



Knoxville Police Department City Wrecker Rotation Rules and Regulations



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1. **Purpose**

To establish policy, procedures and regulations for wrecker companies to participate in the City’s Wrecker Rotation System.

The terms of the rules and regulations 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).

2. **Definitions**

- 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. *Communications Center or dispatch* is the E-911 call center where calls for service are received and dispatched.
- f. *Department* means the Knoxville Police Department, its Chief or representative.
- g. *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 or disabled vehicle in accordance with the City rotation list.
- h. *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 City Code Section 26-405.
- i. *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.
- j. *Wrecker* 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.

- k. *Wrecker Inspector* is a Knoxville Police Officer appointed by the Chief of Police.
- l. *Wrecker Service Commission* means the commission established by ordinance of the Knoxville City Council, Code Section 26-500.

3. **Application Process**

An application must be completed and filed with the Inspections Unit of the Knoxville Police Department. Applicants who demonstrate successful compliance with the City Code and the Knoxville Police Department's rules and regulations will receive equal opportunity for inclusion on the rotation list.

Applications will be accepted at any time but will only be reviewed for inclusion on the rotation list on a semi-annual basis (January 1st and July 1st), unless an emergency situation or a response problem arises in which the City reserves the right to add to the rotation list at any time.

Applications must be filed with the Inspections Unit no later than 30 days prior to the enrollment periods of January 1st and July 1st. Failure to submit application in a timely manner will result in your application being postponed until the next enrollment period.

Applicants must also comply with the following:

- a. Applicants shall maintain a minimum of two (2) years of towing/storage records for inspection.
- b. The fee for processing an application for inclusion on the rotation list will be a nonrefundable fee of one hundred dollars (\$100.00). The certificate is valid from July 1st to June 30th of each year unless suspended or revoked. Applicants applying to be on the rotation list in January of each year will pay a pro-rated nonrefundable fee of fifty dollars (\$50.00) for a six-month certificate. The processing fee must be submitted with the application.
- c. Ensure that the towing company is independent of any other towing company. Phone number(s), address, business license, and storage facilities, etc. must not be the same as any other towing company.
- d. Applicants and wrecker drivers shall not have been convicted of a felony or theft within the past five (5) years.
- e. All wrecker drivers shall be required to submit to a criminal conviction records investigation pursuant to T.C.A. 6-54-128. Any cost incurred, in conducting a criminal conviction records investigation shall be paid by the applicant or driver.
- f. All wrecker drivers must possess a valid Tennessee Driver License along with any required endorsements. Drivers must also possess a Commercial Driver License (CDL), if required by Tennessee Law.
- g. Applicants shall be in compliance with Federal Regulations regarding Americans with Disabilities Act of 1990. (See Attachment A.)
- h. Applicants must be licensed and registered to do business in Tennessee.

4. **Certificate**

An applicant, who has met all the requirements of the City Code and the rules and regulations to be placed on the rotation list, may be issued a certificate. The certificate will expire on June 30th of each year unless suspended or revoked. An application must be completed and submitted each year along with the required inspections and fees.

5. **Vehicle Inspections**

Wreckers will be inspected prior to being used on the rotation list and annually thereafter. The Inspections Unit of the Knoxville Police Department will be responsible for the inspections and affixing a sticker on each wrecker. Inspection stickers will expire on June 30th of each year. There will be a \$25 inspection fee for each wrecker to be paid upon a successful inspection. In addition, the certificate holder shall have a mechanical inspection conducted on each wrecker by a certified mechanic, prior to utilizing the wrecker on the rotation list. The wrecker inspector will provide a form for the mechanical inspection.

If a certificate holder's wrecker is involved in an accident, the certificate holder shall notify the Inspections Unit of the Knoxville Police Department within twenty-four (24) hours of the accident. This notification is required regardless if an accident report was filed by a law enforcement agency.

Certificate holders agree to submit to inspections by the Knoxville Police Department of their premises, vehicles and equipment for compliance with all local, State and Federal laws as well as the Knoxville Police Department's rules and regulations. The inspections may be conducted without prior notice at any time.

Each wrecker must be in-compliance with the Wrecker Inspection Form.

- a. Each tow truck must be equipped with the following:
 1. At least one (1) Amber-colored light, visible and mounted on top of the wrecker (rotating or strobe type, LED lights are permitted)
 2. Sirens are prohibited
 3. Flood lights mounted at a height sufficient to illuminate the scene at night
 4. At least (1) 20 lb. fire extinguisher or (2) 10 lb. fully charged fire extinguishers having an Underwriters Laboratory rating of four (4)
A: B: C or more
 5. One (1) Shovel
 6. One (1) Axe
 7. One (1) Pry bar
 8. One (1) Heavy Duty Push-broom
 9. Minimum of one (1) 40 lb. fluid absorption compound
 10. A set of dollies on Class A wreckers
- b. General Appearance of wrecker:
 1. Body
 2. Lettering (Company name and vehicle unit #)
 3. Windows

c. Mechanical Operation:

1. Headlights
2. Tail/Brake lights
3. Tires
4. Boom condition
5. Cables
6. Cradle Tow Plate/Tow Sling

All wreckers shall be kept and maintained in a safe operating condition and in a reasonably clean condition.

6. **Identification of Vehicles:**

Each wrecker shall bear the name of the towing company on the outside of each front door or other approved area, in permanent lettering not less than four (4) inches and not more than eight (8) inches in height. Any color scheme, identifying design, monogram or insignia, or any proposed change thereto of any wrecker must be approved by the wrecker inspector so that the change will not conflict with or be in imitation of any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such manner as to be misleading or tend to deceive the public.

Magnetic signs are not permitted.

Each wrecker must have its own unique Unit number displayed on each side of the vehicle in such a manner as to be easily visible to the public.

7. **Wrecker Classifications:**

Four (4) distinct classes have been established. Each wrecker may only be listed in one (1) class. The following criteria must be met for each class for inclusion on the rotation list:

- a. **Class A wrecker** to be used for towing passenger cars, light trucks, small trailers and similar vehicles, which meet the following requirements:
 1. Tow truck chassis with a manufacturer's rated capacity of at least 14,000 lbs. GVWR.
 2. Individual boom capacity of not less than four (4) tons.
 3. Individual power winch pulling capacity of not less than four (4) tons.
 4. A minimum of one hundred (100) feet of 3/8 inch, or larger, cable on each drum.
 5. Wheel lift capable of picking up a passenger car or pick-up truck.
 6. Belt-type cradle tow plate or tow sling to pick up vehicles, the cradle of the tow plate to be equipped with a safety chain.
- b. **Class B wrecker** to be used for towing medium-sized trucks or similar vehicles, which meet the following requirements:
 1. Tow truck chassis with a manufacturer's rated capacity of at least 19,500 lbs. GVWR.
 2. Individual boom capacity of not less than six (6) tons.

3. Individual power winch pulling capacity of not less than eight (8) tons.
4. A minimum of two hundred (200) feet of at least 7/16 inch, or larger, cable on each drum.
5. Cradle tow plate or tow sling to pick up vehicles, the cradle of the tow plate to be equipped with a safety chain.

c. **Class C wrecker** to be used for towing large trucks, road tractors and trailers or similar vehicles, which meet the following requirements:

1. Tow truck chassis with a manufacturer's rated capacity of at least 35,000 lbs. GVWR.
2. Individual boom capacity of not less than twelve and one-half (12-1/2) tons.
3. Individual power winch pulling capacity of not less than twelve and one-half (12-1/2) tons, and a total rating with two (2) booms of twenty-five (25) tons or a single boom with a rating of at least twenty-five (25) tons.
4. A minimum of two hundred (200) feet of at least 9/16 inch, or larger, cable on each drum.
5. Airbrakes so constructed as to lock wheels automatically upon failure.

d. **Class D roll-back** may only tow or haul a vehicle based on the roll-back's towing or hauling capacity and which meets the following requirements:

1. Tow truck chassis with a manufacturer's rated capacity of at least 14,000 lbs. GVWR.
2. Individual power winch pulling capacity of not less than four (4) tons.
3. A minimum of fifty (50) of at least 5/16 inch, or larger, cable on winch drum.
4. At least a sixteen (16) foot bed.
5. At least two (2) safety chains for securing the vehicle to the bed.
6. Straps with ratcheting capability that provide for the transporting of motorcycles.

8. **Insurance Requirements:**

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 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

policies. Certificates must be itemized to indicate amounts of liability, on-hook and garage keeper's coverage. It is the intent of this section to establish the minimum limit of the type and amount of insurance required herein.

(1) Minimum vehicle liability amounts per occurrence:

Class A and D \$300,000

Class B \$500,000

Class C \$750,000

(2) Minimum garage keeper's liability policy per occurrence:

Class A and D \$75,000

Class B \$150,000

Class C \$200,000

(3) Minimum on hook coverage per occurrence:

Class A and D \$75,000

Class B \$150,000

Class C \$200,000

c. Insurance Renewal:

1. Certificates of insurance shall be submitted to the wrecker inspector, or his designee, at least ten (10) days prior to the renewal date and expiration of the certificates.
2. The certificate holder shall make written notification of any changes in insurance coverage to the wrecker inspector, or his designee, within thirty (30) days prior to the change.
3. Violation of any of the above insurance requirements or regulations shall be cause for suspension or removal from the rotation list.

9. **Rotation List:**

The City of Knoxville will be divided into four (4) zones.

- a. **Zone 1** (Northwest) will consist of I40 W north to the city limits and I75 / I275S west to the city limits.
- b. **Zone 2** (Northeast) will consist of I40 W north to the city limits and I75 / I275N east to the city limits.
- c. **Zone 3** (Southwest) will consist of I40 E south to the city limits and the area west of 11th St south and Edington Rd to the city limits.
- d. **Zone 4** (Southeast) will consist of I40E south to the city limits and the area east of 11th St north and Edington Rd to the city limits.

**The rotation begins on Monday at 6:30 a.m. and ends
the following Monday at 6:30 a.m.**

Each zone is rotated on a weekly basis and the City reserves the right to adjust or change the zones at any time.

A certificate holder may apply to be on the rotation list in two zones. If a certificate holder applies to work in two zones, the wrecker inspector will determine if the certificate holder has the manpower and equipment to work in two zones and which two zones the certificate holder will be placed.

If a certificate holder wants to work in a different zone, the certificate holder may apply to do so by notifying the wrecker inspector, in writing, no later than 30 days prior to the enrollment periods of January 1st and July 1st. The wrecker inspector will approve or disapprove requests based on the needs of the City and the certificate holder's ability to provide service in the requested zone. This does not prevent the wrecker inspector from making changes in relation to zones at any time if the need arises.

To be on the rotation list, a certificate holder must have the required equipment to be able to complete each tow or sub-contract in accordance with section 10.

The City reserves the right to tow any vehicle with a City-owned or operated wrecker.

10. Sub-contracting:

An applicant may sub-contract Class C tows so long as the subcontractor is already on the rotation list with the City of Knoxville. Applicants may not sub-contract for Class A or B tows. The subcontractor must not be under any suspension or termination from the rotation list at the time of the sub-contract agreement. This sub-contract agreement must be in writing and provided to the wrecker inspector prior to the applicant being admitted onto the rotation list. Certificate holders must notify the wrecker inspector immediately of any material change to subcontract agreements.

All subcontractors shall be responsible for abiding by all local, State and Federal laws as well as the Knoxville Police Department's rules and regulations. If there are any complaints or violations relating to the subcontractor's towing, the subcontractor shall be held accountable for the complaint or violation. If a subcontractor is suspended or revoked, any certificate holder utilizing that subcontractor for Class C tows must immediately contract with another company on the rotation list to cover the Class C tows or the wrecker inspector will assign another certificate holder to cover the Class C tows during this time frame.

The subcontractor is also responsible for using the proper equipment, including the proper size wrecker, to complete the tow as required by law.

The Communications Center will maintain a record of the rotation list. The Communications Center will be responsible for the rotation of certificate holders on the list and for relaying communications between the officer on scene and the certificate holder. The certificate holder on-call will receive the call from the Communications Center. It is the responsibility of the certificate holder on-call to immediately call the subcontractor to respond to the scene.

11. Certificate Holder Operating Procedures:

Certificate holders will make their service available 24 hours a day, 7 days a week. Certificate holders will be reasonably available to supplement the other certificate holders who are on-call as per requested by the Communications Center.

Wreckers will arrive at the scene of a call within thirty (30) minutes of receiving the call from the Communications Center. If a wrecker fails to respond to the scene within thirty (30) minutes, the Communications Center will be free to call the

next certificate holder in line on the rotation list. The next call will proceed back to the certificate holder on-call.

If a certificate holder is not able to respond when called by the Communications Center, the certificate holder shall immediately advise the Communications Center of that fact. In these cases, the Communications Center will call the next certificate holder in line on the rotation list. If there is a problem getting a wrecker to respond from the rotation list, the Communications Center will call the on-call wrecker from the nearest zone's rotation list starting with the zone in the same district (east/west). Certificate holders desiring to be off the rotation list for any length of time must notify the wrecker inspector and the Communications Center of their unavailability. The certificate holder may return to the rotation list at the end of the requested absence.

Additional Provisions:

- a. If a certificate holder fails to answer a phone call from dispatch for towing service, dispatch is free to call the next certificate holder on the rotation list.
- b. All wreckers shall operate, at a minimum, the amber-colored light, which is mounted on top of the wrecker while at the scene of a call for service and anytime while towing a vehicle.
- c. Failure to respond in a timely manner may result in a suspension, revocation or failure to renew the certificate.
- d. Certificate holders shall notify the wrecker inspector, in writing, prior to any change in either the certificate holder's business address or phone number.
- e. The certificate holder is responsible for using the proper equipment, including the proper size wrecker to complete the tow as required by law.

12. Wrecker Requirements for Each Zone:

a. Class A & B wrecker:

<u>Zone 1 (N/W)</u>	<u>Zone 2 (N/E)</u>	<u>Zone 3 (S/W)</u>	<u>Zone 4 (S/E)</u>
Class A-4	Class A-4	Class A-4	Class A-4
Class D-2	Class D-1	Class D-2	Class D-1
Class B-1	Class B-1	Class B-2	Class B-1

b. Class C wrecker:

<u>Zone 1 (N/W)</u>	<u>Zone 2 (N/E)</u>	<u>Zone 3 (S/W)</u>	<u>Zone 4 (S/E)</u>
Class C-1	Class C-1	Class C-1	Class C-1

The wrecker inspector shall determine if a wrecker or roll-back can be substituted to meet the requirements.

13. Three Categories of Tows and Rates:

- a. Category (1): Towing of City-owned vehicles to a City location;

- b. Category (2): Towing illegally parked vehicles, abandoned vehicles, vehicles seized by the Knoxville Police Department, or any vehicles NOT INVOLVED IN A COLLISION which the Knoxville Police Department or a City representative direct to a City-owned lot;
- c. Category (3): Towing of vehicles involved in a collision to the City lot at the direction of the Knoxville Police Department.
- d. Category (4): Towing of wrecked or inoperable vehicles to the towing company's storage facility or other location within a three (3) mile radius of the Knoxville City limits or within Knox County, as designated by owner or driver.

Charges for all three (3) categories are all-inclusive except for additional charges in Section 14. All categories are to include, but not limited to, fulfilling all of the requirements under these specifications, as well as services and materials rendered by the certificate holder such as environmental cleanup at the site of the tow, winching, cleaning the area, administration costs and storage charges for 24 hours after initial tow. (Environmental cleanup is considered glass, metal, plastic and other items that do not require a professional hazardous materials license for removal. Any materials requiring a professional license for removal will not be the responsibility of the certificate holder.)

a. Category (1):	Auto thru ½ Ton	(\$40.00 per unit)
	¾ Ton thru 2 Ton	(\$60.00 per unit)
	Over 2 Ton	(\$250.00 hourly rate) *
b. Category (2):	Auto thru ½ Ton	(\$78.00 per unit)
	¾ Ton thru 2 Ton	(\$120.00 per unit)
	Over 2 Ton	(\$300.00 hourly rate) *
c. Category (3):	Auto thru ½ Ton	(\$144.00 per unit)
	¾ Ton thru 2 Ton	(\$180.00 per unit)
	Over 2 Ton	(\$420.00 hourly rate) *
d. Category (4):	Auto thru ½ Ton	(\$144.00 per unit)
	¾ Ton thru 2 Ton	(\$180.00 per unit)
	Over 2 Ton	(\$420.00 hourly rate) *

***Hourly rate begins when the wrecker arrives at the scene and ends when the vehicle is dropped at its destination.**

The hourly rate shall be rounded and paid to the nearest quarter hour.

14. Additional charges:

- a. Extra winching or manpower for overturned vehicles or vehicles off the roadway and down an embankment:

This is a one-time charge per vehicle, if applicable.

(1) Auto thru ½ Ton (\$24.00 per unit)

(2) ¾ Ton thru 2 Ton

(\$60.50 per unit)

(3) Over 2 Ton

(\$96.00 per unit)

There shall be no additional charge for normal winching and any additional charge not authorized by the rules and regulations may result in a suspension, revocation or failure to renew the certificate.

b. Mileage charge for City-owned vehicles towed from a location outside Knox County to a City location is \$1.85 per mile.

Rates are subject to change. Certificate holders have the opportunity to address the Wrecker Services Commission regarding rates.

15. Debris Removal at Accident Scene:

City Code 26-304 and T.C.A. 55-8-170 requires any person removing a wrecked or damaged vehicle from a roadway to remove and carry away any debris, which came from the vehicle. Failure to comply with this requirement may result in suspension, revocation or failure to renew the certificate.

16. Storage Rates (after first 24 hours):

Charges for storage and towing of a Category 3 vehicle 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 twenty (20) feet or longer: \$30.00

17. Storage Lot Requirements:

With the exception of a request by the owner or operator of a vehicle to transport the vehicle to a specific location inside or outside the City, or other location required by the City of Knoxville Police Department, all wreckers on a rotation list shall tow vehicles within a three (3) mile radius of the corporate limits of the City of Knoxville or within Knox County to a storage lot maintained by the certificate holder. The storage lot must be properly zoned, lighted and secured with a fence and shall have an attendant with authority to transact business available at all times; have a telephone available to the public and have sufficient area available to accommodate all vehicles towed to the lot.

18. Vehicle Inventory; Release of Personal Items:

A. Certificate holders shall complete a detailed inventory sheet when removing any items from a vehicle and a copy of the inventory sheet shall be left inside the

vehicle. The inventory sheet must be attached to the original invoice and shall contain the following:

- i. Date items removed
- ii. Time items removed
- iii. Reason items were removed
- iv. Name(s) of all persons removing items
- v. Description of each item

B. Personal property:

Certificate holders shall release personal property contained in towed vehicles to the owner/designee upon their request. Personal property is defined as anything not physically attached or mounted to the towed vehicle. Such items may include, but not limited to, clothing articles, tools, CD's, personal items contained in glove boxes or consoles, etc. The certificate holder shall not charge for releasing personal property.

- i. When personal property is released, certificate holders shall require Photo identification to verify the person(s) requesting the release.
- ii. Any time personal property is released to the owner/designee, the date and time of release along with the name(s) of the owner/designee shall be noted on the original invoice.

19. Tow-In Forms:

The City of Knoxville will furnish a tow-in form for each vehicle towed which will contain the name of the officer or authorized agent of the City at the scene. One copy of the form will be given to the certificate holder. The tow-in form shall contain the following information:

- i. Date of tow
- ii. Time of tow
- iii. Name of officer or City agent requesting tow
- iv. Name of wrecker driver
- v. Name of Wrecker Company
- vi. Location towed from
- vii. Location towed to
- viii. Make, model, year, color of vehicle towed
- ix. License plate number, VIN number
- x. List of contents of vehicle
- xi. Damage to vehicle
- xii. Reason for towing vehicle
- xiii. Charges against person (if arrested)
- xiv. Driver's name
- xv. Owner's name

If the tow is a result of a traffic accident, the following additional information is required:

- a. Accident report number
- b. Authorizing signature if applicable

20. Daily Log of Tows:

Each certificate holder shall maintain a daily log sheet, which shall be available for inspection at all times by the City of Knoxville, the Knoxville Police Department and other authorized City representatives.

Each log shall contain the following:

- a. The date and time the call came in, the identity of the caller, time service was dispatched, time service arrived on scene;
- b. Vehicle identification number, make, model, year and color of vehicle;
- c. Place of origin of tow;
- d. Place of destination of tow;
- e. Name of driver of tow vehicle and vehicle unit number
- f. Signature or initials of dispatcher taking the call

Each certificate holder shall retain and preserve all Daily Log Sheets for at least a period of three (3) years from the date of the tow. The daily log sheets shall be stored at the certificate holder's place of business, which is listed on the application. The daily log sheets are subject to inspection by the wrecker inspector at any time.

21. **Invoices and Payments Schedule:**

Each month, every certificate holder on the rotation list will provide the City with an itemized invoice statement for all towing and wrecker charges incurred for vehicles towed to the City's storage lot in the previous month. Payments for services rendered will be made within thirty (30) days of the City's receipt of an undisputed invoice statement. Payment for services rendered does not indicate the City's acceptance of such services as being fully in accord with all the provisions of the City Code or the Knoxville Police Department's rules and regulations.

a. Invoice:

Every certificate holder shall maintain or cause to be maintained a separate, sequentially numbered, invoice for each vehicle transported to the towing company's facility or another location, upon which is recorded on each invoice, the following:

1. Date of towing service and date and time of vehicle release;
 - a. If towed to the wrecker service lot, time of arrival on the lot.
2. Vehicle information to include: make, model, year, license plate number, vehicle identification number and color of vehicle;
3. Signature from the person the vehicle is released to;
4. Location from where the vehicle is towed from;
5. Location where the vehicle is towed to;
6. Wrecker driver's name and vehicle unit number;
7. An itemization of any and all towing charges and other services;
8. Method of payment for vehicle release.

Each certificate holder shall retain and preserve all invoices for at least a period of three (3) years from the date of the issuance. All invoices shall be available for inspection at all times by the City of Knoxville, the Knoxville Police Department and other authorized City representatives. The invoices shall be stored at the certificate holder's place of business listed on the application.

b. Category 3 Tow Invoice Requirements:

Each certificate holder must present an invoice to the vehicle owner for Category 3 services. The invoice charges must not exceed the maximum amount allowed for the rotation list tow. Each invoice must explain charges, specifying the services provided to the customer and the price for service. Any overcharging may be grounds for a certificate holder being removed from the rotation list in accordance with City Code 26-413. **A copy of all rotation tow invoices for Category 3 vehicles shall be sent to the Knoxville Police Department's Inspection Unit by the 10th of each month.**

22. Monthly Wrecker Driver Report:

Certificate holders shall submit a monthly wrecker driver report to the Inspections Unit. This report shall contain the full name and driver license number of every person who operates a wrecker full time or part time for the certificate holder. This report must be submitted by the 10th of each month on a form provided by the wrecker inspector.

23. Certificate Holders Right of Termination:

A certificate holder may terminate from the rotation list or lists by giving written notice to the wrecker inspector at least sixty (60) days prior to the termination date. If the certificate holder fails to give the sixty (60) days written notice, the certificate holder must continue to provide services until the effective termination date, or be held liable to the City for any and all costs, expenses and damages that the City sustains as a result of the certificate holder's failure to give the sixty (60) days written notice.

24. Miscellaneous Provisions:

- a. Independent contractor:
The certificate holder will render all services as an independent contractor; it will not be considered an employee of the City, nor will it be entitled to any benefits, insurance, pension, or worker's compensation as an employee of the City.
- b. Federal, State and Local Requirements:
All certificate holders on the rotation list are responsible for full compliance of all applicable federal, state, and local laws, rules and regulations.
- c. The Knoxville Police Department, through its wrecker inspector, may modify these rules and regulations periodically. Notice of any modifications will be provided to certificate holders in writing.

25. Prohibited Acts:

Certificate holders and wrecker drivers are prohibited from committing the following acts:

- i. Violation of the wrecker rotation rules and regulations established by the Knoxville Police Department.

- ii. Answering a call outside of the zone to which assigned, unless contacted by dispatch, the owner or driver of the vehicle.
- iii. 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.
- iv. To remove or transport any vehicle, which has been involved in an automobile accident occurring immediately prior to such removal, without first notifying the department and receiving permission from a law enforcement officer on the scene.
- v. To disregard the instruction of any law enforcement officer during the transporting of a vehicle to its destination.
- vi. To interfere with the orderly flow of traffic along public thoroughfares, except upon the direction of a law enforcement officer.
- vii. To drive along any street or bridge and solicit towing work.
- viii. To solicit or attempt to divert prospective patrons of another wrecker service.
- ix. 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;
- x. To charge more than the maximum fees as provided.
- xi. 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.
- xii. Transporting a person, other than an employee of the certificate holder, inside a vehicle being towed or on a roll-back.

Failure to comply may result in suspension, revocation or failure to renew the certificate.

26. Wrecker Rotation List; Suspension or Revocation:

- i. Violation of any provision of the City Code, any wrecker rotation 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.
- ii. *Investigation and notice of violation.* Police officers and the wrecker inspector shall watch and observe the conduct of certificate holders. Officers shall report any violation 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.
- iii. *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 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.

- iv. *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 the City Code and the wrecker rotation rules and regulations. Reinstatement to the rotation list shall be conditioned upon the payment of a reinstatement fee of \$100.00 dollars.
 - A. *Reinstatement after Termination from Rotation.* A certificate holder who is terminated from the rotation list as the result of a suspension for violating the City Code, state law, or KPD rules and regulations will be ineligible for inclusion on the rotation list for a period of twenty-four (24) months.
- v. *Emergency Suspension.* If any violations of the City Code or of the wrecker rotation rules and regulations 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 City Code 26-413(b). In the absence of a chairman of the Wrecker Commission, the director of law has the authority to act with the Chief of Police.