

<a href="#"><u>Chapter 19. Towing, Recovery, and Storage</u></a>	.....
<a href="#"><u>Subchapter A. Authority, Exemptions, Definitions, Scope</u></a>	.....
<a href="#"><u>§1901. Authority</u></a>	.....
<a href="#"><u>§1903. Exemptions</u></a>	.....
<a href="#"><u>§1905. Definitions</u></a>	.....
<a href="#"><u>§1907. Administrative Penalty Assessment; Arbitration; Recovery of Penalties</u></a>	.....
<a href="#"><u>§1909. Relationship to Other Laws and Regulations</u></a>	.....
<a href="#"><u>§1911. Code of Conduct</u></a>	.....
<a href="#"><u>Subchapter B. Tow Truck License Plate; Required Insurance</u></a>	.....
<a href="#"><u>§1913. Tow Truck License Plate</u></a>	.....
<a href="#"><u>§1915. Insurance Requirements; Financial Responsibility</u></a>	.....
<a href="#"><u>Subchapter C. Safety</u></a>	.....
<a href="#"><u>§1917. Driver's License; Required Skills and Knowledge</u></a>	.....
<a href="#"><u>§1919. Tow Truck Lighting; Equipment</u></a>	.....
<a href="#"><u>§1921. Required Equipment</u></a>	.....
<a href="#"><u>§1923. Capacities and Specifications of Tow Equipment</u></a>	.....
<a href="#"><u>§1925. Tow Truck Load Limitations; Specifications</u></a>	.....
<a href="#"><u>§1927. Inspections by the Department</u></a>	.....
<a href="#"><u>§1929. Towing Services to Use Due Care</u></a>	.....
<a href="#"><u>§1930. Vehicles Towed from Private Property</u></a>	.....
<a href="#"><u>Subchapter D. Vehicle Storage</u></a>	.....
<a href="#"><u>§1931. Storage Facility; Licensing, Fees, Inspection, Requirements</u></a>	.....
<a href="#"><u>§1933. Requirements for Official Report of Stored Vehicle (ORSV); Filing; Submittal; Option of the Department to Send and Receive ORSV Information</u></a>	.....
<a href="#"><u>§1935. Owner Notification of a Stored Vehicle</u></a>	.....
<a href="#"><u>§1937. Administrative Fees</u></a>	.....
<a href="#"><u>§1939. Permits to Sell and Permits to Dismantle</u></a>	.....
<a href="#"><u>§1941. Storage and Towing Facilities; General Requirements; Procedures</u></a>	.....
<a href="#"><u>§1943. Storage Rates</u></a>	.....
<a href="#"><u>§1945. Gate Fees</u></a>	.....
<a href="#"><u>Subchapter E. Rotation List</u></a>	.....
<a href="#"><u>§1947. Law Enforcement Tow Truck Rotation List</u></a>	.....
<a href="#"><u>§1949. Severability Clause</u></a>	.....

# Chapter 19. Towing, Recovery, and Storage

## Subchapter A. Authority, Exemptions, Definitions, Scope

### §1901. Authority

A. The 1989 Legislature passed the Louisiana Towing and Storage Act in order to regulate persons and businesses engaged in towing and/or storing of vehicles in Louisiana. The act provides that the Department of Public Safety and Corrections, Public Safety Services, Office of State Police shall be the regulating agency. The Office of State Police (hereinafter referred to as the department) has authority in the effective regulation of Louisiana towing and storage businesses.

B. These rules shall apply to any person or entity engaged in the business of towing, recovery or storage of vehicles in Louisiana, either for direct or indirect compensation as defined by law.

C. The deputy secretary, or his designee, may grant, by written order, alternate means of compliance to these rules.

D. These Rules are promulgated in accordance with R.S. 32:1711 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:853 (May 2006).

### §1903. Exemptions

A. These rules shall not apply to:

1. car haulers licensed with interstate operating authority capable of carrying five or more vehicles;
2. tow trucks owned by a governmental entity and not used for commercial purposes;
3. tow trucks registered and domiciled in other states with applicable interstate operating authority, operating solely in interstate commerce;
4. tow trucks transporting vehicles that are currently owned by the same tow company and ownership is supported by possession of a title, bill of sale, registration or other legal document while transported and the tow vehicle is permanently and prominently marked on both side in lettering at least 2 1/2 inches in height and 1/4 inch in width with the company's legal name, city and "NOT FOR HIRE;" or
5. tow trucks owned and operated by garages, automotive mechanic shop owners, or other places where vehicles are repaired that solely tow vehicles for the purposes of maintenance or repair at their facility. Such businesses must:
  - a. maintain insurance coverage as required by this Chapter;
  - b. license their tow trucks in accordance with this Chapter;
  - c. not respond to any crash or disabled vehicle scenes, participate in police rotation systems, conduct private property tows nor conduct non consensual tows;
  - d. not offer towing or tow-related services for direct or indirect compensation or store any vehicles, as defined by law; and
  - e. ensure tow trucks are permanently and prominently marked on both side in lettering at least 2 1/2 inches in height and 1/4 inch in width with the company's legal name, city and "NOT FOR HIRE."

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:853 (May 2006), amended LR 36:2575 (November 2010).

### §1905. Definitions

A. The definitions found in the Louisiana Highway Regulatory Act, specifically R.S. 32:1 and the Towing and Storage Act, specifically, R.S. 32:1711 et seq., are applicable to these rules and shall have the same meaning indicated unless the context clearly indicates otherwise.

*Authorized Agent*—a suitable company authorized by the department in accordance with this Chapter to process and exchange the Official Report of Stored Vehicle information.

*Automobile Liability Coverage*—insurance which covers damage to property and/or personal injury to third parties.

*Deputy Secretary*—the deputy secretary of the Department of Public Safety and Corrections, Public Safety Services.

*Garage Keepers Legal Liability Insurance*—insurance which provides coverage to owners of storage facilities, garages, parking lots, body and repair shops, etc., for liability as bailees with respect to damage or loss to vehicles and contents left in their custody for safe keeping or repair.

*Garage Liability Insurance*—liability insurance covering storage facilities, automobile dealers, garages, repair shops, and service stations against claims of bodily injury and property damage that may arise through operation of such businesses.

*Gross Combination Weight Rating (GCWR)*—the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

*Gross Vehicle Weight Rating (GVWR)*—the value specified by the manufacturer as the loaded weight of a single motor vehicle.

*Law Enforcement Hold*—a hold placed on a specific vehicle by a law enforcement agency due that vehicle's evidentiary value in an active investigation.

*License Holder*—shall include, but not be limited to, a tow truck operator, towing service, storage facility or other entity requiring licensure pursuant to this Chapter.

*Nonconsensual Tow*—the towing of a motor vehicle without the prior consent or authorization of the motor vehicle owner or operator.

*Offending Vehicle*—the tow truck for which a violation of law, rule or regulation has been cited by the department and a administrative penalty has been assessed.

*Offense*—shall be synonymous with violation and mean any infraction of law, rule or regulation promulgated in accordance with this Chapter.

*On-Hook/In Tow Coverage*—insurance specifically covering tow truck operators when engaged in the recovery, towing or transporting of a vehicle.

*Owner*—the last registered owner of a vehicle as shown on the records of the Office of Motor Vehicles and/or the holder of any lien on a vehicle as shown on the records of the Office of Motor Vehicles and/or any other person who has a documented ownership interest in a vehicle.

*Place of Business*—a permanent structure located within Louisiana used for business, staffed during regular business hours, equipped with phone and utility services, and houses records and other appropriate or required documents.

*Responsible Party*—the principal person or business that is civilly liable or criminally culpable for the occurrence or commission of a violation of law, rule or regulation.

*Storage Area*—an approved building, structure, yard, or enclosure used for the purposes of storing vehicles in Louisiana.

*Storage Facility*—any business or company that receives direct or indirect compensation for storing vehicles in Louisiana.

*Tow Truck*—a motor vehicle equipped with a boom or booms, winches, slings, tilt beds, wheel lifts, under-reach equipment, and/or similar equipment including, but not limited to, trucks attached to trailers, tow dollies, and car carriers designed for the transportation and/or recovery of vehicles and other objects which cannot operate under their own power or for some reason must be transported by means of towing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:854 (May 2006), amended LR 36:2575 (November 2010).

## **§1907. Administrative Penalty Assessment; Arbitration; Recovery of Penalties**

### **A. Administrative Penalty Assessment**

1. A tow truck owner or operator, an employee or the agent of a tow truck owner or operator, a storage facility owner or operator, an employee or the agent of a storage facility owner or operator, determined by the department to have committed a violation of R.S. 32:1711 et seq., or adopted and promulgated regulations as provided in this Chapter, is subject to legal sanctions being imposed against them. Legal sanctions shall include, but are not limited to, administrative civil penalties, warnings, and suspension and/or revocation of the operator's license, storage inspection license, tow truck license plate.

2. The department shall issue a citation or inspection report for violations of law, rule or regulation which shall specify the offense committed. The citation or inspection report shall provide for the payment of an administrative penalty to the department in an amount prescribed by the department or if a suspension or revocation is being imposed, specify the duration of said suspension or revocation. The penalty shall be paid or imposed within 45 days of issuance and mailing, by first class mail, of the initial notice of violation, unless within that period the person to whom the citation is issued files a written request for an administrative hearing within the 45 days.

3. All assessed and adjudicated administrative penalties and fees shall be paid to the department and deposited in the towing and storage fund.

4. Schedule of Fines

<b>Schedule of Fines</b>	
<b>Scope and Relationship to Other Laws (LAC 55:1.1903 and 1905)</b>	
\$100- \$500	055.1911C5 Vehicle Staging Or Transfer During Private Property/Non-Consensual Tow
\$250	055.1939B3 Abuse Of Storage And Permit To Sell Process In Order To Obtain Title
\$100- \$500	055.1911B2A Improper Towing Fees For Non-Consensual Tow
\$100- 1000	055.1909 Failure To Comply With Other Laws/Regulations
\$75	055.1909-ISB Inoperative/No Seatbelt Assembly
\$25 Driver Fine	055.1909-SB Failure For Tow Truck Operator To Wear Seatbelt
\$100	055.1909-UD Unsecured Dunnage/Tow Equipment
\$200- 1000  Driver Fine	055.1930-DR Improper Nonconsensual Tow
\$200- 1000  Company Fine	055.1930-TC Improper Nonconsensual Tow
\$200	055.1930-NC Failure To Possess Contract For Nonconsensual Tow
<b>Tow Truck License Plates</b>	
\$100	055.1913B2A-IC EXPIRED LA VEHICLE INSPECTION CERTIFICATE
\$150	055.1913B2A-SC Switched LA Vehicle Inspection Certificate
\$200 Driver Fine	055.1917A1-NL Unqualified Driver - No Driver's License
\$100 Driver Fine	055.1917A1-EL Unqualified Driver - Expired Driver's License
\$200-500	055.1911B2D Filing A False Or Fictitious Statement
\$100- 1000	055.1911B2E Employing Prohibited Persons
\$500 Driver Fine	055.1911B2F-AB Operator Under Influence - Alcoholic Beverage

<b>Schedule of Fines</b>	
<b>Scope and Relationship to Other Laws (LAC 55:1.1903 and 1905)</b>	
\$500 Driver Fine	055.1911B2F-CS Operator Under Influence – Narcotics
\$500 Driver Fine	055.1911B2F-II Failure For Tow Truck Operator To Submit To Chemical Test
\$200- 1000	055.1911C1 Unauthorized Soliciting Of Tow Business
\$200- 1000	055.1911C2-DV Unauthorized Moving Of A Damaged/Disabled Veh
\$500	055.1911C3 Illegal Possession Of Police Monitoring Device(S)
\$100	055.1913A3A Failure To Use Approved Trade Name
\$100	055.1913A3C Failure To Display Trade Name/Phone #/Address Tow Truck
\$100	055.1913A3D Failure To Use Unique Trade Name On Business Documents
\$250- 1000	055.1913B1-FI Submitting False Information On Towing Application
\$250- 1000	055.1913B2-RV Failure To Register Vehicle As La Tow Truck
\$125- 1000	055.1913B2A-NL No Towing License Displayed
\$250- 1000	055.1913B2E-SP Switched Towing License Plate
\$250- 1000	055.1913B2C-NT Prohibited Use/Non Transferable Towing Plate
\$100- 1000	055.1913B2D Failure To Surrender Tow Plate
\$200- 1000	055.1913B2B-AC Failure To Notify Dept. Of Address Change
\$100	055.1913B2-NC No La Vehicle Inspection Certificate
\$50	055.1913B2-NR No Vehicle Registration With Tow Truck
\$125- 1000	055.1913B3-UW Licensing Unauthorized Tow Truck / GVWR (#) LBS
\$250- 1000	055.1913B4-EL Expired Towing License Plate

<b>Schedule of Fines</b>	
<b>Scope and Relationship to Other Laws (LAC 55:I.1903 and 1905)</b>	
\$100-300	055.1915C-NP No Proof Of All Req Insurances W/Tow Truck
<b>Commercial Driver License, Skill, and Knowledge Required (LAC 55:I.1917)</b>	
\$50 Driver Fine	055.1917A1 No Driver's License In Possession
\$200 Driver Fine	055.1917A1-DD Disqualified Driver – License Suspended/Revoked
\$100 Driver Fine	055.1917A1-OS Unqualified Driver – Out Of State License
200-1000	055.1917A-UD Allowing Unqualified Driver To Operate Veh (Carrier)
\$100 Driver Fine	055.1917A2-HM Failure To Have Hazmat Endorsement On CDL
\$300 Driver Fine	055.1917A2-RL Failure To Obtain Required Cdl For Veh Driven
\$100 Driver Fine	055.1917A2-CL Unqualified Driver – Improper Class License
\$100 Driver Fine	055.1917A3-RK Failure To Possess Required Knowledge/Ability
\$150 Driver Fine	055.1917A3-UO Unsafe Operation Of Tow Truck By Driver
\$100 Driver Fine	055.1917A4-UA Unqualified Driver – Under 18 Yrs Of Age
\$25 Driver Fine	055.1917A5 Failure Of Driver To Wear Required Clothing
<b>General Tow Truck Lighting and Equipment (LAC 55:I.1919) Lights</b>	
\$25 (each)	055.1919A-SL {#} Inoperative Stop Lamp(S)
\$25 (each)	055.1919A-FT {#} Inoperative Front Turn Signal Lamp(s)
\$25 (each)	055.1919A-RT {#} Inoperative Rear Turn Signal Lamp(s)
WL	055.1919A-RI {#} Inoperative Rear Id Lamp(S)
WL	055.1919A-FI {#} Inoperative Front Id Lamp(S)

<b>Schedule of Fines</b>	
<b>Scope and Relationship to Other Laws (LAC 55:1.1903 and 1905)</b>	
WL	055.1919A-CL{#} Inoperative Clearance Lamp(s)
WL	055.1919A-SM {#} Inoperative Side Marker Lamp(s)
\$25 (each)	055.1919A-HL {#} Inoperative Headlamp(s)
\$25 (each)	055.1919A-TL{#} Inoperative Tail Lamp(s)
WL	055.1919A-BL{#} Inoperative Back Up Lamps(s)
\$75	055.1919A-IW {#} Inoperative Emergency Warning Lamp(s)
WL	055.1919A-CC {#} Clearance Lamp(s) of Improper Color
WL	055.1919A-MC {#} Side Marker Lamp(s) of Improper Color
WL	055.1919A-IC {#} ID Lamp(s) of Improper Color
WL	055.1919A-BC {#} Back Up Lamp(s) of Improper Color
WL	055.1919A-OL {#} Obscured _____ Lamp(s)
\$100	055.1919A-AL Failure To Use Auxiliary Tow Lights When Required
\$100	055.1919C-NB No/Insufficient Amber Warning Lights
\$50-100	055.1919C-IWL Inadequate Illumination Of Amber Warning Lights
\$50	055.1919D Failure To Activate Rotating/Flashing Beacon Lights
<b>Vehicle Components/Accessories</b>	
\$50 (each)	055.1919B-WT {#} Tire Violation(S)
\$25 (each)	055.1919B-FL EXCESSIVE FLUID LEAK
\$75 (each)	055.1919B-DW{#} Defective/Cracked Wheel(S)
\$75 (each)	055.1919B-MB {#} Missing/Inop/Defective Brake Componets(S)
\$75 (each)	055.1919B-OA {#} Brake(S) Out Of Adjustment
\$75 (each)	055.1919B-DB {#} Defective Brake(S)
WL-\$25	055.1919B-CW Cracked Windshield(S)
WL- \$25	055.1919B-IWW {#} Inoperative Windshield Wipers
\$25	055.1919B-MW {#} Missing Windshield Wiper(S)

<b>Schedule of Fines</b>		
<b>Scope and Relationship to Other Laws (LAC 55:1.1903 and 1905)</b>		
\$75	055.1919B-TW	Improper Tinting Of Window / Windshield(s)
\$25	055.1919B-IH	Inoperative Horn
\$25-100	055.1919B-IE	Improper Exhaust System
\$25 (each)	055.1919B-RV	{#}Missing/Broken Rear View Mirror(s)
\$25	055.1919B-FC	Missing/Defective Fuel Cap
\$25 (each)	055.1919B-SG	{#} Missing/Defective Splash Guard(s) (Mud Flaps)
<b>Tow Truck Components and Required Equipment must be in Good Operating Condition (LAC 55:1.1921)</b>		
\$25	055.1921A1-IM	Inadequate Amount Of Oil Absorbing Material
\$25	055.1921A1-MC	Oil Absorbing Material Exposed To The Elements
\$25	055.1921A1-NM	No Oil Absorbing Material
\$25	055.1921A2-NB	No/Inadequate Broom
\$25	055.1921A3-AS	No/Inadequate Shovel
\$25	055.1921A4-IF	Inoperative Flashlight
\$25	055.1921A4-NF	Insufficient/No Flashlight
\$25	055.1921A5-DE	Discharged Fire Extinguisher
\$25	055.1921A5-IE	Improper Type Of Fire Extinguisher - 10BC
\$50	055.1921A5-NE	No Fire Extinguisher
\$25	055.1921A5-UF	Unsecured Fire Extinguisher
\$25	055.1921A6-ME	Defective Emergency Warning Devices
\$50	055.1921A6-NE	No Emergency Warning Devices
\$25	055.1921A7-IC	Inadequate Steering Wheel Clamp
\$25	055.1921A7-NC	No Steering Wheel Clamp
\$25	055.1921A8-DS	Defective Tow Sling
\$100	055.1921A8-ES	Excessive Slack In Tow Plate
\$25	055.1921A8-IP	Improperly/Unsecured Mounted Tow Plate
\$25-100	055.1921A8-MS	Missing Tow Sling



<b>Schedule of Fines</b>	
<b>Scope and Relationship to Other Laws (LAC 55:I.1903 and 1905)</b>	
\$25	055.1921A8-TS Improperly/Unsecured Mounted Tow Sling
\$25	055.1921A8-TT Inadequate Tow Sling/Plate/Bar
\$25	055.1921A8-UP Unsecured Tow Plates/Sling/Bar
\$100	055.1921A9-BC Improperly Secured Boom Cable
\$25-100	055.1921A9-BL No/Inadequate Bed Locks (Slide Back Vehicles)
\$25	055.1921A9-CS Cracked/Broken Sheaves
\$25 (each)	055.1921A9-CT {#}Cracked/Broken/Excessively Worn Thimble(S)
\$100	055.1921A9-DC Excessively Worn/Defective Cable
\$25 (each)	055.1921A9-MT {#} Missing Sheaves/Thimble(S)
\$25-100	055.1921A9-NC No/Defective Tow Vehicle Component
\$100	055.1921B1-NC No/Improper Safety Devices (Chains)
\$100	055.1921B2-IS Improper Securement Of Towed Vehicle
<b>Capacities and Specifications of Towing Equipment (LAC 55:I.1923)</b>	
\$200-1000	055.1923A-LW Improper Licensing Of Gvwr Weight Of Tow Truck
\$300-\$500	055.1923-WE Exceeding Weight Capacity Of Towing Equipment
\$300-\$500	055.1923-WT Exceeding Weight Capacity Of Tow Truck
\$100-1000	055.1923 No / Improperly Certified Tow Assembly
\$100-1000	055.1923D-VN Missing Original Vin/Gvwr Label
<b>Tow Truck Equipment Specifications (LAC 55:I.1925)</b>	
<b>Inspection By The Department (LAC 55:I.1927)</b>	
\$300-1000	055.1927B-TK Failure To Allow Inspection Of Tow Truck(S)
\$1000-2750	055.1927B6 Operating Tow Truck Declared Out Of Service
\$2750	055.1927B6B Allowing The Operation Of Tow Truck Declared Out Of Service

<b>Schedule of Fines</b>	
<b>Scope and Relationship to Other Laws (LAC 55:I.1903 and 1905)</b>	
<b>Towing Services To Use Due Care (LAC 55:I.1929)</b>	
\$200-1000	055.1929A Failure To Exercise Due Care/Removal Operation
\$300-1000	055.1929B Failure To Obey Law Enforcement Officer
<b>Insurance Requirements (LAC 55:I.1931)</b>	
\$500	055.1931B6-NI No Required/Storage Insurances
\$100-1000	055.1931B6 Improper Amount Of Required Towing/Storage Insurance
\$300-1000	055.1915C-NP No Proof Of Req Towing/Storage Insurance
<b>Towing/Storage Facility Business Practices (LAC 55:I.1941)</b>	
\$100	055.1943B Violation Of Storage Facility Business Hours
\$200-1000	055.1941A-LF Failure To Store Vehicle In Licensed Storage Facility
\$100	055.1941D-AB No Visible After Business Hours Phone # Posted
\$200-1000	055.1941E-RI Failure To Allow Removal Of Personal Items
\$100-1000	055.1941K Improper Third Party Tows / Storage
\$100-1000	055.1941L Improper Handling Of Towed/Stored Vehicles (Damaged)
\$200-1000	055.1941P No Towing Billing Invoices
\$100	055.1941P2B Billing Invoices Not Consecutively Numbered
\$100-1000	055.1941P-AI Improper/Incomplete Billing Invoices (All Invoices)
\$100-1000	055.1941P-TI Improper/Incomplete Billing Invoices (Tow Invoices)
\$100-1000	055.1941P-IC Failure To Denote Itemized Charges As They Occurr.
\$200	055.1941P3-TI Failure To Maintain Tow Invoice With Vehicle Towed
\$100-1000	055.1941Q-RC Violation Of Business Records Keeping Location

<b>Schedule of Fines</b>	
<b>Scope and Relationship to Other Laws (LAC 55:I.1903 and 1905)</b>	
\$100-1000	055.1943B-SH Failure To Staff Towing Headquarters Facility
\$200-1000	055.1931D1 Business Records Unavailable For Inspection
<b>Storage Procedures (LAC 55:I.1941)</b>	
\$100-1000	055.1941B Failure To Properly Release Vehicle
\$100-1000	055.1941C-CV Inadequate Safeguards For Vehicle And Contents
\$100-1000	055.1941L Improper Handling Of Towed/Stored Vehicles (Damaged)
\$100-1000	055.1941M Illegal Disposition Of Personal Property
\$200-1000	055.1941E-RI Failure To Allow Removal Of Personal Items
\$100-1000	055.1941E-IV Failure To Allow Inspection/Viewing Of Vehicle
\$100-1000	055.1941E-CV Illegal Charging Of Inspection/Viewing Fees
<b>Storage Facility (LAC 55:I.1941)</b>	
\$100-1000	055.1941C-IS Improperly Secured Storage Facility Area (Fence Missing, Etc)
\$100-1000	055.1941F Improper/Inadequate Storage Lot
\$100-300	055.1941D Failure To Post Sign W/ Required Information
\$300-1000	055.1927B1 Failure To Make Facility Available For Inspection
\$200-1000	055.1941G Failure To Notify Law Enforcement Authorities
\$100-1000	055.1941H Prohibited Sharing Of Storage Facility
\$300-1000	055.1941I-MR Failure To Maintain Required Storage Records For Req Period
\$300-1000	055.1931D-PR Failure To Provide Storage Records For Review
<b>Storage Fees (LAC 55:I.1945)</b>	

<b>Schedule of Fines</b>		
<b>Scope and Relationship to Other Laws (LAC 55:I.1903 and 1905)</b>		
\$100-1000	055.1943C	Excessive/Improper Storage Fees
\$100-1000	055.1945B	Excessive/Improper Gate Fees
<b>Notification To Dept. Public Safety &amp; Corrections (LAC 55:I.1935)</b>		
\$100-1000	055.1933A1	FAILURE TO NOTIFY DEPARTMENT (3 DAYS, ORSV)
\$100-1000	055.1933A1-IF	Incomplete/Improper Filing Of ORSV
\$200-1000	055.1935-LM	Failure To Notify Owner/Lien/Mortgage Holder
\$200-1000	055.1935-RI	Failure To Provide Required Information
\$200-1000	055.1935-CL	Failure To Mail Notice By Cert Of Mailing
\$200-1000	055.1937	Excessive Administrative Fees
\$100-1000	055.1939	Violation Of Permit To Sell Requirements
<b>Licensing; Storage Facilities (LAC 55:I.1931)</b>		
\$200-1000	055.1931-Failure To License Storage Facility	
\$200-1000	055.1931A4	Expired Storage Inspection License
\$200-1000	055.1931D2	Failure To Display Storage Inspection License
\$300-1000	055.1931A3	Failure To Notify Lsp Of Chg In Name/Ownership/Address
<b>Law Enforcement Rotation Lists (LAC 55:I.1947)</b>		
\$100-200	055.1947A4	Failure To Respond Within 45 Minutes
\$25-1000	055.1947A2	Failure To Comply W/LSP Policies and Procedures

#### B. Administrative Hearings

1. A tow truck owner or tow truck operator or a storage facility owner or operator may submit a written request for an administrative hearing within 45 calendar days of the issuance of the initial notice of violation.
2. Hearing requests shall be adjudged in accordance with the Administrative Procedure Act.

3. Failure to submit a written request to the department for an administrative hearing within 45 days from the date of the initial notice of violation; or requesting a hearing, being notified by mail and failing to appear at the scheduled hearing date and location shall constitute a default and the violations shall become finally affirmed.

4. In such cases, on or after the forty-sixth day the department shall inform the responsible party by first class mail of the conviction and that he has 30 days from the date of this notice to pay the penalty or the Office of Motor Vehicles shall suspend his driver's license and/or vehicle registration. Suspending the vehicle registration shall mean any registration transaction, including renewal, may be denied.

5. For the purpose of this Part, removal from the Louisiana State Police tow truck rotation list shall not constitute a department action subject to review under Subsection B of this Section. Placement on the Louisiana State Police rotation list is a privilege, not a right.

#### C. Forfeiture of Claims

1. Any person who fails to comply with any provision required by these rules and regulations shall be subject to the forfeiture of all claims for monetary charges relating to towing, recovery and storage of the respective vehicle(s), including, but not limited to, the imposition of administrative penalties.

#### D. Recovery of Administrative Penalties

1. The department in an attempt to recover administrative penalties, may, at its discretion:

a. order the removal of the offending vehicle's license plate or request the Office of Motor Vehicles (OMV) deny the renewal of the offending vehicle's registration, or both:

i. a tow truck license plate removed or denied renewal pursuant to this Part may only be reinstated upon receipt of payment of fines and fees owed the department;

b. recommend the suspension or deny the renewal of a responsible party's driver license, or both:

i. a driver license suspended pursuant to this Part may only be reinstated upon receipt of payment of fines and fees owed the department;

c. order the vehicles of responsible parties not registered in Louisiana be seized until outstanding fines and fees are paid.

2. These actions are not punitive and used only as a mechanism to garner payment of monies lawfully owed the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:854 (May 2006), amended LR 35:2201 (October 2009), LR 36:2576 (November 2010).

### **§1909. Relationship to Other Laws and Regulations**

A. Every tow truck operator, towing or storage facility, employees or agents of a towing or storage facility, subject to or licensed in accordance with this Chapter shall comply with the laws of Louisiana, Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations, specifically, 49 CFR Parts 100 through 399, if applicable, and rules promulgated herein. None of the rules contained herein shall exempt a tow truck operator, towing or storage facility, its employees or agents from complying with law, rule or regulation.

B. Each day's failure to comply with these rules shall constitute a separate offense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:855 (May 2006).

### **§1911. Code of Conduct**

#### A. Adherence to Law, Rule or Regulation

1. A violation of the provisions of the Towing and Storage Act shall also constitute a violation of these rules.

2. Tow truck operators, towing services, storage facilities, their employees or agents shall comply with applicable federal and state laws, rules and regulations.

#### B. Dutiful Conduct

1. No tow truck operator, towing service, storage facility, their employees or agents, shall engage in unsuitable conduct or practices as described in this section or shall have a business association with any person which engages in unsuitable practices.

2. For the purposes of this Section, unsuitable conduct or practices shall include the following:

a. overcharging or charging for services not rendered;

b. misrepresentation of any material fact to the department or its officers;

c. obstructing or impeding the lawful activities of the department or its officers acting in their official capacity;

d. false or fictitious statements in any report, application, form or other document presented to the department, including, but not limited to, notarized documents required by this Chapter;

e. conviction of a felony relating to auto theft, vehicle insurance fraud, burglary of a vehicle, and/or possession of stolen vehicles or vehicle parts; and

f. any impairment of an alcoholic beverage, narcotic or controlled dangerous substance when operating a tow truck:

i. impairment shall mean the tow truck operator's blood alcohol concentration is 0.02 percent or more by weight base on grams of alcohol per 100 cubic centimeters of blood or the operator uses or is under the influence of a controlled dangerous substance;

ii. tow truck operators shall submit to chemical testing when required by an officer of the department; and

iii. every owner or operator shall ensure there is no presence of an alcoholic beverage, narcotic, or controlled dangerous substance within the tow truck.

### C. Prohibited Business Practices

#### 1. Stopping at the Scene of a Crash

a. The operator of a tow truck, towing service, employee or agent, shall not stop at the scene of a motor vehicle crash, disabled, or unattended vehicle for the purpose of soliciting business, either directly or indirectly; unless the owner or operator of said vehicle has specifically summoned the tow company or its employees or agents to such scene for towing or recovery purposes, or has been called to the scene by a law enforcement officer or agency pursuant to that agency's official duty and authority. This prohibition shall also include first responders utilizing tow vehicle as transportation to and from the scene of emergencies.

#### 2. Moving a Vehicle Involved in a Crash

a. Tow truck operators and towing services shall not, without the express authorization of the investigating law enforcement agency, move any vehicle from a public highway or street or from any public property when such vehicle is abandoned, stolen, damaged in a crash, or left unattended.

b. Tow truck operators or towing services may, in emergency cases, move a vehicle damaged as the result of a crash, without the express authorization of the investigating law enforcement agency, when the movement of the vehicle is to extract a person from the wreckage or to remove an immediate hazard to life or property. In either event, the movement of the vehicle shall be no more than necessary to accomplish the purpose of the move and the movement shall be reported immediately to the investigating agency.

#### 3. Reception of Police Radio Communications

a. Tow truck operators or towing services shall not use, or permit the use of, any communications devices capable of receiving police radio traffic, except two-way radios equipped with only the agency frequencies currently used and authorized by the head of a law enforcement agency within their jurisdiction.

#### 4. Tow Trucks Shall Not Be Emergency Vehicles

a. Tow trucks, tow truck operators or towing services shall not install, equip, possess or permit the use of sirens, non-amber colored emergency warning lights, emergency flashing headlights or any other warning system customarily equipped on emergency vehicles for the purpose of moving traffic out of the way of an approaching emergency vehicle.

#### 5. Vehicle Staging or Transfer

a. The operator of a tow truck, towing service, employee or agent shall not tow any vehicle to any location other than that company's licensed storage facility without prior authorization of that vehicle's owner.

b. Vehicles shall not be towed from their original location to a secondary location for the purpose of transfer to another tow truck unless the primary tow truck has become disabled and cannot complete the tow. In this case the primary tow truck and its driver must wait with the towed vehicle until a second tow truck arrives to complete the tow.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:855 (May 2006), LR 36:2579 (November 2010).

## **Subchapter B. Tow Truck License Plate; Required Insurance**

### **§1913. Tow Truck License Plate**

#### A. Application

1. Applications shall be made to the Department of Public Safety and Corrections, in writing, upon forms prescribed and furnished by the department. Applications shall be complete, accurate and contain all required information. A non-refundable or transferable fee of \$150, in addition to other required fees, must be submitted with each Louisiana tow truck license plate application. Fees shall be tendered to the Office of Motor Vehicles, P.O. Box 64886, Baton Rouge, LA 70896.

2. An application for a Louisiana tow truck license plate shall be made in the form of an affidavit containing the vehicle description and at least the following:

- a. the name or names of owners or persons holding interest;
- b. the trade or business name of the tow truck operator;
- c. legal business entities such as corporations, limited liability corporations, partnerships, limited liability partnerships or other such legally recognized entities, whether registered with the office of the Secretary of State or not, should use their legally registered trade name as their business name. Such legally acknowledged entities shall include in the application:

- i. the names of corporate officers;
  - ii. the name and address of the corporation's registered agent for service of process; and
  - iii. the names of shareholders;
- d. a statement made, sworn and subscribed under oath. An example:

"Under penalty of perjury, I hereby swear and affirm the information submitted in this application is true and correct to the best of my knowledge and I, as the individual with authority to execute on behalf of the company for which this application is made, hereby agree to abide by the laws and regulations governing towing and storage operations and the tow truck license plate for which this application is made;"

- e. application date;
- f. notarized signature of the applicant or appropriate corporate officer; and
- g. proof of all required insurances overages, amounts, VINs and effective dates.

### 3. Trade Name; Tow Truck Markings

a. A tow truck owner or operator, prior to application for a tow truck license plate, shall use a trade name approved by the department, except in cases where a tow company is registered with the Secretary of the State.

b. Tow truck owners and tow truck operators shall list, by trade name as defined in this Section of this Chapter, the telephone number and address to their respective business. This listing will be in the official publication of the telephone company that services the area. Any towing service whose business is listed in directory services shall fulfill the intent of this Section.

c. Tow truck operators or owners shall permanently affix and prominently display on both sides of tow trucks the legal trade name of their business, telephone number and city of the vehicle's domicile in lettering at least 2 1/2 inches in height and not less than 1/4 inch in width.

d. The same legal trade name of the business used to mark the tow trucks shall be listed on the tow truck affidavit, registration, insurance certificates, towing and storage invoice and storage inspection license.

## B. Issuance, Responsibilities of License Holder

### 1. Issuance

- a. A tow truck license plate will be issued upon affirmation by an applicant that:
  - i. the application is made and filed in good faith;
  - ii. the information submitted is complete and accurate;
  - iii. the applicant's towing equipment meets the requirements set forth in the Towing and Storage Act and these rules.
- b. A tow truck owner or operator shall not conduct towing or storage related business until issuance of all required licenses.
- c. The holder of a tow truck license plate shall adhere to the requirements of the Towing and Storage Act, rules contained in this Chapter and the laws of this state.

### 2. Responsibilities

- a. Tow truck owners or tow truck operators shall ensure tow trucks owned or controlled by them:
  - i. display a valid Louisiana Motor Vehicle Inspection Certificate;
  - ii. display a valid Louisiana towing and recovery license plate or a Louisiana apportioned license plate with proof of the towing and recovery endorsement;
  - iii. possess either a copy or the original valid registration receipt in the tow truck; and
  - iv. possess proof of all required insurance coverages and amounts at all times in the tow truck.
- b. The holder of a tow truck license plate must notify the department in writing and within 10 days of any change in the original tow truck license plate application.

c. Tow truck license plate(s) are nontransferable, and can be issued to an individual, sole-proprietorship, corporation, or other legally recognized entities.

d. The holder of a tow truck license plate shall immediately surrender the tow plate to the department when there is a change of ownership.

e. A tow truck license plate shall remain affixed and prominently displayed on the tow truck for which it is assigned.

### 3. Denial of Applications

a. An application for a tow truck license plate shall be denied if:

i. a tow truck owner or operator is disqualified under the Act;

ii. a tow truck has a GVWR of 10,000 pounds or less and it shall not be used for towing vehicles for compensation; unless the year of manufacture is prior to 2007, in which case, a GVWR of 10,000 pounds shall not be cause for denial; or

iii. an application contains false or inaccurate information.

### 4. Renewal of Tow Truck License Plates

a. Tow truck license plate(s) shall be renewed annually in accordance with the schedule set forth by the Office of Motor Vehicles.

b. Tow truck license plates expire each year on the thirtieth day of June:

i. an administrative penalty shall be assessed for an expired tow truck license plate.

### C. Suspension of the Tow Truck License Plate

1. A tow truck license plate may be suspended for failure to:

a. comply with lawful orders of the department, its officers or any court of this state;

b. pay fees or fines owed the Department of Public Safety; or

c. a violation of law, rule or regulation as provided in this Chapter.

d. Is found to have been convicted of a felony relating to auto theft, vehicle insurance fraud, burglary of a vehicle and/or possession a stolen vehicle(s) or stolen vehicle parts or employs someone convicted of one of the above stated offenses.

### D. Revocation of a Tow Truck License

1. A tow truck license plate may be revoked for:

a. violation of "Prohibited Business Practices" as found in §1911.C of this Chapter;

b. operation of a tow truck while under the influence of abused or controlled dangerous substance or alcohol;

c. operation of a tow truck during the commission of a crime;

d. obtaining a tow truck license plate under false pretenses; or is found to have been convicted of felony relating to auto theft, vehicle insurance fraud, burglary of a vehicle and/or possession of vehicle(s) or stolen vehicle parts or employees someone convicted of one of the above stated offenses;

e. removal of a vehicle from private property in violation of R.S. 32:1736;

f. monitoring police radio traffic for profiteering purposes;

g. habitual violation of law, rule, or regulation; or

h. disqualification under R.S. 32:1711 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:856 (May 2006), amended LR 36:1270 (June 2010), LR 36:2579 (November 2010).

## **§1915. Insurance Requirements; Financial Responsibility**

### A. Required Insurance

1. A tow truck owner or operator shall maintain insurance coverage as prescribed by law. Insurance policies shall be in the name of the tow truck owner or operator, with proper limits of liability and shall remain in effect at all times. The types of required insurance coverage are outlined below:

a. worker's compensation and employer's liability insurance, if applicable;

b. automobile liability coverage in an amount of not less than \$300,000 combined single limits coverage;



- c. garage keeper's legal liability insurance in an amount not less than \$50,000;
- d. garage liability insurance in an amount of not less than \$50,000;
- e. on-hook coverage in an amount of not less than \$25,000.

2. Proof of financial responsibility satisfactory to the Office of Motor Vehicles or certificates of insurance issued by an insurer licensed to do business in the state of Louisiana or a federally authorized insurance group licensed in their state of domicile and attesting to carriage with coverage in the amounts herein below listed shall be submitted with the application (R.S. 32:1717 B).

#### B. Insurance Certificates

1. Insurance certificates shall contain:

- a. all information required by law;
- b. all information required by the Commissioner of Insurance of the State of Louisiana;
- c. effective and expiration dates, types and amounts of coverage;
- d. the Vehicle Identification Numbers (VIN) of vehicles insured;
- e. the mailing address and physical address of the tow truck owner or operator.

2. Insurance policies shall not be canceled or materially altered except after providing the department 20 days written notice of such cancellation or alteration.

#### C. Proof of Required Insurances

1. Insurance certificates containing all required information shall be kept at all times in each tow truck and at the place of business of the towing and storage entity available for inspection by officers of the department.

2. The tow truck, towing facility or storage facility owner or operator shall submit proof of insurance to the department immediately upon demand.

3. Certificates of required insurances as provided by this Chapter shall verify in writing limits of liability coverage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:857 (May 2006).

## **Subchapter C. Safety**

### **§1917. Driver's License; Required Skills and Knowledge**

A. Tow truck operators or towing services shall not operate, or permit the operation of, a tow truck unless the following requirements are satisfied:

- 1. the operator of a tow truck shall possess a valid Louisiana driver's license;
- 2. the driver's license shall be a minimum of a Class D, "chauffeurs license," and shall be of an appropriate class as required by law;
- 3. the operator of a tow truck shall possess proficiency in recovery and transport of vehicles;
- 4. an operator of a tow truck shall be at least 18 years of age;
- 5. the operator of a tow truck shall wear a uniform shirt displaying the towing company's and driver's name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:858 (May 2006).

### **§1919. Tow Truck Lighting; Equipment**

A. Tow truck operators and towing services shall ensure tow trucks are equipped with, and use, required lighting, pursuant to state law and if applicable, CFR Title 49. Auxiliary tow lighting shall be required and used if the rear tail lamps, stop lamps or turn signals on a combination of vehicles are obscured, inoperative, or not visible to the rear by approaching traffic. When auxiliary tow lights are required, they shall include a minimum of two properly functioning tail lamps, stop lamps and turn signals, which may be combined and shall be attached as far apart as practical on the rearmost portion of the towed vehicle and visible to the rear by approaching traffic.

B. Tow trucks shall comply with all equipment requirements found in, or adopted pursuant to Louisiana Revised Statutes Title 32, Chapter 1, Part V (Equipment of Vehicles), 32:1711 et seq. and, if applicable, CFR Title 49.

C. Tow truck shall be equipped with only amber colored flashing warning lights, strobes, light bars or beacons with sufficient strength and mounted in a location to be visible at 360 degrees at a distance of no less than 1,000 feet under normal atmospheric

conditions. Each tow truck shall be equipped with at least one amber colored light bar or beacon mounted to the roof or a higher location on a tow truck.

D. Tow truck operators and towing services shall ensure warning lights are operable at all times and shall only be activated after arriving at a disabled vehicle or when towing or recovering a vehicle. Slide back tow trucks solely transporting vehicles on their beds may opt to activate their tow truck's warning lights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:858 (May 2006).

### **§1921. Required Equipment**

A. Tow trucks shall be equipped with the following properly functioning equipment at all times.

1. Oil-Absorbing Materials

a. Each tow truck shall be equipped with a minimum of 5 gallons of sand, dirt, or manufactured materials capable of absorbing sufficient quantities of fluids. Materials shall be carried in such a manner as to be free from exposure to the elements.

2. Broom

a. Each tow truck shall be equipped with a standard or push broom of a sufficient size to effectively clear debris.

3. Shovel

a. Each tow truck shall be equipped with a standard shovel of a sufficient size to effectively clear debris.

4. Flashlight or Electric Lantern

a. Each tow truck shall be equipped with an electric lantern or flashlight that provides sufficient lighting to facilitate recovery or towing work.

5. Fire Extinguishers

a. Tow trucks shall be equipped with a mounted fire extinguisher having no less than an Underwriters Laboratory rating of 10 B:C.

6. Emergency Warning Devices

a. Tow trucks shall be equipped with at least three, non-flammable emergency warning devices capable of warning motorists of a hazard in or near a roadway.

7. Steering Wheel Clamps

a. Steering wheel clamps, cable, ropes or their equivalents shall be of sufficient strength to adequately secure and lock the steering mechanism of a towed vehicle in a straight and forward position.

8. Tow Sling or Tow Plate

a. Tow trucks shall be equipped with a tow sling, plate, bar or equivalent that is structurally adequate to sustain the weight drawn. Slings or plates shall be properly and securely mounted to the tow truck without excessive "play" or slack.

b. The tow plates, slings and tow-bars shall be securely affixed to the towed vehicle by means of chains, hooks, straps or their equivalent. These devices shall be of a towing capacity equal to the weight of the towed vehicle requiring use of at least two chains, hooks, straps, etc.

9. Tow truck components including, but not limited to, winches, booms, cables, cable clamps, thimbles, sheaves, guides, controls, blocks, slings, chains, hooks, bed locks, hydraulic components, etc., shall be in good working order and maintained to manufacturer/factory specifications.

B. Securement and Safety Devices; Detached or Shifting Loads

1. Securement and Safety Devices

a. Every vehicle towed by a tow truck shall be joined by at least two safety devices, chains or cables, spaced as far apart as practical to the forward portion of the towed vehicle, with a combined tensile strength equal to or greater than the gross weight of the towed vehicle times 1.3. Safety devices shall be attached in such a way as to prevent vehicle separation upon failure of the towing attachment and shall be anchored to both the tow truck and vehicle being towed with only enough slack to permit free turning of the vehicles.

b. In addition to Subparagraph a above, all towed vehicle placed in a wheel lift device shall be secured to the wheel lift on both sides by straps or chains of an adequate strength and design to safely couple the vehicle to the wheel lift.

c. Acceptable securement devices are chains, cables or synthetic webbing with a combined working load limit equal to or greater than one-half the gross weight of the transported vehicle and customarily used for securing a vehicle or load.

## 2. Slide-Back Tow Trucks; Trailers

a. A slide-back tow truck or trailer carrying a vehicle on its bed shall secure the vehicle with an acceptable securement device to the frame or other anchor points on the bed with at least one device (tiedown) securing the front and one device securing the rear of the transported vehicle in addition to the winch cable.

b. Transported vehicles over 10,000 pounds shall use a minimum of four acceptable securement devices (tiedowns); two at each end of the transported vehicle.

c. The securement devices shall not contain slack and shall prevent any movement of the transported vehicle and be of structural strength adequate to safely secure the vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:858 (May 2006).

### **§1923. Capacities and Specifications of Tow Equipment**

A. Tow trucks shall not be licensed for a weight less than the manufacturer's GVWR.

B. Tow trucks shall be properly licensed to carry the weight of the tow truck and its load or laden weight.

C. A tow truck owner or tow truck operator found exceeding the weight for which the tow truck is licensed shall be assessed an administrative penalty.

D. A tow trucks shall have its factory VIN and GVWR posted on the tow truck in an accessible location.

E. Tow trucks licensed pursuant to this Chapter shall be equipped with only those winches, booms and cranes that have been produced and constructed by a manufacturer who carries product liability and which regularly produces winches and cranes of guaranteed quality.

1. A winch, boom or crane will not be prohibited by this subsection if the tow truck owner submits to the department a certification from a reputable testing laboratory, regularly engaged in the testing of such equipment, indicating that the capacity of the winch, boom or crane as mounted in the tow truck is not less than the weight for which the application has been made and the certification is carried in the truck at all times.

2. All costs of such testing and certification shall be borne by the tow truck owner or operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:859 (May 2006).

### **§1925. Tow Truck Load Limitations; Specifications**

#### A. Load Limitations

1. No tow truck operator shall tow or transport another vehicle unless the tow truck is capable of safely towing the vehicle.

2. A tow truck and its load shall not exceed the capabilities of the towing vehicle or hinder its ability to safely accelerate, stop, or maneuver.

#### B. Specifications

1. At no time shall a slide back tow truck or car carrier, transporting a vehicle on its bed, exceed its manufacturer's GVWR or the manufacturer's rated capacity for the towing assembly.

2. At no time shall any tow truck exceed the manufacturer's rated capacity for the towing assembly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:859 (May 2006).

### **§1927. Inspections by the Department**

#### A. Investigations

1. The department is responsible for the effective regulation of vehicle towing, recovery and storage businesses in Louisiana. Applicants seeking or issued a tow truck license plate or a storage inspection license shall be subject to background investigations to determine eligibility.

2. The department may require a licensee to submit records, invoices, documents, etc., as necessary to complete an investigation.

3. Tow truck and storage facility owners or operators have a continuing obligation to inform the department in writing of any legal action taken against them that may affect eligibility to possess a tow truck license plate or a storage inspection license.

#### B. Inspection of Records, Invoices, Documents

1. Place of Business; Tow Trucks; Storage Facilities

a. Anytime during regular or normal business hours or when staffed; a business location, vehicle storage yard or facility and the premises of a tow truck owner or tow truck operator shall be subject to inspection by the department, with or without advance notice, to promote compliance with the provisions of this Chapter.

b. Tow truck operators, towing services, storage facilities, their employees or agents shall render full cooperation and courtesy to department officers.

c. Department officers are authorized to enter upon any property and perform inspections of towing facilities, storage facilities or tow trucks licensed or subject to licensing pursuant to this Chapter.

## 2. Records

a. Upon request, a licensee shall make available to the department all required information and records and provide copies, as deemed appropriate by the department.

## 3. Other Law Enforcement Agencies

a. Law enforcement officers, within their jurisdiction, may inspect towing or storage businesses' records as part of an investigation during normal business hours.

## 4. Tow Truck Repair and Maintenance

a. Every tow operator or towing service shall systematically inspect, repair and maintain or cause to systematically inspect, repair and maintain all tow trucks and tow equipment subject to their control.

b. A tow truck owner or operator shall not operate, or allow or permit the operation of a tow truck in such a condition as to likely cause a motor vehicle crash, vehicle breakdown or malfunction.

## 5. Tow Trucks Declared Unsafe for Operation

### a. Out-of-Service Criteria

i. Department officers shall declare and mark "out-of-service" any tow truck which, by reason of its mechanical condition or loading, would likely cause a motor vehicle crash or a breakdown.

ii. Department officers may place any tow truck out-of-service when such tow truck is found to be in need of repair to safely operate or an out-of-service violation exists as enumerated in the Commercial Vehicle Safety Alliance, Out-of-Service Criteria, revised January 1, 2004, or as amended hereafter.

iii. Department officers may place any tow truck driver out-of-service when such tow truck driver is found to be unqualified or unfit to drive or an out-of-service violation exists as enumerated in the Commercial Vehicle Safety Alliance, Out-of-Service Criteria, revised January 1, 2004, or as amended hereafter.

iv. A tow truck driver or tow truck that has been placed out-of-service shall remain as such until the required repairs are made and the condition is corrected and no longer exists.

## 6. Driving after Being Declared Out-of-Service

### a. Drivers

i. No tow truck operator who has been declared out of service shall operate a tow truck or commercial vehicle until the driver may lawfully do so.

### b. Tow Trucks

i. No tow truck owner or tow truck operator shall require or permit any person to operate nor shall any person operate any tow truck declared out-of-service until all repairs required by the out-of-service notice have been satisfactorily completed.

### c. Penalty

i. Any tow truck owner or tow truck operator violating the provisions of Subparagraph B.6.a (Drivers) of this Section shall be fined no less than \$1,000 and no more than \$2,750.

ii. Any tow truck owner violating the provisions of Subparagraph B.6.b (Tow Trucks) of this Section shall be fined \$2,750.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:859 (May 2006).

## **§1929. Towing Services to Use Due Care**

A. The towing service shall determine the method and manner of removing vehicles, and shall exercise due care to limit collateral damage during the towing, recovery or removal operations.

B. Tow truck and/or storage facility owners and operators shall adhere to any lawful orders or direction of a department law enforcement officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:860 (May 2006).

### **§1930. Vehicles Towed from Private Property**

A. Tow truck company owners, operators, and employees shall comply with the provisions of R.S. 32:1736 when towing vehicles from private property.

B. Towing and storage companies that conduct nonconsensual tows shall possess authority through the Louisiana Public Service Commission and a valid storage inspection license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 36:2579 (November 2010).

## **Subchapter D. Vehicle Storage**

### **§1931. Storage Facility; Licensing, Fees, Inspection, Requirements**

#### **A. Storage Facilities**

1. Storage facilities, subject to the provisions of R.S. 32:1711 et seq., shall be located within Louisiana and make application to the department for a storage inspection license for each storage facility location.

2. A valid storage inspection license must be issued by the department before conducting business as a storage facility or a new storage facility location being utilized.

3. A storage company with a change in name, address or ownership shall reapply and pay fees in accordance with this Section.

4. Storage inspection licenses shall expire annually on the thirtieth day of June and may be renewed 60 days prior to expiration. A company operating as a storage facility shall renew their storage inspection license prior to expiration.

#### **B. Storage Facilities; General Requirements**

1. Storage companies failing to comply with the requirements set forth in this Chapter shall be subject to administrative penalties.

2. Storage companies shall apply for and be issued a storage inspection license prior to charging or collecting storage or administrative fees. Any company found in violation of this Subchapter shall be subject to administrative and/or criminal penalties and shall forfeit all storage and administrative fees.

3. All licensees and applicants shall be current in the payment of all penalties and fees owed to the Department of Public Safety. Companies failing to comply with this requirement are subject to having their storage inspection license suspended or revoked by the Office of State Police and the business shall not charge or collect storage or administrative fees.

4. Prior to obtaining a storage inspection license, all applicable parish and/or municipal occupational licenses required for a facility to operate within said parish or municipality shall be current and valid.

5. Towing companies and existing qualified businesses applying for a storage inspection license shall apply in the same legal name of their business.

6.a. Storage companies shall comply with the insurance requirements listed in this Chapter, namely:

i. garage keepers legal liability insurance in an amount not less than \$50,000;

ii. garage liability insurance in an amount of not less than \$50,000; and

iii. other applicable insurance requirements set forth in this Chapter.

b. A storage operator shall maintain the policies of insurance and adhere to the requirements set forth in §1915 of this Chapter, except automobile liability coverage and on-hook coverage shall not be required unless a company operates tow trucks.

7. Prior to a towing or storage company going out of business, the company, company owners or agents shall return all stored vehicles to the respective vehicle owners or legally dispose of all stored vehicles by obtaining permits to sell or using other vehicle disposal methods enumerated in the Towing and Storage Act.

8. Storage facilities must have their place of business and storage area located on the same piece of property. The property may not be subdivided by any public street, right of way, or other piece of property not owned or leased by the storage facility. This provision will apply to all new storage facility applicants effective July 1, 2010 and will not affect licensed facilities seeking a renewal.

#### **C. Fees**

1. An applicant for a storage inspection license shall:

- a. remit the sum of \$100 per storage license, payable to the Louisiana State Police, Towing and Recovery Unit;
- b. mail completed applications to the Louisiana State Police, Towing and Recovery Unit, P.O. Box, 66614, Mail Slip A-26, Baton Rouge, LA 70896.

#### D. Inspection of a Storage Facility

1. Storage facilities shall make business records available for inspection by department officers during normal business hours, unless exigent circumstances exist which may require access to records after hours and shall provide copies upon request. Business records shall include any records created or obtained while acting as a towing and/or storage facility.
2. Storage inspection licenses shall be clearly visible and prominently displayed at each storage location's office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:861 (May 2006), amended LR 36:2579 (November 2010).

### **§1933. Requirements for Official Report of Stored Vehicle (ORSV); Filing; Submittal; Option of the Department to Send and Receive ORSV Information**

#### A. Storage Facility Requirements

1. When any vehicle subject to registration in this state has been stored, parked, or left at a garage where fees are charged for storage or parking, the owner of the storage or parking facility shall, unless exempted in R.S. 32:1721 or 32:1722, comply with R.S. 32:1719 and do the following.

- a. File an Official Report of Stored Vehicle (ORSV) within three business days of receiving the vehicle in writing addressed to the Department of Public Safety and Corrections, Office of Motor Vehicles, Specialized Vehicle Unit, P.O. Box 64886, Baton Rouge, LA 70896, or the department's authorized agent. If the vehicle is released to the vehicle owner within three business days of towing or receiving the vehicle, a storage/towing company shall not be required to submit the ORSV notification and if the ORSV notification is not made prior to the release of the vehicle, there shall be no charge for related administrative fees.

- b. Ensure that the ORSV contains make, model, VIN, license plate number, state of issuance and expiration date, vehicle storage date, adjusted storage date, stored vehicle's actual location, storage company's actual mailing address and state police storage inspection license number.

2. The department may charge an administrative fee of \$9.50 to process the information exchange required in the ORSV notification; which fees shall be deposited in accordance with R.S. 32:1731.

3. The department or the department's authorized agent, shall provide directly and in writing to the owner of the storage or parking facility, the most current owner information available on the stored vehicle and indicate if the vehicle is reported stolen. If the department reports that a stored vehicle is or has been registered in another state, that report shall indicate that the department has used due diligence in obtaining information from nationwide databases available to the department.

4. If a storage company has not complied with the storage inspection licensing requirements provided in this Chapter; the department, its authorized agent, or the office of motor vehicles shall:

- a. provide the owner information requested on the ORSV to the storage/towing company; and
- b. forward a copy of the ORSV to the Office of State Police, Towing and Recovery Unit, within three business days of receipt of the ORSV.

#### B. Procedures for Transmission and Receipt of ORSV Information

1. The department may, as it deems appropriate, establish procedures for the collection of stored vehicle information as listed in this Subsection, including, but not limited to:

- a. requirements that ORSV information be forwarded through electronic means from licensed storage companies the department;

- b. requirements that ORSV registrant information and vehicle owner information be forwarded to licensed storage facilities using electronic notifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:861 (May 2006), amended LR 36:2579 (November 2010).

### **§1935. Owner Notification of a Stored Vehicle**

A. Owners, employees and agents of storage facilities or business subject to licensing as storage facilities shall comply with the notification requirements found in R.S. 32:1720, 32:1720.1 and 32:1722.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:861 (May 2006).

### **§1937. Administrative Fees**

A. Administrative fees for storage of vehicles shall not be charged or otherwise collected without possession of a valid storage inspection license, and the timely filing of an ORSV prior to the release of the vehicle or other notification requirements in the Towing and Storage Act.

B. Licensed storage companies may charge the vehicle owner/lien holder those administrative costs incurred by filing an ORSV along with any postal charges related to the mailing of the ORSV notices and certificate of mailing letters sent to the vehicle owner and any lien holder.

C. The maximum administrative fee that may be charged by a storage company for filing of the Official Report of Stored Vehicle notice shall be \$25 for in-state notifications and \$30 for out-of-state notifications. The maximum administrative fee that may be charged for mailing certificate of mailing letters to the vehicle owner and lien holder shall be no more than the rate for US Postal Service plus \$4 per required letter.

D. All costs must be documented with receipts, which shall be made available to the department, vehicle owner and lien holder upon demand. Companies found in violation of this part shall be subject to criminal or administrative penalties prescribed in this Chapter, including forfeiture of storage and administrative fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:861 (May 2006), amended LR 36:2580 (November 2010).

### **§1939. Permits to Sell and Permits to Dismantle**

A. Any business that stores vehicles pursuant to this Chapter, prior to filing for a permit to sell or for a permit to dismantle, shall have obtained a current Louisiana Storage Inspection License.

B. Any business that stores vehicles pursuant to this Chapter shall include with each permit to sell or permit to dismantle filing, a legible photocopy of their storage inspection license.

1. Applications for permits to dismantle or permits to sell without photocopies of the storage inspection license shall be rejected.

2. Any business that stores vehicles pursuant to this Chapter and provides the department a fictitious or fraudulent storage inspection license photocopy, or uses, or allows the use of, a storage inspection license of another business shall be subject to criminal and administrative penalties prescribed by law, including the revocation of the storage inspection license.

3. Licensed storage facilities shall not place a vehicle into storage for the purposes of circumventing acceptable titling practices and the payment of statutorily required taxes and fees.

C. The department, or its authorized agents, shall not issue permits to sell or permits to dismantle, to a person or business failing to comply with the notification and storage inspection licensing requirements.

D. Storage facilities shall make notifications required in R.S. 32:1719 and 32:1720, unless R.S. 32:1722 is applicable, and shall comply with the requirements found in R.S. 32:1711 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:862 (May 2006), amended LR 36:2580 (November 2010).

### **§1941. Storage and Towing Facilities; General Requirements; Procedures**

A. A facility may only store and charge storage on vehicles that are in the facility's actual possession, located within the licensed storage area and meets the requirements of this Chapter.

B. Vehicles shall be released immediately to the vehicle owner or lien holder, or authorized agent once payment is made, any applicable lien holder requirements (R.S. 32:1720.1) are met, and any applicable documented law enforcement or department hold orders are released.

C. Storage and towing facilities shall provide for the security and safety of vehicles stored in accordance with this Chapter. Storage areas shall have security barriers or safety apparatus suitable to insure the security of the property contained therein. Outside storage areas shall be enclosed by at least a 6 foot high chain link fence, or fence of similar strength or solid wall sufficient to protect against loss, trespass or vandalism. The loss, damage, theft or misappropriation of a stored vehicle or its contents shall be evidence of a violation of this provision, if the loss, damage, theft or misappropriation was supported by sufficient evidence.

D. Storage and towing facilities shall have a clearly visible sign maintained at all times at the business office and at the entrance to any outside storage area, stating the name of the business, telephone number and hours of operation. An after-hour telephone number shall be included on the sign advising the public how to make contact for the release of vehicles, contents or personal property prior to any company charging a gate fee.

E. Removable personal items shall not be withheld by the towing or storage facility. Any person with picture identification, who shows proof of ownership, or written authorization from the stored vehicle's registered or legal owner, may inspect, photograph, view

the vehicle and remove non-affixed personal property, including the license plate, without charge during normal business hours. These items will be released to the owner or person authorized by the vehicle owner upon request if there is no police hold on them.

- F. Storage areas shall be adequate in size and construction for storing vehicles.
- G. Whenever any vehicle has been towed to a storage facility, other than by owner's request, the owner or operator of the storage facility shall comply with the law enforcement notification requirements found in R.S. 32:1718.
- H. The shared use of a storage facility, towing facility, business office or tow trucks by two or more different towing or storage companies is expressly prohibited.
- I. Towing and storage operators will maintain all records dealing with the towing and storage of vehicles for a minimum of three years.
- J. Towing or storage companies shall not store vehicles or charge for a service performed by another business or individual, unless the vehicle's owner authorizes the service or the vehicle's transfer to another business in writing.
- K. All third party tows or storage shall be prohibited, unless authorized by a law enforcement agency or in writing by the towed or stored vehicle's owner prior to the move.
- L. Vehicles shall be handled and returned in substantially the same condition as they existed before being towed or stored.
- M. Personal property left in a vehicle and not claimed prior to a company obtaining a permit to sell on said vehicle, shall be disposed of in accordance with existing applicable civil law.
- N. The address that the towing or storage service lists on its applications shall be the business location where its business records are kept.
- O. Vehicle repairs shall be authorized specifically by signature of vehicle owner or operator.
- P. Towing and Storage Invoices, Bills, Repair Statements and Vehicle Repair Authorization Forms
  - 1. All invoices, bills, statements and vehicle repair authorization forms shall be legible and include:
    - a. the legal name of the business and the physical and mailing address;
    - b. the vehicle description, VIN, license plate number, state of issue, vehicle year, vehicle make, and vehicle model and;
    - c. contain itemized charges for service as they occur.
  - 2. All towing and storage invoices, bills, statements and vehicle repair authorization forms shall be:
    - a. provided to a vehicle owner at the time of recompense;
    - b. consecutively numbered and filed by number;
    - c. completed to indicate the date the vehicle was released, the person's name, driver's license number and signature of the person taking possession of the vehicle; and
    - d. readily available, containing all the required information, along with voided invoices, upon request by virtue of either being kept on the actual premises or electronically produced via fax or other similar technological medium with 10 minutes.
  - 3. Towing invoices shall include the following legible information and shall be maintained with the towed vehicle at all times:
    - a. the requirements enumerated in Paragraph 1 above;
    - b. date, time and location of tow or service;
    - c. the tow-truck operator's name and time of dispatch; and
    - d. name and driver's license number of vehicle owner, operator, or other person with authority to authorize the tow, or the name of the law enforcement agency requesting and authorizing the tow.
- Q. Storage facilities shall maintain storage records at the individual locations, which shall include at least the following information:
  - 1. date and time call for service was received and location of vehicle if towed;
  - 2. name of the person and company requesting and authorizing the tow or service;
  - 3. description of the vehicle including VIN, license number and state, year, make, model and color;
  - 4. the tow truck operator's name, if towed;
  - 5. the date and location vehicle was placed in storage;
  - 6. proof of filing ORSV or exceptions listed in the Towing and Storage Act;



7. letters of notification as required by these rules and law;
8. proof of all administrative costs; and
9. records of release of vehicles shall include the date and legal name, driver's license number of the person the stored/towed vehicle was released to.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:862 (May 2006), amended LR 36:2580 (November 2010).

#### **§1943. Storage Rates**

A. Vehicle storage fees shall be based on a calendar day and documented by ORSV notification or the requirements in R.S. 32:1722.

B. Towing and/or storage facilities shall be staffed and open for business Monday thru Friday, 8 a.m. to 5 p.m., excluding state holidays.

C. The daily storage fee, as set by the Public Service Commission and department approved gate fees and administrative fees shall be the only fees charged for storing a vehicle. There shall be no additional charges for locating or retrieving the vehicle in the storage facility, viewing of the vehicle, photographing the vehicle, removal of items from the vehicle, moving a vehicle, or for any other similar activity during business hours.

D. Each daily overcharge shall constitute a separate violation and additional administrative penalties may be assessed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:863 (May 2006).

#### **§1945. Gate Fees**

A. Business Hours

1. For the purposes of this part, business hours will be Monday thru Friday, 8 a.m. to 5 p.m., excluding state holidays.
2. Gate fees shall not be charged during business hours.

B. Gate Fee Charge

1. A towing or storage company that charges a gate fee shall not charge a fee greater than \$45.
2. An owner of a vehicle charged fees in violation of this Chapter shall have cause of action to recover the amount of the excess fees, plus attorney fees and all court costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:863 (May 2006).

### **Subchapter E. Rotation List**

#### **§1947. Law Enforcement Tow Truck Rotation List**

A. Establishing a Rotation List

1. Louisiana law enforcement agencies may establish a rotation list of Louisiana towing companies using boom and/or slide back tow trucks and facilities licensed in accordance with the provisions of R.S. 32:1711 et seq., and rules and regulations promulgated herein.

2. Towing companies selected by a law enforcement agency to participate on their rotation list shall participate at the discretion of the law enforcement agency and may be removed for any violation of law, agency rule, or policy.

3. When a law enforcement officer determines that a motor vehicle must be towed, the law enforcement officer shall give the owner or operator of the motor vehicle the option to select a properly licensed towing company to tow his vehicle. If the owner or operator of the motor vehicle is unable to select a licensed towing company, chooses not to select a particular licensed towing company, or an emergency situation requires the immediate removal of the vehicle, the next available licensed towing company on the approved law enforcement rotation list shall be called by the law enforcement officer to tow the vehicle.

4. The towing company selected by the owner or operator of a vehicle or law enforcement agency shall be allowed to respond within to the call within 45 minutes. If the towing company fails to arrive within 45 minutes, the law enforcement officer may select the next available towing company from the approved rotation list.

5. Towing and storage facilities storing a vehicle that has a law enforcement hold, and the law enforcement agency requesting the hold, shall comply with R.S. 32:1735.1. Law enforcement agencies requesting to extend the hold beyond the initial 14 days shall submit the request in writing, on the agency's letterhead, to the storage facility. This request shall be kept on file at the facility and must contain the following information:

- a. the name and contact information of the officer requesting the hold;
- b. the name of the vehicle's owner, if available;
- c. the license plate number with state of issue and vehicle identification number;
- d. the year, make, and model of the vehicle

B. The following Paragraphs of this Section outline the minimum requirements for a towing rotation list and are to serve as a template for local law enforcement agencies to use at their discretion.

1. Every person, firm, corporation or other entity who participates in a law enforcement Tow Rotation Program, and is engaged in, or associated with the towing, removal or storage of any wrecked, abandoned, disabled or other designated vehicle, shall comply with the department's procedural order's Tow Rotation Guidelines and Operational Requirements, and all applicable state laws, and administrative regulations governing the towing and storage of vehicles including, but not limited to, R.S. 32:1711 et seq., and LAC 55:I.1901 et seq.

C. Approved towing or storage companies shall:

1. have been in business as such in the zone for which they are applying, for a continuous period of 12 months, prior to filing an application to participate. Transfers or the inheritance of an established tow company may be exempt from this requirement if the new owner has the necessary experience and meets the minimum licensing requirements;
2. maintain a valid storage inspection license and not owe any outstanding fees/fines to the department;
3. provide 24-hour service on a 365 day per year basis;
4. provide for a maximum 45 minute response time from the time of notification, unless extenuating circumstances exist;
5. not be owned, operated by, or knowingly employ any person who has been convicted of a felony relating to auto theft, vehicle insurance fraud, burglary of a vehicle, possession of stolen vehicles or vehicle parts;
6. not contract for towing or storage services with any party not in compliance with this Part.

D. Application for Participation in the Tow Rotation Program

1. Application shall be made on the requisite department-approved forms.
2. Upon submission, the application shall be forwarded to the appropriate department representative, who shall review and determine compliance.
3. Authorization shall be withheld from any company not meeting the operational requirements of this order applicable state laws or administrative regulations. Upon a finding of compliance with the aforementioned requirements, the applicant shall be added to the towing rotation list. The original application and affirmation shall be maintained at the department.
4. A contract, approved and provided by the department, must be signed by the towing company annually, once suitability has been verified. Authorization shall continue unless terminated by the department head.

E. Operational Requirements of Tow Trucks

1. Debris from a crash, with the exception of medical waste, shall be removed by the tow truck driver, other towing company employees, or the towing company assignee. The officer should make every effort to ensure that the crash scene is safe and protected throughout the recovery process.
2. Authorized towing companies shall honor all hold orders of the department.
  - a. The release of a vehicle or contents shall be authorized by the department storing the vehicle.
3. An officer who is responsible for storing a vehicle shall complete a vehicle storage, wrecker request and inventory record form.
  - a. The towing company shall be furnished a copy of the report by the officer at the scene.

F. Tow Trucks, Operators, Business Facility, and Storage Requirements

1. Each tow truck and operator shall meet all operational requirements listed in the Tow Rotation Guidelines and Operational Requirements manual, as well as those mandated for tow trucks in R.S. 23, 32, and 47 as well as LAC 55. All tow trucks in a business's fleet shall also be equipped with the following:

- a. a heavy duty shop type broom;
- b. at least one shovel;
- c. at least one fully charged fire extinguisher that meets or exceeds requirements set forth in FMCSA 393.95;
- d. at least two vehicle wheel chocks with anchor chains or hydraulic levelers (not required on car carriers);

- e. search lights or adequate working lights;
  - f. hand held flashlight (charged);
  - g. a steering wheel tie down;
  - h. a minimum of 5 gallons of environmentally safe absorbent material;
  - i. emergency stopped vehicle warning devices;
  - j. at least one amber rotating or flashing beacon visible at night for 360 degrees at a distance of 1000 feet, under normal atmospheric conditions;
  - k. a current towing and recovery license plate and Louisiana MVI certificate;
  - l. have all dunnage and loose items on the bed secured.
2. All tow truck operators shall:
- a. be an employee of the tow company whose services are being utilized;
  - b. possess a valid Louisiana driver's license of the appropriate class for the tow truck being driven;
  - c. be proficient with and have the necessary experience/training in vehicle recovery and towing;
  - d. be able to communicate in English;
  - e. wear a uniform shirt displaying the name of the towing company and driver;
  - f. wear appropriate footwear (no sandals or open-toe footwear);
  - g. wear an approved ANSI Class III reflective vest that is in good condition and fits the operator when working on or near the roadway during crash or vehicle recovery.

3. The business facility shall be equipped with communications equipment capable of providing direct contact between the department's dispatch and the company representative. The company representative must be able to maintain communications with the tow truck operator responding to a call. Citizen band radios and pagers are not sufficient equipment for this purpose.

4. Unless prior arrangements have been made with the department head, a business facility (or representative) must answer all phone calls for towing services at all times. Failure to answer any telephone call may constitute grounds for an immediate "one call" suspension from the rotation list.

5. The business facility shall be staffed and open Monday through Friday, from 8:00 a.m. to 5:00 p.m., excluding holidays. A representative from the company shall be on call for emergencies and an individual shall not be charged a gate fee or storage fees for being unable to retrieve their vehicle as a result of an action or omission from which the tow company would benefit.

6. The storage facility shall be of sufficient area to accommodate a minimum of 20 vehicles.

7. The storage facility shall be enclosed by a 6-foot fence or other physical barrier, either of which shall be sufficient to deter trespass.

8. The shared use of any facility for the storage of motor vehicles by more than one tow company is expressly prohibited.

#### G. Prohibition of Tow Trucks

1. No tow truck owner, agent, employee, or operator shall stop at the scene of a crash, disabled, or unattended vehicle for the purpose of soliciting business, either directly or indirectly; unless the owner or operator of said vehicle has specifically summoned the tow company or its employees or agents to such scene for towing or recovery purposes. Cruising highways for direct or indirect compensation is prohibited.

2. No operator shall, without the express authorization of the responsible investigating agency, move any vehicle from a public highway or street or from any public property when such vehicle is abandoned, stolen or damaged as a result of a crash.

EXCEPTION: Notwithstanding the conditions imposed in these rules, operators may, in emergency cases, move a vehicle involved in a crash, if the movement is necessary to extricate a person from the wreckage or to remove an immediate hazard to life and/or property. In no event shall the movement be more than is reasonable and necessary.

3. Operators shall respond to the scenes of police investigations only when called by the police or by the owner/operator of a disabled vehicle.

a. If tow truck operators are unable to respond when summoned by special request or upon request by the department, they must immediately notify the department and shall not summon a substitute. Repeated instances of tow company failing to respond may subject the tow company to removal from the rotation list.

b. If a tow truck arrives at the scene and is unable to provide the necessary services, the tow company must immediately notify the department. The tow company shall not summon a substitute unless the other tow truck is from the same company. The tow

company may request the assistance of another authorized rotation tow company if needed. This request should be made and approved through the department's shift supervisor.

4. When called, the tow truck company (or representative) shall provide the availability of their services, in a relatively timely period, and without screening. Once availability is determined, more details should then be provided to the tow truck company (or representative).

5. If a tow truck company (or representative) refuses any request for a tow, without reasonable justification, that may constitute grounds for an immediate one call suspension from the rotation list for that class/type of wrecker. Numerous documented refusals may constitute grounds for longer suspension periods, including the possibility of permanent removal from the rotation list.

a. If, for any justifiable reason, tow truck operators are unable to respond when summoned, they must immediately notify the department and have themselves "inactivated" on the tow rotation and shall not summon a substitute. Repeated instances of a tow company failing to respond may subject the tow company to removal from the rotation list.

6. Interference with commissioned officers at the scene or failure to comply with the officer's instructions is prohibited.

7. No tow truck operator shall require the vehicle's owner/operator to have his vehicle repaired by the towing company as a condition of the towing agreement.

8. No operator shall charge for service not performed or make duplicate charges.

9. No operator shall charge for services which are not itemized and documented on the invoice.

10. No operator shall make repairs or alterations to wrecked or disabled vehicles without prior authorization of the owner except for that which is necessary in an emergency to permit vehicle towing.

11. Operators must notify the department's dispatch before proceeding to any call from a motorist when the call may involve a crash or an impaired driver.

12. Operators shall comply with the provisions set forth in R.S. 32:1711 et seq., and LAC 55:I.1901 et seq., relative to the storage and release of motor vehicles.

13. No operator shall use any information obtained over a police monitoring device for the purposes of soliciting towing services.

#### H. Classification of Tow Trucks

1. Operational capacities of each tow truck must have a manufacturer's rating. The minimum standards of each tow truck shall be determined by the manufacturer's specifications for the capabilities and capacities of the tow truck and all towing equipment. Tow trucks shall not be permitted to haul any vehicle/cargo combination in excess of its rated gross vehicle weight (GVW) or class.

2. The following classifications are taken from the TRAA Vehicle Identification Guide: (The TRAA Vehicle Identification Guide refers to the slide back and tilt bed car carriers, as car carriers in the light and medium duty tow truck classes.)

a. Light Duty Tow Trucks (10,000 lbs. or less GVW—4 tires)

Class 1 vehicle	(6,000 lbs. or less GVW—4 tires)
Class 2 vehicle	(6,001–10,000 lbs. GVW—4 tires)

i. The towing company shall own and maintain for service at least one light or medium duty tow truck or slide back car carrier.

ii. Operators of light duty tow trucks shall maintain equipment adequate to winch and transport vehicles weighing up to 10,000 pounds. The 10,000 pound maximum limit includes the towed vehicle's weight plus any cargo on board.

iii. Tow truck minimum qualifications:

(a). GVW rating of not less than 10,001 pounds as rated by the manufacturer. Tow trucks manufactured prior to 2007 shall have a GVW rating of not less than 10,000 pounds;

(b). minimum of 60 inches from rear of cab to center of rear axle;

(c). adequate service brake system for normal and adverse towing conditions;

(d). adequate service brake system for normal and adverse towing conditions;

(e). parking brake system separate from the service brakes maintained in proper working order;

(f). dual mounted rear wheels and tires.

iv. Boom and winch minimum specifications (bare drum):

(a). boom rating not less than 8,000 pounds;

(b). power winch rated not less than 20,000 pounds, dual winches must have a minimum of 150 feet wire rope per winch with a breaking strength of 21,000 pounds and 1/2 inch in diameter.

- v. Required accessories:
  - (a). dollies or supplementary wheels;
  - (b). minimum of 20 feet of chain complete with attached 5/16 inch diameter hooks of either high test or alloy quality;
  - (c). a minimum of 2 snatch blocks;
  - (d). towing sling or towing hitch rated to the capacity of towing vehicle.

- vi. Car carrier qualifications:
  - (a). manufacturer's rated capacity of not less than 10,000 pounds GVW with a minimum of 102 inches to center of rear axle from back of the cab;
  - (b). one power winch of not less than 8,000 pounds capacity;
  - (c). at least 50 feet of 3/8 inch cable, rated at a minimum of 12,000 pounds breaking strength;
  - (d). a 16 foot or longer hydraulically-operated sliding bed;
  - (e). a minimum of one snatch block.

b. Medium Duty Tow Trucks (10,001–26,000 lbs. GVW—6 tires or more)

Class 3 vehicle	(10,001–14,000 lbs. GVW—6 tires or more)
Class 4 vehicle	(14,001–16,000 lbs. GVW—6 tires or more)
Class 5 vehicle	(16,001–19,500 lbs. GVW—6 tires or more)
Class 6 vehicle	(19,501–26,000 lbs. GVW—6 tires or more)

- i. The towing company shall own and maintain for service at least one light or medium duty tow truck or slide back carrier.
- ii. Operators of medium duty tow trucks shall maintain equipment adequate to winch and transport vehicles weighing up to 26,000 pounds. The 26,000 pound maximum limit includes the towed vehicle's weight plus any cargo on board.

- iii. Tow trucks minimum qualifications:
  - (a). minimum of 72 inches from rear of cab to the center of the rear axle;
  - (b). four-speed manual or automatic transmission;
  - (c). adequate service brake system for normal and adverse towing conditions. Tow trucks with air brakes, air-assisted mechanical or hydraulic, or completely hydraulic brakes must have a transfer system capable of supplying air to the brake system of the tow truck;
  - (d). a separate parking brake system maintained in good working order;
  - (e). dual mounted wheels and tires, single or tandem rear axle.

- iv. Boom and winch minimum specifications (bare drum):
  - (a). boom rating not less than 20,000 pounds;
  - (b). power winch rated not less than 20,000 pounds, dual winches must have a minimum of 150 feet wire rope per winch with a breaking strength of 21,000 pounds and 2 inches in diameter.

- v. Required accessories:
  - (a). dollies or supplementary wheels;
  - (b). at least 25 feet of 3/8 inch chain with 3/8 inch hooks attached, may be in 10 foot lengths and of either high test or alloy quality;
  - (c). at least 2 snatch block;
  - (d). towing sling or hitch rated to wrecker capacity.

- vi. Car carrier qualifications:
  - (a). rated capacity of not less than 15,000 pounds with 102 inches minimum from rear of cab to rear axle;
  - (b). one power winch rated for at least 8,000 pounds;
  - (c). at least 50 feet of 3/8 inch cable;
  - (d). an 18 foot or longer hydraulically-operated slide back and tilt bed;
  - (e). one snatch block, 8,000 pounds capacity.

c. Heavy Duty Tow Trucks (26,001 lbs. and over GVW—6 tires or more)

Class 7 vehicle	(26,001–33,000 lbs. GVW—6 tires or more)
Class 8 vehicle	(33,001 and over GVW—10 tires or more)

- i. The towing company may own and maintain for service at least one heavy duty tow truck in addition to at least one light or medium duty tow truck.
- ii. Operators of a heavy duty tow truck shall maintain equipment adequate to winch and transport vehicles and vehicle combinations that weigh 26,001 pounds or more.
- iii. Tow trucks minimum qualifications:
  - (a). minimum of 102 inches from rear of passenger cab to the center of the rear axle or bogie on tandem trucks;
  - (b). dual mounted wheels and tires on single or tandem axles;
  - (c). adequate service brake system, compressed air only, capable of controlling movement of vehicles under normal and adverse towing conditions and an air transfer system capable of supplying sufficient pressure to the brakes of the towed vehicle;
  - (d). a separate parking brake system, maintained in proper order.
- iv. Boom and winch minimum specifications (bare drum):
  - (a). minimum boom rating of 50,000 pounds;
  - (b). power winch system with total, symmetrical capacity of 50,000 pounds;
  - (c). minimum of 200 feet of wire rope per winch of at least 9/16 inch diameter and rated at breaking strength of 27,000 pounds.
- v. Required accessories:
  - (a). at least 20 feet of 3/8 inch chains with hooks attached of either high test or alloy quality;
  - (b). at least 75 feet of auxiliary lines properly maintained and outfitted with the necessary transfer fittings;
  - (c). heavy duty truck towing hitch;
  - (d). at least 4 snatch blocks.
- d. Hazardous material recovery and movers:
  - i. must meet minimum requirements of the class of tow truck that is required for the recovery, as mentioned in this order;
  - ii. must comply with LRS 32:1504 et seq.;
  - iii. must have nylon recovery straps;
  - iv. must have the necessary equipment to perform the services required in a safe and efficient manner;
  - v. all operators must obtain the minimum certification and training as required by OSHA and NFPA as well as any required annual re-certification. Proof of operator's certification may be checked by law enforcement officials at the scene of any hazardous materials incident.

I. Penalties for Towing Violations

1. The department's head or his/her designee shall investigate complaints alleging violation of state law, department policy and procedure (including Towing Guidelines and Operational Requirements).
2. A violation of the aforementioned may result in civil penalties being levied against the tow company as well as suspension or removal from the rotation list.
3. All complaints made against authorized operators shall be made directly to the department head or designee. Appropriate action may be taken by the department head.
  - a. Any tow truck owner may submit a written appeal to the department head requesting a review of the investigation and/or any suspension from the rotation list.
  - b. Review hearings will be held within 10 business days after a request is made.
4. Violations of these rules may result in penalties as follows:
  - a. a "one call" suspension for refusals or communication violations (non appealable);
  - b. first violation—a maximum of 15 days suspension from the rotation list;
  - c. second violation in 12 months—a maximum of 30 days suspension from the rotation list;

- d. third violation in 12 months—a maximum of 60 days suspension from the rotation list;
- e. fourth violation in 12 months—permanent suspension from the rotation list;
- f. any violation of state law or parish municipal ordinance may be grounds for immediate suspension from the rotation list, and upon conviction, permanent exclusion.

J. Towing-Administrative Hearing

1. State law requires that the owner of any vehicle towed by a public agency shall have the right to an administrative hearing to determine if the towing of the vehicle was proper. The owner of the vehicle must make request for a hearing within 10 days of the date the owner was notified as per R.S. 32:1720. The purpose of the hearing is to determine the validity of the tow.

2. The designated department representative shall avail themselves to any person requesting such a hearing. These hearings may be as informal as a review of the circumstances surrounding the tow and a response to the inquiring party as to the department's determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:863 (May 2006), amended LR 36:546 (March 2010), LR 36:2580 (November 2010).

**§1949. Severability Clause**

A. If for any reason a provision of these rules is declared invalid, the invalidity of that provision shall not affect the validity of the remaining rules or other provisions thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:864 (May 2006).