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2 **Board of Towing and Recovery Operators**

3

4 **Licensing and Regulatory**
5 **Affairs Committee**

6

7

8 **Working Paper**

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October 16, 2007

Public Safety Regulations

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1 **Purpose / Requirement for regulation**

2
3 The Virginia Board for Towing and Recovery Operators is mandated in Section 46.2-
4 2826 of the Code of Virginia to establish regulations required of Class A and Class B
5 operators to provide public safety towing and recovery services. For the purposes of
6 this section, “public safety towing and recovery services” shall be those towing and
7 recovery and related services requested by a state or local law-enforcement agency.

8
9 **24 VAC 27- 50 - 10. Definitions**

10
11 The following words and terms when used in these regulations, by the Virginia Board
12 for Towing and Recovery Operators, or the Board’s related documents, unless
13 expressly stated otherwise, shall have the following meanings:

14
15 **“Board”** or **“BTRO”** means the Virginia Board for Towing and Recovery Operators.

16
17 **"Class A Operator"** means a towing and recovery business towing vehicles of an
18 unlimited gross vehicle weight.

19
20 **“Class B Operator”** means a towing and recovery business towing vehicles of a
21 gross vehicle weight of 26,000 pounds or less.

22
23 **"Driver"** means a person who drives or is in actual physical control of a tow truck. A
24 driver shall have obtained an authorization document issued by the Board in order to
25 drive a tow truck while providing towing or recovery services.

26
27 **“Equipment”** means any tow truck, vehicle or related machinery or tools used to
28 provide towing or recovery services.

29
30 **"Gross vehicle weight"** means the aggregate weight of a vehicle and the load
31 thereon.

32
33 **“Gross vehicle weight rating”** means as defined in Section 46.2-341.4. of the
34 Code of the Virginia.

35

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

4
5 **“Operator”** means, for the purposes of these regulations, the same as “Towing and
6 recovery operator”, notwithstanding the provisions of §46.2-100, which defines
7 operator differently.

8
9 **“Public Safety Tow”** means requests for towing and recovery services made by a
10 law enforcement officer of the county, city, or town, or by a State Police Officer within
11 the county, city, or town pursuant to §46.2-1217 of the Code of Virginia. Additionally,
12 it shall mean towing requests made by a law-enforcement officer at the request of
13 the owner or operator of an unattended, abandoned, or immobile vehicle, when no
14 specific service provider is requested by such owner or operator or if an unattended,
15 abandoned, or immobile vehicle is located so as to impede the free flow of traffic on
16 a public highway declared by resolution of the Commonwealth Transportation Board
17 to be a portion of the interstate highway system.

18
19 **“Private Property/Trespass Tow”** means requests for towing and recovery services
20 made by the owner, operator or lessee of private property, or the authorized agent
21 thereof, pursuant to the provisions of Article 3 of Chapter 12 of Title 46.2 of the Code
22 of Virginia, or local ordinances adopted under that Article, or under contract between
23 such person and a towing and recovery operator which specifies what tows are to be
24 made from the property when a motor vehicle or vehicle or self propelled apparatus
25 is on the property in violation of law or rules promulgated by the owner, operator, or
26 lessee of the private property.

27
28 **“Responsible Individual”** means an individual identified through the Operator’s
29 licensure process who is designated by the operator to represent and be
30 accountable for all aspects of licensure for the operator and who is either the
31 principal owner or chief executive officer of the business entity or manager or both of
32 business operations for the operator.

33

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

4
5 **“Towing and recovery operator”** means any person, including a business,
6 corporation, or sole proprietor, offering services involving the use of a tow truck and
7 services incidental to the use of a tow truck. Such shall include but not be limited to
8 those engaged in the business of (i) removing disabled vehicles, parts of vehicles,
9 their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring
10 to the highway or other location where they either can be operated or removed to
11 other locations for repair or safekeeping vehicles that have come to rest in places
12 where they cannot be operated.

13
14 **“Towing and Recovery Services”** means services offered by a towing and recovery
15 operator. Any person who in any way advertises himself as a towing and recovery
16 operator or in any way conveys the impression that he is engaged in services of
17 providing towing and recovery of vehicles shall be deemed to be engaged in towing
18 and recovery services.

19
20 **“Tow truck”** means a motor vehicle for hire (i) designed to lift, pull, or carry another
21 vehicle by means of a hoist or other mechanical apparatus and (ii) having a
22 manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck"
23 also includes vehicles designed with a ramp on wheels and a hydraulic lift with a
24 capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow
25 truck" does not include any "automobile or watercraft transporter," "stinger-steered
26 automobile or watercraft transporter," or "tractor truck" as defined in § 46.2-100 of
27 the Code of Virginia.

28
29 **“Tow Truck Decal,” “Decal”** or similar words mean a Board issued decal to be
30 affixed to the driver side door of a tow truck owned, leased or operated by a licensed
31 towing and recovery operator.

32
33
34 **24 VAC 27- 50 - 20. Fees**
35

1 The following fees shall be applicable:

Certification Item	Fee
Initial Fee Structure/Application Fee,	\$50
Annual License Renewal	\$50
Annual tow truck decal, per vehicle	\$5
Annual driver authorization documentation, per driver	\$50
Late renewal (operator, or truck decal)	150 percent of renewal fee
Reinstatement following revocation or suspension of certification	\$1000
Verification of certification to another jurisdiction or government entity	\$25
Returned check	\$35
Duplicate copy of certification, or tow truck decal.	\$10

2

3 A. All fees shall be nonrefundable.

4

5 B. Examination fees shall be determined by the Board.

6

7 **24 VAC 27- 50 - 30. General Requirements for Operators**

8

9 As a condition for certification, all operators shall:

10

11 A. Be licensed and in good standing with the Virginia Board of Towing and
12 Recovery Operators as a Class A or Class B Operator.

13

14 B. Provide the name of the individual or business entity under which the applicant
15 intends to be certified. However, the applicant/certificant, at time of application
16 and each renewal of license, shall provide the Board with any and all trade or
17 fictitious names under which the operator conducts or offers towing and recovery
18 services.

19

20 C. Designate and advise the Board of the main or principal office and all additional

1 satellite facilities and the physical addresses. Should such change, the Board
2 shall be notified within 30 days such change occurs.

3

4 D. Designate a Responsible Individual who shall be knowledgeable of all applicable
5 state, federal or local laws and regulations related to those public safety and
6 incident management towing and recovery services offered or rendered by the
7 operator, and who shall be responsible for assuring that the operator conforms to
8 them.

9

10 E. List the principal owner's name or owners' names and the name of the
11 Responsible Individual and of the principal manager and of all other individuals
12 involved in the management and operation of the business on the application for
13 license and advise the Board of any change of same.

14

15 F. Certify on the application whether any owner, manager, or other individual
16 involved in the management or operation of the business entity, including the
17 Responsible Individual, has been convicted of any criminal offense, whether
18 felony or misdemeanor.

19

20 **24 VAC 27- 50 - 40. Training Requirements**

21

22 A. All public safety towing drivers and recovery supervisors shall attend an incident
23 management seminar at least once every 3 years. **Defer all education material for**
24 **Education Committee.**

25

26 B. Class A public safety towing drivers shall possess a national certification adequate
27 for towing and recovery of trucks with a GVW of 26,001 lbs. or greater. Drivers shall
28 attend and pass a minimum of 10 hours of continuing education every three years
29 pertaining to the towing and recovery of trucks with a GVW of 26,001 lbs. or greater.
30 Certification shall be by a professional training organization approved by the BTRO.
31 Training shall consist of minimum of 5 hours classroom and 5 hours hands on
32 training. Class A public safety towing drivers shall be grandfathered with a written
33 request to the BTRO from a licensed Class A public safety operator for the drivers
34 first licensing period after July 1, 2008. A licensed Class A public safety operator

1 with a written request to the BTRO can request a thirty day grace period for any
2 Class A driver applicant.

- 3
- 4 C. Class B public safety towing drivers shall possess a national certification adequate
5 for towing and recovery of vehicles with a GVW of 26,000 lbs. or less. Drivers shall
6 attend and pass a minimum of 10 hours of continuing education every 3 years
7 pertaining to the towing and recovery of vehicles with a GVW of 26,000 lbs. or less.
8 Certification shall be by a professional training organization approved by the BTRO.
9 Training shall consist of minimum of 5 hours classroom and 5 hours hands on
10 training. Class A public safety towing drivers shall be grandfathered with a written
11 request to the BTRO from a licensed Class A or Class B public safety operator for
12 the drivers first licensing period after July 1, 2008. A licensed Class A or Class B
13 public safety operator with a written request to the BTRO can request a thirty day
14 grace period for any Class B driver applicant

15
16 **24 VAC 27- 50 - 50. General Requirements for Office and Storage Area**

17
18 As a condition for certification:

- 19
- 20 A. The towing company shall have a main office location exclusively for towing and
21 storage and shall not be a part of or attached to a residence. The office space
22 must include a desk, chairs, filing cabinet (s), a working land line telephone in the
23 name of the tower and available to customers, a public restroom and working
24 utilities to include electricity and heating. **Ron to re-write**
- 25
- 26 B. The office shall be open for business and staffed minimum of 5 days a week from
27 at least 8:00am till 5:00pm, excluding national holidays. **Needs further study**
- 28
- 29 C. The operator shall maintain and own or lease a storage area able to contain all
30 public safety towed vehicles towed by the Operator. Storage area shall be fully
31 enclosed by a commercial grade fence which is at least six feet tall, or enclosed
32 by a permanent structure, have adequate lighting and remain clear of debris.
33 Storage area shall have a minimum of 1500 of square footage for Class B
34 operators and a minimum of 3000 square footage for Class A operators.
35 Licensed public safety operators shall not share storage lots with any other

1 Operator unless the shared storage lot is divided by a stationery fence with a
2 separate, locked entrance to each storage area.

3

4 D. The office and storage area shall meet or exceed all local and state code and
5 zoning requirements.

6

7 E. Storage area shall be surfaced with stone, asphalt or concrete. **Ron to research**
8 **PSP surface**

9

10 F. The towing company office and or storage facility shall display a sign with the
11 towing company name and phone number. Sign shall be visible and legible from
12 a state, county or city maintained highway. Sign shall be at least 3' X 3' or as
13 approved by local zoning.

14

15 G. The towing company Public Safety Certification shall be displayed at the
16 business office and copies shall be displayed at all storage facilities and satellite
17 offices.

18

19 H. The towing company will make vehicle and or contents of vehicle available to the
20 vehicle registered owner during normal business hours (8:00 a.m. - 5:00 p.m.,
21 Monday through Friday). Towing company may charge a separate fee for this
22 service if requested before or after the company's regular office hours.

23

24 I. The towing company shall make a reasonable attempt to provide covered
25 storage or materials to protect the contents of vehicle in storage area from
26 weather. The towing company may charge a separate reasonable fee for this
27 service.

28

29 **24 VAC 27- 50 - 60. General Requirements for Equipment**

30

31 As a condition of certification:

32

33 A. Any tow truck responding to an accident scene shall be equipped with the
34 following safety equipment:

35

1. United States Department of Transportation required fire extinguisher

- 1 2. Reflective vest or gear shall be available in the truck.
- 2 3. Two revolving and or flashing amber warning lights visible 360 degrees
- 3 4. 5 lbs. of oil absorbent material
- 4 5. Push broom
- 5 6. Square tip shovel
- 6 7. Four rear flood lights
- 7 8. Flashlight
- 8 9. Three road flares
- 9 10. First Aid kit
- 10 11. Two way private communication
- 11 12. Rear tow lights
- 12 13. Factory manufactured and rated towing/recovery unit
- 13 14. Container for debris removal.
- 14
- 15 B. Class B towing company shall own/lease a minimum of 1 towing/recovery truck
- 16 with a minimum GVW of 10,000 lbs. and a recovery unit of a minimum rating of 8
- 17 tons. Unit shall have 2 winches and a boom that raises and lowers, extends and
- 18 retracts by hydraulics. Unit must have a hydraulic operated wheel lift with a
- 19 rating of 3500 lbs. Company shall also own/lease a rollback having a minimum
- 20 GVW of 14,500 lbs. and a minimum deck length of 19'. **Use Ron's idea, with a**
- 21 **five year window.**
- 22
- 23 C. Class A towing company shall own/lease a minimum of 2 towing/recovery trucks
- 24 with a minimum GVW of 50,000 lbs. each and a recovery unit of a minimum
- 25 rating of 30 tons. Unit shall have 2 winches rated at 25,000 lbs. each with a
- 26 minimum of 150' of 5/8 wire rope. Unit must have a boom that raises and lowers,
- 27 extends and retracts by hydraulics. Unit must have a hydraulic operated under
- 28 lift rated to lift 12,000 lbs. at full extension.
- 29
- 30 D. Class A towing company shall own/lease or have a written agreement up to date
- 31 and readily available for BTRO inspection with a subcontractor to provide the
- 32 following equipment within a timely manner:
- 33 1. Lowboy hydraulic operated trailer capable of transporting a wrecked or
- 34 disable road tractor and or debris

- 1 2. Box trailer 48' or longer
- 2 3. Dump truck, dump trailer or container
- 3 4. Air cushions capable of up righting a loaded tractor and trailer (80,000
- 4 lbs.).
- 5 5. A skid steer loader or forklift wheel loader capable of moving cargo and/or
- 6 debris from the highway.
- 7 6. Adequate personnel to offload cargo
- 8 7. Tandem road tractor
- 9 8. Forklift
- 10 9. A rotator or crane with a minimum of 35 tons.

11

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

19

20 **24 VAC 27- 50 - 70. Public Certification**

21

22 **24 VAC 27- 50 - 80. Public Safety Certification by Examination**

23

24 **24 VAC 27- 50 - 90. Public Safety Certification by Endorsement**

25

26 **24 VAC 27- 50 - 100. Unprofessional Conduct**

27

28 **24 VAC 27- 50 - 110. Standards of Practice**

29

- 30 A. Any tow truck operator responding to the scene of a motor vehicle accident or
31 incident shall possess a public safety endorsement issued by the BTRO.

32

- 33 B. Support personnel needed to clear an accident scene are encouraged but not
34 required to be certified and/or licensed by the BTRO. Support personnel shall
35 qualify under Section 40 of these regulations.

36

- 37 C. At least one BTRO driver or operator shall be at the accident scene at all times
38 during recovery.

- 1
- 2
- 3 **24 VAC 27- 50 - 120. Operating without Public Safety Certification**
- 4
- 5 **24 VAC 27- 50 - 130. Consumer Complaints**
- 6
- 7 **24 VAC 27-50 - 140. Renewal of Public Safety Certification**
- 8
- 9 **24 VAC 27- 50 - 150. Requirements for Continuing Education**
- 10
- 11 **24 VAC 27- 50 - 160. Requirements for Insurance**