

**COUNTY OF MONROE  
OFFICE OF THE SHERIFF  
ROCHESTER, NEW YORK**

<b>GENERAL ORDER POLICE BUREAU</b>	<b>DATE OF ISSUE MAY 27, 2024</b>	<b>EFFECTIVE DATE MAY 27, 2024</b>	<b>NO. 19-24</b>
<b>SUBJECT: GENERAL ORDER  Tow Agency Responsibilities</b>		<b>DISTRIBUTION  Police Bureau Personnel</b>	<b>AMENDS</b>
<b>REFERENCE: NYSLEAP 47.8</b>			<b>RESCINDS 19-18</b>

**Purpose:** To familiarize Sheriff and tow agency personnel with responsibilities, requirements, and restrictions placed upon those agencies serving the Monroe County Sheriff's Office (MCSO).

**Policy:** All appointed tow agencies will adhere to the procedures and requirements as set forth herein or suffer cancellation of the letter of agreement.

**Definitions:**

**Master Towing List:** A list of designated towing agencies utilized by the MCSO for removal or transfer of vehicles.

**Primary Tow Agency:** Those agencies meeting the requirements of the MCSO who will initially be contacted for service calls.

**Secondary Tow Agency:** Those agencies meeting the requirements of the MCSO who will be contacted for back-up services or on those occasions when a primary agency requires additional assistance.

**I. Section Procedures:**

- A. Any bona fide towing services within Monroe County may submit a written application for consideration of placement on the Master Towing List.
- B. Only agencies which agree to render prompt and efficient service will be considered for inclusion on the Master Towing List.
- C. Primary agencies selected for the list must be geographically located within or convenient to the area they serve.
- D. Towing proprietors selected for the Master Towing List will be required to sign a letter of agreement consenting to abide by the terms of this order, as well as other appropriate directives from the Sheriff or other authorized designee and applicable Federal and State Laws and Regulations.

**II. Assignment:**

- A. Monroe County towns patrolled by MCSO will be divided into towing areas. Each area will be serviced by one primary and, when necessary, one secondary agency.

- B. When towing services are required within a designated area, the primary agency will be notified, typically by the Emergency Communications Department (ECD)-911. In the event that the primary is not available or needs additional assistance, the secondary agency will be called.
- C. A private citizen has a right to request a specific towing agency even if the agency is not assigned to that particular area. Deputies will comply with such requests when they do not create unnecessary delay in clearing the roadway or for the deputy to report back in service.

Note: Towing areas are specifically designated and assigned to towing agencies. Some flexibility may be granted to ECD dispatchers to transverse borders when an obvious need exists.

### III. Requirements for Selection:

- A. Tow agency proprietors must agree to a voluntary inspection of their equipment and facility by a designated representative of the MCSO on an annual basis. The designated Commercial Vehicle Unit Deputy will use a PB-341 Tow Agency Inspection Form for this purpose. Agencies will be required to maintain necessary and proper equipment in good working order and available on tow vehicles at all times.
- B. All agency tow truck operators will possess a cellular telephone for communications and coordination of tow assignments.
- C. Tow agency vehicles must be registered as tow trucks and have a Gross Vehicle Weight Rating (GVWR) of at least 8,000 pounds. Further, all tow agency vehicles used for towing must meet, and be capable of passing, all applicable Department of Transportation (DOT) requirements.
- D. All tow agencies will require that their drivers be properly licensed. Drivers will be required to possess a Commercial Driver's License (CDL), Class A, B, C, or non-CDL Class C, with a tow truck endorsement. Additionally, all agencies will be required to maintain driver qualification files for every driver, including seasonal and/or part time drivers as required by the **NYS Transportation Law, NYS Vehicle Traffic Law Article 19-8, and 49 CFR of the Federal Motor Carrier Safety Regulations**. Tow agencies using the NYS LENS Program are acceptable, provided the tow agency provides documentation of enrollment.
- E. Tow agencies will be required to furnish proof of insurance coverage of at least \$1,000,000 bodily injury and \$100,000 vehicle damage to towed vehicles, loss of any parts or accessories from towed vehicles, or property contained therein. Insurance identification cards must indicate the tow truck designation, adjacent to the year and model identification.
  - 1. The County of Monroe and the Monroe County Sheriff's Office **MUST** be listed as an insured party on the insurance policy. Prior to the commencement of any work, the tow agency must deliver to the MCSO, certificates of insurance demonstrating the above stated requirements and bearing notations evidencing the payment of the premiums. Tow agencies should expect to provide and updated insurance policy during the annual inspection.
  - 2. In the event that any policy furnished or carried pursuant to this Section will expire on a date during which, the tow agency is or may be expected to be engaging in work for the MCSO, the tow agency will, on a date less than thirty (30) calendar days prior to such expiration date, deliver to the MCSO via U.S. Mail, to 130 South Plymouth Avenue, Rochester, NY 14614, Attention Commercial Vehicle

Unit, certificates of insurance evidencing the renewal of such policies, and will promptly pay all premium dues.

3. In the event that an insurance policy is, for any reason, cancelled, lapsed, or if cancellation is reasonably anticipated by the tow agency, the agency will immediately provide the MCSO with notice thereof.
  4. The failure of the tow agency to provide and/or maintain the required insurance coverage as set forth herein, or the failure to abide by the terms stated above, will constitute grounds for the **immediate removal as an appointed tow agency.**
- F. Tow agencies will be required to maintain a storage area of sufficient size to store towed vehicles. The storage area will be at the place of business or within close proximity. Each agency will be required to provide the necessary means to prevent theft, vandalism, or damage to vehicles or their contents. A fence or other physical barrier to prevent unauthorized persons from entering the storage area is required with capability of being located when the area is not occupied.
- G. All tow agencies will be required to meet the requirements of the **NYS Vehicle and Traffic Law, Section 1219(c)**, which states "Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle." This includes granular oil absorbent for oil or other fluids that have leaked on the ground. Therefore, all tow vehicles must be equipped with shovels and brooms to remove debris from the highway. All tow trucks dispatched to a scene must have granular oil absorbent to clean up oil and other fluids spilled on the roadway. **Tow operators will not place used granular oil absorbent or other materials (car parts, debris, etc.) in the interior of towed cars (including trunks, truck beds, and rear cargo areas).**
- H. Tow agencies agree to purchase a preprinted sign, provided by the Sheriff, listing the current agreed upon rates for general towing services. This sign will be prominently posted by the agency for public inspection. In the event the sign is lost or damaged, it is the responsibility of the agency to promptly replace the sign. Failure to comply with the above requirements will result in removal from the Master Towing List.
- I. Tow agencies will furnish a business card with their name, business address, business telephone number, and the address of their respective impound storage area to the drivers/owners of towed vehicles. Such business cards will also include information regarding the agency's general fee schedule on the reverse side.
- J. All towing service fees will be consistent with the general standardized fees as established by the MCSO. When made aware of exorbitant or unreasonable fees, appropriate action will be commenced by MCSO. The repetition of such complaints will result in the removal of the tow agency from the Master Towing List. Tow agencies will be required to provide copies of invoices of towing services at the request of the MCSO to ensure compliance with the MCSO fee schedule.
- K. Tow agencies will agree to render, without charge, towing service and/or storage to:
1. MCSO vehicles.
  2. Vehicles held for Evidence or Investigation (to any MCSO facility, including the 145 Paul Road storage facility, or to the tow agency storage area).
- L. The MCSO, not any tow agency, will determine who is considered a Victim or a Suspect by

the following:

1. **Crime Victim's Vehicle:** Once a vehicle has been formally released, regardless of where it is physically located, the registered owner may retrieve it without paying for any towing charges. If the vehicle is stored a tow facility storage area, the registered owner may be charged storage fees beginning 24 hours after a confirmed notification of release to the registered owner has been made. Furthermore, if a crime victim's vehicle is stored at the 145 Paul Road storage facility (or any other MCSO facility), and if the MCSO determines the vehicle has not been retrieved in a reasonable amount of time after release, the original tow agency will be called to tow the vehicle to that tow agency's storage areas. The tow agency may then charge the registered owner for **one (1) standard tow fee** (for the most recent tow job to the tow agency's storage area). Furthermore, storage fees may be charged (beginning 24 hours after a confirmed notification to the registered owner has been made).
  2. **Suspect's Vehicle:** Once a vehicle has been formally released the following will occur: If the vehicle is located at the 145 Paul Road storage facility, the original tow agency will be called to tow the vehicle to that tow agency's storage area. The tow agency may then charge **one (1) standard tow fee for the previous (original) tow job (including winching and recovery fees if applicable).**
- M. **Motor Vehicle Accidents:** There are times when a MCSO Deputy/Investigator may place a hold on vehicles that are towed from an accident scene (or other incidents) for various investigative reasons. When the tow agency is notified that the vehicle(s) may be released, the tow agency may charge registered owners and/or insurance companies for towing. Furthermore, storage fees may be charged (beginning 24 hours after a proper notification to the registered owner or insurance company has been made).
- Note:** In incidents where a Property Custody Report (PCR) has accompanied a towed/hold vehicle, the tow agency shall notify the MCSO Property Management Office **when the vehicle has been retrieved**. This can be done by faxing a copy of the PCR to: (585)753-4473.
- N. During snowstorms or severe weather, tow agencies will maintain a log recording of the date, time, and location of tow, description of vehicles, registration number, and location of stored vehicles. The information will be relayed to the Criminal Records Unit (CRU) as soon as possible after the severe weather subsides or at least once each day if the inclement weather continues. This log will be maintained for all requested tows, regardless of the requesting agency (MCSO, State Police, Town Police, Highway Department, etc.).
- O. Tow agencies will agree to contact the CRU no later than five (5) days after a vehicle is towed an owner cannot be established or contacted. This will also apply in situations where an owner or an insurance carrier has not contacted the tow agency.
- Note:** CRU staff will assist the towing company with identifying the vehicle owner and/or insurance company.
- P. Tow agencies must comply with all applicable law and governmental regulations.
- Q. **Heavy Tow Requirements:** To be selected as a heavy tow vendor for the MCSO, the tow agency will be required to maintain tow truck(s) capable of towing a disabled tractor trailer type vehicle. The tow truck should be a wrecker type with the capability of towing at least 25 tons. Agencies interested in this assignment must have operators on staff that have a complete understanding and who are experienced in safely and effectively completing the

heavy tow. In addition to heavy towing, some incidents involving large commercial vehicles include recovery of them and what it was loaded with. Additional equipment for recovery purposes should be available to agencies that provide heavy towing services. Some examples of this would be; additional heavy tow trucks, roll off style dumpsters, fork lifts, flat bed trailers, refrigerator trailers and recovery air bags. In addition to this equipment, operators should have a working knowledge of recovery processes to complete recoveries in a safe, efficient, and timely manner.

#### **IV. Restrictions:**

- A. Tow agencies will not display any markings on their equipment or vehicles that would indicate or suggest that such agency is affiliated with the MCSO.
- B. Deputies are not permitted to request a specific tow agency unless at the request of the driver/owner of a disabled vehicle. It is the responsibility of the ECD dispatcher to call the specific tow agency for service. Driver requests for a specific tow agency will be granted unless doing so would create an unreasonable delay in clearing a roadway or other hazardous condition.
- C. Radio transmitting or receiving equipment (i.e. police scanner) designated for police use only will not be permitted in any tow truck/vehicle in accordance with NYS V&T Law Section 397.
- \* D. Tow agencies may not conduct an operation outside of their assigned district as set out in this agreement without first verifying through ECD that the primary tow agency assigned to that district is unavailable.

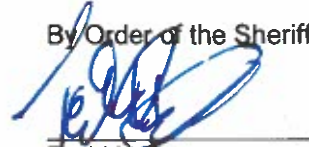
#### **V. Cancellation:**

- A. The Monroe County Sheriff or his designee reserves the right to cancel an agreement for services, without cause, after giving the tow agency a thirty (30) day notice, in writing, of such cancellation. The agency may request a hearing to contest cancellation. The hearing request must be submitted in writing, to the Sheriff, no fewer than ten (10) calendar days prior to the cancellation date (the cancellation is temporarily stayed after receipt of the hearing request).
- B. A Sheriff's hearing board will meet within thirty (30) days and will be comprised of three (3) MCSO members selected by the Sheriff or his designee. The hearing board will advise the Sheriff, in writing, of suggested recommendations and findings within five (5) business days of the hearing. The decision of the Sheriff is final.
- C. The Monroe County Sheriff or his designee reserves the right to cancel an agreement for services, without notice, upon just and sufficient cause including, but not limited to: insurance lapse (anticipated or occurred); criminal conduct on part of the agency/agency employees; and inherent conflicts of interests. The Sheriff will provide written notice of such cancellation to the tow agency; said notice will also specify the grounds for the immediate cancellation. The agency may request in writing to the Sheriff, a hearing to contest cancellation. The cancellation will remain in effect pending the hearing decision.

#### **VI. No Assignment without Consent**

The Towing Agency will not, in whole or in part, assign, transfer, convey, sublet, mortgage, pledge, hypothecate, grant and security interest in, or otherwise dispose of this Agreement or any of its rights, titles, or interests herein or its power to execute the Agreement, or any part thereof to any person or entity without the prior written consent of the Sheriff.

By Order of the Sheriff,



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Todd K. Baxter

**LETTER OF AGREEMENT**

I, \_\_\_\_\_  
(Name of Proprietor-Owner-Operator)

Proprietor of: \_\_\_\_\_  
(Name of Tow Agency)

Located at: \_\_\_\_\_  
(Address of Tow Agency)

do hereby agree to operate the above the above named tow agency in accordance with all New York State Laws and the Monroe County Sheriff's Office Police Bureau General Order (PBGO-019-18 Tow Agency Responsibilities). A copy of the order is attached hereto, dated \_\_\_\_\_ and signed by Sheriff Todd K. Baxter and any supplemental order as may be promulgated by the Sheriff.

I understand and agree that such compliance is required in order to remain on the Master Towing List of the Monroe County Sheriff's Office.

By (Print Name): \_\_\_\_\_  
Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Witnessed by MCSO Member:

By (Print Name): \_\_\_\_\_  
Date: \_\_\_\_\_

Signed: \_\_\_\_\_