

City of Knoxville Wrecker Ordinances

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND CHAPTER 26, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF KNOXVILLE, REGULATING SOLICITATION BY TOWING SERVICE COMPANIES OPERATING IN THE CITY OF KNOXVILLE AND CREATING A VOLUNTARY ROTATION LIST FOR TOWS REQUESTED BY KNOXVILLE POLICE OFFICERS OR OTHER CITY OF KNOXVILLE AUTHORITIES.

WHEREAS, towing services are essentially local in nature and give rise to legitimate local concerns about safety, consumer protection, and the like; and

WHEREAS, in March of 1999, the United States District Court for the Eastern District of Tennessee at Knoxville declared that portions of the City's wrecker ordinance were preempted by federal law in the case of Cedar Bluff 24-Hour Towing, Inc. v. City of Knoxville, 78 F.Supp.2d 725 (1999); and

WHEREAS, since Cedar Bluff 24-Hour Towing was decided, the United States Supreme Court in the case of City of Columbus v. Ours Garage and Wrecker Services, Inc., 536 U.S. 424 (2002) declared that municipalities may regulate the towing industry so long as the regulations are reasonably related to safety; and

WHEREAS, the City of Knoxville, through the Knoxville Wrecker Commission, has held numerous meetings involving the public over the course of the past several years to discuss concerns with the wrecker industry in Knoxville, including recent meetings to discuss the establishment of a voluntary rotation service for certain types of tow services; and

WHEREAS, the Commission has also heard numerous complaints from individuals over the past several years, including recent complaints regarding solicitation of business at the scenes of accidents; and

WHEREAS, the Commission has recommended that the City ban solicitation to protect the public from the safety hazards associated with solicitation, which include towing operators fighting over tows and police officers having to deal with additional traffic at the accident scene; and

WHEREAS, the Commission has also recommended that the City implement a rotation system which will create a voluntary list of wrecker companies willing to abide by regulations established by the Knoxville Police Department while towing vehicles at the request of police officers and other City representatives; and

WHEREAS, the ordinance will not prohibit any wrecker company from going to the scene of the accident if they have been contacted by the owner or driver of the vehicle or by E-911 dispatch; and

WHEREAS, this ordinance is not intended to and does not relate to the price, route, or provision of consensual towing services as preempted by the Interstate Commerce Commission Termination Act (ICCTA) 1975, 49 U.S.C. § 14501 (c)(1); and

WHEREAS, promoting public health, welfare, and safety for the citizens of the City of Knoxville is a goal of the Council of the City of Knoxville; and

WHEREAS, the Council of the City of Knoxville likewise desires to promote safety for the people of Knoxville by requiring proper standards and procedures for towing operations within the city.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF KNOXVILLE:

SECTION 1: Chapter 26, Article IV, of the Code of Ordinances is hereby amended by deleting the existing language in its entirety and substituting, in its place, the following language as a new Chapter 26, Article IV:

ARTICLE IV. WRECKERS

DIVISION I. GENERALLY.

Sec. 26-226. Purpose.

The wrecker or towing industry is a vital and integral part of the transportation system of the community of the city. Its regulation is necessary to protect the safety of those within the borders of the city who must rely on that industry as well as protect members of the industry themselves who must perform their duties safely. Additionally, its regulation is also necessary to ensure that disabled vehicles are removed from the highways as promptly as possible because delay in removal results in retarding the movement of traffic unnecessarily and causes street accidents.

To this end, this subchapter provides for the regulation of vehicle tow service, to be administered in a manner that protects the public health and safety and promotes the public convenience and necessity. The terms of this Article are not intended and do not relate to the price, route, or provision of consensual towing services as preempted by the Interstate Commerce Commission Termination Act (ICCTA) 1975, 49 U.S.C. § 14501 (c)(1).

Sec. 26-227. Application of this Article.

This chapter applies to any person or business engaging in the business of providing towing services within the municipal city limits of Knoxville. A wrecker conducting a tow that neither originates in the city or makes the city the destination of its tow and is merely traveling through the city shall be excluded from the provisions of this Article.

Sec. 26-228. Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (a) *Applicant* means the operator of a wrecker service that desires to participate in the rotation log by making application for the same.
- (b) *Certificate* means a certificate issued by the department authorizing the holder thereof to be placed on the rotation list and to engage in the business of providing wrecker or towing services within the City of Knoxville.
- (c) *Certificate holder* means the owner to whom the certificate is issued and includes persons, firms, corporations, joint stock companies, syndicates or associations as well as agents and employees of said owner.
- (d) *City* means the City of Knoxville or any department thereof.
- (e) *Consensual tow* means a tow where the vehicle owner or operator is present at the scene and the individual owner or operator expressly requests a specific towing company and enters into a private contract with the towing or wrecker company for services.
- (f) *Department* means the Knoxville Police Department, its Chief or representative.
- (g) *Driver* means any person driving a wrecker upon the streets, roads, and public thoroughfares of the City.
- (h) *Driver's helper* means any person riding with a driver or assisting him in the wrecker industry.
- (i) *Inspector* means the City of Knoxville Police Department wrecker inspector.
- (j) *Nonconsensual Tow* means the removal of a vehicle without the prior consent or prior authorization of the owner or operator.
- (k) *Rotation List* means the list of wrecker companies that have been approved to provide wrecker services for the City in accordance with the provisions of Division III of this Article.
- (l) *Rotation Wrecker Services* means the towing, lifting, righting, winching, removal or storage of a city-owned vehicle, illegally parked vehicle, wrecked vehicle, damaged vehicle, inoperable vehicle, seized vehicle, abandoned vehicle, disabled vehicle or other designated vehicle in accordance with the City rotation list.
- (m) *Rules and Regulations* means the Knoxville Police Department's rules and regulations for use of the rotation list for towing services, drivers and vehicle storage facilities, which shall be promulgated pursuant to Section 26-405.

- (n) *Tow* or *towing* means the act of moving damaged or disabled vehicles, illegally parked vehicles, vehicles that must be moved for safekeeping and evidentiary purposes, and abandoned, wrecked, dismantled or inoperative vehicles constituting a nuisance.
- (o) *Towing Operator* means any person, firm, corporation or other entity, whether licensed or not, who owns or operates a business which engages, in whole or in part, in the business of towing, removal or storage of motor vehicles in the City.
- (p) *Wrecker and/or tow truck* means a tow truck or motor vehicle constructed on a truck chassis with device operated by mechanical power and employed or used for the purpose of towing, lifting, transporting, conveying or removing any and all kinds of vehicles which are unable to be or actually are not operated under their own power.

Sec. 26-229. Towing of vehicles for compensation.

No towing service shall conduct a nonconsensual tow of a vehicle from a private parking lot for compensation when the point of origin of the tow is within the jurisdictional limits of the city without complying with the provisions of this Article.

Sec. 26-230. Driving Wrecker to Scene of Accident Prohibited.

No person may drive a wrecker, licensed or unlicensed, to the scene of an accident involving a wrecked vehicle which results in injury to or death of any person, or damage to property on the streets of the City unless the wrecker has been called to the scene by dispatch from the wrecker rotation list or by the preference of the owner or driver of the wrecked vehicle.

Sec. 26- 231. Soliciting Wrecker Business at Scene of Accident Prohibited.

No person may solicit in any manner, directly or indirectly, on the streets of the City, the business of towing, removing, repairing, wrecking, storing, trading or purchasing a vehicle. Proof of the presence of a person in the wrecker business, either as owner, operator, employee or agency, on a street in the City, stopped at the scene of an accident, which was not involved in the accident, and whose driver or occupants were not witnesses to the accident, and which has not been called to the scene by dispatch, the owner of the vehicle, or driver of the vehicle is prima facie evidence of a solicitation in violation of this Section.

Sec. 26-232. Chief of Police has authority to issue rules and regulations.

The Chief of Police, or his designee, may implement such rules and regulations to effect the purpose of this Article as are not in conflict therewith.

Sec. 26-233. Liability Insurance Required for Nonconsensual Tows.

Wrecker companies in the business of making nonconsensual tows within the City of Knoxville are required to obtain liability insurance covering the licensee and his towing and wrecker operation in an amount of not less than five hundred thousand dollars (\$500,000) for a single occurrence. Said liability insurance policy shall be in with an

insurance company authorized to do business in Tennessee. Additionally, the wrecker company performing nonconsensual tows shall also maintain a garage keeper's legal liability policy covering fire, theft, explosion and collision in an amount of not less than one hundred thousand dollars (\$100,000).

Sec. 26-234. Penalty for violation of Article.

Any violation of the terms of this article, except as otherwise provided in this Article, shall be punishable as provided in section 1-9.

Sec. 26-235. Severability.

If any provision of this Article is determined to be unenforceable or invalid, such determination will not affect the validity of the other provisions contained in this Article. Failure to enforce any provision of this Article does not affect the rights of the parties to enforce such provision in another circumstance, nor does it affect the rights of the parties to enforce any other provision of this Article at any time.

Sec. 26-236 – 26-245. Reserved.

DIVISION II. REQUIREMENTS AND DUTIES OF COMPANIES AND DRIVERS

Sec. 26-301. Payment of business tax.

Any towing company operating within the City of Knoxville shall have filed a return with the business tax office of the City for the minimum gross receipts tax that is required by T.C.A. 67-4-701-67-4-730, as amended, and submit evidence of the minimum payment required thereunder.

Sec. 26-302. Nonconsensual towing rates.

The rates for nonconsensual tows for which a towing company may charge when services called for originate within the City include the following:

- (1) Class A vehicles of one (1) ton or less:
 - a. Initial, or subsequent tows if necessary, from public or private property to any location: \$75.00 maximum
 - b. Dolly charge (only if required): \$15.00 maximum
 - c. Winching charge, per hour (only if required): \$25.00 maximum
 - d. Storage charge for open or covered storage, per day (only if required) \$20.00 maximum
 - e. Spills requiring chemical agents for clean-up, only by the request of a police officer: \$10.00 maximum

- (2) Class B vehicles between one (1) and four (4) tons:
 - a. From public or private property to any location: \$125.00 maximum
 - b. Hourly rate (only if required): . . . \$100.00 maximum per unit
 - c. Winching charge, per hour (only if required): \$100.00 maximum
 - d. Storage charge for open or covered storage, per day (only if required) \$30.00 maximum
 - e. Spills requiring chemical agents for clean-up, only by the request of a police officer: \$10.00 maximum
 - f. Extra manpower (only if required): . . . \$20.00 maximum per person

- (3) Class C vehicles over four (4) tons:
 - a. From public or private property to any location: \$200.00 maximum
 - b. Hourly rate (only if required): . . . \$175.00 maximum per unit
 - c. Winching charge, per hour (only if required): \$175.00 maximum
 - d. Storage charge for open or covered storage, per day (only if required) \$30.00 maximum
 - e. Spills requiring chemical agents for clean-up, only by the request of a police officer: \$10.00 maximum
 - f. Extra manpower (only if required): . . . \$20.00 maximum per person

(4) Charges for any other services than these specifically enumerated above constitute a violation of this Article and shall be subject to punishment as provided in section 26-233.

Sec. 26-303. Notification to Department of Nonconsensual tows.

The towing of any vehicle without the consent of the owner must be reported to the Department within one hour of the completion of the towing of the vehicle. The towing operator must advise the Department at that time of the location from which the vehicle was towed, license number, the vehicle identification number, make, model and color of the vehicle.

Sec. 26-304. Cleaning the streets when removing vehicles.

Whenever any driver of a wrecker removes a motor vehicle from the scene of an incident on public property, the streets, roads or public thoroughfares within the city, it shall be the duty of such driver or driver's helper to simultaneously remove and carry away from the public property, streets, roads, alleys or thoroughfares at or about the scene of such incident or collision all glass, metal and debris which may have been cast upon the public property, streets, roads, alleys or thoroughfares as a result of such incident or collision.

Sec. 26-305. Compliance with instructions of owner as to place to which vehicle is to be towed.

The driver of a wrecker shall tow, transport or convey the vehicle to be towed to any place designated by the owner of such vehicle. It shall be unlawful for the owner, driver, driver's helper or operator of the wrecker, or an agent, employee or representative of the owner or driver of the wrecker at the scene of any accident, to coerce, insist or solicit any owner or operator of a vehicle to sign a work order or agreement at the scene of any place from which the vehicle is to be transported for any repairs to be made on such vehicle. The driver of a wrecker, in all cases, before moving the vehicle to be towed, shall ask the owner or operator of the vehicle the place to which he desires the vehicle to be taken, and shall so transport such vehicle to such place upon the towing charges being paid or secured. Otherwise, the vehicle shall be towed or transported to the wrecker operator's storage lot. If the vehicle to be transported is involved in an accident and the owner or operator thereof is unable to give any instruction in his own behalf, the driver of the wrecker shall transport the wrecked vehicle to the location or facility designated by the police officer at the scene of the accident.

Sec. 26-306 – 26-330. Reserved.

**DIVISION III. ROTATION LIST FOR
WRECKER SERVICES.**

Sec. 26-401. Purpose of this Division.

The purpose of this division is to establish acceptable standards and criteria for the provision of rotation wrecker services to the City; provided, however, nothing herein shall obligate the City to the use of certificate holders on the rotation list as the sole or exclusive means of providing wrecker services to the City and the City reserves the right to contract independently of the provisions of this division for wrecker services for any particular aspect of municipal operation it deems appropriate.

The terms of this division are not intended and do not relate to the price, route, or provision of consensual towing services as preempted by the Interstate Commerce Commission Termination Act (ICCTA) 1975, 49 U.S.C. § 14501 (c)(1).

Sec. 26-402. Certificate required to be placed on rotation list in order to provide rotation wrecker services.

No person shall engage in the business of providing rotation wrecker services within the City of Knoxville without first obtaining and keeping in force a Certificate from the Chief of the Police Department, or his designee. This shall not apply to wreckers that are traveling through the City of Knoxville where the origination of the tow and delivery destination of the tow are not within the municipal limits of the City of Knoxville.

Sec. 26-403. Application For Rotation List.

- (a) *Written request for participation on rotation list.* Each applicant desiring to be placed on the rotation list shall file a written application with the Inspections Unit. The completed application must contain all the information required by the form and must be verified under oath. At the time that an applicant applies, the wrecker inspector, or his designee, will furnish each such applicant with a copy of the rules and regulations pertaining to the operation of wreckers on the rotation list.
- (b) *Content of Application.*
In addition to other requirements set forth in the rules and regulations of the Knoxville Police Department, the applicant will comply with the following:
- (1) Confirm that the applicant has a place and premises from which the applicant intends to operate a wrecker service within a three (3) mile radius of the municipal limits of the City of Knoxville or within Knox County and the location and description of the same;
 - (2) Confirm that the applicant has vehicle storage facilities within a three (3) mile radius of the municipal limits of the City of Knoxville or within Knox County and the location and description of same;
 - (3) Confirm that the applicant can respond to an accident scene within the City of Knoxville within a thirty (30) minute period;
 - (4) Confirm that the applicant will take out and maintain in full force and effect such policies of insurance as are herein required;
 - (5) Confirm that the applicant will comply with the mandatory rates and charges as are herein provided and may hereafter be adopted by the City for all rotation service tows.
- (c) *Review of Application.* The wrecker inspector, or his designee, will conduct an investigation of the applicant, the applicant's employees, and the applicant's wrecker business to determine if the applicant meets all requirements for participation on the rotation list. Applicant must furnish any additional information requested by the wrecker inspector during the investigation.
- (d) *Approval or Denial of Application.* The wrecker inspector, shall, within thirty (30) days of the application, approve or deny the application based on findings concerning the applicant's compliance with the qualifications and conditions of this Article. If the wrecker inspector, after his review of the application, approves of the application, the Inspector will grant and issue such applicant a certificate to

operate on the City's rotation list. If the application is denied, the applicant shall have the right to appeal the denial to the Wrecker Commission pursuant to Section 26-413(c).

- (e) *Application Processing Fee.* The fee for processing the application shall be one hundred (\$100.00).

Sec. 26-404. Certificate – Fees, expiration, transfer and display.

(a) A Certificate to be on the rotation list issued by the wrecker inspector shall be issued for a period of one year. Certificates are automatically renewed if the certificate holder complies with the remaining provisions of this Division and pays the renewal fee of \$100.00. Failure to comply with the requirements of this division shall prevent a certificate holder from automatically renewing its certificate.

(b) Certificates are non-transferable and shall immediately expire upon either termination by the certificate holder from the rotation list or revocation of the certificate holder by the Commission.

(c) Certificates shall be prominently and conspicuously displayed at all times upon the premises from which the certificate holder operates his towing/wrecker service.

Sec. 26-405. Wrecker Rotation List; Operation and Rotation Procedures.

Wrecker services pursuant to the provision of this division shall be administered by the Knoxville Police Department Chief or his designee, who shall have authority to promulgate rules and regulations in furtherance and implementation of this division so long as they do not conflict with any provision hereof.

Each applicant who wishes to participate in the wrecker rotation list shall comply with the terms of this Article, the rules and regulations promulgated by the Knoxville Police Department and the following terms and conditions throughout the license period:

(a) *Failure to Timely Respond to Dispatch.* An certificate holder that has received a dispatch must arrive on the scene within a set period of time as established by the Knoxville Police Department. If the certificate holder does not arrive on the scene on time, or if the public health, safety and welfare necessitates more expeditious action, the police department reserves the right to request the services of the next certificate holder on the rotation list. Any certificate holder that is late in responding to dispatches for wrecker service without justification may be subject to removal from the City's rotation list as per Section 26-413.

(b) *Emergency Conditions.* When emergency conditions necessitate, the City reserves the right to request the services of the operator, who, in the City's opinion, is best able to handle the situation and/or can reach the scene most expeditiously, regardless of the operator's position on the rotation list.

(c) *On-scene inspections.* The wrecker inspector, or his designee, has the right to inspect any wrecker or equipment of a certificate holder on the City's rotation list at the scene of an incident to ascertain if it is being maintained and all required equipment is on the wrecker and in proper operating order.

(d) *Obedience of traffic laws.* Each wrecker driver shall obey all federal, state and municipal traffic laws when responding to a dispatch for wrecker services.

(e) *Rotation List Participation.* Participation in the rotation list system shall be considered personal to the certificate holder thereof and shall constitute authorization only to that definite legal entity operating a bona fide wrecker service and the certificate shall not be subject to transfer. Participation on the rotation list shall not constitute a property interest, but rather is a mere license.

(f) *Twenty-four-hour service.* Each wrecker certificate holder shall maintain and be fully capable of providing twenty-four-hour, seven-day-a-week service.

(g) *Availability.* A certificate holder shall not accept a dispatch for wrecker services from the rotation list unless the certificate holder has a wrecker and the necessary equipment immediately available to perform the requested service. If it appears to the certificate holder, or to the city or department representative on the scene, that the certificate holder is not capable to perform the required service or needs assistance, the certificate holder may request that another certificate holder be dispatched.

(h) *Restriction for conviction of crimes.* No operator or wrecker driver shall be on the rotation list who has been convicted of any crime within the past five (5) years that is related to their capability to provide wrecker services to the public in a safe and responsible manner.

(i) *Driver's license required.* No person shall be a certificate holder or be allowed to operate any wrecker unless such person has a valid Tennessee driver's license and a commercial driver's license, if required by Tennessee State law.

Sec. 26-406. Wrecker Rotation List; Inspections.

(a) *Initial Inspection.* Each applicant must schedule an inspection with the wrecker inspector, or his designee, for any vehicle intended to be used by the applicant while operating under the City's rotation list. Each vehicle must pass inspection or the vehicle may not be used by the applicant for towing services under the rotation list. Fee for the initial inspection is \$25.00 per vehicle.

(b) *Annual Inspection.* In accordance with the rules and regulations promulgated by the Knoxville Police Department, each certificate holder on the rotation list must have its vehicles inspected annually at a time to be determined by the wrecker inspector, or his designee. The annual inspection fee will be \$25.00 per vehicle.

Sec. 26-407. Wrecker Rotation List; Facilities.

Any storage lot used by the certificate holder for storage of vehicles towed pursuant to this Division must be located within a three (3) mile radius of the corporate limits of the City of Knoxville or within Knox County and meet the requirements set forth by the rules and regulations promulgated by the Knoxville Police Department.

Sec. 26-408. Wrecker Rotation List; Records. Each certificate holder shall maintain accurate records of all wrecker services performed pursuant to this Division in accordance with the rules and regulations promulgated by the Knoxville Police Department.

(a) *Availability of Records.* All records required herein must be available during normal business hours for inspection by the City wrecker inspector.

(b) *Maintenance of Records.* Certificate holder shall maintain the records referred to in this Division for a total of three years.

(c) *Abandoned motor vehicles.* Records of all abandoned motor vehicles sold or disposed of by the certificate holder are to be maintained by the certificate holder in accordance with state law.

Sec. 26-409. Wrecker Rotation List; Insurance.

No applicant will be placed on the City's rotation list unless the applicant provides an acceptable certificate of insurance from an insurance company with a minimum of "A" rating to the wrecker inspector and complies with the following:

- (a) Every certificate holder assumes full responsibility and liability for any injury to persons, damage to property, fire or theft resulting from the certificate holder's negligent acts or omissions.
- (b) Every certificate holder must maintain the following policies of insurance according to the minimum limits set forth in this section. Each policy shall be in the name of the towing company, or its owner, and shall include coverage for towing and storage. The policy shall be effective for a period of not less than one (1) year. Insurance coverage may be provided in a single policy or separate split policies. It is the intent of this section to establish the minimum limit of the type and amount of insurance required herein.
 - a. Minimum vehicle liability amounts per occurrence:
 - (1) Class A and D: \$300,000
 - (2) Class B: \$500,000
 - (3) Class C: \$750,000
 - b. Minimum garage keeper's liability policy per occurrence (includes fire, explosion, theft, riot, vandalism, collision):
 - (1) Class A and D: \$ 75,000
 - (2) Class B: \$150,000
 - (3) Class C: \$200,000
 - c. Minimum on hook coverage per occurrence:
 - (1) Class A and D: \$75,000

- (2) Class B: \$150,000
- (3) Class C: \$200,000

- (c) The liability insurance policies required in this section shall name the City of Knoxville as an additional insured.
- (d) Certificate holders shall submit an insurance certificate to the wrecker inspector annually.
- (e) Renewal or cancellation.
 - (1) Certificates of insurance must be submitted to the wrecker inspector within ten (10) days prior to the renewal date, or at any time that insurance coverage changes.
 - (2) Certificate holder shall notify the wrecker inspector at least thirty (30) days prior to a policy being cancelled or if there is a change in insurance coverage.

Failure to maintain adequate insurance coverage or failure to notify the wrecker inspector of any changes in insurance coverage may result in the certificate holder's removal from the City's rotation list.

Sec. 26-410. Wrecker Rotation List; Rates and charges.

(a) The maximum fees for all wrecker services provided by any wrecker service certificate holder on the rotation log as the result of a dispatch shall not exceed the following amounts per wrecker, unless otherwise indicated:

- (1) City-owned vehicles to a City facility:
 - (i) Class A* vehicles: \$ 40.00 per unit
 - (ii) Class B* vehicles: \$ 60.00 per unit
 - (iii) Class C* vehicles: \$250.00 hourly rate
- (2) Vehicles towed to City lot at direction of officer:
 - (i) Class A vehicles: \$ 65.00 per unit
 - (ii) Class B vehicles: \$100.00 per unit
 - (iii) Class C vehicles: \$250.00 hourly rate
- (3) Vehicles towed to Certificate holder's storage facility or other location within a three mile radius of the City limits:
 - (i) Class A vehicles: \$120.00 per unit
 - (ii) Class B vehicles: \$150.00 per unit
 - (iii) Class C vehicles: \$350.00 hourly rate

* Class A vehicles: Auto through ½ ton
 Class B vehicles: ¾ ton through 2 ton
 Class C vehicles: Over 2 tons

(b) *Additional charges:*

(1) Extra winching and/or man-power used by the certificate holder to remove overturned vehicles and/or vehicles off the roadway and down an embankment may charge the following:

- (i) Class A vehicles: \$20.00 per unit
- (ii) Class B vehicles: \$50.00 per unit
- (iii) Class C vehicles: \$80.00 per unit

(2) City-Vehicle Fuel Charge: Certificate holder may charge a \$1.85 mileage charge for any city-owned vehicle that is towed from a location outside Knox County.

(c) *Charges are all-inclusive:* With the exception of subsection 26-410(b), all charges by certificate holders on the rotation list for rotation wrecker services are all-inclusive and include the following services: environmental cleanup at the site of the tow, winching, cleaning the area, dolly charges, administration costs and storage charges for twenty-four (24) hours after initial tow.

(d) *Storage Charges (After 24 hours):* Charges for storage and towing of a vehicles towed to the certificate holder's storage facility or to locations requested by the operator shall be the responsibility of the owner of the vehicle and not the responsibility of the City of Knoxville. In no event shall storage charges accumulate until 24 hours have elapsed. After 24 hours have elapsed, the daily maximum amounts for storage charges shall be as follows:

- (i) Class A vehicles: \$20.00
- (ii) Class B vehicles: \$30.00
- (iii) Class C vehicles: \$30.00
- (iv) Trailers under twenty (20) feet \$20.00
- (v) Trailers over twenty (20) feet \$30.00

These rates relate only to tow charges regarding the City's rotation list and do not relate to or regulate consensual wrecker services, being those situations where the vehicle's owner expressly requests towing or wrecker services by a specific towing company and enters into a private contract with the towing or wrecker company for services.

Sec. 26-411. Wrecker Rotation List; Rate Card Display.

Any certificate holder on the City's rotation list shall have the current rate card issued by the wrecker inspector setting forth the maximum authorized rates and charges for towing services for operating on the City's rotation list displayed in such a place as to be in full view of anyone wishing to inspect the same.

Sec. 26-412. Prohibited Acts.

In addition to the prohibitions contained in this Article, the certificate holders on the City's rotation list are prohibited from committing the following acts:

- (a) Violation of any of the laws of the City of Knoxville, the state of Tennessee, the United States;
- (b) Violation of the rules and regulations established by the Chief of the Knoxville Police Department for wreckers placed on the City's rotation list;
- (c) Answering a call outside of the zone to which he is assigned, unless contacted by E-911 dispatch, the owner or drive of the vehicle;
- (d) Intercept or respond to any telephone, radio or other communication or call for wrecker services made or directed to another certificate holder on the rotation list;
- (e) To remove or transport any vehicle which has been involved in an automobile accident occurring immediately prior to such removal without first receiving permission from a law enforcement officer on the scene;
- (f) To disregard the instruction of any law enforcement officer during the transporting of a vehicle to its destination;
- (g) To interfere with the orderly flow of traffic along public thoroughfares, except upon the direction of any law enforcement officer;
- (h) To drive along any street or bridge and solicit towing work;
- (i) To solicit or attempt to divert prospective patrons of another wrecker service;
- (j) To transport a vehicle other than by the most direct, safe route and without delay from the point of pick up to the point of assigned destination;
- (k) To charge more than the maximum fees as provided in this Article;
- (j) Removing or transporting any vehicle, the owner of which is in violation of any law of the City or State, except through instructions of a law enforcement officer.

Commission of the above-listed acts may result in the certificate holder's placement on the rotation list being suspended, revoked, or not renewed by the Commission.

Sec. 26-413. Wrecker Rotation List; Suspension or Revocation.

- (a) Violation of any provision of this Article, any Department rules and regulations regarding wrecker services for the rotation list, or violation of city, state or federal law may be cause for denial of inclusion on the rotation list, a warning, a suspension or removal of the certificate holder from the rotation list.
- (b) *Investigation and notice of violation.* Police officers and the wrecker inspector shall watch and observe the conduct of certificate holders operating under this Division. Officers shall report any violation of the provisions of this Article to the wrecker inspector, who shall investigate. If, in the judgment of the wrecker inspector, further action is deemed appropriate, the wrecker inspector shall cause the violation to come before the Wrecker Service Commission. A notice of the violation and the time and date of a hearing will be provided to the certificate holder if the violation warrants the Wrecker Commission's review of the matter. This notice will be provided to the certificate holder thirty (30) days prior to any hearing date.
- (c) *Hearing.* At the hearing, the certificate holder will be allowed an opportunity to respond to the alleged violation. The Wrecker Commission may, at its discretion,

adopt rules of procedure for conduct of the hearing. At the conclusion of the hearing, the Wrecker Commission, by majority vote, shall determine whether a violation of this Article has occurred and the appropriate disposition thereof. In the case of an applicant appealing the denial of placement on the rotation list, the Wrecker Commission shall make a determination as to the whether the denial was appropriate under the circumstances.

- (d) *Reinstatement after Suspension.* Wrecker inspector may reinstate a suspended certificate holder to the rotation list upon written application after the period of suspension has elapsed and after the wrecker inspector has verified that the certificate holder is in full compliance with all regulations of this Division. Reinstatement to the rotation list shall be conditioned upon the payment of a reinstatement fee of \$100.00 dollars.
- (e) *Emergency Suspension.* If any violations of the regulations of the Knoxville Police Department or this Division are deemed by the Chief of the Knoxville Police Department and the chairman of the Wrecker Commission to be of such a nature as to endanger public safety, the certificate holder shall be immediately suspended from the rotation list, then provided written notice pursuant to the provisions contained in subsection 26-413(b) above. In the absence of a chairman of the Wrecker Commission, the director of law has the authority to act.

Sec. 26-414 - 26-430. Reserved.

DIVISION IV. WRECKER SERVICE COMMISSION

Sec. 26-500. Composition. There is hereby established a wrecker service commission (“commission”) composed of the wrecker inspector, a representative from the fleet management department, three (3) consumer representatives appointed by the mayor and approved by council. The internal auditor for city council shall serve on the commission in an ex officio nonvoting capacity. A representative from the city law department shall be assigned by the law director to serve the commission in an advisory capacity.

Sec. 26-501. Terms of Commission Members. The members of the commission shall serve two-year terms or until replaced, whichever occurs first, without limitation of the number of terms a member can serve. The mayor shall designate those persons to serve as the representative of the fleet management department and as the consumer representatives. All designees shall be confirmed by resolution of the city council. The wrecker inspector shall be designated by the chief of police.

Sec. 26-502. Powers and Duties of Commission.

- (a) The commission shall serve in an advisory capacity to the city council, mayor and the department and shall have such other authority as provided herein or as otherwise empowered by the city council.

- (b) The commission is authorized to order certificate holders on the rotation list to appear before it and answer questions regarding this Article.
- (c) The commission, when necessary, is further authorized to conduct fact-finding proceedings/investigations in fulfillment of its duties. The commission may adopt such rules and operating policies as it deems reasonable and necessary in carrying out its duties.
- (d) The commission has the authority to conduct a hearing to:
 - (vi) review the denial of a certificate to be placed on the rotation list;
 - (vii) consider violations by certificate holders and to determine if any action should be taken to warn, suspend or revoke a certificate holder from the rotation list pursuant to subsection 25-413(d); or
 - (viii) review emergency suspensions of certificate holders taken pursuant to subsection 25-413(e) and hold a hearing in accordance with subsection 25-413(c)

Sec. 26-503. Records of Commission. All records of the wrecker service commission shall be retained by the department. Said records shall be retained by the department a minimum of five (5) years and may be retained for longer periods of time as deemed appropriate by the department.