

CHAPTER 121
TOWING LIST

§120-1. Declaration of purpose.

It is hereby declared and found that it is of vital importance to the traveling public that disabled vehicles be removed from the highways as promptly as possible; that delay in removal results in traffic congestion and may cause additional accidents; that the towing of disabled motor vehicles from the highways of the Town of Putnam Valley is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public against traffic problems and confusion at the scene of accidents, fraud and excessive rates and similar abuses. To serve these ends, the Town Board establishes a towing list to be made available for use by responding police agencies.

§120-2. Establishment of policy

- A. It is the intent of the Town Board of the Town of Putnam Valley to establish a fair and uniform policy for towing of vehicles from accident scenes consistent with statutory and decisional law. The following issues have been taken into consideration in the development of this policy:
 - 1. The needs of the public.
 - 2. The needs of the towing industry
 - 3. The needs of responding police agencies.
- B. Towing companies participating in the Town towing program must demonstrate that they can give prompt, safe and professional service.
- C. This chapter also establishes appropriate administrative procedures to deal with those companies who do not meet the standards set forth herein.

§120-3. Criteria for tow companies.

The Town Board requires that any towing company which applies for a position on the Town towing list must meet the following standards:

- A. All towing companies must maintain minimum insurance coverage as follows and must provide evidence of such insurance (except as to worker's compensation) in the name of the listed towing company naming the Town of Putnam Valley as additional insured:
 - (1) Light duty:
 - (a) General auto liability: \$1,000,000 each occurrence, which may be met through excess or umbrella coverage.
 - (b) On-hook direct primary: \$100,000 each occurrence.

- (c) Garage keepers liability: \$400,000 each occurrence.
 - (d) Workers' compensation: NYS requirements.
- (2) Heavy duty:
 - (a) General auto liability: \$2,000,000 each occurrence, which may be met through excess or umbrella coverage.
 - (b) On-hook direct primary: \$500,000 each occurrence.
 - (c) Garage keepers liability: \$1,000,000 each occurrence.
 - (d) Workers' compensation: NYS requirements.
- B. All towing companies in the form of a limited liability partnership, limited liability company, corporation or other form of organization must provide evidence of good standing with the NYS Department of State to confirm that the listed company is the same as the one identified in the license and insurance and to avoid duplication of listings.
 - (1) Each towing company, including any DBA or assumed name under which they appear, may submit only one application for the list.
 - (2) Each application must include the company's USDOT and/or NYSDOT number.
- C. All towing companies must maintain a valid inspection and registration for each of their tow vehicles. The companies must provide the following to the Town of Putnam Valley:
 - (1) A list of all tow vehicles to be used within the Town.
 - (2) A list of all drivers who will be operating said vehicles, with driver's license ID numbers.
- D. All towing companies must own, lease or sublease either a lighted, fenced and locked or indoor locked vehicle storage facility in which to store towed vehicles out of public access. Such storage facility shall be in compliance with applicable zoning and building code requirements and shall be located within the municipal boundaries of the Town of Putnam Valley.
 - (1) All records required by this chapter must be maintained at said location.
 - (2) All towing companies shall have staff at the vehicle storage facility to provide for vehicle redemption at least between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.
 - (3) An inventory list for the cars on site shall be maintained.
- E. All towing companies must maintain adequate equipment to perform the required towing tasks. Each driver shall maintain a valid operator's license for the class of vehicle being driven to and from the tow scene.

- (1) Towing companies must have the following equipment:
 - (a) All trucks and equipment will adhere to all applicable NYSDOT and USDOT regulations.
 - (b) Each truck is to be equipped with:
 - [1] A broom.
 - [2] A shovel.
 - [3] Speedi dry or equivalent oil-absorbent product.
 - (2) All towing companies must have their vehicles marked in compliance with NYSDOT and/or USDOT regulations. (See 17 NYCRR § 820.1 and 49 CFR Part 390.)
 - (3) Towing companies must have at least one tow truck with a gross vehicle weight of 10,000 pounds or one flat bed with a gross vehicle weight of 15,000 pounds.
- F. All towing companies must comply with the twenty-minute response time to the scene of the tow after receiving the request for service. The twenty minutes runs from the initial call from the responding police agency to the tow company, regardless of whether voice contact is made.
 - G. All towing companies must make their facilities and equipment available for scheduled inspections on two weeks' notice. These inspections will be made to ensure that each company maintains the required Department of Motor Vehicles (DMV) registration, vehicle registrations, vehicle inspections and vehicle insurance. The Town reserves the right to conduct inspections at any time of any tow trucks, insurance documentation and operator's license used by any company on the list.
 - H. Towing companies on the list must apply for and receive a sticker from the Town of Putnam Valley, which must be displayed on the tow vehicle by all companies on the list.
 - I. All tow truck drivers must maintain a valid license with the necessary and required tow endorsement, and proper classification for the vehicle being driven to and from the scene with proper endorsement, e.g., air brake if applicable. For the heavy duty list each tow truck driver must maintain a valid CDL- A license and any additional required endorsements for the vehicle being towed including tankers, hazardous materials, doubles and triples, etc.
 - J. The towing company shall remove any debris at the scene from the vehicle being towed, including glass. Debris shall not include hazardous materials which require manifested disposal pursuant to DEC guidelines.

§120-4. Application process.

- A. All applications (initial and renewal) to be placed on the tow list shall be submitted in writing to the Town of Putnam Valley, on forms provided by the Town Clerk.

- B. Applications shall contain the following information:
- (1) Application fee and/or renewal fee, in the amounts established from time to time by resolution of the Town Board;
 - (2) A description of the vehicles owned by the towing company, including manufacturer, model and model year and the DOT registration number;
 - (3) Proof of the required insurance;
 - (4) Place and location of the storage yard and contact phone number, including after-hours contact information.
- C. Grounds for rejecting an application, whether original or renewal, is:
- (1) Material false statements or misrepresentations;
 - (2) Conviction of a felony in connection with the operation of a motor vehicle of any tow truck operator;
 - (3) Conviction of a felony in connection with the operation of a towing business of the company's owner or principal;
 - (4) Conviction of a felony involving fraud or corruption of the company's owner or principal;
 - (5) Failure to meet the criteria outlined in § 120-3.
- D. Tow companies are under a continued duty to consistently maintain and meet the requirements outlined in § 120-4 (B) and (C). They are under an affirmative duty to report any changes in status, specifically as they pertain to § 120-4 (B) and (C). To the extent a company falls out of compliance with said requirements, the company must report the same to the Town Clerk within 10 days of discovery of the failure to meet the requirements.

§120-5. Procedure for suspension from tow list.

- A. A tow truck operator may be suspended from the tow list for the following reasons:
- (1) Failure to respond to three calls within a three-week period, absent reasonable cause;
 - (2) Lapse of registration of tow vehicles;
 - (3) Lapse of inspection sticker; or
 - (4) Lapse of required insurance coverage.
- B. Notice of suspension may be served either personally or by overnight delivery at the tow operator's place of business as set forth on the application. Suspension without notice shall not be enforceable.
- C. In the event of suspension, tow truck operator may appeal the suspension and/or removal to

the Town Board within 20 days thereafter.

- D. Upon the determination that the tow truck operator failed to respond to three calls within a three-week period, absent reasonable cause, may result in suspension from the tow list for a period of up to four weeks.
- E. In the event of lapse of registration, insurance coverage, inspection sticker or loss of license, the company shall be immediately suspended and the suspension shall continue until the requirements are brought into compliance or otherwise cured.
- F. To the extent a company suspended from the list, and the list has 6 companies on it at the time of suspension, the company's position will not be filled until latter of when the twenty-day appeal period has run or the appeal has been dismissed.
- G. A company suspended due to a lapse of registration, insurance coverage, inspection sticker or loss of license may present evidence that the defect has been cured within the twenty-day window and, if the Board determines the defect has been cured, the Board shall reinstate the company.

§120-6. Annual inspections.

- A. The Town shall conduct annual inspections of the towing companies' facilities as identified on the application.
- B. Such inspection shall be scheduled at least two weeks in advance with a notice in writing served by facsimile, email or personal delivery.
- C. Inspections shall verify:
 - (1) If the company is a repair shop or body shop, that it has a valid DMV registration for such shop;
 - (2) For each towing vehicle, a valid registration, a valid inspection sticker and valid insurance coverage;
 - (3) Determine the adequacy of the storage area used by the company.
- D. The results of these inspections shall be in writing and placed on file in the tow truck operator's file maintained by the Town Clerk.
- E. Reinspection shall occur within two weeks to insure that any noted deficiencies have been corrected; follow-up inspections shall also be placed on file as stated above.
- F. Within 45 days of the scheduled inspection, the inspector shall submit a memorandum to the Town Board listing all facilities inspected, the results of the inspection and any reinspection.

§120-7. Operational guidelines.

- A. Towing companies are expected to:
 - (1) Be available 24 hours a day, seven days a week

- (2) Be willing to respond to any type of tow call, whether it be a collision, disabled vehicle, impound, etc.

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- B. Vehicle owners or representatives must be able to retrieve their vehicles Monday through Friday during normal business hours. The towing company may charge up to \$50 for an after-hours release at the vehicle owner's request.
- C. Towing companies must provide one permanent day and/or night phone number. Absent mitigating circumstances, towing companies will not contact the Town and/or responding police agencies and attempt to leave phone numbers of on-call tow truck operators.
- D. Towing companies and their personnel must comply with all applicable rules and regulations of Federal Motor Carrier Safety Law as well as the New York State Vehicle and Traffic Law and the Town of Putnam Valley Code.
- E. Towing companies must comply with General Business Law §§ 399-x and 399-xx requirements as they pertain to forms of payment that must be accepted by tow companies.

§120-8. Rates and charges.

- A. Towing companies shall maintain records of all charges for tows dispatched pursuant to this chapter and such records shall be available for review by the Town upon request.
- B. The Town Board shall establish by resolution a schedule of maximum rates and charges permitted to be charged by towing companies for tows dispatched pursuant to this chapter, subject to annual review. Charges in excess of such authorized rates are prohibited and constitute grounds for removal pursuant to §§120-9 and 120-10.

§120-9. Prohibited acts.

- A. No tow truck operator or company shall respond to the scene of any motor vehicle accident within the Town of Putnam Valley unless a specific request for the services of such tow truck operator has been requested by the person in charge of a disabled vehicle, a police officer or other emergency personnel. It shall be an affirmative defense that the tow truck operator was justified in arriving at the scene of the motor vehicle accident when he or she was not specifically requested to be there when his or her presence was required as an emergency measure to avoid an imminent public or private injury.
- B. No tow truck operator or company shall charge fees in excess of the maximum authorized rates set by Town Board resolution, pursuant to § 120-8 (B).
- C. All tow truck operators and companies must comply with all rules outlined in this local law. Violation of any provision of this local law may be deemed a punishable offense.
- D. All tow companies must comply with their affirmative duty to report their own noncompliance at outlined in §120-4 (D), to the extent they knew or should have known of the noncompliance.

§120-10. Penalties for offenses outlined in §120-9.

The penalties will be set from time to time by Town Board resolution.