

Conway Police Department Tow Company Application

Any Company with a base of operations in the City limits or extraterritorial jurisdiction of the City that wishes to provide services must submit an application packet. Under no circumstances will companies be added as a provider to the rotation list without completing and submitting an application packet.

Pursuant to Arkansas Code Annotated § 27-50-1219 *Suspension from Law Enforcement Non-consent Rotation List*, the Conway Police Department shall provide each applicant towing company that wishes to participate in the non-consent rotation with a copy of the policy and each company owner shall acknowledge in writing that he or she has received a copy of the policy.

An application packet will also be required for the current providers wanting to maintain their place in the rotation. Once the application period is closed no other applications will be accepted by the Conway Police Department.

Company Name: _____

Owners Names: _____

Business Address: _____ Zip Code: _____

Mailing Address: _____ Zip Code: _____

Business Phone: _____ Secondary Phone: _____

Business Ownership Type: _____ Sole Proprietorship _____ Partnership _____ Corporation

Company E-Mail Address: _____

Required documents and information in the application packet:

- A. Proof that company is covered by general liability insurance of at least \$750,000 or the minimum amount required by the Arkansas Towing and Recovery Board, whichever is higher.

Company must have the following insurance coverage for on-hook vehicles or Arkansas Towing and Recovery Board required minimum, whichever is higher.

- Light Duty- \$50,000 limit
- Medium Duty- \$100,000 limit
- Heavy Duty- \$200,000 limit

Company providing copies of the certificate of liability insurance will insure that vehicles to be used while providing services to the Conway Police Department are included on or as an attachment to the insurance certificate with all (general liability, on-hook, etcetera) appropriate insurance liability limits. ____ (Yes) ____ (No)

Name of Insurance Carrier: _____

Policy Number: _____ (Attach Certificate of Insurance)

- B. Must have a secure storage area to prevent entrance by unauthorized person(s) and must hold itself responsible for any theft or vandalism to vehicles or other property within its control. The perimeter of all storage areas used by the provider shall have fencing installed. The fencing shall be of a chain-link type or equivalent six (6) feet or higher in height and topped by no fewer than two (2) strands of barbed or razor wire. ____ (Yes) ____ (No)

Storage Area Surveillance – providers who maintain storage areas are required to have monitored video surveillance and continuous record capabilities. Providers shall make available video surveillance recordings to any Conway Police Department officer upon request. Video surveillance video must be maintained for a minimum of thirty (30) days. ____ (Yes) ____ (No)

What is the storage capacity in square feet of the facility listed at the above business address?

Do you have an overflow facility? ____ (Yes) ____ (No)

Address of the overflow facility: _____ Zip Code: _____

- C. Provide copies of all licenses of current Approved tow Vehicle Safety Equipment Inspection forms for each tow vehicle to be used while providing Services to the Conway Police Department with the permit number referenced for consensual and non-consensual towing as required by the Arkansas Towing and Recovery Board. ____ (Yes) ____ (No)
- D. Copies of the Arkansas Towing and Recovery Board non-consensual tow license. ____ (Yes) ____ (No)
- E. All tow vehicles listed for use in non-consent rotation must successfully pass a North American Level 1 DOT Inspection as prescribed by the Arkansas Highway Police. A copy of the North American Level 1 DOT Inspection Form for each vehicle must be included in the application packet. This inspection will be conducted by certified personnel not working for the company that is applying for rotation. ____ (Yes) ____ (No)
- F. The application packet must contain copies of disciplinary action taken against the Company by the Arkansas Towing and Recovery Board for the last five (5) years prior to the current application packet being submitted. Results of all appeals contesting the Arkansas Towing and Recovery Board disciplinary actions. Copies of these documents must be provided and submitted by the applicant Company. ____ (Yes) ____ (No)
- G. Copies of any additional training certificates relating to the towing and recovery industry (owners / drivers). ____ (Yes) ____ (No)
- H. Proof of ownership or lease showing the company has legal possession the following:
 - 1. The Ownership or Long-Term Lease of one (1) light duty wrecker capable of hoisting and/or for towing a vehicle during recovery and/or transport shall be equipped with dual rear wheels and shall be rated at a minimum of nine thousand (9,000) pounds GVWR. Winches used for recovery and/or hoisting, and for towing a vehicle during transport, shall have a winch with an eight thousand (8,000) pound minimum capacity.
 - 2. The Ownership or Long-Term Lease of one (1) medium duty wrecker capable of hoisting and/or for towing a vehicle during recovery and/or transport shall be equipped with dual rear wheels and shall be rated at a minimum of fifteen thousand one (15,001) pounds through thirty

three thousand (33,000) pounds GVWR. Winches used for recovery and/or hoisting, and for towing a vehicle during transport, shall have a winch with an eight thousand (8,000) pound minimum capacity. Winch capacity and cable size shall increase proportionately with the GVWR increase. Medium duty wrecker as defined by Towing and Recovery Board Regulation Rule 7.4, excluding rollback tow vehicles, shall be equipped with an under-lift device rated at no less than sixty five hundred (6,500) pounds at full extension.

3. The Ownership or Long-Term Lease of one (1) medium duty rollback capable of towing a vehicle during transport, shall be equipped with dual rear wheels and shall be rated at a minimum of fifteen thousand one (15,001) pounds through thirty three thousand (33,000) pounds GVWR.
4. The Ownership or Long-Term Lease of one (1) heavy duty wrecker thirty three thousand one (33,001) pounds and over GVWR as defined by Towing and Recovery Board Regulation Rule 7.4, shall be equipped with tandem rear axles and equipped with an under-lift device rated at no less than twelve thousand (12,000) pounds at full extension. Heavy duty wrecker must be capable of towing / recovering the following, including but not limited to buses, straight trucks, trailers, refuse trucks, construction vehicles, semi-trailers, and tractor-trailer combinations.

A minimum of four (4) wrecker vehicles (1 light duty wrecker, 1 medium duty wrecker, 1 medium duty rollback, 1 heavy duty wrecker) is required to meet the above specifications. Ownership or lease documents must be maintained at all times on all tow vehicles used to provide service for the Conway Police Department while in the rotation (subject to inspection). ____ (Yes) ____ (No)

- I. Copies of current Arkansas Vehicle Registration forms for each tow vehicle to be used while providing services to the Conway Police Department. ____ (Yes) ____ (No)
- J. If a company is selected as a provider, the owner(s) and all driver(s) used to provide service for the Conway Police Department will be required to provide proofs of Traffic Incident Management (TIM) Responder Training within four (4) months. If the company has already completed Traffic Incident Management (TIM) Responder Training copies of certificates / training rosters will need to be included in the application packet. ____ (Yes) ____ (No)
- K. If a company is selected as a provider to provide service for the Conway Police Department, the owner(s) will be required take the following National Incident Management System (NIMS) courses offered by Federal Emergency Management Agency (FEMA). These courses are free of charge, web based, and provides a consistent nationwide template to enable all government, private-sector, and nongovernmental organizations to work together during domestic incidents. Owner(s) will be required to provide proofs of National Incident Management System training within four (4) months. If the Company has already completed National Incident Management System training, copies of certificates / training rosters will need to be included in the application packet. ____ (Yes) ____ (No)
 1. IS 700 - National Management System (NIMS), An Introduction
 2. ICS 100 - Introduction to Incident Command System (ICS)
 3. ICS 200 - ICS for Single Resources and Initial Action Incidents

Combined Services

Two or more companies may join together to provide services pursuant to this request for qualifications; however, the Conway Police Department will recognize both companies as one entity.

Any entity resulting from the combination of two or more wrecker companies must provide written documentation identifying the legal relationship of the entity. Further, representatives of the entity must provide documentation evidencing their authority to execute agreements on behalf of the entity, which legally binds the entity to such agreements. The Conway Police Department shall have a single point of operational contact with the entity that is formed pursuant to this provision.

Two or more companies with the same physical address or with a single point of operational contact will be considered one entity for purposes of the above requirements and for purposes of consideration of placement on the wrecker Rotation list as a Provider.

Rotation Sequence Determination

- A. The number of providers needed for rotation by the Conway Police Department will be determined by the Chief of Police.
- B. Providers that are selected will be placed in the rotation. The rotational term will sequentially cycle from call to call through the list of providers and will repeat once the cycle is completed.

Applicant Notification

The City of Conway, its agents, offices, or employees shall not be liable for any personal injury or property damage caused by negligence or failure of the wrecker or towing service to exercise reasonable prudent care in responding to a call or in towing a vehicle for storage or in any damage or loss which may occur while the vehicle is in storage.

Providers / Companies understand that this application and the rules and policies establishing eligibility to participate in the tow/wrecker rotation is not intended to and does not create any contractual or legal rights. Providers / Companies understand that they can be removed from the rotation list for any reason.

Providers / Companies acknowledge that by completing/submitting an application that there is no expectation of placement in the Conway Police Department tow rotation and if placed in the tow rotation that is no promise or guarantee that said placement will continue for any length of time. Any such placement in the tow rotation is subject to cancellation at any time and for any reason.

All packets will be reviewed to the satisfaction of the Conway Police Department designee. Oral interviews with the company may be required at the discretion of the Chief of Police or his / her designee. The applicant company may be placed on a waiting list and activated as Provider positions become available.

Authorized Signature

Print Name

Position or Title

Date

Conway Police Department
Tow Company Notification Form

Pursuant to Arkansas Code Annotated § 27-50-1219 *Suspension from Law Enforcement Non-consent Rotation List*, the Conway Police Department shall provide each applicant towing company wishing to participate in the non-consent rotation with a copy of the department's policy. Each company owner shall acknowledge in writing that he or she has received a copy of the policy. Providers / Companies must comply with the Conway Police Department Policy for Regulations, Specifications, & Authorizations for Approved Towing and Recovery Rotation.

The City of Conway, its agents, officers, or employees shall not be liable for any personal injury or property damage caused by negligence or failure of the wrecker or towing service to exercise reasonable prudent care. This care includes responding to calls, towing vehicles, storing vehicles or any act which may cause damage or loss while in the possession of the towing company.

Providers / Companies understand that this application and the rules and policies establishing eligibility to participate in the tow rotation is not intended to and does not create any contractual or legal rights. There is no expectation of placement in the tow rotation. Providers / Companies must understand that the application can be denied for any reason. Providers / Companies understand that they can be removed from the rotation list for any reason by the Chief of Police or his designee.

Authorized Signature

Print Name

Position or Title

Date

Witness: Print Name and Signature

SUBSCRIBED AND SWORN to before me, a Notary Public, on this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

If you have additional questions, contact the Conway Police Department Support Services Major at 501-450-6120 ext. 3069. The originally signed and notarized document shall be delivered to:

*Conway Police Department
Attn: Support Services Major
1105 Prairie Street
Conway AR. 72032*

Number: 800-31	
Subject: Regulations, Specifications, & Authorizations for Approved Towing and Recovery Rotation	
Effective Date: November 1, 2017	No. Pages: 13

PURPOSE

R4, 1/1/2025

The Conway Police Department desires to have access to quality towing and recovery services for the public. The purpose of this policy is to set forth regulations required of tow companies to participate in the department's Tow Company Rotation List. This policy will also articulate specifications that must be met by tow companies who are authorized to participate in the Tow Company Rotation List.

POLICY

- A. It is the policy of the Conway Police Department to utilize services of licensed and permitted non-consent tow companies who are in compliance with Arkansas state statutes pertaining to towing and who abide by rules and regulations promulgated by the Arkansas Towing and Recovery Board. Compliance with these regulations and requirements will provide a level of safety to the motoring public, law enforcement and first responders on the scene, as well as the tow operator. These standards are also intended to protect motorists from potential unethical or unfair business practices.
- B. The scope of this policy affects the following Conway Police Department written directives:
 - 1. Property and Evidence Control 500-1
 - 2. Towing of Vehicles / Wrecker Service Calls 800-33
 - 3. Traffic Operations 800-34
- C. Operational Documents:
 - 1. Tow Company Application Document (Form 231)
 - 2. Tow Company Notification Form (Form 232)

DEFINITIONS

As used in this policy, the listed terms are defined as follows:

- A. VEHICLE: - Any device by which persons or things may be transported upon a public roadway and is of the type subject to registration in Arkansas.
- B. TOW VEHICLE: - Any motor vehicle and/or related equipment subject to registration in the State of Arkansas which is used to tow, recover, upright, transport or otherwise facilitate the movement of vehicles on public roadways.
- C. EQUIPMENT: - Any vehicle and/or related equipment used by a member of the towing industry to recover, upright, transport, or to otherwise facilitate movement of vehicles on public roadways.
- D. NON-CONSENT: - The towing, storage, or recovery of any unattended or abandoned vehicle, or any disabled or inoperative vehicle for which the owner preference is waived by the owner or person in charge thereof. When the driver of such vehicle is taken into police custody and is unable to make a legitimate disposition of the vehicle or, when the vehicle is needed as evidence and/or is used in the commission of a felony.

- E. CONSENT: - Towing, storage, or recovery of any vehicle, which towing, storage or recovery is done with the permission of the owner or other person in charge of the vehicle.
- F. TOW VEHICLE SAFETY PERMIT: - A decal issued by the Arkansas Towing & Recovery Board to be affixed to the windshield of any tow vehicle operated by a member of the towing industry.
- G. STORAGE: - A daily fee required by a towing company to secure and safely store a vehicle.
- H. PERSON: - Any individual, partnership, corporation, association, or other entity.
- I. APPLICATION PERIOD: - The period of time beginning on October 1st and ending November 30th every year during which time the Conway Police Department accepts application packets from wrecker or towing companies who either wish to remain on or be placed on the list of providers (Tow Company Rotation List).
- J. COMPANY: - Wrecker or towing company submitting an application to be placed on the rotational list of qualified wrecker or towing service providers being used by the Conway Police Department.
- K. PROVIDER: - Wrecker or towing company selected from the pool of company applicants meeting needs, requirements, and conditions for placement in the rotation for use by the Conway Police Department. An applicant company may be placed on a waiting list and activated as provider positions become available.
- L. ROTATION: - The order in which the provider is selected will determine its place and corresponding position to be on-call for the Conway Police Department. Providers that are selected will be placed on the rotation list. New providers will be placed at the end of the current rotation.
- M. ROTATIONAL TERM: - The rotation will sequentially cycle from call to call through the list of providers and will repeat once the cycle is complete.
- N. SERVICE(S): - Wrecker or towing services requested by the Conway Police Department.
- O. TOWED VEHICLE: - Any vehicle towed at the request of the Conway Police Department.
- P. LIGHT DUTY TOW VEHICLE: Tow Vehicle as defined by the Arkansas Towing and Recovery Board Regulations 7.4 shall be classified as Light Duty: nine thousand (9,000) pounds through fifteen thousand (15,000) pounds Gross Vehicle Weight Rating (GVWR).
- Q. MEDIUM DUTY TOW VEHICLE: Tow Vehicle as defined by the Arkansas Towing and Recovery Board Regulations 7.4 shall be classified as Medium Duty: fifteen thousand one (15,001) pounds through thirty three thousand (33,000) pounds Gross Vehicle Weight Rating (GVWR).

- R. HEAVY DUTY TOW VEHICLE: Tow Vehicle as defined by the Arkansas Towing and Recovery Board Regulations 7.4 shall be classified as Heavy Duty: thirty three thousand one (33,001) pounds and over Gross Vehicle Weight Rating (GVWR).
- S. GROSS VEHICLE WEIGHT RATING (GVWR): The gross vehicle weight rating of vehicle as physically listed on the vehicle or listed in manufacturer's publications.
- T. OWNER PREFERENCE: The statutory right of a vehicle owner, his or her agent, or any competent occupant of a disabled or inoperative vehicle to request some responsible and reasonable person, gratuitous bailee, or bailee for hire of his or her choosing to take charge and care of the vehicle.

Any other words are to be defined by industry standard, common usage or plain meaning.

Rotation List Application

Any company with a base of operations in the city limits or extraterritorial jurisdiction of the city that wishes to provide services must submit an application packet. Under no circumstances will companies be added as a provider to the rotation list without completing and submitting an application packet.

An application packet will also be required for the current Providers wanting to maintain their place in the Rotation. Once the Application Period is closed no other applications will be accepted by the Conway Police Department.

Pursuant to Arkansas Code Annotated § 27-50-1219 *Suspension from Law Enforcement Non-consent Rotation List*. The Conway Police Department shall provide each applicant towing company that wishes to participate in the non-consent rotation with a copy of the policy and each company owner shall acknowledge in writing that he or she has received a copy of the policy.

Required documents and information in the application packet:

- A. Application Form that identifies:
 - 1. Company's owner(s).
 - 2. Company's physical location.
 - 3. Storage area(s) location if different from physical location.
 - 4. Any and all licenses and copies of current Approved tow Vehicle Safety Equipment Inspection Forms for each tow vehicle to be used with the permit number referenced for consensual and non-consensual towing as required by the Arkansas Towing and Recovery Board.
 - 5. All tow vehicles listed for use in non-consent rotation must successfully pass a North American Level 1 DOT Inspection as prescribed by the Arkansas Highway Police. A copy of the North American Level 1 DOT Inspection Form for each vehicle must be included in the application packet. This inspection will be conducted by certified personnel not working for the company that is applying for rotation. Three photos of each tow vehicle must accompany each inspection sheet (front, rear, entire driver's side for verification of tow vehicle type and proper markings).

6. The application packet must contain copies of disciplinary action taken against the company by the Arkansas Towing and Recovery Board for the last five (5) years prior to the current application packet being submitted. Results of all appeals contesting the Arkansas Towing and Recovery Board disciplinary action and copies of these documents must be provided and submitted by the applicant Company.
 7. Copies of any additional training certificates relating to the towing and recovery industry (owners / drivers).
 8. Copies of current Arkansas Vehicle Registration forms for each tow vehicle to be used while providing Services to the Conway Police Department.
- B. Proof of ownership or lease showing the company has legal possession the following:
1. Ownership or Long-Term Lease of one (1) light duty wrecker capable of hoisting and/or for towing a vehicle during recovery and/or transport shall be equipped with dual rear wheels and shall be rated at a minimum of nine thousand (9,000) pounds GVWR. Winches used for recovery and/or hoisting, and for towing a vehicle during transport, shall have a winch with an eight thousand (8,000) pound minimum capacity.
 2. Ownership or Long-Term Lease of one (1) medium duty wrecker capable of hoisting and/or for towing a vehicle during recovery and/or transport shall be equipped with dual rear wheels and shall be rated at a minimum of fifteen thousand one (15,001) pounds thru thirty three thousand (33,000) pounds Gross Vehicle Weight Rating (GVWR). Winches used for recovery and/or hoisting, and for towing a vehicle during transport, shall have a winch with an eight thousand (8,000) pound minimum capacity. Winch capacity and cable size shall increase proportionately with the Gross Vehicle Weight Rating (GVWR) increase. Medium Duty Wrecker as defined by Towing and Recovery Board Regulation Rule 7.4, excluding rollback tow vehicles, shall be equipped with an under-lift device rated at no less than sixty five hundred (6,500) pounds at full extension.
 3. Ownership or Long-Term Lease of one (1) medium duty rollback capable of towing a vehicle during transport, shall be equipped with dual rear wheels and shall be rated at a minimum of fifteen thousand one (15,001) pounds thru thirty three thousand (33,000) pounds Gross Vehicle Weight Rating (GVWR).
 4. Ownership or Long-Term Lease of one (1) heavy duty wrecker thirty three thousand one (33,001) pounds and over Gross Vehicle Weight Rating (GVWR) as defined by Towing and Recovery Board Regulation Rule 7.4, shall be equipped with tandem rear axles and equipped with an under-lift device rated at no less than twelve thousand (12,000) pounds at full extension. Heavy duty wrecker must be capable of towing / recovering the following, including but not limited to buses, straight trucks, trailers, refuse trucks, construction vehicles, semi-trailers, and tractor-trailer combinations.

A minimum of four (4) wrecker vehicles (1 light duty wrecker, 1 medium duty wrecker, 1 medium duty rollback, 1 heavy duty wrecker) is required to meet the above specifications. Ownership or lease must be maintained at all times on all tow vehicles used to provide service for the Conway Police Department while in the rotation.

- C. Vehicles used by participating tow companies shall be equipped with the equipment required by Rule 7 (“Equipment Requirements”) as promulgated by the Arkansas Towing and Recovery Board’s *Rules and Regulations* (Arkansas Code Annotated § 27-50-1201 et seq.), and those additional items commonly used in towing and recovery industry.
- D. If a company is selected as a provider, owner(s) and all driver(s) used to provide service for the Conway Police Department will be required to provide proofs of Traffic Incident Management (TIM) responder training within four (4) months. If the company has already completed Traffic Incident Management (TIM) responder training, copies of certificates / training rosters will need to be included in the application packet.

E. If a company is selected as a provider to provide service for the Conway Police Department, owner(s) will be required to take the following National Incident Management System (NIMS) courses offered by Federal Emergency Management Agency (FEMA). These courses are free of charge, web based, and provides a consistent nationwide template to enable all government, private-sector, and nongovernmental organizations to work together during domestic incidents. Owner(s) will be required to provide proofs of National Incident Management System (NIMS) training within four (4) months. If the company has already completed National Incident Management System (NIMS) training, copies of certificates / training rosters will need to be included in the application packet.

1. IS 700 - National Management System (NIMS), An Introduction
2. ICS 100 - Introduction to Incident Command System (ICS)
3. ICS 200 - ICS for Single Resources and Initial Action Incidents

F. Proof that the company is covered by general liability insurance of at least \$750,000 or the minimum amount required by the Arkansas Towing and Recovery Board, whichever is higher.

G. Company must have the following insurance coverage for on-hook vehicles or Arkansas Towing and Recovery Board required minimum, whichever is higher.

1. Light Duty- \$50,000 limit
2. Medium Duty- \$100,000 limit
3. Heavy Duty- \$200,000 limit

Company providing copies of the certificate of liability insurance will ensure that vehicles to be used while providing services to the Conway Police Department are included on or as an attachment to the certificate with all (general liability, on-hook, etc.) appropriate insurance liability limits.

All packets will be reviewed to the satisfaction of the Conway Police Department designee. Oral interviews with the company may be required at the discretion of the Chief of Police or his / her designee. The applicant company may be placed on a waiting list and activated as provider positions become available.

Combined Services

Two or more companies may join together to provide services pursuant to this request for qualifications; however, the Conway Police Department will recognize both companies as one entity.

Any entity resulting from the combination of two or more wrecker companies must provide written documentation identifying the legal relationship of the entity. Further, representatives of the entity must provide documentation evidencing their authority to execute agreements on behalf of the entity, which legally binds the entity to such agreements. The Conway Police Department shall have a single point of operational contact with the entity that is formed pursuant to this provision.

Two or more companies with the same physical address or with a single point of operational contact will be considered one entity for purposes of the above requirements and for purposes of consideration of placement on the wrecker rotation list as a provider.

Rotation Sequence Determination

- A. The number of providers needed for rotation by the Conway Police Department will be determined by the Chief of Police.
- B. Providers that are selected will be placed in the rotation. The rotational term will sequentially cycle from call to call through the list of providers and will repeat once the cycle is completed.

Requirements of Providers:

To achieve and maintain provider status, providers must agree to conform to the following regulations and specifications. Failure to conform to these regulations and specifications will constitute grounds for summary removal of the provider from the Conway Police Department rotation.

- A. Shall provide a base of operations and secured storage area within the city limits or extraterritorial jurisdiction of the City of Conway and be accessible to the public.
- B. Must have a secure storage area to prevent entrance by unauthorized person(s) and must hold itself responsible for any theft or vandalism to vehicles or other property within its control. The perimeter of all storage areas used by the provider shall have fencing installed. The fencing shall be of a chain-link type or equivalent, six (6) feet or higher in height and topped by no fewer than two (2) strands of barbed or razor wire.
- C. Storage Area Surveillance – Providers who maintain storage areas are required to have monitored video surveillance and continuous record capabilities. Providers shall make available video surveillance recordings to any Conway Police Department officer upon request. Video surveillance video must be maintained for a minimum of thirty (30) days.
- D. Any change of ownership or change in company name shall require the company to reapply to be added as a provider to the rotation list.
- E. Providers shall hold the City of Conway and the Conway Police Department harmless for damages to towed vehicles, theft of towed vehicles, and items missing from towed vehicles from the time that the provider takes control of the vehicle. The provider agrees to hold the City of Conway and the Conway Police Department harmless of and from any and all liability negligence or from any damage occurring to towed vehicles while the vehicles are in the provider's possession or control regardless of provider's negligence.
- F. Providers shall be prepared to provide services whenever the Conway Police Department calls for service. If the provider is nonresponsive or fails to arrive within twenty (20) minutes from the Conway Police Department's initial call for services (except for Monday through Friday 6:30 a.m. to 8:30 a.m. and 5:00 p.m. to 7:00 p.m.), then the next provider in the rotation will be contacted for service. If for any reason the provider is delayed in route due to traffic, weather or other adverse highway conditions, police dispatch shall be contacted immediately. During emergencies, disasters, inclement weather, or other times when the provider is unable to provide timely service, the Conway Police Department reserves the right to use the next provider in the rotation. Each provider must, upon request for service by the Conway Police Department, either immediately make available a suitable tow vehicle and qualified operator, or else immediately inform the requesting police department employee that no suitable tow vehicle is available so that services may be obtained from another participating provider if necessary. A provider may not summon the services of another provider to respond to a police call.

- G. Beyond normal business hours, which shall be defined as Monday through Friday between 8:00 a.m. and 5:00 p.m., the provider must allow for the release of vehicles towed for the Conway Police Department seven days per week. The tow company must have a telephone number in the name of their business published in the local telephone directory or accessible through directory assistance and/or the Internet. This number must be answered twenty-four hours a day.
- H. Upon arrival at an accident scene, the provider will stand by so as not to disturb the scene of an accident during the investigative process and will not proceed to work on or remove any vehicle until authorized to do so by a police officer. Any tow vehicle driver or employee of the tow company working outside of the tow vehicle is expected to wear High Visibility Safety Apparel (HVSA) the Code of Federal Regulations (23 CFR Part 634) implemented for Federal Aid Highways. The HVSA Standard: ANSI/ISEA 107-2015 Type R (Roadway) Class 3, compliant with the MUTCD (Manual of Uniform Traffic Control Devices) requirements will be used by providers. Any operator of a tow vehicle is expected to have the working knowledge necessary to operate safely and maintain the equipment used while providing services for the Conway Police Department. All tow operators shall conduct themselves in a professional and courteous manner.
- I. It shall be the responsibility of every provider to remove or provide for the removal of all debris from the street before leaving an accident scene in accordance with Arkansas Code Annotated § 27-31-1405. If vehicle parts or debris are left at the scene of an accident the provider will be notified and will be required to dispatch a clean-up crew immediately at no additional cost to the vehicle owner or the insurance company.
- J. All providers will have appropriate signage identifying the tow company by name, phone number, and address and it shall be easily visible from the road on which the business is located.
- K. Invoices, list of fees or related documents made available to a citizen by the tow company, shall indicate that a complaint concerning services provided, should be made to the Office of the Chief of Police or the designee, telephone number 501-450-6126.
- L. The provider shall be in possession of a current "Non-Consent Permit" as issued by the Arkansas Towing and Recovery Board, as mandated by Arkansas Code Annotated § 27-50-1201. The provider shall also hold any and all permits that may be required by other state laws. A copy of the Non-Consent Permit shall accompany the company's application to the Conway Police Department. Such permits shall be displayed at the place of business or on the tow truck as prescribed by law. Providers shall be in full compliance with all state and local license requirements, Arkansas Code Annotated § 27-50-1101, and be properly permitted and in good standing with the Arkansas Towing and Recovery Board. Provider must report any change in status immediately to the Conway Police Department Chief of Police or designee.
- M. All Providers participating in the rotation list must carry valid insurance for all tow vehicles in compliance with this rule and the Arkansas Towing and Recovery Board requirements. All insurance must meet or exceed the limits required by this policy. If required insurance is terminated for any reason, the provider will be immediately notify the Conway Police Department and be removed from the rotation and cease all services.
- N. Providers will list the Conway Police Department as a Certificate Holder on the insurance certificate(s) and provide proof of such. When insurance policies are updated or renewed the provider will provide proof of such.

- O. No provider shall accept a call for service if the tow vehicle operator is under the influence of any substance that could cause impairment.
- P. While conducting business for the City of Conway, the owner, or owners and any employee of the provider's towing business shall comply with all federal and state laws.
- Q. The owner, or owners, and any employee of the provider towing business shall comply with all requirements of the Conway Police Departments policy concerning Regulations, Specifications, & Authorizations for Approved Towing and Recovery Rotation.
- R. Any disciplinary action taken against the provider by the Arkansas Towing and Recovery Board will be reported immediately to the Conway Police Department Chief of Police or designee. Results of all appeals contesting the Arkansas Towing and Recovery Board disciplinary actions will be reported immediately to the Conway Police Department Chief of Police or designee.
- S. As a provider, owner(s) and all driver(s) used to provide service for the Conway Police Department will be required to provide proofs of Traffic Incident Management (TIM) Responder Training within four (4) months. When the Provider has completed Traffic Incident Management (TIM) Responder Training, copies of certificates / training rosters will need to be provided to the Conway Police Department Chief of Police or designee. Traffic Incident Management (TIM) Responder Training will be a requirement should the provider hire new employees used while providing services to the Conway Police Department.
- T. As a provider, all owner(s) used to provide service for the Conway Police Department will be required to take the following National Incident Management System (NIMS) courses offered by Federal Emergency Management Agency (FEMA). These courses are free of charge, web based, and provides a consistent nationwide template to enable all government, private-sector, and nongovernmental organizations to work together during domestic incidents. Owner(s) will be required to provide proofs of National Incident Management System (NIMS) training within four (4) months of becoming a Provider.
 - 1. IS 700 - National Management System (NIMS), An Introduction
 - 2. ICS 100 - Introduction to Incident Command System (ICS)
 - 3. ICS 200 - ICS for Single Resources and Initial Action Incidents
- U. If the provider has a change in towing equipment (new, leased, etc.) used while providing services to the Conway Police Department during the rotation period they must submit copies of the following: vehicle registration, Approved Tow Vehicle Safety Equipment Inspection Forms, insurance certificates and a copy of the North American Level 1 DOT Inspection Forms to the Conway Police Department designee. Three photos of each tow vehicle must accompany each inspection sheet (front, rear, entire driver's side for verification of tow vehicle type and proper markings).
- V. Providers will notify the Conway Police Department designee if a tow vehicle assigned to the non-consent rotation becomes disabled due to mechanical failure, motor vehicle accidents, or other issues not specified. It will be at the discretion of the designee, upon reviewing all information provided and how long it will take to get the tow vehicle back in service, what action to take.
- W. Voluntary Removal: A provider may remove itself from the rotation list by giving the Conway Police Department written notice from the owner(s) or authorized representative.
- X. All Providers must agree not to discriminate against any individual on the basis of race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, or genetic information while providing services to the Conway Police Department.

Towing, Storage, and Other Allowable Fees.

A. LIGHT DUTY TOW:

1. The towing of a vehicle with GVWR of zero (0) through ten thousand (10,000) pounds, including but not limited to motorcycles, ATV's, and scooters. In city limits or extraterritorial jurisdiction tow charge will not exceed \$175.00.
2. Winch fee per ½ hour (if needed) will not exceed \$25.00.
3. On-scene time fee will not exceed \$40.00 per hour. On-scene time for the purposes of fee charged, begins after the first 30 minutes and is charged per vehicle on scene, not per provider employees on scene.
4. Storage per 24 hour period (outside) will not exceed \$30.00.
5. Storage per 24 hour period (inside) will not exceed \$50.00.
6. Storage fee per any 24 hour period (combination of inside and outside) will not exceed \$50.00.
7. Provider will be required to sweep and haul away all debris, glass, and metal parts of automobiles damaged at the scene of an accident. Clean up fees if needed will never exceed \$25.00 per call and a \$10.00 charge if oil dry is used.

B. MEDIUM DUTY TOW:

1. The towing of a vehicle with GVWR of ten thousand one (10,001) pounds through twenty six thousand (26,000) pounds. In city limits or extraterritorial jurisdiction charge will not exceed \$200.00
2. Winch fee per ½ hour (if needed) will not exceed \$60.00.
3. On-scene time fee will not exceed \$125.00 per hour. On-scene time for the purpose of fee charged, begins after the first 30 minutes and is charged per vehicle on scene, not per provider employees on scene.
4. Storage per 24 hour period (outside) will not exceed \$30.00.
5. Provider will be required to sweep and haul away all debris, glass, and metal parts of automobiles damaged at the scene of an accident and any cargo that has spilled onto the roadway. Clean up fees if needed will never exceed \$25.00 per call unless there is cargo spillage and an itemized bill will be prepared detailing the cost to the customer. An additional \$10.00 per bag may be charged if oil dry is required for fluid clean-up.

C. HEAVY DUTY TOW:

1. The towing of a vehicle with GVWR of twenty six thousand one (26,001) pounds or more, but not exceeding an actual gross weight of eighty thousand (80,000) pounds, including but not limited to buses, straight trucks, trailers, refuse trucks, construction vehicles, semi-trailers, and tractor-trailer combinations. In city limits or extraterritorial jurisdiction charges will not exceed \$475.00.
2. Winch fee per ½ hour (if needed) will not exceed \$165.00.
3. On-scene time fee will not exceed \$125.00. On scene time begins after the first 30 minutes and is charged per vehicle on scene, not per provider employees on scene.
4. Storage per 24 hour period (outside) will not exceed \$60.00 for semi-tractor.
5. Storage per 24 hour period (outside) will not exceed \$60.00 for semi-trailer.
6. Provider will be required to sweep and haul away all debris, glass, and metal parts of automobiles damaged at the scene of an accident and any cargo that has spilled onto the roadway. Clean up fees if needed will never exceed \$60.00 per hour per employee needed for cleanup. An additional \$10.00 per bag may be charged if oil dry is required for clean-up. If specialized equipment is needed for clean-up of the cargo, an itemized bill will be prepared for customers to show charges.

D. Additional Recovery Service:

1. Recovery Type I: Service provided to vehicles that cannot be pulled due to missing axles or rims or because there are not enough inflated tires to permit a tow.
2. Recovery Type I Fees:
 - a. Light Duty Wrecker Recovery Type I - \$88.00 flat rate recovery fee may be charged.
 - b. Medium Duty Wrecker Recovery Type I - \$100.00 flat rate recovery fee may be charged.
 - c. Heavy Duty Wrecker Recovery Type I - \$238.00 flat rate recovery fee may be charged.
3. Recovery Type II: Service provided to vehicles that require retrieval from off-road sites that are situated:
 - a. In a body of water.
 - b. On steep grade embankment.
 - c. In an overturned status.
 - d. In an adjacent non-roadway area not encompassed within the public right-of-way that is difficult to access such that the vehicle cannot be loaded in one operation without repositioning the tow truck or without winching the vehicle, as explained on the wrecker company's ticket.
4. Recovery Type II Fees:
 - a. Light Duty Wrecker Recovery Type II - \$175.00 flat rate recovery fee may be charged.
 - b. Medium Duty Wrecker Recovery Type II - \$200.00 flat rate recovery fee may be charged.
 - c. Heavy Duty Wrecker Recovery Type II - \$475.00 flat rate recovery fee may be charged.
5. If additional specialized equipment or vehicles are needed for recovery, an itemized bill will be prepared for customers to show charges.

E. Additional Fees as Authorized by the Chief of Police

1. The Chief of Police may authorize temporary or additional fees. Providers will be notified in writing of any authorized additional fees and conditions that are approved.

F. Releasing of Vehicles:

1. After a vehicle has been placed in the storage area, provider may charge an additional fee of no more than \$30.00 to release the vehicle between the hours of 6:00 p.m. and 8:00 a.m. or on Sundays or federally recognized holidays where federal employees are not scheduled to work. No additional fees may be charged to release vehicles during periods other than those stated above.
2. Once the Conway Police Department releases any hold on personal property not affixed to the towed vehicle, the provider, unless they can show just cause, shall release personal property to the rightful owner. Nothing herein shall be construed to require a provider to forfeit or relinquish its possessory lien as established under Arkansas law.
3. Administration Fee: Any administration fee charged shall not exceed \$35.00 per tow.
4. Notification Fee: Any notification (letter) fee charged will be in accordance with the Arkansas Towing and Recovery Board rules and regulations.
5. Crash wraps or tarp(s): Wraps or tarp charges will not exceed \$10.00 for any class of vehicle. Provider will note on tow slip the name of the City employee or citizen

- who requested tarp or wrap.
6. City-Owned Vehicles: When Services are performed within the City limits involving city-owned light vehicles, services will be at no charge to the City. Charges and fees will apply for services performed on City-owned medium and heavy vehicles or City-owned light vehicles outside the City limits.

Vehicle Holds

When the Conway Police Department places an official hold on a vehicle, the agent or owner must secure a written release from the Conway Police Department. The storage fee for vehicles held for the City will be \$1.00 per day, regardless of who the vehicle is released to. The provider shall not release such a held vehicle without a properly executed, official release from the Conway Police Department.

When the Conway Police Department has no official hold on the vehicle towed by the request of the Conway Police Department and held in custody of the provider, the provider shall provide a copy of the list of permissible and actual charges to the owner or agent of the vehicle custody upon vehicle redemption. This list will have a space in which the agent or owner of the vehicle in custody will sign that she/he has read the list.

Inspections and Reporting Requirements

The Arkansas Towing and Recovery Board requires tow companies to maintain files for a three (3) year period.

All tow slips and related documents will be available for inspection by the Conway Police Department for any tow related complaint by the public from provided services. The provider shall submit to a random inspection of tow documents and storage area for inspection to ensure compliance with this policy. Companies and providers will be subject to inspection of storage areas to ensure compliance with this policy both during submission of initial application, renewal application or random inspection.

Monthly Activity Reports: A provider shall be required to submit separate monthly activity reports for impound tows (non-consensual) to the Conway Police Department designee. Provider reports to the Conway Police Department designee are due by the 5th of each month. Each activity report shall include the following information:

1. Name of Provider;
2. Year, Make, Model, Color and Vehicle Identification Number of vehicle towed;
3. State License Number of vehicle towed (if available);
4. Brief description of condition of vehicle;
5. Class of wrecker used for tow (Class: Light, Medium, Heavy Tow);
6. All rates to be charged, and total amount of tow bill;
7. Date and Time of call from Communications dispatcher;
8. Origin location;
9. Time that provider arrived upon scene and, if waiting time is claimed, the time of commencement of service;
10. Time of departure from scene;
11. Time of arrival at final destination;
12. Physical address of final destination.
13. Description of any additional services rendered (e.g., recovery, waiting, storage, administrative, clean-up, etc.) and a complete description of the actual circumstances

requiring such services. If recovery circumstances are unusual or difficult to describe, photographs should be submitted to the Conway Police Department designee to help document the basis for the additional charge(s).

Monthly Activity Report: A form will be provided by the Conway Police Department to the provider for verification of all non-consensual towing activity for the stated month.

Penalties

Pursuant to Arkansas Code Annotated § 27-50-1219(e) *Suspension from Law Enforcement Non-consent Rotation List.*

(e) Nothing in this act or rule adopted by the board shall be construed to prohibit a law enforcement agency, city, or county from:

- (1) Enforcing any local non-consent towing policies, rules, ordinances, or contracts;*
- (2) Removing a towing company from the local towing rotation list; or*
- (3) Assessing a fine, penalty, or other remedy available by law or under its contracts or policies.*

The provider's place in the rotation is subject to suspension or cancellation at any time by the Conway Police Department.

Any provider that is found to have violated any provision of this policy may be removed from the rotation and banned from reapplying to be placed back in the rotation or future rotations. Violations shall be determined by the Conway Police Department Administrative Review Board.

Administrative Review Board will consist of the following personnel: Support Division Major, Patrol Division Major, Criminal Investigation Division Major, Administration Major, and Office of Professional Responsibility. Administrative Review Board will examine the relevant documents, recordings and/or videos from the investigation.

The Administrative Review Board will determine the consequence of the violation(s). The consequence can vary from a letter of reprimand, suspension during Rotation, removal from the Rotation, and / or being banned from reapplying to be placed back into the rotation or future rotations.

The decision of the Administrative Review Board may be reviewed by the Conway Chief of Police if a review is requested in writing by the provider within five (5) business days of the decision. The decision of the Conway Chief of Police upon review shall be final.

Notification

The City of Conway, its agents, officers, or employees shall not be liable for any personal injury or property damage caused by negligence or failure of the wrecker or towing service to exercise reasonable prudent care in responding to a call or in towing a vehicle for storage or in any damage or loss which may occur while the vehicle is in storage.

Providers / Companies understand that this application and the rules and policies establishing eligibility to participate in the tow rotation is not intended to and does not create any contractual or legal rights. Providers / Companies understand that they can be removed from the rotation list for any reason.

Providers / Companies acknowledge that by submitting an application that there is no expectation of

placement in the Conway Police Department tow rotation and if placed in the tow rotation, there is no promise or guarantee that said placement will continue for any length of time. Any such placement in the tow rotation is subject to cancellation at any time and for any reason.

Additions and Changes to the Policies and Procedures

Providers on the rotation will be informed of any additions or deletions to the Conway Police Department policy relating to the Regulations, Specifications, & Authorizations for Approved Towing and Recovery Rotation.

Pursuant to Arkansas Code Annotated § 27-50-1219 *Suspension from Law Enforcement Non-consent Rotation List*. The Conway Police Department shall provide each Provider towing company participating in the non-consent rotation with a copy of the updated policy and each company owner shall acknowledge in writing that he or she has received a copy of the policy.

APPROVED



Chris Harris
Chief of Police

CALEA Standards: 61.4.3a,b,c

Reference: Wrecker Services Compliant Form CPD 175

ACIC Entry Form CPD Form 61, ACA 27-50-1202, 27-50-1205, 27-50-1204, 27-50-1206