



City of Providence Department of Public Safety

Tow Service Policy, Rules & Regulations and Application to Perform Towing Services for the City of Providence

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Tow Service Policy, Rules & Regulations

Purpose: To ensure the safety of citizens and first responders by maintaining clear and uncongested roadways and to provide the best towing services available to the citizens of Providence.

Section I: Introduction

Pursuant to the relevant Ordinances of the City of Providence, to include Article 2 sections 15-25, the following rules and regulations are promulgated by the Commissioner of Public Safety for tow companies and individuals selected to perform towing services for the City of Providence and the Providence Police Department.

No company or individual (whether providing towing services or otherwise) shall be considered for or placed on the city's tow list, nor shall a towing company currently on the list be allowed to remain on the list unless the company or individual holds and maintains in good standing a "Certificate of Public Convenience and Necessity" as issued by the Rhode Island Department of Public Utilities.

In order to be considered for approval, an applying tow company or individual must comply with the following terms, conditions, and provisions, as set forth in the following pages. Further, these same terms, conditions, and provisions shall also be binding on companies and/or individuals already on the approved tow list.

Primary Tow List Defined: The primary tow list consists of those towing companies or individuals that have provided satisfactory road services to the Providence Police Department and motorists alike thereby helping to maintain safe passage on the roadways of Providence. Only companies or individuals on this list can provide road services for the City of Providence. Companies or individuals may be added or removed from the list according to their service records.

Abandoned Vehicle Tow Operator Defined: An abandoned vehicle tow operator provides the exclusive towing, storage, auction, and demolition services for abandoned vehicles. A Vendor is selected separate from the primary tow list by the Providence Board of Contract and Supply for the sole purpose of processing abandoned vehicles. The Vehicle Recovery Unit shall contact the selected tow operator for all towing related to abandoned vehicles as defined by the RI Towing and Storage Act.

Authority for Judging Minimum Application Standards: Upon receipt, the Commissioner of Public Safety or his designee shall review each application to ascertain if the applicant meets the minimum standards required to be a member on the tow list. The Commissioner shall notify each applicant in writing the results of this review.

Rates and Fees Guidelines:

- Selected tow companies and individuals shall comply with the rates established by the Public Utilities Commission for towing and storage.



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- Any company or individual found to be overcharging for towing or storage will be subject to removal from the tow list.

Accidents: Accidents shall be defined as a collision between two or more vehicles, a collision between a vehicle and a pedestrian, or a collision between a vehicle and a fixed object.

Police Incidents: Any vehicle that is abandoned as a result of a police incident must be towed immediately.

Snow: In case of a snow emergency, the Providence Emergency Management Agency & Office of Homeland Security shall contact the Traffic Bureau to tag and tow illegally parked vehicles that are preventing the streets from being plowed. Illegally parked vehicles shall be tagged and towed starting with emergency routes, major thoroughfares, and hills, followed by residential streets based on addresses reported by Providence Public Works. All tow companies on the primary tow list must designate at least one tow truck during a snow emergency for snow tow purposes. All tow companies must remain in service with the Providence Police Department during all hours of snow emergencies or until relieved by the Providence Police Department.

Illegal Parking: Any vehicle illegally parked that is obstructing a driveway, sidewalk, or roadway shall be tagged and towed immediately. The same procedure shall apply when the Department of Traffic Engineering posts emergency no parking signs for a special event such as WaterFire.

Determination of Tow Assignments: Based upon the information received by the Channel 4 Operator located at the Providence Communications Department as to the type of motor vehicle involved in the accident or incident, the determination of the authorized tow company assigned to that particular job shall be coordinated with the on scene Police Officer. Further, "car-carrier towing" will only be used or called for where reasonably requested or required because of the type of vehicle involved or because of other exceptional problems or circumstances.

Transfer of Public Utilities Commission Certificate: No tow company or person on the city's approved tow list shall effectuate the transfer of said company's public utilities certificate to a prospective purchaser nor shall any transfer of ownership in whole or in part entitle the purchaser to remain on the city's tow list. The prospective purchaser must submit an application to the Commissioner of Public Safety, and if approved, the prospective purchaser shall be added to the primary tow list in accordance with these regulations.

Minimum application standards:

1. The application must be completed in its entirety.
2. No individual employed by the applicant shall have been convicted of a felony offense.
3. All individuals operating a tow truck or service vehicle for the applicant shall possess a valid driver's license.



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4. All individuals operating a tow truck or tow service must have a satisfactory driving record.
5. All towing companies must have a satisfactory record and be in good standing with the Public Utilities Commission.
6. The applicant must meet or exceed the minimum vehicle, equipment, and facility standards established by the Providence Police Department's tow service policy after an on-site inspection. Such inspections shall be conducted according to the Federal Highway Administration Office of Motor Carrier Compliance Review, Parts 383, 390-399 of the Code of Federal Regulations 49.
7. It shall be the responsibility of a towing company to report in writing to the Commissioner of Public Safety any changes in vehicles, equipment, facility, or personnel that affects its status as an applicant or member of the primary tow list or abandoned vehicle tow operator.
8. All new employees must be vetted by the Providence Police Department before they are allowed to perform towing services for a tow company operating in the City of Providence. It is the responsibility of the towing company to schedule and provide proof that the new employee successfully passed the criminal background check. The towing company must also submit an updated Tow Company Employee Listing Form (See page #13) to the Officer-in-Charge of the Vehicle Recovery Unit.
9. The Officer-in-Charge of the Vehicle Recovery Unit shall make periodic on-site inspections to ensure compliance with all minimum standards.

Section II: Minimum Vehicle, Equipment and Accessories, and Facility Standards

To be considered and to remain on the approved tow company list, applicants must meet the following minimum vehicle, equipment and accessories, and facility standards:

Vehicles:

A towing company is responsible for acquiring its own vehicles and ensuring that they are registered by the state of Rhode Island. Also all vehicles must be properly permitted and equipped with emergency lights and must possess any additional permits as required by the state. All safety requirements and markings must be in compliance with federal and state regulations.

Required Vehicles:

All companies must have a minimum of the following vehicles:



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1. Two medium duty flat-beds with a GVWR of 14,500lbs or greater, to carry at least one vehicle legally.
2. One tow truck capable of towing a vehicle with a GVW of 10,000lbs or less, and be equipped with a winch and hydraulic boom [wheel lifts are preferred].
3. Every motor vehicle used for the purpose of towing disabled motor vehicles shall display clearly and during all hours the name of the company and the phone number to contact the company. This display should be visible from 50 feet.

Equipment and Accessories:

The following accessories and equipment must be carried on all tow vehicles:

1. One (1) trailer hitch with a 1-7/8 inch ball and a 2-inch ball;
2. Motorcycle transportation;
3. Two-way communication via radio or cellular telephone;
4. One (1) tool box for minor repairs;
5. One (1) pair of 12-volt jumper cables;
6. One (1) broom ;
7. One (1) safety chain;
8. One (1) tow chain;
9. One (1) first aid kit [small 5"x9"];
10. One (1) fire extinguisher [5lb. Chemical ABC];
11. One (1) pry bar [36 inches or longer];
12. One (1) container of radiator water [5 gallons through the months of May to September];
13. Two (2) 4" x 6" x 12" wooden blocks;
14. One (1) hydraulic jack;
15. Two (2) four way lug wrenches [one standard and one metric];
16. One (1) flashlight;
17. One (1) lockout set;
18. One (1) shovel;
19. Speedy Dry.

Facility:

1. All towing companies shall own, rent or lease a fenced in area with a minimum of 15,000 square footage located in the City of Providence.
2. The area must be zoned in accordance with all City of Providence and the State of Rhode Island ordinances and laws.
3. The area must be owned or leased for multiple years by the applicant.

If a company on the city's authorized tow list has its real estate property involuntarily condemned or taken



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by eminent domain which results in the company possessing less than the required land area, such an occurrence will not automatically result in the company being removed from the tow list. Nevertheless, the company shall have a period of sixty (60) days to show cause to the Commissioner of Public Safety at an informal hearing as to the company's ability to continue the proper operation of the towing and the storage of motor vehicles to the reasonable satisfaction of the city.

Section III: Code of Conduct and Discipline

Complying with Minimum Vehicle, Equipment and Accessories, and Facility Standards: All towing companies on the Primary Tow List shall comply with the minimum vehicle, equipment, and facility standards as set forth under Section II of this application. Failure to comply with these standards may result in disciplinary action up to and including termination from the tow list.

Tow Vehicle Operators and Proper Attire: All tow vehicle operators and assistants must be either an owner or an authorized employee of the towing company and must be properly attired. Proper attire is defined as attire that presents a professional appearance, (i.e., long slacks, shoes, and a shirt with a company logo). Ride along occupants, acquaintances, etc. shall not be permitted at roadway incidents or incidents that the Providence Police Department are charged with managing.

Tow Companies Availability and Response Time to Requests for Service: Companies on the Primary Tow List must be available, at all times, to immediately respond to Department requests for service. This does not preclude refusal of a request for service when that company's resources are expended or when reasonable circumstances prohibit the company from responding to a request for service. The maximum expected response time should be 25 minutes under normal conditions. All violations of this code shall be reviewed by the Officer-in-Charge of the Vehicle Recovery Unit, after conferring with the Officer-in-Charge where the complaint originated, and may result in disciplinary action being taken against the towing company. Each tow company agrees to make no unsolicited responses to the scene of an accident or abandonment. The Providence Police shall be the sole source of a request for towing service.

Illegal Activities: A towing company that is owned by or employs any person(s) who engages in illegal activity or violates the laws of the State of Rhode Island may be subject to disciplinary action up to and including termination from the tow list.

Disobeying Police Officer Instructions: A towing company's owner or employee shall obey the instructions of sworn Department members when responding to a request for service. If an owner or employee refuses or willfully disobeys such an instruction that towing company shall be subject to disciplinary action up to and including termination from the tow list.

Record of Poor Service: When a towing company is providing poor service and is not serving the best interest of the motoring public, that company may be suspended or terminated from the Providence Police



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Department's tow list. Examples of poor performance include, but not limited to, the following: disruptive or careless behavior at the scene of an incident, lack of training or mechanical expertise in towing vehicles, and failure to respond to a call for service within the 25 minute time period. In addition, a towing company that is found to be overcharging for services shall be subject to removal from the tow list.

Towing Rights Suspended by Another Government Agency: When a towing company's rights to tow are suspended or terminated by any government agency, it is the towing company's responsibility to inform the Officer-in-Charge of the Vehicle Recovery Unit. Failure to make this notification shall result in immediate suspension and possible removal from the Providence Police Department's Tow List. An example of this type of violation is when a towing company's rights to tow are suspended by the Rhode Island Public Utilities Commission. The towing company shall be suspended from the tow list for the period specified in the suspension order. Further, a towing company that is suspended by a governmental agency twice in one year shall be subject to removal from the tow list.

Determining Authority and Appeals: The Officer-in-Charge of the Vehicle Recovery Unit is the determining authority on all Tow Service Policy matters and is responsible to report all violations and appeal requests to the Department's Chief of Police and the Commissioner of Public Safety for final disposition. The tow company shall be summoned to attend an informal hearing to be conducted by the Commissioner of Public Safety to show cause that the company should not be suspended or removed from the tow list. An attorney may represent the company affected. Representatives of the Vehicle Recovery Unit will present "the case" with respect to breaches or violations of these rules and regulations or the pertinent ordinances. A representative of the Providence City Towing Association will also be invited and may attend the hearing. At the conclusion of the hearing, sanctions may be enforced.

Probation: If a towing company has been disciplined for violating any of the Department's policies a probationary period may be imposed before that company can return to full service. Any violation of the Department's policies by a towing company on probation may result in immediate suspension and possible termination from the Department's tow list.

Suspension: A towing company that is suspended from the tow list shall not accept any requests for service or perform any tow services for the Department while under suspension. If the towing company accepts a service request and/or performs any tow services while suspended, these actions may result in the immediate suspension and possible termination from the Department's tow list.

Termination: A tow company terminated from the Providence Police tow list shall not accept any future requests to perform tow services for the Department.

Section IV: Abandoned and Unclaimed Vehicles

The Providence Police follow a different procedure for the towing, storage, auction, and demolition of



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abandoned vehicles. For abandoned vehicles, the Providence Police select a vendor through the Board of Contract and Supply for the exclusive purpose of processing abandoned vehicles. The Vehicle Recovery Unit shall contact the selected tow company for all towing related to abandoned vehicles as defined by the RI Towing and Storage Act.

Abandoned Vehicle on Public Property or City Owned Property:

1. Abandoned vehicles reported to the Vehicle Recovery Unit by Providence Police Officers or citizens.
2. If a vehicle is on the street or obstructing traffic in any way, it shall be tagged and towed immediately.
3. If a vehicle is abandoned on city property, it shall be towed immediately.
4. If a vehicle is abandoned on a city street and is not obstructing traffic, it shall be tagged with an orange sticker giving the owner 48 hours to remove the vehicle. If time elapses and the vehicle is not removed, the vehicle will be towed.
5. For unclaimed vehicles, see the section entitled "Unclaimed Vehicles" listed below.

Abandoned Vehicles on Private Property:

1. Any vehicle on private property reported to the Vehicle Recovery Unit by a civilian or a Providence Police Officer that is not obstructing traffic will be tagged with a yellow sticker giving the owner seven (7) days to remove the vehicle. If the vehicle is not removed within seven days, it will be towed.
2. For unclaimed vehicles see below.

Unclaimed Vehicles:

Unclaimed vehicles will be handled as follows:

1. For abandoned vehicles with an estimated value of \$500 or more.
 - a. The tow company may hold an auction for such a vehicle only after they have satisfied the state notice requirement or the vehicle may be demolished in accordance with the RI Towing and Storage Act.
 - b. If the vehicle is to be demolished, the VIN number must be removed in the presence of or by an officer of the Providence Police Department.
 - c. The Providence Police Department shall keep a log of all demolished vehicles.



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2. For abandoned vehicles with an estimated value of less than \$500.
 - a. If an abandoned vehicle is not claimed after 10 days and is appraised to have a value of less than \$500 dollars, the tow company may demolish the vehicle in accordance with the RI Towing and Storage Act.
 - b. If the vehicle is to be demolished, the VIN number must be removed in the presence of or by an officer of the Providence Police Department.
 - c. The Providence Police Department shall keep a log of all demolished vehicles.

Section V: Releasing a Towed Vehicle to the Rightful Owner

Registered Vehicle: In order to receive a registered vehicle the individual to whom the car is registered must produce a valid photo ID to prove the towed vehicle is registered to them. If the individual to whom the vehicle is registered is incapacitated, i.e., hospitalized or incarcerated, the incapacitated individual must send a notarized letter authorizing the selected individual to claim their vehicle.

1. Each authorized tow company agrees to release the towed vehicle to the rightful owner or his duly authorized agent immediately upon demand and proper payment of authorized charges for towing and storage.
2. Unless otherwise provided by city ordinance or state law, the days and times to effectuate said releases shall be as follows: Monday through Friday from 8:00AM to 5:00PM and Saturday from 8:00AM to 12PM. On Sundays and holidays, tow companies shall not be required to effectuate releases but may do so at their option.
3. Tow companies shall charge only the authorized towing and storage fees as specified by the applicable Public Utilities Commission regulations. The acceptance of payment shall also be in conformance with these regulations.
4. Each authorized tow company agrees to display all applicable ordinances, policies, rules, regulations, and laws that pertain to the towing and storage of a towed vehicle. These ordinances, policies, rules, regulations, and laws shall be clearly displayed in the immediate area where a tow company releases all towed vehicles. Any member of the Vehicle Recovery Unit shall have the authority to inspect a towing company that is governed by these regulations to ensure compliance.

Unregistered Vehicles: If the vehicle is unregistered, the owner of the vehicle must produce a notarized bill of sale in order to recover their vehicle. An unregistered vehicle must be released as a "Tow Only" meaning the owner can only remove the vehicle from the premises by towing.

Section VI: Reporting Procedure for Vehicles Towed

Policy Statement: In order to monitor and provide effective towing services and to reduce the number of



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abandoned vehicles in the City of Providence, it is necessary for the Vehicle Recovery Unit to follow specific reporting procedures for all vehicles towed. The Vehicle Recovery Unit shall use Form 12 for general towing and the Abandoned Vehicle Recovery Status Report form to account for their quarterly and annual progress in fulfilling its mission.

Form #12: Each approved tow company agrees to notify the Vehicle Recovery Unit's Officer-in-Charge of any motor vehicle it has towed, holds in storage, and remains unclaimed for seven (7) or more days. This notice and all pertinent information for each vehicle must be listed and supplied in writing and in duplicate on the currently used Form 12 of the Providence Police Department. The Form 12s shall be delivered or mailed weekly to the Vehicle Recovery Unit unless an authorized police officer picks up the same. The tow

company shall maintain a copy of the Form 12 until the authorized release or disposition of the vehicle takes place.

On the first of each month, a computerized printout listing all the motor vehicles towed by order of the Vehicle Recovery Unit and are still stored on each company's premises shall be mailed or supplied to the President of the Providence Towing Association.

Unless otherwise required by statute or ordinance, within 18 days after the receipt of the Form 12s, the Vehicle Recovery Unit will notify the President of the Providence Towing Association of the status of the motor vehicles being stored including where applicable the disposition of the motor vehicle.

Computer Log: Each tow company agrees to keep a separate computer log for vehicles towed as a result of a Providence Police request to impound a vehicle. The log shall adhere to the requirements set forth under the RI Towing and Storage Act and show at a minimum, the following items:

1. Year, make, and registration of towed vehicle. If registration is not available or if vehicle is unregistered, list VIN.
2. Date, time, location, and CCR number, where available.
3. Disposition and date of such disposition.
4. In the event of a complaint of over-charging, the tow company must produce an itemized tow bill to the Vehicle Recovery Unit.

Each tow company agrees to hold all release forms for a period of sixty (60) days, after which the Vehicle Recovery Unit will collect all releases or the tow company shall be instructed to destroy them. Tow companies can destroy Form 12s after sixty (60) days. Upon request, each tow company agrees to make the tow log and all written consents available to the Commissioner of Public Safety or any police officer he may authorize.



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Section VII: Removal or Suspension from the Authorized Tow List

The Commissioner of Public Safety may, for cause, suspend or remove from the authorized tow list any licensed tower who is in violation of applicable ordinances, rules and regulations or department orders after due notice in writing to the tower and hearing before the Commissioner of Public Safety to be held not less than five (5) business days after the date of receipt of such notice.

The Commissioner of Public Safety shall take notice of any act, conduct or omission by those to whom these regulations are applicable, which is prejudicial, offensive or detrimental to the best interests of the public, although not specifically mentioned in these regulations or the Providence Police Department's regulations and may, as a result, suspend or revoke the tower's eligibility to participate on this list.

Additional causes for suspension or removal may be but are not limited to, the following:

1. Violation of any statute, state of Rhode Island Division of Motor Vehicles ruling, local ordinance, zoning violation, or any incident which endangers public safety;
2. Failure to respond promptly or failure to answer a call;
3. Responding with inadequate, improper or unsafe equipment;
4. Failure to provide competent, trained tow truck operators;
5. Improper or illegal treatment of motorists or overcharging for towing service;
6. Failure to cooperate with police at the scene;
7. A frequency of complaints from the public significantly higher than average and/or conduct which may be deemed a breach of peace.