

## EMERGENCY TOWING AND HIGHWAY ASSISTANCE

### 2.01 PURPOSE

This regulation establishes policy and procedures governing the provision of assistance to individuals on the highway, and the selection of towing services when a damaged or disabled vehicle must be removed from the highway, thereby ensuring the free, safe, and efficient movement of vehicles.

**EXCEPTION: The provisions of this regulation apply to members assigned to Troop T, except the creation of interstate tow zones and rotational tow dispatching. Members assigned to Troop T shall adhere to the procedures established by the Pennsylvania Turnpike Commission for their contracted emergency towing services.**

### 2.02 POLICY

It is the policy of the Department to provide necessary assistance to individuals in need in a timely, efficient, and safe manner. It is also the policy of the Department not to recommend a towing service.

### 2.03 DEFINITIONS

For the purpose of this regulation, these phrases shall have the following meaning, unless the context clearly indicates otherwise:

- A. Authorized Employee: An employee of an emergency towing service who has been screened and approved by the Pennsylvania State Police (PSP) and is designated to respond to emergency towing service calls.**
- B. Emergency Towing Service: A provider of road service; vehicle and cargo recovery; and/or towing of light, medium, or heavy vehicles as defined herein; who operates in accordance with the following requirements:**
  - 1. Is regularly open for the conduct of business, receiving of payments due, release of vehicles, etc., a minimum of 40 hours, Monday through Friday, between 0700 hours and 1700 hours.

2. Maintains a license to collect sales tax.
  3. Uses vehicles to provide **services** that are properly titled and registered, with the appropriate sales tax paid.
  4. Displays business name on vehicles, as required by **Title 75 (Vehicle Code)** and Title 67 (**Transportation**).
  5. Equips service vehicles with appropriate safety equipment (e.g., fire extinguisher, warning devices), and any other equipment necessary to perform the function; and complies with the Vehicle Code regarding removal of debris.
  6. Maintains liability insurance, ensuring compliance with the Vehicle Code and Federal Motor Carrier Safety Regulations, as appropriate, and garage-keeper's insurance in the amount specified for that classification of towing service.
  7. **Posts the towing, storage, and related service fees along with the hours of operation, at the towing service storage facility. Additionally, if a towing service has a business website, they shall list their towing and storage fees on that website.**
  8. **Shall provide reasonable accommodations for the after-hour release of stored vehicles to avoid accruing unnecessary storage fees.**
  9. **Shall not restrict access to a vehicle for retrieving personal belongings. The emergency towing service and its operators shall allow an authorized individual reasonable access to the towed vehicle during its posted business hours for this purpose.**
- C.** Established Place of Business: A single location of an emergency towing service, not a subcontractor or substitute service, equipped with the following: published and active business telephone number, secure storage lot, and emergency towing vehicles **that** comply with the requirements for the class of service, as defined herein. The business shall be directly accessible 24 hours a day, by **one** telephone number. The employment of answering services or devices is not considered as making a business “directly accessible.”

- D. No-Contact Order: An order issued by the Commissioner of the PSP, or designee, directing that the PSP will not contact an emergency towing service, as part of the rotational towing plan, for a specified period of time.
- E. Non-Custodial Transport: The transporting of an individual who is not detained, under arrest, or otherwise in custody, in a Department vehicle, from the scene of a crash or other highway event to a safe location.
- F. Recovery Service: A light-, medium-, or heavy-duty towing service which, by virtue of its specialized equipment, experience, and training, is capable of removing vehicles and cargo from unique locations. Examples include, but are not limited to, commercial vehicles that have rolled over or are hanging over a bridge, passenger cars at the bottom of a deep ravine, etc. A recovery service must maintain a minimum of \$250,000 garage-keeper's insurance.
- G. Secure Storage Lot: A location or facility capable of being locked and prevents general access to vehicle(s) therein by means of a barrier at least six feet high.
- H. **Towing Service**
  - 1. Light-Duty Service: An emergency towing service **that** possesses the equipment required to perform emergency towing of vehicles weighing 7,000 pounds or less including, but not limited to:
    - a. One rollback wrecker with a **Gross Vehicle Weight Rating** (GVWR) of at least 11,000 pounds **and** one conventional wrecker with a GVWR of at least 10,000 pounds. **Garage-keeper's insurance in the minimum amount of \$100,000 shall be maintained.**
    - b. **Or two rollback wreckers with a GVWR of at least 11,000 pounds.** The rollback **wreckers shall** be equipped with an 8,000 pound, or greater, winch. Garage-keeper's insurance in the minimum amount of \$100,000 **shall** be maintained.
  - 2. Medium-Duty Service: An emergency towing service **that** possesses the equipment required to perform emergency

towing of multiple vehicles, weighing 7,000 pounds respectively, or less, or vehicles weighing between 7,001 and 17,000 pounds. The equipment shall have a GVWR of not less than 22,000 pounds. Garage-keeper's insurance in the minimum of \$150,000 **shall** be maintained.

3. **Heavy-Duty Service:** An emergency towing service **that** possesses the equipment required to perform emergency towing of vehicles weighing in excess of 17,000 pounds including, but not limited to, two heavy-duty wreckers. Each required wrecker **shall** have a GVWR of not less than 50,000 pounds and be equipped with a 25-ton winching capability. One wrecker **shall** be equipped with at least a 25,000-pound under-wheel lift. Garage-keeper's insurance in the minimum of \$200,000 **shall** be maintained.

I. **Tow Zone:**

1. **Municipalities within the primary jurisdiction of a Troop Headquarters/Station as designated by the Station Commander in concurrence with the Patrol Section Commander for each emergency towing service. The emergency towing service's established place of business shall be able to reach the central area of the municipality within 30 minutes for light- and medium-duty emergency towing service and within 45 minutes for heavy-duty emergency towing service.**
2. **Interstate tow zones shall be designated by the Station Commander in concurrence with the Patrol Section Commander and shall adhere to the required response times for light-, medium-, and heavy-duty emergency towing service standards. While these interstate tow zones extend across multiple municipalities, specific authorization is required for towing within the interstate tow zones.**

- J. **Traffic Incident Management (TIM):** A planned and coordinated multi-disciplinary process to detect, respond to, and clear traffic incidents so that traffic flow may be restored as safely and quickly as possible.

- K. **Waitlist: A designated list of emergency towing services for a specific tow zone, where the current number of emergency towing services is sufficient. This list is maintained by the Patrol Section Commander.**

2.04 GENERAL PROCEDURES

- A. Station Commanders/Patrol Section Supervisors shall establish an emergency towing plan utilizing **the Computer Aided Dispatch (CAD) Towing module (Special Services), rotational tow selection process** to address the rotational distribution of emergency towing service calls within the geographic area of primary jurisdiction of their Troop Headquarters/Station.
  - 1. Separate tow zones shall be established for each class of emergency towing service. All emergency towing services assigned to a **municipality** are considered to be equivalent for the purpose of response times to the scene of an incident.
  - 2. The emergency towing plan shall address local conditions and the needs of the Station with respect to proper TIM and the needs of motorists.
  - 3. The emergency towing plan shall be approved by the Patrol Section Commander or designee.
  - 4. **Station Commanders/Patrol Section Commanders shall conduct an annual review of the number of emergency towing services in each municipality and/or interstate and may add emergency towing services if deemed necessary.**
  - 5. **A waitlist may be established if there is an excessive number of emergency towing applicants within a tow zone. A waitlist shall only be created if at least five emergency towing services per tow class are already active in a tow zone. Emergency towing services already on the active tow list shall not be removed to create a waitlist.**
    - a. **Emergency towing services may apply for municipalities and/or interstates within their designated tow zone as part of their initial**

**application. If no additional services are needed in a specific municipality or interstate tow zone, the emergency towing service shall be placed on the waitlist.**

- b. Emergency towing services will be added to the waitlist in chronological order based on the date of application. The application's receipt date shall be written in red pen in the upper right corner of the application. Emergency towing services shall be notified by the Patrol Section Commander or designee when they are placed on a waitlist.**
- c. If an emergency towing service is put on a waitlist without authorization to tow for any municipality and/or interstate, they will not undergo the full application process. Background checks and business inspections shall only be conducted when a vacancy arises in a municipality and/or interstate requiring PSP service. If the emergency towing service needs to make corrections to pass the inspection, they will have 60 calendar days to comply.**
- d. Towing service providers already on the tow list shall not be removed for the purpose of establishing a waitlist.**

**B. Under no circumstances shall the "nearest available" emergency towing service be called, with the exception of honoring a vehicle owner's/operator's request for a specific emergency towing service or automobile club (e.g., AAA), or as otherwise permitted by this regulation.**

- 1. Quickly restoring the free and safe movement of traffic is an essential element of TIM. Therefore, members shall use their discretionary authority to deny requests for a specific towing service whenever the request will impair the timely restoration of the required movement of traffic.**
- 2. Nothing contained in this regulation shall be construed as prohibiting members from exercising good judgment and utilizing all available resources necessary to preserve life when unusual circumstances exist. Members should be**

prepared to articulate the unusual circumstances that gave rise to deviation from this regulation.

- C. Members on-scene of an incident where emergency towing services are required shall provide Communications-Desk Unit personnel with the following information, which shall be relayed to the emergency towing service contacted for response:
1. All possible information regarding the specific location of the vehicle.
  2. The vehicle's orientation (e.g., on its roof, side) and surrounding terrain.
  3. The potential gross weight of the vehicle as derived from any of the following: registered GVWR, information from the custodian, bills of lading, experience of the member, etc.
  4. Estimated time before the vehicle(s) can be removed, taking into consideration all of the following factors: extrication of injured parties, collection of evidence, photography, and traffic flow.
- D. Members shall consider the need for a recovery service and make requests to Communications-Desk Unit personnel regarding the same. Final determination for the use of a recovery service shall rest with the shift supervisor or, if none, the investigating officer.
- E. Barring an absent towing service, or unforeseen or exigent circumstances, once an emergency towing service has been contacted by personnel of this Department to provide service, only the towing service contacted **shall** be permitted to provide the service for compensation. **Subcontracting is allowed only if the initially contacted emergency towing service arrives on scene and determines that specialized equipment is needed to safely complete the job. In such cases, the initial emergency towing service remains responsible for all billing related to the subcontracted work.**
- F. For unusual instances requiring highly specialized or very high-capacity equipment, a recovery service may hire or lease such equipment to accomplish a specific task. **Subcontracting is allowed only if the initially contacted recovery service arrives on scene and determines that specialized equipment**

**is needed to safely complete the job. In such cases, the initial recovery service remains responsible for all billing related to the subcontracted work.**

- G. When emergency towing is required, the **CAD Towing module (Special Services), rotational tow selection process** shall be utilized to record attempts and results of securing an emergency towing service. **Communications-Desk Unit personnel shall enter remarks detailing the reason an emergency towing service is not utilized within its rotation.**
- H. Members who encounter a stranded individual in need of transportation, travel directions, fuel, motor vehicle repairs, towing, or other general mechanical assistance, shall endeavor to obtain or provide the required assistance in a safe and expeditious manner. Arrangements for individuals in need of assistance should be made prior to the member's departure unless exigent or other unusual circumstances require the immediate departure of the member from the scene (e.g., hazmat incident, violent felony in progress). If a member is required to depart the scene prior to arranging the needed assistance, the member shall then contact Communications-Desk Unit personnel to ensure other assistance is dispatched. In all situations, members shall ensure that individuals requiring assistance are in a safe location prior to their departure. Whenever possible, members shall periodically return to the area to ensure the safety of the individual(s) and verify that the required assistance has been provided. Arranging for transportation or, in exceptional circumstances, providing transportation, may be necessary to ensure the safety of the individual(s).

2.05 APPLICATION PROCEDURE FOR EMERGENCY TOWING SERVICES

- A. Towing services interested in receiving service calls from the PSP for emergency towing services **shall** make **an** application to each installation from which it wishes to receive such calls. The application can be found within the Application to Provide Emergency Towing Services, Form SP 6-151 (**Appendage A**).
- B. Towing services must have an established place of business and a secure storage lot, as defined in this regulation.
- C. Towing services shall indicate on the application all services it intends to provide: Heavy-Duty, Medium-Duty, Light-Duty, or

Recovery Service. The service shall be equipped for the service it intends to provide, as described in this regulation.

- D. **Vehicle Fraud Investigators (VFI) shall perform a search of the emergency towing service on the Better Business Bureau and social media platforms to ensure there is no conflict with the core values of the State Police.**
- E. **Emergency towing services shall be notified of approval via the Emergency Towing Service Provider Letter (Appendage B) by a VFI. A copy shall be attached to the towing application.**
- F. **Station Commanders or designees shall complete/submit the RMS CAD Towing Request form, when submitting additions, deletions, or corrections to emergency towing service information. The CAD Towing Request form is available on the PSPiNet, under the [CAD Towing Request](#) .**
- G. **Approved emergency towing services shall reapply every two years to maintain their position on the rotational towing list. Applications shall be submitted by the due date set by the responsible VFI. Failure to meet the deadline shall result in removal from the list as an emergency towing service for the PSP.**

## 2.06

### INVESTIGATIVE AND NO-CONTACT PROCEDURES FOR EMERGENCY TOWING SERVICES

- A. Upon receipt of a complaint, through an inspection, or upon learning of information suggesting that an emergency towing service is not in compliance with the requirements of the Application to Provide Emergency Towing Services, the Pennsylvania Towing and Towing Storage Facility Standards Act, this regulation, or any other applicable law, the appropriate Troop VFI shall be assigned to conduct an investigation. Non-criminal conduct shall be documented as follows:
  - 1. The investigation shall be documented on a **General Offense (GO) Report. Additionally, the VFI Towing text template shall be completed in its entirety.** The report shall document an interview with the owner of the emergency towing service or the owner's refusal to be interviewed. The VFI shall not express any assumptions, personal opinions, or conclusions in the report. **The**

**reviewing supervisor shall ensure the report is routed to the appropriate the Patrol Section Commander workflow handle via the RMS for review.**

2. Upon receipt of the completed GO Report, the Patrol Section Commander shall conduct a thorough review of the report. The Patrol Section Commander shall then prepare a supplemental **GO Report** that **requests whether appropriate administrative action should be taken. The GO Report shall then be routed to the Director, Safety Program Division, Bureau of Patrol, BPATS workflow handle via the RMS for review.**

B. When any member investigates an alleged criminal offense(s) involving an emergency towing service, they shall immediately notify the appropriate Patrol Section Commander via email. Investigations of alleged criminal conduct shall be documented on a GO Report, which shall be prepared and submitted via RMS. **The reviewing supervisor shall ensure the report is routed to the appropriate the Patrol Section Commander workflow handle via the RMS for review.**

1. Upon receipt of the completed GO Report, the Patrol Section Commander shall conduct a thorough review of the report.
2. The Patrol Section Commander shall then prepare a supplemental GO Report that **requests whether appropriate administrative action should be taken. The GO Report shall then be routed to the Director, Safety Program Division, Bureau of Patrol, BPATS workflow handle via the RMS for review.**

C. The following are considered to be valid reasons for a Patrol Section Commander to request a no-contact order for an emergency towing service:

1. Three instances of inability to respond due to circumstances within the control of the emergency towing service during any six-month period.
2. Failure to maintain the standards for emergency towing services set forth in this regulation.
3. The commission of an act by an owner or manager of a towing service involving dishonesty or corruption, when

the act directly or indirectly affects the health, welfare, or safety of others. If the act constitutes a crime, conviction thereof in a criminal proceeding, is not a necessary condition precedent to the no-contact order.

4. Furnishing false information on the Application to Provide Emergency Towing Services.
  5. **The use of a non-authorized employee to respond to a call for service under this regulation.**
  6. Repeated conduct of a nature which, by means of the relationship the service has with the Department, tends to demean the public image of the Department.
  7. **Three instances of response times exceeding 15 minutes beyond the predetermined timeframe for municipalities during any six-month period, without the emergency towing service providing notice of an extended estimated time of arrival.**
- D. **Any complaints of excessive billing shall be documented on a GO Report. These complaints will be referred to the Pennsylvania Attorney General's Office, Bureau of Consumer Protection. If a criminal act is suspected, it shall be investigated by the appropriate VFI, in accordance with this regulation.**
- E. An emergency towing service that has been issued a no-contact order must take appropriate remedial action before it will become eligible to reapply for consideration of inclusion on the rotational emergency towing plan to receive service calls from the Department.
- F. **When an owner/principal of an emergency towing service has been charged with an offense of a misdemeanor or felony, the emergency towing service shall be indefinitely suspended until the charges are resolved. If the individual is convicted, the emergency towing service shall be removed from the rotational towing list. If the individual is not convicted, the emergency towing service will be subject to the administrative hearing process outline below.**
- G. When an employee of an emergency towing service has been convicted of a misdemeanor or felony, the Patrol Section Commander, with the concurrence of the Troop Commander,

reserves the right to indefinitely restrict that employee from responding to the Department's requests for emergency towing services.

**H. Procedures for Investigations and Administrative Hearings:**

- 1. Upon receiving a No-Contact Letter, the VFI shall personally hand-deliver the letter to the owner of the affected emergency towing service. The owner/principal shall sign the letter upon receipt. The VFI shall print "REFUSED TO SIGN" on the No-Contact Letter above the name of any individual to whom letter is made and who refuses to sign the letter. A copy shall also be sent via certified mail.**
- 2. If the emergency towing service wishes to contest the no-contact order, they must submit a written request for a hearing, postmarked within ten calendar days from the date of this letter, and directed to the Director, Safety Program Division, Bureau of Patrol. If the Bureau of Patrol does not receive this request within the specified timeframe, the Commissioner or designee, will consider the proposed action uncontested.**
- 3. A no-contact order takes effect immediately upon receipt of the hand-delivered letter. If a hearing request is received, the order will remain in place until the administrative hearing is concluded. If the no-contact order is overturned, the emergency towing service shall immediately be reinstated to the rotational towing list.**