

PRIVATE PROPERTY TOWING

TOW COMPANY SCREENING CRITERIA

RESPONSIBILITIES OF PROPERTY OWNER/AGENT:

- A vehicle can be removed from private property "under ANY of the following circumstances" CVC 22658(a):
 - ✓ An approved **sign** is posted at all entrances / exits, OR
 - ✓ **96 hours** has elapsed since posting vehicle with a parking violation, OR
 - ✓ The property is a **single-family dwelling**, OR
 - ✓ The vehicle is **lacking major components of safe operation** (engine, transmission, wheels, etc.) and 24 hours has elapsed from notification of local police authority.
- There are three ways to tow from private property
 - ✓ **General Authorization:** A contract between the property and tow company authorizing towing from Fire Lanes, Fire Hydrants, or Entrance Blocking by use of photograph for verification of violation. (signature not required)
 - ✓ **Specific Authorization:** A written authorization for each vehicle to be towed, it must be signed and date at the time of tow, with the authorizing person remaining on the property. (Contract not req.)
 - ✓ **15 Units Or Less:** Exceptions allow tows with General Authorization. Caution Recommended.
- Law requires the tow company to **REDACT (hold confidential)** the name of the person authorizing the tow.

RESPONSIBILITIES TOW COMPANY:

- City Business License
- Tow Company Permit – If required by city. (i.e., San Jose requirement)
- Tow Company Rates are Determined by Either One of the Following
 - ✓ Not Exceeding the Local City Rotation Rates, OR
 - ✓ Not Exceeding the Tow Companies Approved CHP Rotation Rates
- Motor Carrier Permit from CA Department of Motor Vehicles - CA Number
- Certificate of Insurance from an "A" Rated Company
 - ✓ Workers Comprehensive
 - ✓ Liability
 - ✓ On-Hook coverage
- Contract for Towing Services – General Authorization and Specific Authorization
- Tow Company Storage Facility Cannot Exceed 10 Miles from Private Property
- Public Pay Phone must be available at the Storage Facility
- Secured and Lighted Facilities With Staff Available to Release Vehicles
- Tow Company Work Order - Receipt:
 - ✓ Make, model, VIN number, license number
 - ✓ Place for name, job title, and contact information of person authorizing tow where vehicle owner cannot see (redacted) who authorized the tow.
 - ✓ Grounds for removing vehicle
 - ✓ Time violation was first observed, and time tow authorization was given
 - ✓ Person claiming vehicle must receive copy of General Authorization photo of violation before payment and receipt must have specific wording (in two languages) giving local police jurisdiction phone number for complaint.

OPTIONAL RECOMMENDED CONSIDERATIONS:

- \$50,000 Surety Bond is not required; but, an indication of their financial integrity.
- 2000 Hours or 4 Years of Private Property Towing experience
- Wage paid drivers preferred vs. commission paid
- Drug Testing Program for a pre-employment, reasonable suspicion and random,
- Uniformed Drivers / Employees
- What is the response Time for Priority vs. Abandoned or Stored Vehicles
- Is there a fee for Disposition of Unclaimed Vehicles
- Are there written company policies and procedures for Confrontational and Safety problems
- Check for feedback from local police jurisdiction
- Check with the Better Business Bureau

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CRIMINAL PENALTIES AND CIVIL LIABILITIES

Criminal and/or Civil Exposures:

PUNISHMENTS:

- ✓ Misdemeanor: Punishable by a fine of not more than \$2,500, or by imprisonment in county jail for not more than three months, or both.
- ✓ Infraction: Punishable by a fine of \$1,000.
- ✓ Civil Liability: Exposure to the vehicle owner or his agent up to four times the amount of the towing and storages.

PROPERTY OWNER/AGENT:

- ✓ Cannot cause the removal of vehicle from commercial parking lot open to the public for one hour except for:
 - Fee parking lot, hotel, motel, residential stalls, disable parking stalls, fire lanes or within 15 feet of fire hydrants.
- ✓ Failing to comply with the provisions for exemption "actual presence" when towing from complex of 15 units or less.
- ✓ Responsible for maintenance of signs, or posting vehicles 96 hour, prior to towing.
- ✓ Notifying the local law enforcement of vehicle removal (not particle and may be waived by local law enforcement)

TOW COMPANY:

- ✓ Required to obtain written authorization from authorized signer who is present on the property at time of tow.
- ✓ Cannot commence the removal of vehicle from parking lot open to the public for one hour except for:
 - Fee parking lot, hotel, motel, residential stalls, disable parking stalls, fire lanes or within 15 feet of fire hydrants.
- ✓ Failing to comply with the provisions for exemption "actual presence" when towing from complex of 15 units or less.
- ✓ For "General Authorization" towing:
 - Written agreement (contract) between tow company and property owner/agent specifying photo tow authorization.
 - Tow company must take photograph clearly showing violation and present copy of photograph to vehicle owner prior to payment.
- ✓ Cannot commence removal of vehicle until one of four circumstances, 22658(a) are met..
- ✓ There must be 1" lettering at tow yard noticing that credit cards are acceptable means of payment. They must have adequate cash on-hand for change.
- ✓ Vehicles must be properly release within 30 minutes.
- ✓ Time limitations for notifying the local law enforcement of vehicle removal.
- ✓ Notification to vehicle owner "immediately" upon removal of vehicle.
- ✓ Receipt of required language by vehicle owner/agent for complaint to local police jurisdiction.
- ✓ Cannot remove vehicle from property in excess of 10 miles radius without approval from local police jurisdiction.
- ✓ Must release vehicle "unconditionally" if it has not left private property. The "drop fee" of ½ the tow rate may be imposed.
- ✓ Copy of written authorization must be provided to vehicle owner/agent.
- ✓ Normal business hours are 8:00 m to 5:00 pm Monday through Friday, excepting holidays. A "gate fee" of ½ the regular tow charge may be imposed after hours.
- ✓ A pay phone must be accessible to the public.
- ✓ Tow rates cannot exceed the greater of:
 - That which is charged by the local police authority for rotation contracts.
 - That which is approved for that tow company rotation rate in that area
- ✓ Original written authorization and any photographs must be maintained for 3 years.