

**CITY OF PHILADELPHIA
OFFICE OF THE MANAGING DIRECTOR**

**REGULATIONS REGARDING THE ESTABLISHMENT OF
A ROTATIONAL TOWING SYSTEM AND
RELATED TOWING REQUIREMENTS
PURSUANT TO SECTION 9-605(4) OF THE PHILADELPHIA CODE**

The Office of the Managing Director hereby adopts the following amended regulations regarding the establishment of a rotational towing system and related towing requirements pursuant to Section 9-605(4) of The Philadelphia Code.

1. Towing Prohibition.

A. No tow operator may tow a vehicle from the scene of an accident where police have been dispatched, or otherwise respond to the scene of the accident, or tow a disabled vehicle (meaning a motor vehicle which has been damaged, or rendered inoperative or unsafe to drive as the result of wear and tear, mechanical failure, collision or accident) if the vehicle is either impeding traffic or is on the shoulder of a limited access highway, unless the towing company employing the tow operator either has been dispatched to the scene from a rotational list or has been selected or permitted to perform such tow from a state highway by the State Police.

[Note: this does not mean that tows are required from all accidents; these rules apply only where a tow *is* required.]

2. Identification and Dispatch of Rotational Tow.

A. Six tow lists will be created in the City, corresponding to each of the six Police geographic divisions.

B. Police Dispatch shall dispatch a tow truck concurrently with dispatching an officer to the scene of an accident or disabled vehicle. Upon arriving at the scene, Police responder will determine whether additional tow trucks are needed, and whether any specialty equipment is needed (*e.g.*, one or more flatbeds); and request further dispatch if necessary.

(.1) The Police Department may utilize a third-party towing management vendor pursuant to a City contract to manage dispatch activities between the Police Department and towing companies in accordance with these Regulations.

C. Police Dispatch, or a contracted third-party towing management vendor, shall contact the next listed towing company on the rotational list established for the geographic area of the City where the vehicle(s) to be towed is located and shall explain the towing needs at the location.

D. If the towing company does not want to accept the job for any reason (*e.g.*, it will not be able to meet the required response time) towing company can, at the time of the dispatch communication, advise dispatch that it is “passing” on its turn. The towing company will then return to the end of the rotational list for that geographic area.

E. A towing company is permitted three such “passes” of its turn in a one-year period. Additional passes within a one-year period shall constitute a violation of the requirements of the rotational system.

F. If the towing company accepts the job (or any portion of the job), the towing company shall identify for the dispatcher the number of trucks available and whether specialty equipment is available. The dispatcher will confirm with the towing company what equipment the towing company is sending to the scene. If the towing company does not have available all of the total number of trucks needed, or does not have specialty equipment needed, dispatch will call the next towing company on the rotational list to find a towing company to provide the remaining equipment needed. A towing company’s inability to provide all needed trucks or specialty equipment will not constitute a “pass” of its turn in the rotational system, as long as at least one truck of the type needed to perform some portion of the job is provided.

G. If a towing company accepts the job and its tow operator responds to the scene in accordance with the time frame and other guidelines of the rotational towing program, but does not complete a tow, the towing company will not forfeit its place on the rotation list. For the purposes of this regulation, a tow shall be deemed completed if a vehicle was relocated to a lawful parking spot at the direction of the owner and/or operator, or was transported by the tow operator employed by the towing company that was dispatched through the rotational system to a location requested by the vehicle owner or law enforcement personnel.

H. While at the location of the accident or disabled vehicle, tow operator shall, if requested, provide proof to law enforcement that the tow operator was properly dispatched to the scene through the rotational system. Displaying a valid dispatch communication sent by a third-party towing management service under contract with the City shall constitute sufficient proof.

I. Only the towing company dispatched in accordance with the rotational system shall accept the job and respond to the scene. A towing company shall not subcontract the towing of any vehicle that falls within the scope of the rotational tow program to any other towing company or tow operator that was not properly dispatched in accordance with the rotational tow program.

3. Placement on Rotational List

A. To be placed on a rotational list, a towing company must submit a completed application form to the Department of Licenses and Inspections or its designee. To qualify, a towing company must:

1. Have a towing company license in good standing under Section 9-605 of The Philadelphia Code. (Suspension or revocation of license for reasons unrelated to rotational

system shall also lead to removal from rotational list). The towing company license must identify vehicle information for each tow truck to be used in the rotational towing program;

2. Agree to abide by price and other limitations set forth in these regulations. Towing company must also be able to accept payment at point of drop-off, including by credit card. Attempts to charge impermissible fees or charges will be grounds for suspension or removal from the list;

3. Agree to abide by response protocols, such as the need to respond to tow jobs accepted within the required 20-minute response time, ability to respond on a 24-hour basis, and the limitation on the number of passes of the towing company's turn on list permitted within a year;

4. Certify that the towing company will meet the requirements for tow response in a safe manner for each geographic district for which the towing company has applied to be placed on a rotational list;

5. Agree that the owner/operator of a towed vehicle shall determine the location to which the vehicle shall be towed, within City limits;

6. Agree to make vehicles towed through the rotational system available for inspection by the vehicle's registered owner or insurance carrier, without fee, at any time during normal business hours on the same day of the request;

7. Own, or lease from a towing company that is approved to participate in the rotational towing system, a vehicle storage facility located within the City of Philadelphia that is secured on a 24-hour basis and provide the address to the City;

8. Maintain a primary place of business located within the City of Philadelphia, and notify the Department of Licenses and Inspections or its designee of any changes in address within 10 days;

9. Maintain business and mobile telephone numbers that cannot be used by any other towing company, and notify the Department of Licenses and Inspections or its designee of any changes in telephone numbers within 10 days;

10. Pay an annual application fee of \$150.00 to the Department of Licenses and Inspections or its designee; and

11. Agree to the terms and conditions of any towing management vendor under contract with the City to manage the dispatch functions and other administrative responsibilities for the rotational towing program.

B. No towing company shall be eligible for inclusion on more than four of the six geographically-based lists.

C. A towing company may be approved for inclusion on more than one rotational list only if all the lists for which it is registered correspond to contiguous geographic areas.

D. Any towing company whose inclusion on lists is not in compliance with the requirements of paragraphs 3.B. and 3.C. shall, within 60 days of these regulations taking effect, identify to the Department of Licenses and Inspections or its designee the lists from which it shall be removed in order to come into compliance; if such information is not provided in that time period, the Department or its designee shall remove the towing company from such lists as may be necessary to bring the towing company into compliance.

E. During the course of a year, a towing company may request that it be removed from a rotational list. A towing company can also request to be added to a list at any time.

4. Performance of the Tow

A. The Police responder at the scene of the tow will notify central dispatch of the time the tow operator arrives at the scene. The dispatcher shall record the time, for monitoring purposes.

B. Tow operators are expected to arrive at the location within 20 minutes from the time of the dispatch communication to the towing company, driving within the speed limit and complying with all applicable traffic laws and regulations.

C. The tow operator shall provide the owner/operator of the disabled vehicle with a copy of a "Consumer Bill of Rights," in the form attached hereto as Exhibit A, explaining the vehicle owner or operator's rights in connection with any tow of a disabled vehicle. If requested by customer, tow operators shall provide vehicle owners with itemized invoices prior to accepting payment.

D. The tow operator shall, if requested, provide proof to law enforcement that the towing company was properly dispatched to the scene through the rotational system. Displaying a valid dispatch communication sent by a third-party towing management service under contract with the City shall constitute sufficient proof.

E. The tow operator shall tow the vehicle to any location within the City selected by the owner or operator of the vehicle. No tow operator may relocate a towed vehicle to a third or subsequent location without written authorization from the vehicle's registered owner or their authorized designee that specifies the subsequent location and the date of relocation. Unless the transfer to a subsequent location has been authorized, a vehicle owner shall not be subject to additional towing fees if the vehicle is relocated to a subsequent location by the towing company.

F. The tow operator shall also perform a reasonable amount of clean-up at the scene, such as removal of significant pieces of debris.

G. In the event the owner or operator is unavailable to provide instruction as to where the vehicle should be towed, the towing company shall take temporary possession of the vehicle. The Police Department will provide notification of the name and location of the towing company and location of the vehicle to the owner or operator both at the hospital, as required, and through delivery of notice to the owner's home.

H. Towing companies shall make vehicles towed through the rotational system available for inspection by the vehicle's registered owner or insurance carrier, without fee, at any time during normal business hours on the same day of the request. No tow operator may prevent a vehicle owner or their authorized agent from retrieving their vehicle on the same day of making such request, provided that the request is made during normal business hours and all applicable towing and storage fees permitted in accordance with this regulation are paid in full.

I. No towing company or tow operator shall charge for a tow or removal performed pursuant to this rotational system or pursuant to selection or permission to perform such tow from a state highway by the State Police, an amount more than: (a) the maximum fee permitted for a tow under section 9-605(4) of The Philadelphia Code; or (b) the amount established by applicable state law.

J. The schedule of maximum permissible towing fees established under Section 9-605(4) of The Philadelphia Code includes the \$15 administrative fee paid to the Enforcement Agency, and any fees charged by a third party towing management vendor under contract with the City to administer the rotational tow program. Neither the \$15 administrative fee payable to the Enforcement Agency, nor any fees charged by a third party towing management vendor under contract with the City, shall be charged to the vehicle owner/operator in addition to the maximum fees set forth in Section 9-605(4). No other fees or charges, including winching fees, hooking or unhooking fees, clean-up fees, delivery fees or referral fees, may be charged by the towing company or tow operator in connection with the towing of the vehicle.

K. Towing companies shall pay in full any fees charged by a third party towing management vendor under contract with the City to administer the rotational tow program upon successful completion of each tow dispatched through the third party towing management vendor. No third party towing management vendor shall charge a fee in excess of \$22 per completed tow.

L. The towing company, or a third party towing management vendor, shall remit the \$15 administrative fee payable to the Enforcement Agency upon payment of all towing fees by the vehicle owner/operator or his designee. All fees due to the Enforcement Agency shall be remitted to the Enforcement Agency on at least a monthly basis.

M. No towing company shall retain any portion of a towing fee in excess of the towing fee set forth in Section 9-605(4), less the \$15 administrative fee payable to the Enforcement Agency and any fees payable to a third party towing management vendor under contract with the City to administer the rotational tow program. For example, if the maximum towing fee established in Section 9-605(4) is \$215, the Enforcement Agency's administrative fee is \$15, and the City has contracted with a third party towing management vendor at a rate of \$22 per completed tow, the towing company may retain no more than \$178 per tow.

The maximum towing fees provided under Section 9-605(4)(h) are as follows:

Vehicle Weight	Maximum Towing Fee	Enforcement Agency Fee	Towing Management Vendor Fee	Maximum Amount to be Retained by Towing Company
Under 11,000 lbs	\$215	\$15	\$22	\$178
11,000 to 17,000 lbs	\$290	\$15	\$22	\$253
Over 17,000 lbs	\$400	\$15	\$22	\$363

N. For circumstances in which the towing company must take temporary possession of the vehicle, no towing company, or owner or operator of a location to which such vehicle is towed, shall charge more than (a) the fees for storage set forth in Section 9-605(4) of The Philadelphia Code; or (b) the amount established by applicable state law. The towing company or person storing such towed vehicle may not refuse to release the vehicle based on a claim to any charges in excess of the permitted amounts.

O. The City may require its contracted third-party towing management vendor to enable customers to pay for towed vehicles through online credit card payments processed within the vendor’s impound management system. Any amounts collected by the third-party towing management vendor on behalf of the towing company shall be remitted on at least a weekly basis to the towing company from the towing management vendor via an ACH banking transaction directly into the towing company’s desired bank account. When the towing company has verified through the impound management system that all applicable fees have been paid in full as evidenced by the status of the vehicle in the impound management system, the towing company shall release the vehicle upon request by the vehicle owner or the owner’s authorized designee.

5. Administration of Rotational Lists/Handling Infractions

A. The Department of Licenses and Inspections or its designee will be responsible for administering and monitoring the rotational tow lists. Towing companies may be removed or suspended from the list for violations of the Code or of these regulations.

B. Violations that may result in a towing company’s suspension or removal from the rotational list(s) include, but are not limited to, performance measures such as late response times and an excessive number of waivers of the towing company’s turn on the rotational list, as reported by the Police or the City’s designee.

C. Licenses and Inspections or Police shall notify towing companies of any violations of the Code or these regulations that may affect their status on a rotational tow list.

1. The notice of violation shall state the nature of the violation and the sanction. Potential sanctions shall include warnings, suspension from the rotational list for up to one (1) year, or permanent removal from the rotational list. Licenses and Inspections also maintains the authority to suspend or revoke a towing company's tow license for rotational tow violations or other violations of the Code.

2. The notice of violation will offer the towing company an opportunity to appeal code violations, rotational tow list suspension or removal, or license suspension or revocation to the Board of Licenses and Inspections Review, and will provide an explanation of the appeal procedures. If an appeal is filed within 30 days of issuance of the notice of violation, the sanction will be stayed until the appeal is resolved.

3. Licenses and Inspections will implement and monitor penalties, as appropriate. If a towing company is removed from the rotational tow list(s), Licenses and Inspections will notify its designee to update the list(s).

6. Effective Date

A. These regulations shall be effective upon notification from the Department of Records that the requirements of Section 8-407 of the Home Rule Charter have been completed, and upon the effective date of Bill No. 171001, pursuant to its terms.



CITY OF PHILADELPHIA

PHILADELPHIA ROTATIONAL TOW SYSTEM DISABLED MOTOR VEHICLE CONSUMER BILL OF RIGHTS

OWNER/OPERATORS of disabled vehicles are strongly encouraged to confirm with Police that the tow company that responded to the scene is the same tow company that was dispatched by the Police Department prior to signing any towing agreements.

Tow companies summoned by the Police Department must tow the disabled motor vehicle to ANY LOCATION WITHIN CITY LIMITS as designated by THE OWNER/OPERATOR of the disabled vehicle.

The tow company must provide an owner/operator a COMPLETED TOWING AGREEMENT, to be signed, which must state the MAXIMUM FEES PERMITTED for the towing and storage (if required) of your motor vehicle, pursuant to the rotational towing regulations.

If the owner/operator is unable or unavailable to choose a location or sign the towing agreement, the towing company shall tow the motor vehicle to a bona fide storage lot or garage within reasonable distance of the accident scene

The maximum fees a towing company may charge you pursuant to the rotational tow regulations and The Philadelphia Code are:

- 1) \$215 FLAT RATE for towing of motor vehicles weighing less than 11,000 lbs, and \$25 per each 24hr period of storage
- 2) \$290 FLAT RATE for towing of motor vehicles weighing 11,000 to 17,000 lbs, and \$40 per each 24hr period of storage
- 3) \$400 FLAT RATE for towing of motor vehicles weighing over 17,000 lbs, and \$75 per each 24hr period of storage

When a vehicle is stored for less than 24 hours on any day, storage fees shall be in the same proportion as the fractional part of the day the vehicle is stored.

The tow company must accept payment of towing and storage fees in CASH OR by CREDIT CARD, but is not under any obligation to accept payments by check.

- Towing companies may not charge any additional fees (e.g. winching fees, hooking or unhooking fees, cleanup fees, delivery fees, administrative fees, etc.) in connection with the towing and storage of the vehicle.
- No repairs may be made on a disabled vehicle towed by the towing company unless the owner of the disabled vehicle or an authorized representative has signed an agreement which includes an estimate of the cost of repairs.
- No agreement for repairs may be entered into until 48 hours have elapsed from time of accident, in the event the owner/operator is injured and hospitalized.
- Any party who signs an agreement for repairs shall have 72 hours from the time of signing to reconsider the action and void said agreement.

Any complaints regarding a towing company may be filed with AutoReturn, the City of Philadelphia's contracted towing management service, at www.autoreturn.com or by calling 215-933-5031. If you have questions about the City of Philadelphia's rotational towing program, please visit www.phila.gov/towing.