

Chapter 361. - Wreckers and Tow Trucks^[27]

Footnotes:

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Editor's note—The provisions formerly codified as Ch. 361, Tow Trucks—Service Vehicles, derived from Ch. 161 of the city's 1956 Code, were repealed by Ord. No. 16879, adopted Feb. 2, 1982, which ordinance also enacted a new Ch. 361 as herein set out. Since the enactment of these new provisions, Ch. 361 has been amended by Ord. No. 17122, adopted March 22, 1984; and Ord. No. 17161, Sept. 13, 1984; and C.F. No. 93-1795, §§ 1—24, adopted Dec. 16, 1993.

Sec. 361.01. - Definitions.

For the purpose of this chapter, the following words and terms are defined and shall be construed as hereinafter set forth unless it is apparent from the context that they shall have a different meaning:

Wrecker or tow truck motor vehicle service shall mean the removing of a motor vehicle by towing or pushing from private property at the request of a person who is neither the owner or operator nor agent of the owner or operator of the vehicle.

Service vehicle shall mean any motor vehicle which is designed to or does provide any type of service, including, but not limited to, towing, pushing or car starting, except that vehicle transports or multi-car hauling vehicles shall not be construed to mean service vehicles for the purpose of this chapter.

(C.F. No. 93-1795, § 1, 12-16-93)

Sec. 361.02. - License required.

No person shall provide any wrecker or tow truck service as described in section 361.01 nor shall any person permit such service vehicles to be kept or maintained in the City of Saint Paul without being licensed under this chapter.

(C.F. No. 93-1795, § 2, 12-16-93)

Sec. 361.03. - Vehicles exempted.

- (1) This chapter shall not apply to wrecker or tow truck service vehicles operated by for-hire carriers who have been issued a certificate or permit by the public service commission or the Interstate Commerce Commission and whose services are solely restricted to properly identified commercial carrier vehicles utilizing properly identified service vehicles. For purposes of this exemption, "properly identified" means the name and address of the for-hire carrier affixed on both sides of the vehicle in letters not less than three (3) inches in height.
- (2) This chapter shall additionally not apply to vehicle transports or multi-car hauling vehicles.

(C.F. No. 93-1795, § 3, 12-16-93)

Sec. 361.04. - Approval required for change of service vehicle.

Such license shall constitute a registration of the vehicle so licensed and no other vehicle may be used without the written approval of the department of safety and inspections. In the event the licensee during the license year desires to change the vehicle or vehicles so licensed, the licensee shall make application describing the new vehicle or vehicles to be used and upon payment of a fee of ten dollars (\$10.00) for each replacement vehicle shall submit said application to the department of safety and inspections for approval. If such approval is obtained, license certificates shall be issued and affixed as provided for in section 361.17.

(C.F. No. 93-1795, § 5, 12-16-93; C.F. No. 07-149, § 109, 3-28-07)

Sec. 361.05. - Application procedure.

Application for a wrecker or tow truck service vehicle license shall be made upon forms provided by the department of safety and inspections. The license inspector shall investigate the matters contained therein and convey approval or disapproval of the application to the city council. The application shall contain among other things:

- (1) A true and correct list of all contracted or otherwise used private property towing locations and persons with authority to sign tow order forms, and the department of safety and inspections shall be immediately notified in writing when changes occur therein.
- (2) A record and establishment of reasonable fixed towing and fixed drop charges, which fixed charges shall be on file with the license inspector's office, which office is to be notified immediately in writing as changes occur therein in such rate.
- (3) A statement that there will be a storage lot or lots at which will be maintained continuous twenty-four-hour-on-duty service from an office on the premises for the release of motor vehicles, together with the exact location of such lot or lots, with changes to be made known to the department of safety and inspections immediately in writing.
- (4) A true and current list of the names and addresses of all drivers employed by the licensee.

(C.F. No. 93-1795, § 6, 12-16-93; C.F. No. 07-149, § 110, 3-28-07)

Sec. 361.06. - Bond.

Licensees shall file a surety bond in the sum of ten thousand dollars (\$10,000.00) conditioned upon the proper handling and safekeeping of vehicles, accessories, and personal property and the guaranty of reimbursement to owners for loss. The surety bond shall not be cancelled except upon thirty (30) days' prior notice in writing to the department of safety and inspections.

(C.F. No. 93-1795, § 7, 12-16-93; C.F. No. 07-149, § 111, 3-28-07)

Sec. 361.07. - Fixed service fee.

When the owner or operator appears before the intended vehicle is hooked on the hoist and the wheels thereof raised from the ground by a wrecker or tow truck service vehicle, the service vehicle operator shall allow the vehicle to leave without payment of a fee or towing charge. When the wrecker or tow truck service vehicle operator has a vehicle on the hoist and the wheels thereof raised from the ground and the owner or operator thereof appears, the service vehicle operator shall release the vehicle upon payment of a fixed service fee or drop charge and give a receipt for such payment.

(C.F. No. 93-1795, § 8, 12-16-93)

Sec. 361.08. - Order form, police reports and notification to owners.

Licensees, when providing wrecker or tow truck motor vehicle service, shall use a printed order form which includes the name of the licensee's business, the address and telephone number of the storage lot, and the name of the person authorizing the service, printed and signed by such person in a legible manner and stating such authorizing person's business address, telephone number, and listing the time the service was ordered, and a description of the vehicle to be removed including the year, model, manufacturer and license number of said vehicle. Said person authorizing the service and signing the above order form must be an owner or licensee of the property from which the vehicle is to be removed or a duly authorized agent of such owner or licensee, other than a licensee under this chapter or any agent or employee of such licensee. The wrecker or tow truck motor vehicle service vehicle operator shall have this authorized service order form signed, fully completed and in personal possession before hooking up to the vehicle to be serviced. The amount charged for the service shall be included on this order form and a copy of this form shall be given to the individual reclaiming the vehicle. Every wrecker or tow truck motor vehicle service licensee shall, prior to towing any vehicle, telephone to the auto desk of the police department, giving the license number and description of the vehicle, a description of the location from which the vehicle is to be removed and the location of the storage lot where the vehicle is to be impounded. The licensee shall receive a reply from the police auto desk on the status of the vehicle prior to towing. Every wrecker or tow truck motor vehicle service licensee shall, within forty-eight (48) hours of receiving a towed vehicle, give written notice to the last listed owner according to the motor vehicle registration records of the location of the towed vehicle.

(C.F. No. 93-1795, § 9, 12-16-93; C.F. No. 98-373, § 1, 6-3-98)

Sec. 361.09. - Remuneration prohibited.

- (a) It is unlawful for a licensee to pay any remuneration to a person for providing wrecker or tow truck motor vehicle service pursuant to that person's authorization.
- (b) It is unlawful for any person authorizing wrecker or tow truck motor vehicle service to receive remuneration from a licensee for providing that service pursuant to that person's authorization.

(C.F. No. 93-1795, § 10, 12-16-93)

Sec. 361.10. - Records required.

All wrecker or tow truck licensees shall have a book in which shall be clearly written in ink and in the English language at the time the service is completed: an accurate description of the services provided; the place where the service was provided or from which a vehicle was towed; the full name of the driver of the service vehicle; the license plate number of the motor vehicle serviced and the name and resident address of the person requesting or authorizing the service. All such books maintained by a licensee shall be open to inspection at all reasonable times by the mayor, any member of the police force or any inspector of the department of safety and inspections

(C.F. No. 93-1795, § 11, 12-16-93; C.F. No. 07-149, § 112, 3-28-07)

Sec. 361.11. - Owner's right to inspect.

No person licensed to provide wrecker or tow truck motor vehicle service shall demand payment for services provided or the signing of a receipt for delivery or a release from liability for damages prior to

allowing the owner or operator of a vehicle a reasonable opportunity to inspect the vehicle for damages or loss of contents.

(C.F. No. 93-1795, § 12, 12-16-93)

Sec. 361.12. - Location of storage lot.

No licensee shall tow a motor vehicle from private property under orders of one not the owner or operator of the vehicle to a storage lot which is outside the limits of the City of Saint Paul unless the location of the lot has been specifically approved by the city council. All licensees shall, immediately upon hooking up to a vehicle to be towed from private property under orders of one not the owner or operator of such vehicle, tow the vehicle directly to a twenty-four-hour on-duty storage lot owned or operated by such licensee, and such towed vehicle shall not be temporarily dropped, placed or left at any other lot or on any other property.

(C.F. No. 93-1795, § 13, 12-16-93)

Sec. 361.13. - License fee.

The annual license fee for a wrecker or tow truck licensee shall be as set forth in Saint Paul Legislative Code section 310.18.

(C.F. No. 93-1795, § 14, 12-16-93; C.F. No. 03-116, § 1, 3-5-03)

Sec. 361.14. - Annual inspection of equipment.

- (a) Every wrecker or tow truck service vehicle shall be thoroughly and carefully examined at least once every calendar year by the department of safety and inspections or an authorized representative thereof to determine whether it complies with the following:
 - (1) To be thoroughly safe for providing the services described in this chapter.
 - (2) To be equipped with a 2A10BC or larger fire extinguisher, as approved by the fire marshal, properly charged and in good working order at all times.
 - (3) To be clean in appearance and well painted.
 - (4) To have the operating name, address and telephone number affixed in a permanent manner on the outer side of each of the front doors of the vehicle or on the side of the vehicle in letters of not less than three (3) inches in height.
- (b) The council may take adverse action against the license issued for any wrecker or tow truck service vehicle which is not inspected in accordance with this section, which does not meet the requirements above, or which is not made available for inspection at the request of the inspector.

(C.F. No. 93-1795, § 16, 12-16-93; C.F. No. 07-149, § 113, 3-28-07)

Sec. 361.15. - Posting fee schedule.

The schedule of minimum noncontract fees shall be posted at the business location and inside each vehicle. In the event a wrecker or tow truck service vehicle is called to the scene of an individual seeking assistance and such assistance is offered but no longer needed, the maximum charge which may be assessed shall be the minimum service charge stated in the license application and on posted schedule of fees.

(C.F. No. 93-1795, § 17, 12-16-93)

Sec. 361.16. - Receipt for service.

Upon request, if the fee charged is over twenty-five dollars (\$25.00), the licensee shall give to the owner or operator of the vehicle serviced a printed form receipt stating the name of the business supplying the services, the license number under which the licensee is doing business under this chapter, the fee charged for the services, and the name or permanent permit number of the operator of the vehicle rendering services.

(C.F. No. 93-1795, § 18, 12-16-93)

Sec. 361.17. - License certificate to be attached to vehicle.

Upon the requirements herein being complied with, there shall be issued to the licensee a suitable license certificate for each licensed vehicle. Every vehicle licensed under this chapter shall at all times have the license certificate issued hereunder permanently and prominently fastened on the upper one-half of the driver's door of the vehicle.

(C.F. No. 93-1795, § 19, 12-16-93)

Sec. 361.18. - Denial, suspension and revocation.

Any license under this chapter may be denied, suspended, revoked or renewal refused for any one (1) or more of the following causes:

- (1) Fraud, misrepresentation or bribery in securing a license;
- (2) The making of any false statement as to a material matter in any application for a license;
- (3) Repeatedly causing damage or injury to vehicles being serviced due to the negligence or lack of skill of the owner or operator of the licensed vehicle;
- (4) Failure to pay or make arrangements to pay within ninety (90) days any final judgment arising out of the ownership, use or operation of a licensed vehicle;
- (5) Failure to comply with any provision of this chapter.

(C.F. No. 93-1795, § 21, 12-16-93)

Sec. 361.19. - Accident services.

- (a) No licensee shall provide any service described in this chapter to any motor vehicle involved in an accident when a police officer or other peace officer is investigating that accident without permission of that officer.
- (b) No licensee shall solicit or contract for the providing of services as described in this chapter to any vehicle involved in an accident at the scene of that accident until a police officer has arrived and given permission to do so.
- (c) Any licensee providing wrecker or tow truck services to any motor vehicle involved in an accident shall remove or cause to be removed any glass or other injurious substance dropped upon the street or highway from such vehicle towed.

(C.F. No. 93-1795, § 22, 12-16-93)

Sec. 361.20. - Insurance.

Each applicant for a license under this chapter shall file with the department of safety and inspections a public liability policy or certificate of insurance from a company authorized to do business in the state insuring the applicant against any and all liability incurred in the use or operations of the vehicle licensed under this chapter including the providing of wrecker or tow truck motor vehicle service defined in section 361.01. The policy of insurance shall be in the limits of not less than one hundred thousand dollars (\$100,000.00) for injury or death to one (1) person, three hundred thousand dollars (\$300,000.00) for each occurrence, and one hundred thousand dollars (\$100,000.00) property damage.

(C.F. No. 93-1795, § 23, 12-16-93; C.F. No. 07-149, § 114, 3-28-07)

Sec. 361.21. - Reciprocity.

Wrecker or tow truck service vehicles which are licensed in other municipalities under the provisions of a licensing and regulatory ordinance whose requirements and restrictions are equal to the provisions hereunder may be licensed without additional fee to operate within the city upon filing proof with the department of safety and inspections, provided, however, that the terms of such municipality's licensing ordinance contain the same privileges, responsibilities and mutual reciprocities as are herein provided. Upon filing said proof, the department of safety and inspections shall issue a license certificate for each vehicle to be so licensed.

(C.F. No. 93-1795, § 24, 12-16-93; C.F. No. 07-149, § 115, 3-28-07)