

FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT WRECKER QUALIFICATION AND ALLOCATION SYSTEM	POLICY NUMBER 17.02
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17.02.01 PURPOSE

To establish Florida Highway Patrol policy, procedures, and responsibilities concerning a Wrecker Qualification and Allocation System, provide guidelines for the use of Department forms associated with wrecker operations, provide guidelines for the selection of wrecker operators for placement on rotation lists, and to enumerate the responsibilities of those wrecker operators.

17.02.02 AUTHORITY

Section 321.051, Florida Statutes

Section 323.002, Florida Statutes

Chapter 15B-9, Florida Administrative Code (F.A.C.)

17.02.03 POLICY

It is the policy of the Florida Highway Patrol to design rules to assist private and commercial users of the highways of this State by ensuring that only qualified and reputable wrecker operators and equipment are provided for removal of wrecked, disabled, stolen or abandoned motor vehicles in the event the owner or operator is incapacitated, unavailable or leaves the procurement of wrecker service to the discretion of the member at the scene.

This policy does not apply to a vehicle owner's request for utilization of a specific wrecker operator, whether or not such operator is qualified under these rules. In such event, the owner's request will be honored without resort to this policy unless there will be an unreasonable time delay or a traffic problem exists.

17.02.04 DEFINITIONS

- A. **ABANDONED VEHICLE** – An unattended vehicle, which is directed by a member to be removed because it is improperly parked in violation of Sections 316.194, 316.1945 or 316.1951, Florida Statutes. This shall not apply to an abandoned vehicle being removed because it has been involved in a crash.

- B. **SERVICE CALL** – Any rotation wrecker response in which the removal of the vehicle is not required. Such calls may include but not be limited to changing a flat tire, providing gas or use of jumper cables, assisting in starting a vehicle or unlocking a vehicle.
- C. **WRECKER LOGS** – For the purposes of this policy, the term “wrecker logs” shall mean documented information gathered regarding FHP wrecker calls in both written and electronic (**Computer-Aided Dispatch**) format.
- D. **WRECKER OPERATOR** - The individual, partnership, corporation, or business entity engaged for hire in the recovery, towing or removal of wrecked, disabled, stolen or abandoned motor vehicles. A hired driver or employee shall be considered an agent of the wrecker operator and shall be governed by Ch. 15B-9 F.A.C. and this policy.
- E. **ZONE** – For the purposes of this policy, a zone shall mean an area designated by a troop commander, pursuant to Rule 15B-9.003, F.A.C.

17.02.05 OBJECTIVES

- A. To safeguard property in those cases where the actual owner or person in charge of such property is for any reason unable to provide ordinary care and protection for such property.
- B. To protect those persons who actually remove and take custody of a vehicle towed by authority of the Florida Highway Patrol.
- C. To protect the interests of the Florida Highway Patrol.
- D. To provide a record of towed vehicles.
- E. To provide a record of recovered stolen vehicles.

17 02.06 PROCEDURES

A. **CALL ALLOCATION SYSTEM**

1. Each Troop Commander shall divide his/her troop into zones with clearly defined boundaries for the purpose of establishing wrecker rotation lists in the appropriate Regional Communications Center (RCC). The Troop Commander’s decision shall be reviewable by the Director or designee.
2. Wrecker requests from the member will be transmitted to the Regional Duty Officer (RDO). The member will ascertain from the owner/driver of the vehicle to be towed if they have a preference of a wrecker operator. If they have an owner’s request, the member shall advise the RDO to call that wrecker operator, regardless of whether or not they are on the rotation list. If they have no particular request of a wrecker operator, the member shall advise the RDO to dispatch the next rotation wrecker for that zone and class.

3. Members will advise the RDO of the nature of the wrecker request and any subsequent changes in or cancellation of the request for documentation in the CAD and wrecker log.
4. Wrecker operators located within a zone, as defined herein shall be called by RCC personnel for the removal of a wrecked, disabled, stolen, or abandoned vehicle according to the operator's placement on the wrecker rotation list for that zone and according to the wrecker classification for the size of the vehicle to be towed. An operator shall respond to a call with a tow truck classified to meet or exceed the size of the vehicle to be towed.
5. Companies included on the Florida Highway Patrol Wrecker Rotation list are expected to respond to every type of call, including but not limited to the following:
 - a. All service calls;
 - b. Disabled, stolen or abandoned vehicle calls;
 - c. Wrecked vehicle calls; and/or
 - d. Vehicle calls resulting from arrests.

Wrecker operators may not choose which type of call they wish to respond to once contacted by the FHP.

In instances where wrecker operators opt not to take a call and the question arises as to whether the company should be rotated or not, the RDO shall not delay the call for service, but shall instead, call the next rotation wrecker available.

The RDO shall then notify the Duty Officer Supervisor (DOS) who will make note of those operators opting not to take specific calls. The DOS, in turn, will forward this information to the Troop Commander or his/her designee for follow-up with the wrecker company.

Companies who opt not to take specific types of calls shall be put on notice by the Troop Commander or his/her designee that removal from the FHP Rotation list may occur unless this practice is not amended.

6. A member shall not advise the RDO to tell a wrecker operator to respond "10-18" (emergency) to a scene.
7. The investigating member may call for specialized recovery equipment on a nearest available basis, in the event specialized recovery needs cannot be met by the wrecker operators within the given zone. The member shall advise the RDO the reason for such request for documentation in the CAD and wrecker log.

8. The member shall use sound judgment when requesting Slide-Back or Roll-Back Carriers as there is not a separate classification (class) or rotation list for these type wreckers. A request for a carrier wrecker may necessitate calling a wrecker operator out of the rotation from the list and this procedure, if used, must be justified and documented. In most instances, a typical wrecker with a wheel-lift or dollies will be able to accomplish most removal tasks for their class of wrecker.
9. For multiple car crashes involving multiple disabled vehicles, the member shall advise the RDO of the total number of wreckers needed to separately remove each vehicle. The RCC personnel shall call the wrecker operator on top of the rotation list and advise him/her of the total number of Division approved wreckers needed from that operator to accomplish the removal. If the wrecker operator in the zone lacks the capacity within the zone to remove all of the vehicles, he/she shall nevertheless be called and additional wrecker operators called, as needed, from the rotation list.
10. The first wrecker on top of the rotation list shall have a choice of wrecked vehicles. If the first listed wrecker does not arrive on the scene within a reasonable time, the investigating member will assign vehicles to available wrecker operators. The first wrecker on the scene may be required to move the vehicles from the roadway, and such movement will not affect the choice of wrecked vehicles. No fee shall be charged for such service.
11. Wrecker operators shall be on-call 24 hours a day, seven days a week. Wrecker operators may request to be taken temporarily off the list once within a 90-day period (HSMV 60312). The wrecker operator is to be placed on the bottom of the wrecker rotation list upon return to service.
12. An answering service or pager shall not be permitted except as provided in this section. The Troop Commander or his/her designee may approve the use of an answering service by a wrecker operator if, due to the limited number of operators in a zone, no undue burden is placed on the Division. The wrecker operator must acknowledge the rotation call by contacting the RCC within five minutes after the rotation call was received by the answering service. If the wrecker operator does not acknowledge the call as required, the RDO shall cancel the call, rotate the wrecker operator to the bottom of the list and request the services of the next available wrecker operator.

B. ROTATION OF WRECKER OPERATORS

1. Wrecker operators will be called in succession from the top of the rotation list. Following each call, a wrecker operator will be rotated to the bottom of the list, unless it is an owner's request call or a service call. Owner's request for wrecker operators will not

be rotated and such operators will maintain their position on the list.

2. Wrecker operators are prohibited from calling the RCC to ascertain their current placement on the rotation list.
3. Members will not inquire of the RDO as to which rotation wrecker operator is next on the list. This could lead to accusations or suspicions of "picking" wreckers from the rotation list to suit a member's personal wishes.
4. The member may cancel a request for services of a participating wrecker operator at any time. In the event of cancellation, the wrecker operator will not be rotated, but will maintain its position on the rotation list. In all cases of cancellation of service of a wrecker operator, the member shall advise the RDO the reason for cancellation for documentation in the CAD and wrecker log.
5. Out-of-zone wrecker requests are permitted only in the event of an emergency or the absence of an approved wrecker of proper classification within the crash or removal zone. In the event of specialized recovery equipment requirements not otherwise met by the wrecker operators within the given zone, the RCC personnel may call specialized recovery equipment on a nearest available basis. If an out-of zone wrecker is utilized under these conditions, the wrecker shall be rotated. An owner/driver may not request a rotation wrecker from another zone. However, they may make an owner's request, by name, from another zone.
6. When a wrecker responds to a rotation wrecker call and determines that he/she cannot handle the removal with their own company approved wrecker(s) and equipment, they shall not be allowed to call a different wrecker, whether that operator is approved or not, to assist them. The wrecker company shall be rotated to the bottom of the rotation list and the next rotation wrecker for that zone will be called. However, Class C operators may utilize approved Class C units from adjacent zones or another Class C operator, provided the response time is reasonable.
7. When a wrecker operator responds to a rotation wrecker call and removes a vehicle from the scene, he/she will be rotated to the bottom of the rotation list. However, when a wrecker removes an abandoned vehicle as defined in this policy, the wrecker operator shall not be rotated to the bottom of the rotation list, but shall remain at the top of the list for the next available call.
8. When a wrecker operator is called to a crash scene as a rotation wrecker call for a bicycle, the wrecker operator shall not be rotated to the bottom of the rotation list. The wrecker operator shall remain at the top of the list for the next available call. If a rotation wrecker is called for a bicycle subsequent to an arrest or

other incident excluding a traffic crash, the wrecker operator will be rotated to the bottom of the list. In any case, if the agency incurs towing costs as a result of towing a bicycle, the wrecker will be rotated. When the agency incurs towing costs for a bicycle, a supervisor will notify the appropriate RCC to rotate the wrecker company to the bottom of the list.

C. ROADSIDE SERVICE/MOTORIST AID CALL BOXES

The wrecker rotation list shall be used for all "roadside service requests" in the absence of an owner's request. The wrecker call shall be logged the same as any other wrecker rotation call. However, the wrecker operator that renders services rather than towing a vehicle shall not be rotated to the bottom of the rotation list but shall remain at the top of the list for the next available call.

D. WRECKER REQUIREMENTS ON-SCENE

As required by Section 316.2044(2), Florida Statutes, wrecker operators removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

17.02.07 REGULATIONS

A. APPROVED ROTATION WRECKERS

Each wrecker operator must make application (HSMV 60315) to the Division for inclusion on the wrecker rotation list. All wreckers, equipment, operators and facilities shall be inspected by a Division designee and approved by the local Troop Commander or his/her designee to ensure they meet the Division's requirements. This investigation shall include at a minimum, background checks; driver's license status/record checks; and inspection of the applicant's wrecker(s), equipment and facilities prior to being placed on the rotation list according to zone and class.

AS A REMINDER, FCIC/NCIC CANNOT BE USED TO CONDUCT CRIMINAL HISTORY CHECKS ON WRECKER OPERATORS OR DRIVERS PER FCIC/NCIIC RULES AND FLORIDA STATE STATUTE 943.05, WHICH DEFINES CRIMINAL JUSTICE PURPOSES. HOWEVER, FCIC/NCIC CAN STILL BE USED TO CHECK FOR ACTIVE WANTS AND WARRANTS ON NEW WRECKER DRIVERS OR OPERATORS.

1. All wreckers and equipment shall be inspected by a Division designee (District/Troop Lieutenants) and approved by the local Troop Commander to ensure they meet the Division's requirements before being placed on the rotation list according to zone and class.

- a. Due to federal regulations, Commercial Vehicle Enforcement (CVE) members cannot be utilized for these types of wrecker inspections.
 - b. Annually, Troop Commanders or their designee shall ensure that each wrecker on the Division's rotation wrecker list under their command is inspected to confirm continued compliance with these regulations.
 - c. The annual wrecker inspections shall occur between the months of September and December and during this time frame, the responsible Troop Commander or designee will also ensure that the required wrecker files are complete and up to date. (See Section 17.02.07(E)(2) for required file documents.)
 - d. As part of this annual inspection, wrecker operators' advertisement and signage shall be reviewed for any violations of Rule 15B-9.005(4), F.A.C. (Advertising a Relationship with the FHP and other Police Agencies).
2. If the wrecker operator responds with a non-approved wrecker, he/she shall be denied the call, rotated to the bottom of the list and the next wrecker called from the rotation list. The member shall advise the district supervisor in charge of wrecker inspections of any non-approved wreckers, equipment or operator violations.
 3. Per Rule 15B-9.005, F.A.C., the specifications and required equipment for all classifications of wreckers shall include the following:
 - a. A cradle, tow plate or tow sling to pick up vehicles;
 - b. Dual rear wheels;
 - c. Clearance and marker lights and all other equipment as required by Chapter 316, F.S.;
 - d. A rotor-beam or strobe-type light, amber in color, mounted on the wrecker in such a manner that it can be seen from the front, rear, and both sides.
 - e. The name, address, and telephone number of the wrecker operator for the zone in which the operator is qualified must be painted or permanently affixed in a conspicuous place on both sides of the trucks;
 - f. At least one heavy duty push broom with a minimum width of 24 inches;
 - g. One square shovel;

- h. One ax;
- i. One crowbar or pry-bar with a minimum length of 30 inches;
- j. A minimum of one, five-pound CO₂ or dry chemical fire extinguisher or equivalent; (The fire extinguisher must be an approved type, properly charged, and have a current inspection tag attached.)
- k. One pair of bolt cutters with a minimum opening of one-half inch;
- l. One set of jumper cables;
- m. One four-way lug wrench;
- n. One operative flashlight;
- o. Five 30-minute fusees;
- p. At least three safety cones or triangle reflectors;
- q. 50 pounds of sand or equivalent;
- r. One snatch block for each winch with manufacturer's rating to match winch; and,
- s. Extra towing chain six to eight feet in length with hooks.

B. UNAUTHORIZED WRECKERS

Pursuant to section 323.002, Florida Statutes, anytime a member makes contact with an unauthorized wrecker, the member, RCC personnel and Crash Records Clerks shall adhere to the following procedures:

1. The member shall immediately remove and impound the unauthorized wrecker and take appropriate enforcement action on the unauthorized wrecker operator.
2. The impounding Trooper shall complete the Vehicle Inventory Tow Sheet and the applicable section of the Unauthorized Wrecker Release (UWR) Form (HSMV 60317). The Trooper shall make a notation on the Tow Sheet that there is a hold placed on the vehicle until the cost recovery fine for the unauthorized wrecker is paid (which can be longer than five days). The Trooper shall notify the rotation wrecker operator and RCC personnel of the hold, and document as such on the UWR Form.
3. The Trooper shall inform the unauthorized wrecker operator of the hold placed on the vehicle and explain the procedures he/she must follow to regain possession of the vehicle.

4. The Trooper shall email the UWR Form to the District Crash Records Clerk(s) and cc his/her chain of command up to the Troop Commander. Do not provide the rotation wrecker operator or the unauthorized wrecker operator with the UWR Form.
5. The RCC personnel shall ensure all CAD information regarding unauthorized wreckers is complete and accurate.
6. Upon receipt of the emailed UWR Form, the District Crash Records Clerks shall place the form in the "pending action" file, where it will be accessible when the unauthorized wrecker operator comes to the FHP Station to pay the cost recovery fine.
7. Crash Records Clerks shall receive the cost recovery fines remitted by the unauthorized wrecker operator, and a receipt for same shall be issued from a triplicate receipt book. Clerks shall write the FHP case number and check number (if applicable) on the triplicate receipt.
8. Payment of cost recovery fines for unauthorized wreckers must be a cashier's check or money order only. No cash, personal checks or business checks shall be accepted for payment of unauthorized wrecker cost recovery fines.
9. Upon payment of the required cost recovery fine, the District Crash Records Clerk shall notify the impound yard and the RCC to advise them to release the hold on the vehicle.
10. The Crash Records Clerk shall complete the other section of the UWR Form, obtain a signature of a sworn member, and provide the unauthorized wrecker operator with the original UWR Form.
11. A copy of the completed form shall be kept on file in troop headquarters for audit purposes. The District Crash Records Clerk shall also scan/email a copy to the RCC Manager. The RCC Manager shall ensure the CAD notes reflect that the hold was released.
12. The Crash Records Clerk shall advise the unauthorized wrecker operator that he/she will need to go to the impound/storage lot and pay the fees associated with the removal and storage of the unauthorized wrecker in order to get the vehicle back into his/her possession pursuant to Subsection 323.002(3)(c), Florida Statutes.
13. Unauthorized wrecker cost recovery fines received by Crash Records Clerks shall be secured and reviewed by Supervisors in the same manner as crash records fees, and deposited weekly according to established procedures. Unauthorized wrecker cost recovery fine monies received and deposited shall be listed separately on the weekly FHP Field Deposit Report (HSMV 62053).

B. WRECKER ZONES

All Division approved wreckers shall be placed on the wrecker rotation list according to the zone in which the business is located. For the purpose of investigation/inspection as specified above in (A), each Florida Highway Patrol RCC shall maintain a separate wrecker rotation list for each wrecker zone within the appropriate district(s).

C. WRECKER CLASSIFICATION (CLASS)

Each Florida Highway Patrol RCC shall maintain a separate wrecker rotation list for each classification of wrecker. The only classification (classes) of wreckers are "A", "B", and "C". There are no other classes of wrecker approved to be utilized by the RCCs. RCC personnel shall not create a "Class __" wrecker with a new rotation list.

The classification of each wrecker is governed by manufacturer's rated capacities of the tow truck and the weight of the vehicle to be towed. The following specifications and requirements shall apply:

1. **Class "A" Wrecker** - (To be used for the removal of cars, light duty trucks or vehicles weighing 10,000 pounds gross vehicle weight - GVW or less.) It shall consist of a truck chassis with a manufacturer's rated capacity of at least 10,000 pounds GVW with a boom and winch(es) having a manufacturer's combined rating of at least 4 ton capacity mounted on the chassis. In addition, operators who wish to remove cars and light trucks may use Roll-Back or Slide-Back carriers.
2. **Class "B" Wrecker** - (To be used for the removal of medium duty trucks or vehicles weighing 20,000 pounds GVW or less.) It shall consist of a truck chassis with a manufacturer's rated capacity of at least 20,000 pounds GVW with a boom and twin winches having a manufacturer's combined rating of at least 10 ton capacity mounted on the chassis.
3. **Class "C" Wrecker** - (To be used for the removal of heavy duty trucks, house trailers, buses, etc., weighing over 20,000 pounds GVW.) It shall consist of a truck chassis with a manufacturer's rated capacity of at least 30,000 pounds GVW and 50,000 pounds GVW for tandem axle trucks with a boom and twin winches having a manufacturer's combined rating of at least 25 ton capacity mounted on the chassis.
4. **Roll-Back/Slide-Back Carrier** - (To be used for the removal of passenger cars, light trucks, small trailers, burned vehicles, boats and other cargo without causing further damage.) It shall consist of a flatbed-type body, which hydraulically slides back on the frame until it reaches ground level to facilitate loading by use of a winch, which is used to pull or slide the vehicle on the transporter. It shall consist of a truck chassis with a manufacturer's rated capacity of at least 10,000 pounds GVW, with a minimum of a 16-

foot bed, dual rear wheels and a winch with at least 8,000 pound capacity. **This is not a separate class of wrecker.**

D. MAXIMUM RATES CHARGED BY ROTATION WRECKER OPERATORS

1. Except where towing and storage rates are established by a county or municipal commission, rates will be set by the Division and shall consist of the following rate schedule. Separate rates may be established for each tow truck classification.
 - a. Base Rate - The basic charge for responding to a call within a 10-mile radius from the wrecker operator's place of business. It includes attaching to the disabled vehicle and towing it to a place of storage. It also includes no more than a 30-minute wait at the crash scene before commencing actual retrieval.
 - b. Hourly Rate - The per-hour charge for use of a wrecker in retrieving submerged vehicles, uprighting overturned vehicles, retrieval from ditches or the attachment of dollies. It does not include travel time or the first 30 minutes of working or waiting on the scene. There shall be no separate charge for winching
 - c. Mileage - The rate charged per mile for travel or towing outside of the 10-mile radius from the wrecker operator's place of business.
 - d. Daily Outside Storage Rate - The daily rate for a vehicle in outside storage based on a 24-hour day, each day starting at 12:01 a.m. The initial six hours of storage shall be without charge. Thereafter, the daily rate will apply and any fraction of a day will count as a full day.
 - e. Daily Inside Storage Rate - The separate charge for inside storage according to the same criteria as set forth above for outside storage.
2. When a wrecker responds and performs a service call, he/she may charge a fee not to exceed \$35. The fee does not include the cost of parts or labor required for any authorized vehicle repair made at roadside. A wrecker operator shall not charge the base towing rate fee for a call resulting in service only to a disabled motorist that does not involve towing the vehicle from the scene.

E. WRECKER FILES AND WRECKER LOGS

1. Each Florida Highway Patrol District/Sub-District Headquarters shall maintain wrecker files and wrecker logs (HSMV 61131) until the requirements of the General Records Schedule GS2 – Law Enforcement Records are satisfied. There shall be an individual wrecker file kept on all approved wrecker operators that

participate in the Division's Wrecker Qualification and Allocation System.

Districts shall maintain these records in either a paper or electronic format. If electronic records are kept, the files shall be backed up in accordance with DHSMV Policy on a monthly basis.

2. Each wrecker file shall include, but not be limited to, the following information:
 - a. Application for inclusion on the wrecker rotation list form;
 - b. Current insurance certificate;
 - c. Wrecker insurance statement of compliance;
 - d. Annual wrecker inspection form(s);
 - e. Wrecker driver information form;
 - f. Approval for inclusion (letter from Troop Commander or designee);
 - g. Notice of non-compliance form (insurance requirement);
 - h. Notice of suspension form(s) (if applicable);
 - i. Order to Show Cause (if applicable);
 - j. Administrative actions taken by the Department (if applicable).
3. RCC personnel shall be responsible to maintain all Wrecker Log information in the CAD system.

F. DISCIPLINARY ACTION FOR NON-COMPLIANCE

1. When a wrecker operator violates any provisions of the wrecker rules, it shall be grounds for denial of inclusion, removal or suspension from the rotation list.
2. The District wrecker coordinator shall consult with the Troop Legal Advisor regarding non-compliance issues.

<p>REMINDER: Members observing any violations of this policy and/or Chapter 15B-9, Florida Administrative Code; Wrecker Qualifications and Allocation System Rules, by the various wrecker companies on the FHP Rotation Wrecker list shall notify the District Supervisor in charge of Wrecker Inspections as soon as practicable.</p>
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3. Generally, for violations of the wrecker rules that do not pose an immediate threat to the safety, health and welfare of the public or for violations which do not have specific penalties stated in the rules, the violators will receive an Order to Show Cause for first offenses. The Troop Commander shall consult with the Troop Legal Advisor who will prepare the Order to Show Cause. The purpose of the Order to Show Cause is to formally notice the wrecker operator that action will be taken to suspend or remove the wrecker operator from the rotation list unless the wrecker operator complies with the wrecker rules. It also allows the wrecker operator an opportunity to prove that he/she has not violated the wrecker rules or had a valid reason for the violation.
4. If a wrecker operator fails to respond to the Order to Show Cause or continues to violate the wrecker rules, a request for suspension or removal of the wrecker from the wrecker rotation list shall be prepared. . The request for suspension or removal shall be prepared by the Troop Legal Advisor. The Troop Commander shall forward the completed documents through the chain of command to the Director or designee.
5. In cases where a wrecker operator is immediately suspended from the wrecker rotation list per the emergency provisions of the wrecker rules, the Director or designee shall be immediately notified via the chain-of-command of the action taken. A complete report and all supporting documentation are to be forwarded through the chain-of-command to the Director or designee.
6. Per Rule 15B-9.008, F.A.C., the Regional Commanders are designated to serve as the hearing officer for Division proceedings held by the Division to deny, suspend, or remove a wrecker operator from participating in the wrecker rotation system.