

# HAMILTON COUNTY SHERIFF'S OFFICE TOWING AGREEMENT

This Tow Service Agreement contains rules and regulations that a company agrees to comply with in order to receive a rotation tow listing with the Hamilton County Sheriff's Office. For clarification purposes, words in all capital letters are defined in Attachment A. Attachment B contains a summarized listing of some of the Indiana and Federal laws applicable to all tow companies in the State of Indiana. Attachments C-F contains instructions for completing required application forms. It should also be understood that the purposes of these requirements are to upgrade the level of service provided to those who travel through this County, to decrease delays caused by highway incidents, and to raise the level of safety for the motoring public.

## **I. TOWING AREAS**

- A. The Hamilton County Sheriff's Office shall establish TOWING AREAS for each category of tow truck to facilitate the distribution of calls and meet the needs of the County with regards to response time and available tow services. Within each TOWING AREA, the Sheriff shall determine maximum response time, enrollment period, reasonable rates, and any applicable waiver of requirements.
- B. Should a waiver of requirement be granted by the Sheriff, it shall be in effect no longer than six months following the application by, and acceptance of, an OPERATOR who meets all other requirements of the agreement. Upon expiration of the six-month period, agreements with OPERATORS who fail to meet the minimum requirements of the agreement shall be terminated.
- C. The TOWING AREA will be geographically defined by Townships. The areas will be based on the number and locations of approved OPERATORS. The OPERATORS will be advised of the area boundaries. TOWING AREAS are subject to change at any time deemed necessary by the Sheriff.

## **II. ROTATION LISTS**

- A. Within each TOWING AREA, the Hamilton County Sheriff shall maintain rotational tow lists to ensure an equitable distribution of calls.
- B. An OPERATOR may receive placement on more than one towing category rotation list provided that:
  - 1. The OPERATOR makes a request for placement in multiple categories.
  - 2. The OPERATOR meets the requirements for that category.
  - 3. There is an available opening on the list in that category.
  - 4. The OPERATOR is approved for placement in that category by the Sheriff.
- C. Regardless of the category of tow truck, charges shall not be more than the category of vehicle towed or serviced, except when recovery operations require a larger category of truck.
- D. A call to an OPERATOR shall constitute one turn on the list and the OPERATOR shall be moved to

the bottom of the list. This includes when the OPERATOR fails to answer the phone, is unable to respond, or is cancelled due to excessive response time. If it is determined that the OPERATOR is not needed and is cancelled by the Sheriff's Office, up to and including arrival at the scene, there shall be no charges and the OPERATOR will be placed back on top of the list.

- E. If hook up or service has begun and is cancelled by the vehicle owner or agent there shall be no charge and the OPERATOR shall be placed back at the top of the list.
- F. If two or more OPERATORS are called to the same incident, distribution of the vehicles shall be at the discretion of the Hamilton County Sheriff on-scene OIC.
- G. The Hamilton County Sheriff's Office on-scene OIC may direct an OPERATOR to move vehicles to help clear a roadway or for lifesaving operations. OPERATORS shall provide the requested assistance.
- H. A Hamilton County Sheriff's Office OIC may direct an OPERATOR to dispatch more than one tow truck to a multi-vehicle collision scene in response to a rotation tow call. As a general rule, one OPERATOR will be asked to handle one vehicle involved in a single crash. If that crash involves the use of both Heavy Duty and Light/Medium Duty tow trucks, the choice for both will be made from the Heavy-Duty list and a turn will be recorded for that OPERATOR on both lists. If the OPERATOR from the Heavy-Duty list is not also approved for the Light/Medium Duty list, the next available Light/Medium Duty OPERATOR will be dispatched to the scene for that class of vehicles. Refer to Section VI.D. for more information on sub-contracting of services.
- I. Nothing in this agreement shall prevent a vehicle owner from requesting the service of their choice, if the situation dictates. If the vehicle owner requests a specific towing service for a private tow and that service happens to be on the rotation list, the OPERATOR will not be assessed a turn.
- J. Vehicles being impounded by the Hamilton County Sheriff shall be towed by a PRIMARY list rotation tow truck. The vehicle owner will not have a choice when the vehicle is being impounded.
- K. If a specific tow service has been designated for use in fatalities, homicides, etc. by the County Coroner or lead Investigator, their decision will be used whenever possible and the tow service will be assessed a turn on the list.

### **III. TOW TRUCK CLASSIFICATIONS**

- A. An OPERATOR shall equip and maintain tow trucks covered under this agreement in accordance with the provisions set forth in the Indiana Vehicle Code and consistent with industry standards and practices.
  - 1. Towing vehicles must be registered as a RECOVERY VEHICLE with the Indiana BMV and meet the equipment provisions of IC 9-18.1-16-1 and IC 24-4-6-2. Heavy duty towing vehicles may also be registered as an

APPORTIONED WRECKER if the OPERATOR desires to do so.

2. Each vehicle must also carry provisions to clean off the roadway at crash scenes (i.e., broom, shovel, oil dry, etc.).
3. Each towing vehicle must be clearly marked with the business name to be readily identifiable to an officer on the scene.

B. There will be two classes of tow trucks covered under this agreement, however a "Service Class" may be added later.

**1. Heavy Duty Towing/Recovery Wrecker**

- a. An OPERATOR shall maintain at least one - three axle (or larger) tow truck with a manufacturer's Gross Vehicle Weight Rating (GVWR) greater than 26,001 pounds. The truck shall be equipped with air brakes and must be capable of providing air to the towed vehicle. This class will service the routine towing needs for abandoned, impounded, and trucks/tractors/trailers that are not badly damaged, over-turned or do not require special recovery/towing techniques or equipment.
- b. The OPERATOR must maintain insurance and liability coverage at or above the federal guidelines for Heavy Duty Towing Operators.
- c. An OPERATOR shall maintain at least one 40-ton (or larger) tow truck with a rotating boom and out-riggers for stabilizing the wrecker. This class will service the specialized towing needs of abandoned, impounded, and wrecked trucks/tractors/trailers that are over-turned or that may require special recovery/towing techniques or equipment. The emphasis for this class is to enhance the "interest of public safety" by opening driving lanes of the interstate or state highway faster, requiring the restriction of lanes less frequently, and restricting them for a shorter duration of time. A higher level of performance expectation will be placed on this class of OPERATOR, requiring a higher level of skills, knowledge, equipment, and professionalism.
- d. The OPERATOR must own an air bag recovery system used to assist in up righting overturned tractor-trailer combinations and must be trained and experienced in the system's use. Specific air bags designed for tanker up righting are optional.
- e. The OPERATOR must employ experienced operators that have received special training, covering all aspects of heavy-duty vehicle recovery,

including tanker recovery, hazardous material transporting, recovery winching, load shifting, air bag systems, and single lane up righting techniques. The OPERATOR or a company representative must attend at least one national trade show or one nationally recognized heavy-duty recovery training course annually to help keep the company current on new information in the industry. The OPERATOR must provide documentation of attendance at one of these events. The OPERATOR must also provide a list of recovery qualified drivers with their application.

- f. The OPERATOR must own a "box" type (48 foot minimum) semi-trailer and an "equipment roll off" type (48 foot minimum) trailer with winch that can be used to facilitate the removal of cargo which requires offloading at a recovery site. Additionally, the OPERATOR must own or have immediate access to other specialized equipment such as refrigerated and tanker trailers, mechanical broom street sweeper, livestock trailers and experienced livestock handlers, front-end loaders, fork trucks, etc. used to recover spilled, lost, or damaged loads. Note: A 48-foot or, larger refrigerated semi-trailer may be substituted for the "box" type trailer requirement listed above.
- g. The OPERATOR shall maintain insurance and liability coverage at or above the federal guidelines for heavy duty towing and recovery operators.
- h. The Sheriff may allow some deviation from these standards.
- i. An OPERATOR from this class requiring assistance with the recovery of a vehicle and/or load may only use another approved OPERATOR from this same class. Deviation requires the permission of the at scene Hamilton County Sheriff's Office OIC.

## **2. Light/Medium Duty Wrecker**

- a. An OPERATOR shall maintain a minimum of three - tow trucks with a manufacturers Gross Vehicle weight Rating (GVWR) less than 26000 pounds with wheel lift capability, and one of the three must be a slide bed truck.

C. To properly and safely tow and service the wide variety of vehicles being operated on the highway, a towing procedure may require the use of auxiliary equipment specifically designed for the purpose. This auxiliary equipment should be used when recommended. The OPERATOR should submit a listing

of specialized service and auxiliary equipment available from their business and specify if it is their own or available through sub-contracting and who the sub-contractor would be.

- D. The Sheriff may divide each category into a PRIMARY and an ALTERNATE listing of service providers. Those providers placed on the ALTERNATE list will be only used during periods of high calls for service. ALTERNATE list OPERATORS will NOT be used for impounds. OPERATORS placed on the ALTERNATE list may be moved to the PRIMARY list (and vice versa) at the discretion of the Sheriff.
- E. The OPERATOR shall not respond equipment to a Hamilton County Sheriff's Office call that is not in safe and lawful operating condition.

#### IV. **TOW DRIVERS**

- A. The OPERATOR shall ensure that only qualified and competent tow drivers respond to calls initiated by the Hamilton County Sheriff's Office. Tow drivers shall be at least 18 years old and possess the following minimum Class Driver's License:
  - 1. Heavy Duty Towing/Recovery Wrecker - A valid CDL and valid medical certificate.
  - 2. Light/Medium Duty Wrecker - A valid Chauffeur license or CDL, and valid medical certificate.
- B. The Heavy Duty Towing/Recovery Wrecker CDL must be endorsed to allow operation of special vehicle configurations and/or special cargoes.
- C. The OPERATOR shall maintain a current list of drivers and their license information, which shall be made available to the Hamilton County Sheriff's Office upon request. Copies of all drivers' licenses and medical certificates must be submitted with the application to tow for the Hamilton County Sheriff's Office. Allowing unlicensed or improperly licensed drivers respond to Hamilton County calls will be cause for immediate suspension from the towing list.
- D. It is strongly recommended that all drivers and other towing company employees be required to wear reflective vests or reflective clothing while outside of their vehicle at the scene of an incident.

#### V. **RATES**

- A. Fees charged for response calls originating from the Hamilton County Sheriff's Office shall be reasonable and not in excess of those rates charged for similar services provided in response to requests initiated by any other public agency or private person. The reasonableness of the fees charged will be determined in the following manner:

1. The OPERATOR shall submit their proposed rate to the Hamilton County Sheriff's Office. The Hamilton County Sheriff's Office shall determine the reasonableness of the rate, based upon the proposed rates submitted
  2. Any change in rate must be approved by the Hamilton County Sheriff's Office.
- B. The rate for towing shall be from the pick-up location to the drop off location. As a general rule this should be a flat rate for a drop off anywhere in the assigned TOWING AREA. Destinations outside of the TOWING AREA will be charged on a per mile basis only for those miles beyond the TOWING AREA boundary. Requests for towing to locations outside of the TOWING AREA must be made by the vehicle owner. It is the responsibility of the OPERATOR to inform the vehicle owner of this additional cost prior to conducting the tow.
- C. Additional charges for crash recovery operations beyond normal hook up and scene clean up shall be itemized and reasonable. Charging of excessive or unreasonable rates, as determined by the Sheriff, shall be cause for immediate removal from the rotation list.
- D. Secondary towing requested by the customer may be negotiated by the OPERATOR in accordance with standard business practices.
- E. There shall be no additional fee charged for after hour release of vehicles stored at the OPERATOR'S facility.
- F. Storage Fees
1. The OPERATOR shall submit their proposed storage fees, for inside and outside storage. The Sheriff shall determine the reasonableness of the fees for inside and outside storage, based upon the proposed fees submitted.
  2. Monthly, the OPERATOR shall notify the Hamilton County Sheriff's Office in writing of any vehicles impounded by the Hamilton County Sheriff's Office that remain in storage for periods in excess of 30 calendar days.
- G. Vehicles stored shall be charged by the calendar day based on the time the towed vehicle is dropped at the storage lot.
- H. The schedule of rates charged by the OPERATOR shall be made available upon request to person(s) for whom the tow services were provided or his/her agent. The customer should be provided an itemized list of charges that is above and beyond the flat rate towing charge.

## VI. **RESPONSE TO CALLS**

- A. The OPERATOR shall respond to calls 24 hours a day, seven days a week, within the maximum RESPONSE TIME as established by the Hamilton County Sheriff's Office. An OPERATOR must provide the Sheriff's Office with a current direct access telephone number where they may be contacted; no answering services will be authorized: The OPERATOR will insure that all Hamilton County Sheriff's Office calls are given priority over other private and non-emergency calls.
- B. The maximum RESPONSE TIME is twenty-five (25) minutes from the time the Hamilton County Communications dispatcher contacts the OPERATOR to the time the driver arrives on the scene, unless exigent circumstances exist. The OPERATOR is responsible for informing the Hamilton County Communications dispatcher that the tow truck will be delayed and why.
- C. The OPERATOR will advise the Hamilton County Communications dispatcher, at the time of notification, if they are either unable to respond or unable to meet the maximum RESPONSE TIME. If, after accepting the call, the OPERATOR is unable to respond or will be delayed in responding, the OPERATOR shall immediately notify the Hamilton County Communications dispatcher.
- D. Any OPERATOR called to "sub contract" for another OPERATOR with special equipment, etc. must be on the Hamilton County Sheriff's Office authorized list of OPERATORS unless exigent circumstances exist, as determined by the on-scene OIC. Any vehicle towed by a sub-contracting OPERATOR must be taken to the facility of the originally called OPERATOR (unless handled as a private tow) and the original OPERATOR is responsible for all associated paperwork and record keeping. The subcontracting OPERATOR shall also be assessed a turn on the rotation list. As a general rule, sub-contracting is discouraged but may be necessary in certain situations. The Sheriff reserves the right to disqualify any OPERATOR or OPERATORS that use sub-contracting to unfairly circumvent the rotation list or other Hamilton County Sheriff's Office guidelines. An OPERATOR may not sub-contract for services in a TOWING CLASSIFICATION in which they are not qualified, without the permission of the Sheriff or his designee.
- E. Three (3) failures to respond and/or failures to meet the maximum RESPONSE TIME requirements during any consecutive thirty-day period shall constitute a violation of the terms and conditions of this agreement.
- F. The OPERATOR must provide communications between their dispatch center and their driver via two-way radio, or cellular telephone.

## **VII. STORAGE FACILITY**

- A. The OPERATOR shall provide adequate security of vehicles and property at the place of storage. As a minimum, a fenced or secure enclosed locked area shall be provided. An

area that is under video surveillance is preferred. The OPERATOR is responsible for the reasonable care, custody, and control of any property contained in towed or stored vehicles. The Operator should have at a minimum, storage for 6 vehicles outdoors and 1 vehicle in indoor storage.

- B. The OPERATOR shall contact the Hamilton County Sheriff's Office and receive permission prior to the removal of property from an impounded vehicle and will provide a receipt, with a copy placed in the impounded vehicle. The OPERATOR shall release personal property from the vehicle at the request of the vehicle owner or his/her agent after notification to the Hamilton County Sheriff's Office. Personal property is considered to be items that are not affixed to the vehicle. Devices such as radios, speakers, etc. that have been wired into the vehicle's systems are deemed to be affixed. Items such as clothing, papers, tools, etc. are not considered to be affixed. Registration plates are considered to be part of the vehicle and should not be released separately from the vehicle. However, if the registration plate does not belong to the owner of the vehicle, the plate should be released at the request of the rightful owner. Any question about the release of vehicles or property should be directed to the Hamilton County Sheriff's Office. The decision of the on scene OIC is final and should be followed.
  
- C. The storage facility shall normally be at the same location as the business address. If not at the same location, there shall be no charge for any additional distance traveled to and from a secondary location. The vehicle and personal property shall be released at the primary storage facility upon request of the owner or a person having a legal entitlement to the vehicle. Prior to the utilization of new storage facilities that were not listed on the application for rotation tow listing, the OPERATOR shall obtain the Sheriff's approval and furnish the address.
  
- D. The storage facility shall be manned twenty-four hours a day, seven days per week and the OPERATOR shall allow vehicle releases at any time of the day or night.
  
- E. Authorization to release any impounded vehicle must be obtained from the impounding officer prior to the release. The minimum requirement for release of any vehicle that must be shown is proof of proper registration, proof of ownership, and a licensed driver. The vehicle may be held for additional requirements at the discretion of the impounding officer. The OPERATOR should inquire as to any other requirements when calling the Hamilton County Sheriff's Office for a release authorization. Any deviation from the standard release requirements are at the discretion of the Sheriff. The OPERATOR should record the name of the officer authorizing the release on their towing record. Vehicles sent to State Sale must be called for release when the approval for sale has been obtained.

## VII. INSURANCE

- A. Heavy Duty Towing/Wrecker OPERATORS shall maintain the minimum levels of coverage suggested in the federal guidelines (currently suggested minimum of \$750,000.00) for heavy duty towing operations and heavy-duty recovery operations, respectively. This includes vehicular and facility liability insurance. Levels of coverage substantially below the average amounts of other OPERATORS may be cause to deny application to the primary towing list.
- B. A Light/Medium Duty Wrecker OPERATOR shall maintain the minimum levels (or above) of insurance required by Indiana Statute. The OPERATOR shall provide proof of insurance and a breakdown of their coverage to the Sheriff with their application. This includes vehicular and facility liability insurance. Levels of coverage substantially below the average amounts of other OPERATORS may be cause to deny application to the primary towing list.
- C. Proof of insurance shall be in the form of a Certificate of Insurance issued by the insuring company which is provided to the Hamilton County Sheriff's Office at the time of application and shall be renewed annually. Policy expiration or cancellation will immediately nullify the Tow Service Agreement. The OPERATOR'S insurance policy shall provide for immediate notification to the Hamilton County Sheriff's office in the event that the insurance policy has expired or is cancelled.

## **IX. INSPECTIONS**

- A. The Hamilton County Sheriff's Office may require at least one annual level one or level two D.O.T. inspection of all tow trucks. If required, the Hamilton County Sheriff's Office will provide, at no charge to the OPERATOR, the required annual inspection. The Hamilton County Sheriff's Office may also conduct additional inspections without notice during normal business hours or as a part of routine enforcement operations. Inspections conducted by licensed D.O.T. inspection facilities may be accepted in lieu of a Hamilton County Sheriff's Office inspection.

## **X. BUSINESS RECORDS**

- A. The OPERATOR shall maintain records of tow services furnished, including a description of vehicles, nature of service, time, location of calls, and total itemized costs of towing and storage. The Hamilton County Sheriff's Office may inspect all OPERATOR records without notice during normal business hours.
- B. Records shall be maintained and available for inspection for a period of one calendar year, plus the current year.
- C. The OPERATOR of a facility where impounded vehicles are stored are responsible for completing and submitting BMV required forms within the prescribed time limitations. Per IC 9-22-1-19, abandoned vehicles stored

require that the abandoned vehicle report be forwarded to the BMV within 72 hours. Refer to chapter IC 9-22-1 for more information.

- D. Failure to maintain adequate records and/or failure to submit required forms or reports are grounds for immediate removal from the towing rotation list and will terminate the agreement.

## **XI. FINANCIAL INTEREST**

- A. No OPERATOR or applicant shall be directly involved in the towing related business of any other OPERATOR or applicant within the same TOWING AREA. Directly involved shall mean anything in common between OPERATORS or applicants with regards to any of the following:

- business licenses
- insurance
- tow truck or equipment ownership
- employees

OPERATORS with multiple locations may be included in more than one TOWING AREA if, at the discretion of the Sheriff, the tow truck response comes from the facility located in that area and there is a need for additional OPERATORS for that area. Each location must submit a separate application.

- B. Storage facilities owned by an OPERATOR, and shared with another OPERATOR, shall only be approved if the owner/OPERATOR charges for the space on a flat monthly rate rather than a vehicle by vehicle basis.
- C. The sale or transfer of controlling interest in a company shall immediately terminate the agreement without cause. The new owner(s) may immediately apply for rotation tow listing regardless of the ENROLLMENT PERIOD.

## **XII. MEETINGS**

- A. The Sheriff or his/her designee may conduct meetings periodically to discuss issues concerning the Tow Rotation. These meetings shall be mandatory for the OPERATOR or his/her designee wishing to remain on rotation. The Sheriff or his/her designee will normally give the OPERATOR at least 14 days written notice of the meetings.

## **XIV. COMPLIANCE WITH LAW**

- A. The OPERATOR shall at all times comply with Federal, State, and local laws and ordinances applicable to the OPERATOR (Refer to Attachment B for some of the applicable laws and regulations).
- B. Any felony conviction of the OPERATOR involving stolen or embezzled vehicles, fraud related to the towing business, stolen property, or moral turpitude shall be cause

for denial of application or termination of the agreement. Employees with similar violations may also be cause for denial or termination, at the discretion of the Sheriff.

#### **XV. COMPLIANCE WITH AGREEMENT**

- A. The OPERATOR agrees, as a condition of inclusion on the Rotation Tow List, to comply with the terms and conditions of this Tow Service Agreement. Furthermore, the OPERATOR agrees that failure by the OPERATOR or his/her agents to comply with these terms and conditions shall be cause for WRITTEN REPRIMAND or SUSPENSION from the Hamilton County Sheriff's Rotation Tow List. Violations of the Tow Service Agreement will be investigated by the Sheriff or his/her designee, The OPERATOR will be notified of the Sheriff's Offices findings within forty-five (45) days of the initiation of the investigation.

#### **XV. SANCTIONS**

- A. The Sheriff shall use the following as a guide for sanctions against OPERATORS for violations investigated and found true. This is only a guide, with the Sheriff's Office retaining discretion for serious violations, such as criminal offenses.
- 1st Violation within 6 consecutive months - WRITTEN REPRIMAND
  - 2nd Violation within 6 consecutive months - 1 MONTH SUSPENSION
  - 3rd Violation within 6 consecutive months - 3 MONTH SUSPENSION
  - 4th Violation within 6 consecutive months - 1 YEAR SUSPENSION
- B. Nothing herein, shall be deemed to prohibit the Sheriff from immediately suspending any OPERATOR whose conduct is deemed, in the sound discretion of the Sheriff, to be a danger to the motoring public or who has engaged in conduct constituting a gross violation of the Hamilton County Sheriff's Office Tow Service Agreement.

#### **XVI. HEARING/ APPEAL**

- A. In the event the Hamilton County Sheriff's Office serves the OPERATOR with a WRITTEN REPRIMAND or SUSPENSION, the OPERATOR may request a HEARING within seven (7) calendar days by submitting a request in writing to the Sheriff. If a HEARING is requested, it shall be held as soon as practical. The HEARING shall be conducted by the Sheriff or his/her designee. The OPERATOR shall be entitled to present all relevant facts and circumstances in support of his/her position. The OPERATOR shall be notified in writing of the decision of the Sheriff or his designee within fourteen calendar days of the date of

the HEARING.

- B. A SUSPENSION shall not take effect until the HEARING and APPEAL process has been exhausted, except for OPERATORS whose conduct is deemed to be a danger to the motoring public or whose conduct grossly violates the conditions of the Hamilton County Sheriff's Office Tow Service Agreement. If an OPERATOR fails to request a HEARING or APPEAL within the specified time or fails to appear at a scheduled HEARING or APPEAL, the action taken by the Sheriff shall be final.

XVII. **CANCELLATION**

- A. This agreement may be cancelled by either party without prejudice by giving written notice of at least thirty days, to the other party.

**Hamilton County Sheriff's Office  
Towing Agreement**



**XVM. OPERATOR APPROVAL**

I certify that I have read and understand this Tow Service Agreement. I agree to abide by all provisions of this policy. I understand that myself, my agents, and my employees, in the performance of this agreement, shall act in an independent capacity and not as officers, employees, or agents of the Hamilton County Sheriff's Office or the State of Indiana.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_

The OPERATOR should copy this page and return the signed copy with the completed application to the Hamilton County Sheriff's Office.

**Hamilton County Sheriff's Office  
Towing Agreement**



**ATTACHMENT A**

**DEFINITIONS**

**ALTERNATE LIST**

The list of operators that will not routinely be used for towing related calls, BUT WILL BE CALLED UPON IN PERIODS OF high demand. Alternate list operators are not authorized for impounds. Hamilton County Sheriff's Office impounds must always be by an operator on the primary list.

**ENROLLMENT PERIOD**

The period of time when a tow company may submit an application for inclusion on the Hamilton County Sheriff's Office Rotation Tow List. The Enrollment Period may be continuous throughout the year, but must be posted at least once annually. The Enrollment Period will be open at least 30 days a year and will be opened at the discretion of the Sheriff.

**HEARING**

The final level of review for Written Reprimands or Suspensions. An informal process in which an Operator may present evidence or witnesses, which would show that an action (Written Reprimand or Suspension) was improper, or to mitigate the action taken. The Hearing will be conducted by the Sheriff, or his/her designee.

**OIC**

Officer in charge of the shift.

**OPERATOR**

A tow service which has been issued a Letter of Authorization, has signed the Tow Service Agreement, and is approved to receive Hamilton County Sheriff's Office referred calls.

**PRIMARY LIST**

That list of operators that will routinely be used for towing related calls. Hamilton County Sheriff's Office impounds must always be by an OPERATOR on the primary list.

**RECOVERY VEHICLE**

A tow truck or wrecker that has been registered and meets the requirements of Indiana Code 9-13-2-149.8 and Indiana Code 24-4-6-2.

**RESPONSE TIME**

The period of time from an Operator's notification by a Hamilton County Communications Dispatcher of a call to the arrival of the vehicle.

#### SUSPENSION

Removal of an operator from the Hamilton County Sheriff's Office Rotation Tow List for a specified period of time.

#### TOW TRUCK

A tow truck or wrecker as defined in Indiana Code 24-4-6-2. Also includes slide back carriers and wheel lift vehicles.

#### TOWING AREA

The geographical area in which an OPERATOR may receive Hamilton County Sheriff's Office referred calls. The number, as well as boundaries, of Towing Areas will be determined solely by the Hamilton County Sheriff to be in the best interest of the Department.

#### TOW SERVICE AGREEMENT

A document which sets forth the terms and conditions of an agreement between the Operator and the Hamilton County Sheriff's Office.

#### WAIVER OF REQUIREMENTS

Provides for temporary relief from selected terms and conditions of the Tow Service Agreement as specified in Section I.A.

#### WRITTEN REPRIMAND

A written notice to an OPERATOR, which specifies any violation(s) of the Tow Service Agreement, orders corrective action, and warns of further actions to be taken if corrective action is not taken.

## Hamilton County Sheriff's Office Towing Agreement



### ATTACHMENT B

The following Information is only a summary of some of the applicable laws and regulations that apply to towing services. Please refer to the complete federal and state statutes for more information.

**Indiana Code 9-13-2-179:** “Towing service” means a person that engages in moving or removing abandoned or disabled vehicles and, once the vehicles are moved or removed, stores or impounds the vehicles.

**Indiana Code 9-13-2-149.8:** “Recovery vehicle” means a truck that is specifically designed for towing a disabled vehicle or a combination of vehicles.

**Indiana Code 9-18.1-6-1:** Qualifications for registration as recovery vehicle: A vehicle that satisfies the following conditions may be registered as a recovery vehicle:

- (1) The vehicle is capable of lifting and pulling a disabled, a wrecked, an abandoned, an improperly parked, or a burnt vehicle by attaching a pickup bar with an adequate chain or steel structured lifting apparatus to the vehicle in lift.
- (2) The vehicle is equipped with a power-driven winch.
- (3) The vehicle is equipped with proper emergency lighting for the recovery vehicle and the vehicle in lift.
- (4) The vehicle is capable of attaching safety chains on the vehicle in lift.
- (5) The vehicle is capable of traveling the highways safely at least at the minimum speed limit.

**Indiana Code 9-18.1-6-3:** Operation of Unqualified vehicle on highway

A person may not operate a vehicle on a highway:

- (1) that is not qualified to register as a recovery vehicle under this chapter; and
- (2) for the purpose of lifting and pulling:
  - (A) a disabled;
  - (B) a wrecked;
  - (C) an abandoned;
  - (D) an improperly parked; or
  - (E) a burnt;vehicle.

A person that violates this section commits a Class C infraction.

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### **Indiana Code 9-25-2-3:** Proof of financial responsibility

Proof of financial responsibility means proof of ability to respond in damages for the motor vehicle registered by a person for liability that arises out of the ownership, maintenance, or use of the motor vehicle in the following amounts:

- (1) Twenty-five thousand dollars (\$25,000) because of bodily injury or death of any one (1) person.
- (2) Subject to the limit in subdivision (1), fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident.
- (3) Before July 1, 2018, ten thousand dollars (\$10,000) because of injury to or destruction of property in any one (1) accident. Beginning July 1, 2018, twenty-five thousand dollars (\$25,000) because of injury to or destruction of property in any one (1) accident.

### **Indiana Code 9-13-2-21:** Chauffeur

(a) “**Chauffeur**”, except as provided in subsection (b), means a person:

- (1) operating a motor vehicle registered as having a gross weight of at least sixteen thousand (16,000) pounds but not more than twenty-six thousand (26,000) pounds for the purpose of transporting property for hire; or
- (2) operating a private bus.

(b) “**Chauffeur**”, for purposes of IC 9-25, means a person:

- (1) who is employed for hire for the principal purpose of operating a motor vehicle upon the highways;
- (2) who operates a motor vehicle while in use as a carrier of passengers or property for hire; or
- (3) who drives or operates a motor vehicle while in use as a school bus for the transportation of pupils to or from school.

## Hamilton County Sheriff's Office Towing Agreement



### **Indiana Code 9-13-2-31:** Commercial Motor Vehicle

Has the meaning set forth in 49 CFR 383.5

- 49 CFR 383.5:** Commercial motor vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a
- (1) Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
  - (2) Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
  - (3) Small Vehicle (Group C) that does not meet Group A or B requirements but that either—
    - (i) Is designed to transport 16 or more passengers, including the driver; or
    - (ii) Is of any size and is used in the transportation of hazardous materials as defined in this section.

### **Indiana Code 8-2.1-24-18:** Compliance with federal motor carrier safety regulations

#### **49 CFR 383:** FEDERAL REGULATION ON COMMERCIAL DRIVERS LICENSE:

Commercial motor vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a—

- (1) Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
- (3) Small Vehicle (Group C) that does not meet Group A or B requirements but that either—
  - (i) Is designed to transport 16 or more passengers, including the driver; or
  - (ii) Is of any size and is used in the transportation of hazardous materials as defined in this section

### **Indiana Code 9-20-2-3:** Disabled Vehicles; exemption

The movement of a disabled vehicle or combination of vehicles for a distance that does not exceed fifty (50) miles by a registered recovery vehicle or by a vehicle described is exempt from the dimension and weight limits under the article.

### **Indiana Code 9-20-9-11:** Combinations of vehicles traveling less than 50 miles; exemption from permit

The movement of a disabled vehicle or combination of vehicles for a distance that does not exceed fifty (50) highway miles by a registered recovery vehicle or by a vehicle described in IC 9-18-13-5 is exempt from the requirements for permits under this chapter.

## Hamilton County Sheriff's Office Towing Agreement



### **49 CFR 390.21:**

- (a) General. Every self-propelled CMV subject to subchapter B of this chapter must be marked as specified in paragraphs (b), (c), and (d) of this section, and each unit of intermodal equipment interchanged or offered for interchange to a motor carrier by an intermodal equipment provider subject to subchapter B of this chapter must be marked as specified in paragraph (g) of this section.
- (b) Nature of marking. The marking must display the following information:
- (1) The legal name or a single trade name of the motor carrier operating the self-propelled CMV, as listed on the Form MCSA-1, the URS online application, or the motor carrier identification report (Form MCS-150) and submitted in accordance with § 390.201 or § 390.19, as appropriate.
  - (2) The identification number issued by FMCSA to the motor carrier or intermodal equipment provider, preceded by the letters "USDOT."
  - (3) If the name of any person other than the operating carrier appears on the CMV, the name of the operating carrier must be followed by the information required by paragraphs (b)(1), and (2) of this section, and be preceded by the words "operated by."
  - (4) Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this paragraph.
- (c) Size, shape, location, and color of marking. The marking must—
- (1) Appear on both sides of the self-propelled CMV;
  - (2) Be in letters that contrast sharply in color with the background on which the letters are placed;
  - (3) Be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and
  - (4) Be kept and maintained in a manner that retains the legibility required by paragraph (c)(3) of this section.

### **Indiana Code 8-2.1-24-21: Display of Identification on or in vehicle**

A motor carrier shall display a United States Department of Transportation number or any other identification in the method required by the department on or in each motor vehicle the motor carrier operates.

### **Indiana Code 6-6-4.1-2 – Indiana Code 6-6-4.1-4: Applicability of chapter for Fuel Taxes**





**Hamilton County Sheriff's Office  
Towing Agreement**



16. DO YOU USE AN ANSWERING SERVICE TO ANSWER CALLS AT ANY TIME OF THE DAY? (Refer to section VI)	YES* *If yes, explain	NO
17. HAS THE COMPANY PERFORMED NATIONAL BACKGROUND CHECKS ON ALL EMPLOYEES?	YES	NO

Return completed application (pages 17-18), supporting information, and Operator approval (page 9) to:

Major John Lowes  
Hamilton County Sheriff's Office  
18100 Cumberland Rd.  
Noblesville, Indiana 46060

**Hamilton County Sheriff's Office  
Towing Agreement .**



**ATTACHMENT D**

**LIGHT/MEDIUM  
WRECKER  
CHECKLIST**

Use this checklist to ensure that all required items are submitted with your application.

**ITEM**

1. **DRIVER INFORMATION**
  - A. Copy of each driver's license
  - B. Copy of each driver's medical certificate
2. **RATE AND FEE LIST**
  - A. Standard hook up and tow
  - B. Labor rate
  - C. Per mile tow rate
  - D. Service call rate (if applicable)
  - E. Storage rate (inside and outside)
3. **TRUCK AND EQUIPMENT LIST (see page 4)**
4. **INSURANCE CERTIFICATION**
5. **SIGNED OPERATOR APPROVAL (Page 9)**
6. **COMPLETED APPLICATION (Pages 17-18)**
7. **TRAINING CERTIFICATES INCLUDED**

## **ATTACHMENT E**

### **HEAVY DUTY/RECOVERY WRECKER CHECKLIST**

Use this checklist to ensure that call required items are submitted with your application.

#### **ITEM**

1. **DRIVER INFORMATION**
  - A. Copy of each driver's license
  - B. Copy of each driver's medical certificate
2. **RATE AND FEE LIST**
  - A. Standard hook up and tow
  - B. Labor rate
  - C. Per mile tow rate
  - D. Service call rate (if applicable)
  - E. Storage rate (inside and outside)
3. **TRUCK AND EQUIPMENT LIST (see page 2)**
4. **INSURANCE CERTIFICATION**
5. **TRAINING and/or SEMINAR  
ATTENDANCE**
6. **SIGNED OPERATOR APPROVAL (Page 9)**
7. **COMPLETED APPLICATION (Pages 17-18)**
8. **TRAINING CERTIFICATES INCLUDED**

