Per Tennessee Code Annotated (TCA) 55-16-112, a towing company shall obtain an express written authorization for towing and storage of each vehicle from a law enforcement officer with appropriate jurisdiction or from the owner/owner's authorized agent of the vehicle. A violation of this statute is a Class C misdemeanor. For purposes of compliance with this Section, Members of the THP will complete a Vehicle Tow-In Report/ No Tow Request Liability Release Report (SF-0156) and furnish a copy to the towing company driver any time a vehicle is towed at the request of a Member. Under no circumstances shall Members directly contact towing companies to facilitate towing. ALL requests for towing company services shall be directed through DOSHS Dispatchers. Likewise, THP Members shall not permit other law enforcement agencies to contact towing companies to perform services at a location where the Member is in charge. If another law enforcement agency contacts a towing company, that law enforcement agency shall assume responsibility of the scene.

B. The THP shall call the towing company on a rotating basis from the Towing List in instances where the vehicle's owner, operator or agent does not have a request for a specific towing company.

C. The owner's request for a specific towing company shall be honored unless:

1. The requested towing company cannot or does not respond in a reasonable time, as determined by a Member of the DOSHS; or

2. The vehicle to be towed poses an immediate traffic hazard, as determined by a Member of the DOSHS.

D. A towing company specifically requested by a vehicle's owner, operator, or agent does not have to be a towing company that is included on the THP Rotating Schedule Towing List. Nothing in this Section shall preclude a Member of this Department from taking the appropriate enforcement action(s) against any observed vehicle and/or driver violation from towing companies that are not included on THP Rotating Schedule Towing List.

For example, all towing company drivers that remove a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle. (TCA 55-8-170)

Note: Vehicle fluids shall not be intentionally drained on the road or surrounding environment.

V. Application Procedures for Inclusion and Retention on the Towing List:

A. All applications and forms, which need to be completed for inclusion and retention on the Towing List, are contained in this Manual. These forms can also be obtained from the DOSHS website http://www.tn.gov/safety/topic/cvemain. For initial application; **EACH** form must be completed and e-mailed, mailed, faxed or hand delivered to the District Wrecker Lieutenant. Each year thereafter, towing companies desiring to remain on the Towing List shall resubmit **ALL** forms to the District Wrecker Lieutenant. The forms should be updated to reflect current information as it exists at the time of Annual Inspection.

B. Towing Company Requirements:

1. Towing companies shall be registered as a Sourcing Bidder within Edison, the State of Tennessee's Enterprise Resource Planning Solution (ERP). It is the towing company's responsibility to successfully complete the registration process. If the towing company is not registered as a Sourcing Bidder at the time of its application for inclusion on the Towing List or loses its Sourcing Bidder status for any reason, its application shall not be approved and/or the towing company shall not be approved to participate on the Towing List.

   a. Proof that the towing company is registered as a Sourcing Bidder must be kept on file by the towing company.

Note: For further assistance with the registration process, towing companies should contact the Department of General Services' Bidder Registration Office at (615) 741-6875.

2. Towing Companies shall:

   a. Be licensed and registered to do business in Tennessee;

   b. Ensure all towing vehicles listed on the Company Information Disclosure Form (SF-1119) are titled and registered in Tennessee.

   c. Employ drivers that are twenty-one (21) years of age or older; except as provided in TCA 55-50-303;

   d. Display a highly visible sign with the towing company's name and phone number thereon at the business site of the towing company;

   e. Beginning from the date it begins working with the DOSHS, maintain and provide a minimum of two (2) years of towing/storage records for inspection by the DOSHS upon request;

   f. Be independent of any other towing company and not have the same phone number(s), address, business license, storage facilities, or towing equipment, etc. as any other towing company listed on the THP Rotating Schedule Towing List;

g. Display the physical address and primary phone number of the towing company on all invoices and paperwork;

h. Own the towing equipment used in the performance of its towing services;

i. Ensure that all towing company drivers including owners of the towing company possess a valid driver license.

(1) Any driver who operates a class of vehicle which requires a commercial driver license, e.g., vehicles with a GVWR of 26,001 lbs. or more as set forth in TCA 55-50-404, shall possess a current commercial driver license for that class of vehicle.

j. Provide with the Towing Service Application (SF-1112), a Driver Qualification Report (SF-1117) listing all towing company drivers including owners of the towing company who will be required, at any time, to drive a towing vehicle.

(1) The SF-1117 shall contain the full name, driver license number, and date of birth of each driver.

(2) The SF-1117 shall be updated each time that a new driver for the towing company is hired and such updated list shall be e-mailed, mailed, faxed, or hand delivered to the District Wrecker Lieutenant. The SF-1117 shall be updated on an annual basis and provided to the District Wrecker Lieutenant at the time of Annual Inspection.

(3) At the time of initial application and at the time of Annual Inspection, a driver license and criminal history check will be performed and, if any driver is found to be revoked, suspended or cancelled, the District Wrecker Lieutenant shall notify the towing company by e-mail, mail, fax, or hand delivered in writing of this discovery. The towing company shall not permit such driver to respond, or drive any towing vehicle, to any service call initiated by the THP, until such time as the driver has satisfied all legal requirements for the reinstatement of the license and the towing company has notified the District Wrecker Lieutenant by e-mail, mail, fax, or hand delivered in writing of such reinstatement.

k. The towing company shall maintain a driver file for each driver and ensure that the driver license(s) remain valid.

(1) This employee driver file shall be available at all times for inspection by the DOSHS.

(2) If a driver is employed by more than one (1) towing company, each towing company shall maintain an independent and separate driver file on the driver. In these cases, the driver is only required to submit fingerprint information one (1) time. The results can then be provided to all employing tow companies.

l. Notify the District Wrecker Lieutenant, by e-mail, mail, fax, or hand delivered in writing, of any driver changes or any actions committed by a driver, which would cause a driver license to be suspended, revoked or cancelled.

m. If any driver of a towing company on the THP Rotating Schedule Towing List is found to be operating a towing vehicle on a revoked, suspended or cancelled license, and the THP District Wrecker Lieutenant has not been notified by the towing company, this shall be considered cause for removal from the Towing List, in addition to charges against the towing company driver.

n. Notify the District Wrecker Lieutenant, by e-mail, mail, fax, or hand delivered in writing, of any felony committed by its towing company drivers within ten (10) days of being arrested or charged. Towing companies shall notify the District Wrecker Lieutenant by e-mail, mail, fax, or hand delivered in writing every thirty (30) days the status of the towing driver's case through final disposition.

o. At the time of initial application, governed by the provisions of this Manual, fingerprints of all owners and drivers shall be furnished to the Tennessee Bureau of Investigations (TBI) in order for a Criminal History Background Check to be conducted. Fingerprints shall be submitted electronically. Fingerprints will not be required to be submitted after the initial Criminal History Background Check through the TBI. However, any time a new driver is hired, his/her fingerprints shall be submitted in accordance with the above procedures.

(1) Towing companies should go to: http://www.identogo.com and follow the directions.

Online Registration:
24 hours a day, 7 days a week

THP District ORI Numbers:	
Knoxville:	TNTHP0100
Chattanooga:	TNTHP0200
Nashville:	TNTHP0300
Memphis:	TNTHP0400
Fall Branch:	TNTHP0500
Cookeville:	TNTHP0600
Lawrenceburg:	TNTHP0700
Jackson:	TNTHP0800

i. Go to www.identogo.com (Select Tennessee)
ii. Select Online Scheduling
iii. Enter First and Last Name
iv. Choose Agency Name (Select - Other)
v. Choose Applicant Type (Select - Contract Personnel)
vi. Enter the THP District ORI Number

Call Center Registration:
Monday-Friday, 8:00 am - 4:30 pm CST

i. Call (855) 226-2937 and speak to a representative.
ii. Be sure to have your Agency Information or THP District ORI Number when calling.

(2) Towing companies shall send a completed Driver Qualification Report (SF-1117) to the THP District Wrecker Lieutenant every time fingerprints are submitted to the TBI.

(3) Towing companies are required to submit the results of the towing company driver's criminal history background check to the THP District Wrecker Lieutenant, who shall place the results in the towing company's file.

(4) The District Wrecker Lieutenant shall maintain all towing company driver's background check information in the towing company's file. All files are to be placed in a secure area that is not accessible to the public, pursuant to NCIC regulations.

3. All towing company owners and drivers shall attend a four (4) hour Traffic Incident Management System (TIMS) training session taught at the THP District Headquarters or other location approved by the District Wrecker Lieutenant.

a. Currently approved towing company owners and drivers and those that apply during 2015 have until 01-01-2016 to complete TIMS training.

(1) Those that have not completed TIMS training by 01-01-2016 will be removed from the THP Rotating Schedule Towing List.

b. Towing company owners and drivers that apply after 12-31-2015 must complete TIMS training before inclusion on the THP Rotating Schedule Towing List.

c. The District Wrecker Lieutenant shall maintain a copy of the TIMS Training Rosters in the towing company's file.

C. Criminal Convictions/Charges:

1. Neither towing company owners nor drivers shall be allowed to participate on the Towing List, if they have been convicted of a felony or have any pending felony charges, which occurred on or after July 1, 1988.

a. All towing company employees convicted of a felony, which occurred on or after July 1, 1988 are prohibited from assisting at the scene.

2. If a towing company owner or driver is currently approved to participate on the THP Rotating Schedule Towing List and is found to have been convicted of a felony on or after July 1, 1988, the owner or driver may request a hearing as set forth in Section XV. of this Manual, before the DOSHS removes such owner or driver from participating on the Towing List.

3. If the fingerprint background check or other information received by the DOSHS indicates that a towing company owner or driver has been convicted of a felony that the DOSHS determines might affect public safety, such owner or driver shall not be approved for the Towing List and shall be notified, by e-mail, mail, fax, or hand delivered in writing of such determination, by the District Wrecker Lieutenant.

a. If a towing company owner or driver has any pending felony charges or is convicted of a felony after being placed on the Towing List, the DOSHS shall remove the towing company or driver from the Towing List upon receiving notification of the felony charge(s) or conviction. Such notification shall be made by e-mail, mail, fax, or hand delivered in writing by the District Wrecker Lieutenant within ten (10) days of being arrested or charged. Towing companies shall notify the District Wrecker Lieutenant by e-mail, mail, fax, or hand delivered in writing every thirty (30) days as to the status of the case through final disposition.

D. In the event the ownership of a towing company changes for any reason (e.g., the company is sold, the owner retires, the owner passes away), the towing company will be removed from the Towing List.

1. The District Wrecker Lieutenant shall notify the towing company of the reason for removal. The notification shall also include application information, in case the new owner wishes to be included on the Towing List.

VI. Towing Vehicle Requirements:

A. Towing companies that are on the Towing List and own towing vehicles that have a gross vehicle weight rating or gross combination rating of twenty-six thousand and one pounds (26,001 lbs.) or more and will be placed on the Towing List shall receive a Level V Safety Inspection. Each applicable towing vehicle must pass a Level V Safety Inspection before the vehicle shall be allowed to participate on the Towing List.

1. All other towing vehicles not meeting the qualifications specified in the above preceding Section A, will be inspected and required to meet the standards established on the Facilities and Equipment Inspection Report (SF-1120).

B. Towing vehicles failing to pass the Level I or V Safety Inspection must comply with established regulations and the towing company shall repair the towing vehicle and notify the DOSHS by e-mail, mail, fax, or hand delivered in writing WITHIN fifteen (15) Days as prescribed on the Driver/Vehicle Safety Examination Report (SF-1156).

C. If a towing company is already on the Towing List and wishes to introduce a new or used towing vehicle onto the Towing List, the towing vehicle shall first receive a Level V Safety Inspection if it has a gross vehicle weight rating or gross combination rating of twenty-six thousand and one pounds (26,001 lbs.) or more.

1. A Company Information Disclosure Form (SF-1119) shall be given to the District Wrecker Lieutenant.

D. A copy of the most recent Driver/Vehicle Safety Inspection Report (SF- 1156) shall be kept in the corresponding towing vehicle and shall be shown at the request of any Member of the DOSHS.

E. A copy of all Driver/Vehicle Examination Reports must be given to the District Wrecker Lieutenant.

F. Nothing shall prohibit NAS Certified Members of the Department from performing additional inspections at any time violations are observed or discovered.

G. Should violations meeting the Out-of-Service Criteria be detected, the towing vehicle shall be placed Out-of-Service until repairs are made.

H. Should a towing vehicle respond to a THP initiated service call with an Out-of-Service violation, the towing company shall not be permitted to perform services and the towing vehicle shall be placed Out-of-Service. The towing company shall not be allowed to return with another towing vehicle. The next scheduled towing company on the Towing List shall be contacted.

I. Any towing vehicle placed Out-of-Service shall be required to pass an inspection, specific to the class, prior to being returned to service on the Towing List.

VII. Establishment of Class System and Criteria for Each Class of Towing Vehicle:

Towing vehicles that have remained continuously on the Towing List beginning before July 1, 2008 are exempt from the minimum GVWR (formerly: Classes A & D - 10,000, Class B - 18,000, and Class C - 30,000), and the Under-Reach (Class C Only) provisions, in this Section. All other provisions must be satisfied. Any towing vehicle that is removed from the Towing List voluntarily or otherwise, must meet all provisions, in this Section, before being permitted on the Towing List again regardless of whether the towing vehicle was originally on the Towing List prior to July 1, 2008.

A. Per TCA 65-15-107, 65-15-109, 65-15-110, and the Rules and Regulations of the Tennessee Department of Revenue, tow companies operating Intrastate only are required to buy an Intrastate Permit annually for EACH tow truck, regardless of the class. If a towing company has Interstate Authority and a Motor Carrier registration, they ARE NOT required to have an Intrastate Permit. For additional information, go to the link below.
http://www.tn.gov/revenue/article/additional-motor-carrier-information.

B. There are four (4) distinct towing vehicle classes. Each towing vehicle shall only be listed in one (1) class. The following criteria shall be met for each class for inclusion on the Towing List:

1. By design, Class A tow trucks have the capability of performing recovery. Class A tow trucks should be requested when recovery action are required. Such instances include, winching vehicles that are some distance from the roadway. Class A: for towing passenger cars, pick-up trucks, small trailers, etc. This classification also includes "wheel lift" type vehicle transporters.

   a. The towing vehicle chassis shall have a minimum manufacturer's capacity of 14,000 lbs. or greater GVWR;

   b. The individual boom capacity shall be not less than four (4) tons;

   c. The individual power winch pulling capacity shall be not less than four (4) tons;

   d. There shall be a minimum of one hundred (100) feet of 3/8 inch, or larger cable or 7/16 inch, or larger synthetic rope on each drum;

   e. The wheel lift shall be capable of picking up a passenger car or pick-up truck and; possessing equipment capable of lifting the vehicle by the wheels only, with nothing touching the vehicle body.

      (1) Wheel lift towing vehicles shall meet all Class "A" requirements, excluding the belt-type cradle tow plate or tow sling.

(2) Safety restraint straps (nylon straps with ratchets or the equivalent) shall be provided to secure the towed vehicle's tires into the wheel lift forks.

f. The towing vehicle shall have a belt-type cradle tow plate or tow sling to pick up vehicles, and cradle or tow plate to be equipped with safety chain except for wheel lift towing vehicles as referenced above; and

g. Dollies are suggested, but not required.

2. Class B: for towing medium size trucks, trailers, etc.

a. The towing vehicle chassis shall have a minimum manufacturer's capacity of 26,000 lbs. or greater GVWR;

b. The towing vehicle shall have the following boom specifications:

(1) Double Boom: so constructed as to permit splitting, each boom to operate independently or jointly, individual boom capacity of no less than eight (8) tons and individual power winch pulling capacity of not less than eight (8) tons, or

(2) Single Boom: with no less than a sixteen (16) ton capacity and a power winch pulling capacity of no less than sixteen (16) tons.

c. The towing vehicle shall have a minimum of two hundred (200) feet of 7/16 inch, or larger, cable on each drum; and

d. The towing vehicle shall have a cradle tow plate or tow sling to pick up vehicle, cradle or tow plate to be equipped with safety chain.

3. Class C: for towing large trucks, road tractors, and trailers.

a. The towing vehicle chassis shall have a minimum manufacturer's capacity of 35,000 lbs. or greater GVWR;

b. The towing vehicle shall have the following boom specifications:

(1) Double Boom as to permit splitting; each boom to operate independently or jointly; individual boom capacity of no less than twelve and one-half (12 ½) tons, or

(2) Single Boom with no less than a twenty-five (25) ton capacity and a power winch pulling capacity of no less than twenty-five (25) tons;

c. The towing vehicle shall have a minimum of two hundred (200) feet, or more, of 9/16 inch, or larger, cable on each drum;

d. The towing vehicle shall have airbrakes constructed so as to lock wheels automatically upon failure;

e. Only tandem axle trucks with two (2) live drive axles will be accepted as class C; and

f. An Under-Reach capable of towing an 80,000 lbs. Tractor Trailer combination shall be required on all Class C towing vehicles that are added to the Towing List after July 1, 2008.

4. By design, Class D tow trucks were not primarily constructed to perform recovery operations. Class D tow trucks should be requested when vehicles that are to be towed are located in a position that allow for easy hook-up and not for vehicle positions in which extensive winching or recovery efforts are required. Class D: Vehicle transporters designed to tow or carry passenger cars, pick-up trucks, small trailer, etc. This classification includes "car carrier" or "rollback" type vehicle transporters.

a. Car carrier vehicle transporters:

(1) The truck chassis shall have a minimum manufacturer's capacity 14,000 lbs. or greater GVWR;

(2) Car carrier vehicle transporters shall have:

i. Two (2) with a minimum of three (3) inch bore each, or

ii. One (1) with a minimum of five and one-half (5 ½) inch bore,

(3) Car carrier vehicle transporters shall have individual power winch pulling capacity of not less than four (4) tons;

(4) Car carrier vehicle transporters shall have a minimum of fifty (50) feet of 3/8 inch, or larger, cable on winch drum;

(5) Car carrier vehicle transporters shall have two (2) safety chains for securing vehicle to carrier bed;

(6) The car carrier vehicle transporter carrier bed shall be a minimum of sixteen (16) feet in length and a minimum of eighty-four (84) inches in width inside side rails;

(7) Car carrier vehicle transporters shall have a cab protector, constructed of solid steel or aluminum, that extends to a height of four (4) feet above the floor or to a height at which it blocks the forward movement of the bumper of the vehicle being towed; and

(8) Car carrier vehicle transporters shall have straps with ratcheting capability that provide for the transporting of motorcycles.

C. Each District Communications Section shall maintain a Towing List for each towing vehicle class (A, B, C, and D).

VIII. Equipment Requirements for Towing Vehicles:

A. Towing companies shall be responsible for carrying the equipment necessary for removal of glass and other debris from the highway. Per TCA 55-8-170, the driver of the towing vehicle is responsible for the removal of all debris from the highway.

1. Towing companies shall not place debris in a vehicle's passenger compartment.

B. Emergency Equipment for each Towing Vehicle:

1. At least one (1) functional, amber-colored, and rotating or strobe type light (LED lights are also permissible) shall be permanently mounted on the top of the towing vehicle. The Department will approve no other color. All emergency flashers and directional lights showing to the front must be amber in color.

2. Sirens on towing vehicles are prohibited.

C. Additional Required Equipment:

1. At least one (1) heavy-duty push broom;

2. Flood lights mounted at a height sufficient to illuminate the scene at night;

3. One (1) shovel;

4. One (1) axe;

5. One (1) pinch bar, pry bar or crowbar;

6. One (1) set of bolt cutters;

7. Minimum of one (1) fully charged 20 lb, or two (2) fully charged 10 lb, fire extinguisher(s) having an Underwriters Laboratory (UL) rating of four (4) A: B: C: or more. The fire extinguisher must be securely mounted on the towing vehicle;

8. Minimum of one (1) 50 lbs. for a Class A, B, D towing vehicle, and a minimum of one (1) 100 lbs. of a fluid absorption compound for a Class C towing vehicle;

9. Three (3) red emergency reflectors; and

10. One (1) light bar. The towed vehicle shall be capable of displaying all lights on the rear of the vehicle, while in tow. When this is not possible, a light bar shall be attached to the rearmost vehicle while in tow. The bar shall consist of two (2) tail lamps, two (2) stop lamps and two (2) turn signals. All lights on the light bar shall be fully operational.

D. All towing vehicles shall display the towing company's name, address, phone number, and USDOT number. Such information shall be painted on, or permanently affixed, to both sides of the towing vehicle and be visible from 50 feet. Magnetic signs shall not permitted.

IX. Insurance:

A. Each towing company assumes the liability for personal injury or property damage resulting from a towing company's employee's intentional or negligent act(s) from the time contact is made with any vehicle to be towed. Each towing company assumes full liability for all items of value in the towed vehicle.

B. Each towing company shall maintain the following insurance policies for the minimum amounts set forth in this Section. Each policy shall be in the name of the towing company or the towing company's owner, and shall include coverage for towing and storage. The policy(s) shall be valid for at least six (6) months.

1. A certificate of insurance shall be filed with the DOSHS before a towing company is placed on the Towing List. Certificates of insurance must be itemized to indicate amounts of liability, garage keepers, and on-hook coverage. The policy shall also disclose all of the towing vehicles that are covered under the policy. Nothing shall preclude a towing company from obtaining coverage in excess of these amounts.

2. For purposes of this policy, the following definitions shall apply:

a. Vehicle Liability - Insurance that pays for damages due to bodily injury and property damage to others for which the towing company is responsible.

b. Garage Keepers Liability - Insurance that protects a garage keeper against liability for damage to vehicles in his/her care, custody, or control.

c. On Hook Coverage - Insurance that will normally pay to repair or replace a vehicle that the towing company did not own if it is damaged by a collision, fire, theft, explosion or vandalism while it is being towed or hauled.

3. Liability coverage must be equal to or greater than the minimum amounts below. Insurance coverage may be provided in a single policy or separate split policies. Regardless of the type of policy or policies, the total amount of coverage must equal those amounts listed below, per incident.

a. Minimum vehicle liability amounts:

(i)	Class A and D	$1,000,000
(ii)	Class B	$1,000,000
(iii)	Class C	$1,000,000

b. Minimum garage keeper's liability policy:

(i)	Class A and D	$75,000
(ii)	Class B	$150,000
(iii)	Class C	$200,000

c. Minimum on hook coverage:

(i)	Class A and D	$75,000
(ii)	Class B	$150,000
(iii)	Class C	$200,000

Exception: An Umbrella policy is acceptable as long as it covers the above listed categories (vehicle liability, garage keeper's liability, and on hook) and the amount of coverage is the same or greater than the total of each categories' coverages added together.

C Insurance Renewal:

1. Towing companies' certificates of insurance for six (6) months or more of coverage shall be submitted to the District Wrecker Lieutenant prior to the expiration of the current certificates of insurance.

2. Throughout the annual cycle, the owner of the towing company shall notify the District Wrecker Lieutenant by e-mail, mail, fax, or hand delivered in writing, prior to the expiration date of the certificate of insurance.

X. Towing Company's Places of Business and Storage Facilities:

A. Towing companies shall be equipped to provide an adequate storage lot or building for proper, safe and secure storage of all vehicles towed at the request of THP.

1. The place of business, storage facility, and equipment (during normal business hours) shall be located within the towing company's approved zone.

2. If storage facilities are not adjoined to the towing company's place of business, the towing company's storage facility shall be identified with a highly visible sign containing the towing company's name, address and phone number. No two (2) or more towing companies, including a towing entity that has a parent company, shall be permitted to share the same storage facility.

3. The towing company shall be responsible for storing, safekeeping and preventing vandalism of all towed vehicles including the contents of the towed vehicles.

4. The towing company's place of business shall be staffed, between the hours of 8 a.m. and 5 p.m., Monday through Friday, excluding legal holidays. The towing company's storage facility, if not adjoined with the place of business, shall be accessible to customers and members of the THP between the hours of 8 a.m. and 5 p.m., Monday through Friday, excluding legal Tennessee holidays.

5. Vehicles towed at the request of a DOSHS Member shall be stored in an area of the storage facility with security fencing at least six (6) feet in height.

   a. The DOSHS, at the recommendation of the District Wrecker Lieutenant, may approve alternative security measures if such measures are found to adequately provide security from vandalism and/or theft. Conversely, in the event that incidents of theft and vandalism increase, the District Wrecker Lieutenant shall have the authority to require the towing company to increase security measures.

6. When a "Hold Order" is placed on a towed vehicle by a DOSHS Member, the towed vehicle shall be placed in an area of the storage facility that is not accessible to the general public, until such time that the DOSHS releases the "Hold Order" on the towed vehicle. Ordinarily, the Member that requested the "Hold Order" will be the one to release it. In the requesting Members absence, a THP supervisor or the District Wrecker Lieutenant has the authority to release the "Hold Order." When "Hold Orders" are released, a Release of Vehicle Hold Order Form (SF-1412) shall be completed or the action shall be documented in the CAD system. If completed, the original SF-1412 shall be given to the towing company official and one (1) copy shall be placed in the Trooper's file that originally placed the Hold on the vehicle. A "Hold Order" requires the towing company to limit access to the vehicle to DOSHS Members.

7. When no "Hold Order" has been placed on a vehicle, the towing company is permitted to release the vehicle to the owner/designee and/or leinholder upon satisfaction of all fees. Towing companies should require Photo identification to verify the person(s) requesting release.

8. The DOSHS shall only be responsible for payment of any fee/charge associated with any vehicle seized by a DOSHS Member. The DOSHS shall not be responsible for any fee/charge associated with the removal, recovery, towing, or storage of a towed vehicle for any other reason.

B. The towing company shall make written notification to the District Wrecker Lieutenant of all vehicles that have been towed at the request of the DOSHS and have been stored by the towing company more than fifteen (15) days.

XI. Annual Inspections:

A. The District Wrecker Lieutenant shall ensure that a physical inspection of all towing companies' towing equipment and storage facilities is conducted annually.

B. Each year, when the Annual Inspection occurs, towing companies shall provide a current and complete file to the District Wrecker Lieutenant containing all drivers, vehicles, insurance policies, and all other documents specified in this Section and Section V. that will be required for inspection. Files that are not current, incomplete, or falsified shall cause delay or may require removal from the Towing List. It is the responsibility of the towing company to provide the District Wrecker Lieutenant with this information. These documents may be e-mailed to the District Wrecker Lieutenant, if approved by the District Wrecker Lieutenant.

C. The District Wrecker Lieutenant shall inspect the towing company's equipment, driver files, proof of insurance, tow and storage rates, and other records necessary to ensure that all requirements of this Manual are being met.

1. The District Wrecker Lieutenant shall ensure that all applicable towing vehicles and all associated equipment are inspected by a Level I Certified DOSHS Member. A copy of the most recent Driver Vehicle Inspection Report (SF-1156) shall be kept in the corresponding towing vehicle and shown at the request of any DOSHS Member.

a. Towing vehicles that have a gross vehicle weight rating or gross combination rating of twenty-six thousand and one pounds (26,001 lbs.) or more shall receive a Level V Safety Inspection. Vehicles passing this inspection shall receive a Commercial Vehicle Safety Alliance (CVSA) Decal that will be affixed by the Level I Certified Member that conducts the inspection. Members shall refer to procedures established by General Order (GO) 960, "Commercial Vehicle Safety Alliance (CVSA) Decals" regarding the disbursement, logging and accountability of these decals.

b. All other towing vehicles shall receive an inspection that satisfies the standards prescribed on the SF-1120. These vehicles shall not qualify or be issued a CVSA Decal.

2. Current tow and storage rates shall be posted in a conspicuous place at the towing company's office, clearly visible, and large enough for customers to read. The towing company shall file a copy of the towing company's current tow and storage rates filed with the District Wrecker Lieutenant.

3. A chronological record of towed vehicles and the charges billed, as a result of services provided by the towing company pursuant to THP initiated calls, shall be maintained and available for inspection upon request by the DOSHS. Records shall be kept for at least a two (2) year period.

4. The District Wrecker Lieutenant may without prior notice inspect towing companies at any time during normal business hours.

D. If a towing vehicle passes the inspection, a towing decal furnished by the DOSHS shall be affixed by the District Wrecker Lieutenant to the passenger side of the windshield or the passenger side door window on the towing vehicle. Previously issued decals that were issued and affixed shall be removed.

1. District Wrecker Lieutenants shall follow procedures established by GO 970, "Wrecker Inspection Decals" regarding the disbursement, logging and accountability of these decals.

2. A towing vehicle arriving at the scene shall be affixed with a valid towing decal.

3. Towing decals shall be valid for one (1) year. Additional extensions may be granted only upon written approval of the District Wrecker Lieutenant.

4. Each towing decal shall show a unique number that correlates to the towing vehicle that has passed inspection regardless of whether vehicles are owned by the same towing company.

5. Previously issued and affixed towing decals shall be removed from the towing vehicle at the time of re-inspection. If a towing vehicle is sold, traded or removed from the Towing List, or is otherwise no longer in the possession of the towing company, it is the responsibility of the towing company to remove the decal and notify the District Wrecker Lieutenant, by e-mail, mail, fax, or hand delivered in writing, that the decal has been removed and that the vehicle has been removed from the Towing List.

E. After the completion of each inspection, the District Wrecker Lieutenant, or in his/her absence, the District Captain or his/her designee shall inform the communications supervisor, via e-mail or written letter, whether the towing company shall remain on, be added to, or deleted from the Towing List.

XII. Call and Notification Procedures:

A. When a DOSHS Member is dispatched to a crash, motorist assist, or any other request for assistance, the Member, after determining the need for a towing company, shall contact the Dispatcher. The Dispatcher shall notify the next scheduled towing company on the Towing List to respond, unless the parties have already contacted a towing company. Regardless of whether a towing company is included on the Towing List, no towing company shall remove a crashed vehicle from the scene without authorization from a law enforcement agency.

1. If emergency services are being performed at the scene and the immediate use of a towing vehicle is not required, DOSHS Members should request the towing vehicle when all other services have been performed and are completed.

B. Towing companies shall be available for immediate response twenty-four (24) hours a day, seven (7) days a week.

1. If a towing company fails to respond in a reasonable length of time, as determined in the sole discretion by the DOSHS Member, the next scheduled towing company shall be called and the first called towing company shall be placed at the bottom of the rotation of the Towing List.

2. If the Department receives a busy signal, the next scheduled towing company shall be called and the first called towing company shall be placed at the bottom of the rotation of the Towing List.

3. Towing companies are restricted to a maximum of two (2) telephone numbers on the Towing List. "Call Waiting" and "Call Forwarding" features are recommended to Towing List participants. Pagers, answering services, and beepers are not permitted. Cell phones are permitted.

4. Towing companies shall be given all known information regarding the type of incident and equipment that may be required. A towing company representative shall answer, "Yes" or "No" when asked if it can respond to the call in a reasonable amount of time.

5. A towing company shall not refer a call to another towing company or substitute another company's towing vehicle to avoid losing its turn on the Towing List.

6. A towing company that refuses a call, or fails to respond promptly to a call, may be removed or suspended from the Towing List.

    a. Towing companies that refuse to tow a known meth contaminated vehicle shall not be penalized.

7. A towing company failing to answer a call shall lose the call. If two (2) calls are missed by the towing company within a thirty (30) day time period on the rotation of the Towing List an investigation shall be made and the company shall be notified as set forth in Section XV. of this Manual.

C. A DOSHS Member shall determine the towing vehicle class and equipment required to safely tow a disabled vehicle, relay that determination to the Dispatcher, and the Dispatcher shall relay that determination to the next scheduled towing company on the Towing List.

D. Under no circumstances shall towing companies be permitted to arrive at the scene without the required towing vehicle class and equipment and charge for two (2) service calls in order to obtain the required equipment needed. Towing companies shall not impede the recovery and removal time of a vehicle without the express approval of the DOSHS Member in charge of the scene.

E. If the first called towing company cannot remove the vehicle and does not have another towing vehicle that can perform the requested task, then the next scheduled towing company shall be called and permitted to remove the vehicle and collect storage for the vehicle. The first called towing company shall not be paid for responding to the call. If the Member's initial determination of the towing vehicle required to remove the disabled vehicle is incorrect and the towing company responds but cannot perform the task because it does not have the required equipment, then the towing company shall be returned to the position of "next scheduled" towing company on the Towing List.

F. If a towing company desires to be off-duty for more than twenty-four (24) hours, the towing company shall inform the District Wrecker Lieutenant in the District Office to avoid removal from the Towing List. Upon returning to duty, the towing company shall inform the District Wrecker Lieutenant in the District Office or notify THP Dispatch and the towing company shall be returned to the Towing List.

G. Ordinarily, only one (1) towing company shall be called to any incident. If additional equipment or recovery vehicles are needed to adequately complete a tow (e.g., tractor-trailer, rollover, or difficult auto recovery), the severity of the situation and the estimated response time of additional equipment shall be weighed by the DOSHS Member at the scene, and the Member shall determine if additional assistance or equipment is required. If the towing company requests such assistance for additional equipment, and the DOSHS Member grants the request, the DOSHS Member shall note it on the Tow/No Tow Report (SF-0156).

H. When multiple vehicles are involved and multiple towing vehicles are called:

1. The first towing vehicle arriving at the scene shall tow the vehicle causing the greatest traffic hazard, determined in the sole discretion of the DOSHS Member in charge of the scene.

2. If an owner-requested towing arrives first, that towing vehicle shall assist in removing vehicles causing the greatest traffic hazard from the roadway. Only then shall the DOSHS Member permit that towing vehicle to pick up the requested tow. Both the owner requested towing vehicle driver and the scheduled towing vehicle driver shall assist with the cleanup of the crash scene.

3. If a crash involves two (2) vehicles, and the next scheduled towing company has two (2) certified towing vehicles, in the class requested by the Trooper, both vehicles may be towed by the same towing company, provided that both towing vehicles can respond simultaneously to the scene. In other words, Troopers must request the appropriate Class of towing vehicle and not leave the decision to the Dispatcher. If either a Class A or D towing vehicle may perform the towing service, the TROOPER must specify one class or the other class, not either.

4. In the event of an extreme emergency, the DOSHS Member may request the nearest available certified towing vehicle. Should this occur, the DOSHS Member shall make a notation on the Tow/No Tow Report (SF-0156) stating the reason(s) why the nearest available towing vehicle was called and the Towing List rotation was not followed.

I. When a tractor and trailer combination becomes disabled and requires assistance:

1. The attached tractor and trailer may be towed to the nearest exit or to a repair or terminal facility within one hundred (100) miles of the place of disablement; or,

2. The attached tractor and trailer may be towed to the nearest exit and the tractor and trailer shall be separated and towed independently of each other to a repair or terminal facility located more than one hundred (100) miles from the place of disablement; or,

3. The tractor and trailer shall be separated at the place of disablement and towed independently of each other if necessary for the safe removal of the vehicle. This determination shall be made by the DOSHS Member after consulting with the towing company.

J. The brakes of any commercial motor vehicle (CMV) involved in a crash involving personal injury or a fatality must be caged until a CMV Post Crash Certified DOSHS Member inspects and approves the use of the brakes. If requested by the on scene Trooper, the towing vehicle driver shall cage the brakes.

K. All towing companies are prohibited from "chasing" or "running" crashes or "break-downs."

1. If a towing company, currently on the Rotating Schedule Towing List, arrives at a scene and has received no call from the THP or from the owner of the vehicle that requires towing, the towing company shall be investigated by the District Wrecker Lieutenant as set forth in this Manual.

2. No representative of the towing company called to the scene by the THP shall solicit business while at the scene.

L. Towing companies are expressly prohibited from calling THP Dispatch to determine their position on the Towing List. The towing company shall direct all administrative questions to the District Wrecker Lieutenant.

M. The towing of abandoned vehicles and providing roadside assistance to motorists are necessary responsibilities of DOSHS Members. Upon a request from law enforcement, towing companies shall be required to remove abandoned vehicles from the roadways after vehicles have remained abandoned for a period of time specified by law.

N. DOSHS Members routinely perform motorist assist functions. When the required assistance exceeds the capabilities of the DOSHS Member, a towing company may be called from a THP separately maintained Abandoned Vehicle/Motorist Assist Call List.

1. When a towing company is requested to remove or assist one (1) of these vehicles, **it shall not affect its turn on the Towing List**.

a. This shall apply only if the towing company responds to the Abandoned Vehicle/Motorist Assist call and does not forfeit or decline the call.

b. If the towing company fails to respond to more than two (2) Abandoned Vehicle/Motorist Assist calls, the District Wrecker Lieutenant shall investigate as set forth in this Manual.

XIII. Service Procedures and Zone Assignments:

A. A towing company shall be listed once on each Towing List and only in the name under which it is qualified to conduct business in this state.

B. In counties where there are multiple zones, a towing company may be listed in each zone if the towing company has distinctly separate storage facilities within the zone, separate and distinct equipment within the zone, and different business offices located in that zone. The storage facilities and equipment shall meet the standards set forth in this Manual.

C. The DOSHS prohibits a towing company conducting business at one (1) location from receiving multiple listings or classifications on that zone's Towing List by using a different or fictitious name within the same zone.

D. It is prohibited for two (2) or more towing companies, owned in whole or in part by the same individual, partnership or Parent Corporation, to be qualified to participate on the Towing List within the same zone.

E. Towing companies shall not be permitted to take any vehicle towed at the DOSHS' request to a storage lot other than the storage lot provided by the towing company unless otherwise authorized by the investigating DOSHS Member.

F. All towing companies' owners and drivers are expected to know and comply with all applicable federal/state regulations and traffic laws of the state of Tennessee.

G. A towing company shall not perform repair work on a towed vehicle without the owner's written consent.

H. A towing company shall transport a towed vehicle to any location requested by the owner/operator after the towing company and the owner/operator have mutually agreed to payment/payment terms for the services rendered by the towing company.

I. Personal property or cargo contained in towed vehicles shall be released to the owner/designee upon their request, unless the DOSHS Member orders otherwise. Personal property is defined as anything not physically attached or mounted to the towed vehicle. Such items may include, but, shall not be limited to, clothing articles, tools, CDs, personal items contained in glove boxes or consoles, etc. The towing company shall not charge for releasing personal property or cargo during normal business hours.

J. Any time personal property, cargo, or a vehicle, which has previously been towed, is released to the owner/designee by the towing company, the date and time of release shall be noted on the original bill/receipt and a copy shall be kept on file at the towing company's storage facility.

K. Any time a vehicle or item of personal property is released, towing companies shall require Photo identification to verify the person(s) requesting release.

L. Towing company drivers/employees shall wear a high visibility traffic vest, shirt, or coat that meets ANSI Standard Class 2 or higher at any scene while in the performance of their duties.

M. Towing company drivers/employees shall not wear exposed firearms at any scene while in the performance of their duties. While those drivers/employees possessing a valid Handgun Carry Permit are allowed to legally carry a firearm, such firearms shall be secured in the towing vehicle and not accessible to the public.

XIV. Towing and Storage Rates and Liability for Payment:

A. Towing rates shall be competitive with the towing rates of certified towing companies in the same District. Rates shall be reasonable, fair and equitable to all persons whose vehicles are towed at the request of the DOSHS.

B. Towing and Storage Rate Guidelines:

1. A towing company shall begin charging its towing rate upon arrival "at scene," when actual work begins. If called out-of-zone; the towing company shall begin charging mileage once the tow truck is loaded out of zone. If for some reason the tow truck is cancelled by the THP, the towing company should be reinstated at the top of the THP Rotating Schedule Towing List.

2. Towing companies may charge from $0.00 to the maximum towing rate as indicated on the Tow/Storage Rates Disclosure Form (SF-1118).

3. Storage rates begin twenty-four (24) hours after a vehicle is towed.

   a. Storage charges shall cease once the owner/designee contacts the towing company requesting to pick up a vehicle, if the towing company cannot accommodate the request.

4. Towing companies that happen upon a scene where towing services are required shall assist without charge when the roadway is blocked or there is an immediate safety risk.

5. There shall be no charge for "hook up."

6. When towing vehicles with the capability of winching, regardless of Class, are required to wait at the scene for functions to be performed by emergency personnel, a rate of one-half (1/2) of the normal hourly winching rate shall be charged by the towing company. This rate shall not be exceeded.

   a. There shall be no charge for towing, if the towing vehicle is only used for winching purposes.

7. There shall be no winching rate charge for the alignment and/or normal loading of vehicles to be towed (e.g., traffic stop arrests or abandoned vehicles located on the roadway or shoulder).

8. Rates for winching shall be assessed to the nearest quarter (1/4) hour.

9. There shall be no charge for a normal highway cleanup. A normal cleanup includes, but is not limited to, removal of glass, vehicle body parts, vehicle fluids, etc. Cleanups requiring additional/specialized equipment and/or resources, such as diesel spills, Haz-mat, etc. shall result in additional charges being levied against the liable party(s) by the towing companies and/or other state regulatory agencies.

10. There shall be no charge for certain types of equipment, e.g., dollies and fire extinguishers.

11. There shall be no tarp or wrap charge without the consent of the owner or the owner's insurance company.

12. Rates for unloading/loading of cargo shall be assessed to the nearest quarter (1/4) hour.

    a. There shall be no charge for unloading/loading cargo unless a Class B or Class C towing vehicle is utilized and cargo has to be unloaded/loaded to another vehicle to clear the scene.

13. An assisting towing company's rates shall be the same or less than the rates of the towing company that requested the assistance.

14. If the off-loading of cargo is required, each towing company providing these services shall list the names, home addresses, and telephone numbers of each person hired to off-load cargo. This list shall be provided to the District Wrecker Lieutenant upon request.

15. There shall be no charge for administrative, office, paperwork, or other similar towing company costs.

    a. An exception is that Towing companies may charge a fee not to exceed $10.00 per letter for expenses related to the notification of owners and lienholders of unclaimed vehicles.

16. There shall be no charge over the rate the towing company is charged for accepting payment via credit/debit card.

17. An itemized invoice shall be prepared for all charges and include the corresponding THP Case Number, the towing company's Edison Supplier Identification Number, and towing company's address listed in Edison. A copy of the invoice shall be given to the owner/designee, and a copy shall be kept on file with the towing company.

C. Liability for Payment of Fees/Charges for, or Associated with, the Removal, Recovery, Towing or Storage of Vehicles:

1. There are many reasons that may cause a vehicle to be towed by a DOSHS Member. Each vehicle towed shall incur expenses associated with its removal by a towing company. For purposes of inclusion on the THP Rotating Schedule Towing List, towing companies shall agree to the following regulations regarding the payment of removal, recovery, towing or storage of vehicles:

   a. The DOSHS shall not be responsible for any fee/charge associated with the removal, recovery, towing, or storage of a vehicle except in cases where the vehicle is seized by the DOSHS.

   b. In seizure cases, the DOSHS will only pay storage up to the amount that would be obtained from auctioning or selling the vehicle.

XV. Complaints, Investigations, and District Captain's Initial Finding:

A. The owner of a vehicle towed by a towing company may file a written complaint to the District Captain/designee having jurisdiction in the area where the vehicle was towed, if the owner believes that:

1. The towing company towed a vehicle without the owner's or law enforcement's authorization;

2. Charged an excessive towing/storage/other services rate; and/or

3. Violated any part of this Manual.

B. All complaints filed pursuant to this Section shall contain:

1. The name of the complainant;

2. The complainant's address;

3. The complainant's phone number(s) and e-mail address (if available);

4. The time(s) and manner(s) in which the complainant may be contacted;

5. The name of the towing company;

6. The cause(s) of the complaint;

7. Copies of any documents received from or correspondence with the towing company;

8. The names and phone numbers of any witnesses; and

9. Any other facts that may assist the DOSHS in investigating the complaint.

C. A towing company/driver that violates any part of this Manual may be removed permanently or suspended from participating on the Towing List for a period of time as determined by the DOSHS.

1. Two (2) or more sustained complaints against a towing company shall result in the removal of the towing company from the Towing List for a period of time, including permanent removal, determined by the District Captain.

2. Each towing company/driver charged with a violation shall receive disciplinary action from the applicable Section of the Towing Service Standards Disciplinary Matrix. (See Section XVI. of this Manual)

D. If the DOSHS becomes aware of any violation of the provisions of this Manual, the District Wrecker Lieutenant shall investigate the alleged violation as set forth in this Manual.

1. Once completed, the District Wrecker Lieutenant shall make an investigatory report with supporting documentation and submit it to the District Captain.

E. The District Captain shall review the investigatory report and supporting documentation and shall render an initial finding. A copy of the complaint, investigative reports, and the initial finding shall be forwarded to the Field Bureau Lieutenant Colonel's Office.

1. The District Captain shall notify the complainant and the towing company, in writing by certified mail, of the District Captain's initial finding.

a. If the investigation reveals that the towing company towed the vehicle without the proper authorization and/or charged excessive rates, the District Captain shall resolve the matter by:

(1) Ordering the towing company to promptly reimburse the complainant any monies paid; or

(2) Ordering the towing company to release the vehicle with no charge or for an amount determined by the District Captain.

b. In addition to the action taken in subsection a. above, any valid complaint shall result in the towing company's immediate suspension, proposed suspension, or proposed permanent removal from the Towing List as determined by the District Captain.

(1) <u>Immediate Suspensions</u>:

The District Captain shall automatically schedule a hearing within seven (7) working days, or as soon as practicable for all immediate suspensions, which shall be included in the above listed notification.

(2) Proposed Suspensions:

Proposed Suspensions shall become effective on the date specified by the District Captain, unless an appeal is properly filed by the complainant or the towing company. (See Section XVII. of this Manual)

(3) Proposed Permanent Removals:

The District Captain shall automatically schedule a hearing within seven (7) working days, or as soon as practicable for all proposed permanent removals, which shall be included in the above listed notification.

F. Towing companies/owners/employees shall not retaliate against a complainant.

XVI. Disciplinary Matrix:

A. It is the policy of the DOSHS to warn, suspend, or permanently remove towing companies/drivers from participating on the THP Rotating Schedule Towing List when disciplinary action has been deemed appropriate. The Disciplinary Matrix has been created to ensure disciplinary action is applied and distributed on a fair and equal basis.

B. Violations have been divided into the following three (3) categories:

1. Minor;

2. Moderate; and

3. Severe.

All other violations not specifically listed below shall be left to the sole discretion of the THP District Captain.

C. If a towing company/driver commits multiple violations simultaneously, the violation with the highest degree of Disciplinary Action shall be enforced. All other violations shall be noted and shall count toward progressive Disciplinary Action, if future violations occur within the same category.

D. The complainant or towing company has ten (10) working days from receipt of the District Captain's initial finding to file an appeal. (See Section XVII. of this Manual for Additional Appeal Procedures)

OFFENSE	1ST	** 2ND	** 3RD	** 4TH
MINOR VIOLATIONS Minor Violations may include, but are not limited to: **C**all THP (Asking Position on Call List) **I**nspection Report (Not in Vehicle at Crash Scene) **I**nsurance (Improper/Lapsed) **I**nter/Intrastate Permit (None/Incorrect at Crash Scene) **R**ecords (Not within Standards) **S**cene (Arriving Late at Crash Scene) **V**ehicle Equipment (Improper/Missing at Crash Scene)	WRITTEN WARNING TO 15 DAY SUSPENSION	30 DAY SUSPENSION	60 DAY SUSPENSION	PERMANENT REMOVAL

* All Verbal Warnings Shall be Documented.

** If the Previous Violation Was Over Three (3) Years Ago, Treat as a First (1st) Offense.

Multiple Incidents of the Same Violation Shall Result in Increased Disciplinary Action, Unless the Previous Violation Was Over Three (3) Years Ago. (i.e., Wrecker A calls to check their position on the call list. A second call to check position would result in 2nd Offense action. Any other violation would be considered a first offense.)

OFFENSE	1ST	* 2ND	* 3RD	* 4TH
MODERATE VIOLATIONS Moderate Violations may include, but are not limited to: **C**all (Failure to Answer Phone) **C**all (Refusal to Accept Service Request) **F**acility (Not Staffed per Manual) **R**esponding (Un-called) **T**owing (Unauthorized per TCA) **V**ehicle (Responding while Out of Service)	30 DAY SUSPENSION	60 DAY SUSPENSION	90 DAY SUSPENSION	PERMANENT REMOVAL

* If the Previous Violation Was Over Three (3) Years Ago, Treat as a First (1st) Offense.

Multiple Incidents of the Same Violation Shall Result in Increased Disciplinary Action, Unless the Previous Violation Was Over Three (3) Years Ago.

OFFENSE	1ST	* 2ND	* 3RD
SEVERE VIOLATIONS Severe Violations may include, but are not limited to: **C**all (Failure to Respond to the Scene) **D**river (Driving while Impaired) **D**river (Driving while Unqualified or Unapproved for the Towing Company) **F**acility (Out of Zone) **F**ailure to be Independent of Other Towing Companies **F**ailure to Comply with Zone Assignment Requirements ****R**ates (Unauthorized/Excessive/Improper/Over Charges) **T**heft (Property) **T**owing (to an Unauthorized Lot) **V**ehicle (Unauthorized Release while on Hold)	45 DAY SUSPENSION TO PERMANENT REMOVAL	120 DAY SUSPENSION TO PERMANENT REMOVAL	PERMANENT REMOVAL

* If the Previous Violation Was Over Five (5) Years Ago, Treat as a First (1st) Offense.

** After the Suspension Has Been Served and Proof of Compensation/Payment has been received, the Towing Service Company Will be Reinstated.

Multiple Incidents of the Same Violation Shall Result in Increased Disciplinary Action, Unless the Previous Violation Was Over Five (5) Years Ago.

XVII. Appeals and Hearings:

A. Appeals:

When a complainant or towing company wishes to file an appeal from the District Captain's initial finding for a proposed suspension, the complainant or towing company shall:

1. File a written notice of appeal entitled "Notice of Appeal from the District Captain's Initial Finding" with the District Captain within ten (10) working days from receipt of the District Captain's initial finding;

2. State in the "Notice of Appeal from the District Captain's Initial Finding" the reasons the Complainant or towing company believes that the DOSHS should or should not take the action set forth in the District Captain's initial finding; and

3. State whether or not the complainant or towing company requests a hearing before the District Captain, if a hearing has not already been scheduled.

   a. If the towing company or complainant requests a hearing, the District Captain shall schedule the hearing, within seven (7) working days, to be held within thirty (30) days of such request, if practicable. The District Captain shall notify both parties in writing of the date of the hearing.

   b. If the towing company or complainant does not request a hearing, the District Captain shall take the matter under advisement and render a written "Final District Captain's Determination" within fifteen (15) working days of the date of the appeal.

B. Hearings:

1. All hearings shall be recorded. A copy of the recording will be provided to the complainant and/or towing company upon receipt of a written request.

2. The District Captain is the only person allowed to ask questions during hearings, and the rules of evidence shall not apply.

3. The District Captain shall open and preside over each hearing as follows:

   a. Provide opening remarks, the purpose of the hearing, and the order of proceedings.

   b. Permit the District Wrecker Lieutenant to read the District Captain's initial finding;

   c. Question the Wrecker Lieutenant and accept any supporting documentation the Wrecker Lieutenant may have, if applicable.

d. Permit the towing company representative to present their explanation and position on the matter(s) and may present supporting documentation, if any.

(1) Permit an attorney to attend and speak and/or answer questions on behalf of a client;

c. Accept documentary proof from and submitted by either party;

d. Hear the testimony of witnesses, if any;

(1) Question the towing company representative or their witness(es), if any, as deemed necessary.

(2) Reconvene the hearing within seven (7) working days for other witnesses unable to attend, if deemed appropriate;

e. Ask questions, if deemed appropriate; and

f. Conclude the hearing with an explanation of the following:

(1) The District Captain shall take the matter under advisement, render a written "Final District Captain's Determination" within fifteen (15) working days of the date of the hearing, and the next step available in the appeal process.

C. Appeal of the Final District Captain's Determination:

1. In the event either party wishes to appeal the Final District Captain's Determination, the party shall file a written appeal with the Field Operations Bureau Lieutenant Colonel within fifteen (15) working days of the date of the Final District Captain's Determination.

2. The Field Operations Bureau Lieutenant Colonel, acting as the Commissioner's designee, shall review the Final District Captain's Determination.

a. Such review shall be solely on the record compiled by the District Wrecker Lieutenant and the District Captain, which shall include the District Wrecker Lieutenant's investigatory report, the recording of the hearing, and any documentation submitted during the hearing.

b. The Lieutenant Colonel shall review the record and render a written decision in thirty (30) working days.

c. Such decision shall be the final decision of the DOSHS.

D. Any party wishing to appeal the Field Operations Bureau Lieutenant Colonel's decision shall have sixty (60) days from the date of the decision to file a Petition for Review in the Chancery Court of Davidson County, pursuant to TCA 4-5-322.

E. This policy shall not be construed in any way to conflict with state law.

XVIII. Record Keeping and Audit Procedures:

A. District Wrecker Lieutenants are responsible for maintaining complete and accurate files on each towing company within their respective Districts.

1. District Wrecker Lieutenants shall maintain files on each towing company for a three (3) year period.

B. Internal Audit and/or CALEA shall periodically inspect or ask for proofs of compliance to the provisions contained in this Manual.

C. Upon inspection, at a minimum, the following documents will be contained in each towing company file by the appropriate Tab Number:

Tab Number:

1. Towing Service Application Form (SF-1112);

2. Driver Qualification Form (SF-1117);

3. Tow/Storage Rates Disclosure Form (SF-1118);

4. Company Information Disclosure Form (SF-1119);

5. Copies of Driver/Vehicle Safety Inspection Reports (SF-1156) for all towing vehicles and drivers;

   Facilities and Equipment Inspection Report (SF-1120);

6. Copy of Current Insurance Policy;

7. Proof the towing company is registered as a Sourcing Bidder;

8. Copy of Intrastate Authority Permit or Interstate Authority;

9. Criminal History Background Reports for all owner(s) and driver(s);

   Copy of the TIMS training rosters;

10. Copies of all correspondence received from the towing company;

    Copies of all correspondence sent to the towing company;

    Copies of all complaints received and decisions rendered; and

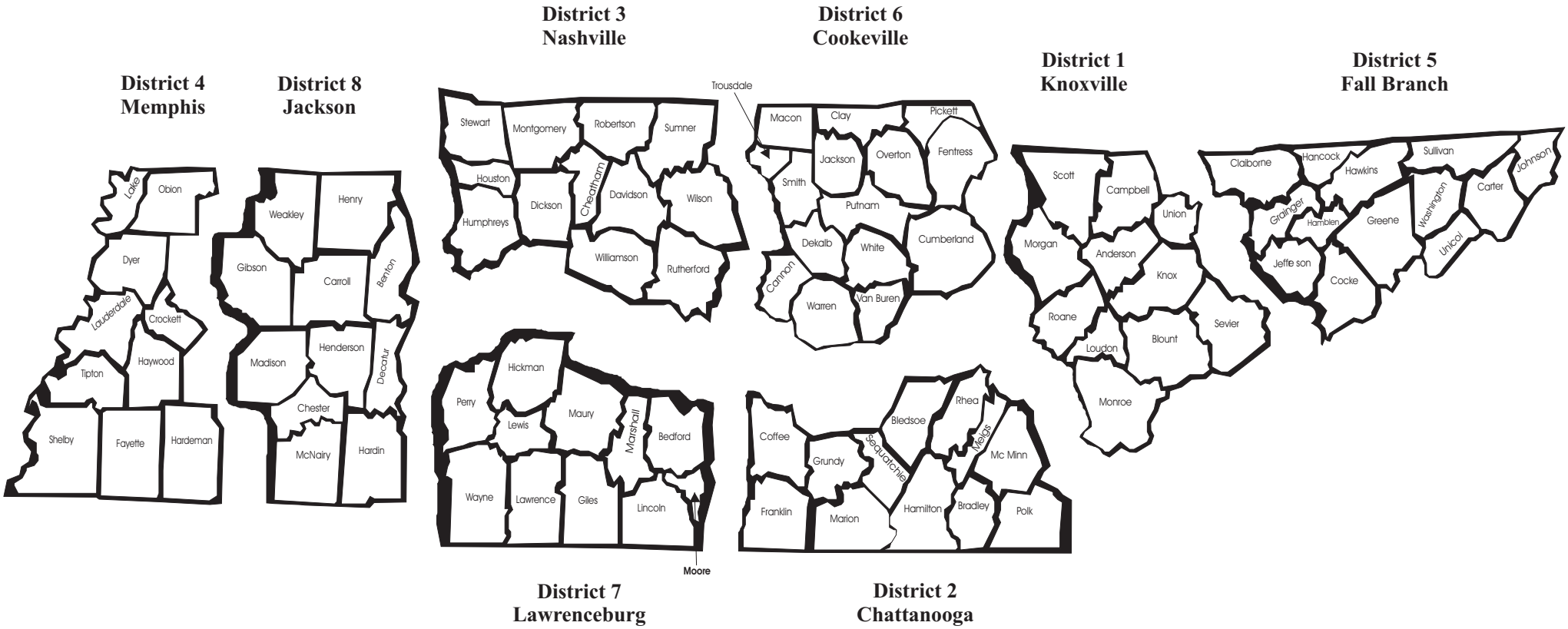
Any other correspondence directly relating to the towing company.

D. Internal Audit has the responsibility of providing Research, Planning and Development (RPD) with recommendations to improve any areas with significant deficiencies. Upon receipt of recommendations, the appropriate modifications shall be made, if necessary, and all District Wrecker Lieutenants shall be provided with this information.

E. District Wrecker Lieutenants shall keep RPD apprised of any court decisions, law changes or other problems encountered with the enforcement of the provisions of this Manual. If it becomes necessary to amend or modify existing provisions, only those affected Sections will be changed. Upon completion, RPD shall distribute the amendments to all District Wrecker Lieutenants.

Tennessee Highway Patrol

District Map by County



T.H.P. DISTRICTS BY COUNTY

DISTRICT 1 - KNOXVILLE

Tennessee Highway Patrol
7601 Kingston Pike
Knoxville, TN 37919
(865) 594-5800

Anderson
Blount
Campbell
Knox
Loudon
Monroe
Morgan
Roane
Scott
Sevier
Union

DISTRICT 2 - CHATTANOOGA

Tennessee Highway Patrol
4120 Cummings Highway
Chattanooga, TN 37419
(423) 634-6890

Bledsoe
Bradley
Coffee
Franklin
Grundy
Hamilton
Marion
McMinn
Meigs
Polk
Rhea
Sequatchie

DISTRICT 3 - NASHVILLE

Tennessee Highway Patrol
1603 Murfreesboro Road
Nashville, TN 37217
(615) 741-3181

Cheatham
Davidson
Dickson
Houston
Humphreys
Montgomery
Robertson
Rutherford
Stewart
Sumner
Williamson
Wilson

DISTRICT 4 - MEMPHIS

Tennessee Highway Patrol
6348 Summer Avenue
Memphis, TN 38134
(901) 543-6256

Crockett
Dyer
Fayette
Hardeman
Haywood
Lake
Lauderdale
Obion
Shelby
Tipton

DISTRICT 5 - FALL BRANCH

Tennessee Highway Patrol
P.O. Box 186
Fall Branch, TN 37656
(423) 348-6144

Carter
Claiborne
Cocke
Grainger
Greene
Hamblen
Hancock
Hawkins
Jefferson
Johnson
Sullivan
Unicoi
Washington

DISTRICT 6 - COOKEVILLE

Tennessee Highway Patrol
1291 South Walnut Avenue
Cookeville, TN 38501
(931) 526-6143

Cannon
Clay
Cumberland
DeKalb
Fentress
Jackson
Macon
Overton
Pickett
Putnam
Smith
Trousdale
Van Buren
Warren
White

DISTRICT 7 - LAWRENCEBURG

Tennessee Highway Patrol
1209 N. Locust Avenue
Lawrenceburg, TN 38464
(931) 766-1464

Bedford
Giles
Hickman
Lawrence
Lewis
Lincoln
Marshall
Maury
Moore
Perry
Wayne

DISTRICT 8 - JACKSON

Tennessee Highway Patrol
20 Vann Drive
Jackson, TN 38305
(731) 423-6635

Benton
Carroll
Chester
Decatur
Gibson
Hardin
Henderson
Henry
Madison
McNairy
Weakley

INFORMATION FOR COMPLETING FORMS:

I. After thoroughly reading this Manual, towing companies choosing to participate may do so by completing and submitting the following applications and forms to the District Wrecker Lieutenant in their respective Districts. It is suggested that all forms be typed and the company maintain copies of all original forms.

A. Tennessee Highway Patrol Towing Service Application

B. Company Information Disclosure Form

1. Disclose registered business name of company.

2. List ALL tow trucks that are to be considered for inspection. This will enable the inspector to be adequately prepared beforehand to perform equipment and facility inspections as quickly as possible.

C. Tennessee Criminal History Background Check

1. All owners and drivers must furnish fingerprints to the Tennessee Bureau of Investigations (TBI) in order for a Criminal History Background Check to be conducted.

2. Fingerprints should be submitted electronically. Towing companies should go to: http://www.identogo.com and follow the directions.

Online Registration:
24 hours a day, 7 days a week

a. Go to www.identogo.com (Select Tennessee)
b. Select Online Scheduling
c. Enter First and Last Name
d. Choose Agency Name (Select - Other)
e. Choose Applicant Type (Select - Contract Personnel)
f. Enter the THP District ORI Number

THP District ORI Numbers:	
Knoxville:	TNTHP0100
Chattanooga:	TNTHP0200
Nashville:	TNTHP0300
Memphis:	TNTHP0400
Fall Branch:	TNTHP0500
Cookeville:	TNTHP0600
Lawrenceburg:	TNTHP0700
Jackson:	TNTHP0800

Call Center Registration:
Monday-Friday, 8:00 am - 4:30 pm CST

a. Call (855) 226-2937 and speak to a representative.
b. Be sure to have your Agency Information or THP District ORI Number when calling.

3. Towing companies shall send a completed Driver Qualification Report (SF-1117) to the THP District Wrecker Lieutenant every time fingerprints are submitted to the TBI.

4. Upon receipt of the results, towing companies are required to submit them to the THP District Wrecker Lieutenant, who will place them in the towing company's file.

D. Driver Qualification Form

Driver history and background checks will be conducted prior to physical inspection of equipment and facility. Any discovery of ineligible drivers will be noted and the company will be advised of that fact.

E. Bidder Registration Form

For assistance with the registration process, towing companies should contact the Department of General Services' Bidder Registration Office at (615) 741-6875.

F. Tow/Storage Rates Disclosure Form

1. Complete for each Tow Truck Class.

2. Attach supplement, which includes rates for other services provided, if applicable.

G. After receiving all applications and forms as indicated above, the District Wrecker Lieutenant will review all information. Once all information is determined to be satisfactory, the District Wrecker Lieutenant will conduct the towing company inspection. The Department of Safety and Homeland Security reserves the right to set policy and administer the guidelines contained in this Manual.

II. Towing companies choosing to no longer participate, remove a specific Tow Truck Class or remove a specific tow truck may do so by completing and submitting the following form to the District Wrecker Lieutenant in their respective Districts. As previously stated, it is suggested that the company maintains copies of all original forms.

A. Towing List Removal Form

1. Identify registered business name and owner information.

2. Check if the company is to be removed from the THP Call List.

3. Check ALL Classes of tow trucks that are to be removed from the THP Call List.

4. List ALL tow trucks that are to be removed from the THP Call List.