



**SUBJECT:** Vehicles: Towing, Reporting, Inspection, and State Wide Wrecker Policy

**TO:** Members of the Department

This Order establishes department policy and member responsibilities for the following:

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## **48.1 PROCEDURES FOR REMOVING, REPORTING, AND INVENTORYING VEHICLES**

This section shall be followed to process abandoned, abandoned scrap, impounded, and towed vehicles since most of the procedures outlined are required by law. This section also establishes department policy for inventorying personal property left in impounded vehicles.

Enforcement members shall not operate an abandoned, impounded, or towed vehicle except when the vehicle is stopped, parked, or standing in a manner that creates an immediate hazard to life and/or safety, and immediate action is required on behalf of the enforcement member to mitigate the hazard.

### **48.1.1. VEHICLES INVOLVED IN CUSTODIAL ARRESTS**

#### **A. Release to Passenger**

When the driver of a vehicle is subjected to a custodial arrest and separated from the vehicle, a properly licensed passenger may be allowed to take custody of the vehicle (with authorization of the driver) as long as the passenger would not violate any law by doing so. This section shall not apply when the vehicle is being seized as evidence or for forfeiture.

#### **B. Vehicles on Limited Access Highways**

If a vehicle is not turned over to a passenger or immediate removal cannot be arranged, the vehicle shall be inventoried and impounded as provided in this Order.

#### **C. Vehicles on Non-Limited Access Highways**

- (1) When a vehicle is lawfully parked and not turned over to a passenger, the enforcement member shall offer to call a wrecker to remove the vehicle for safekeeping. If the driver declines the offer, he or she will be presumed to have assumed the risk for any claims of loss or damage that may arise and the vehicle may be left at the scene.
- (2) If the vehicle is parked in a way that it may create an immediate public hazard or an obstruction to traffic and immediate removal cannot be arranged, the vehicle shall be inventoried and impounded as provided in this Order.

- D. Vehicles seized as evidence or forfeiture shall not be considered impounded vehicles. See Official Order No. 62, Section 62.1.4.A.

#### 48.1.2. INVENTORYING VEHICLES

- A. Vehicles seized as evidence or towed because they are abandoned, abandoned scrap, impounded vehicles, or vehicles seized in a forfeiture action shall be inventoried by one of the investigating enforcement members.
- (1) All areas of the vehicle that may contain property, including any containers, shall be checked.
  - (2) Only a visual inspection shall be conducted from outside the vehicle if it is locked and access cannot be gained without causing damage, unless a search warrant is obtained.
- B. An Impounded Vehicle Report, UD-091, shall be completed on each vehicle inventoried by a member. All items of an unusual nature located in the vehicle shall be recorded on the form, including evidence or contraband.

It is not necessary to list items normally found in a vehicle.

- C. Items of unusual value which will be held to protect the owner's interest or evidence seized from the vehicle shall be recorded on an electronic record management system property report. An electronic record management system property report is not required for the vehicle unless it will be stored at a department facility or held as evidence of a crime.

#### 48.1.3. ABANDONED VEHICLES

For statutory definitions and procedures pertaining to abandoned vehicles, see MCL [257.252a](#) and [257.252b](#).

#### 48.1.4. IMPOUNDED VEHICLES

Vehicles seized as evidence or forfeiture shall not be considered impounded vehicles. See Official Order No. 62, Section 62.1.4.A. For purposes of this Order those vehicles defined as "Impounded" are described as follows:

- A. If the vehicle is in such a condition that the continued operation of the vehicle on the highway would constitute an immediate hazard to the public.
- B. If the vehicle is parked or standing on the highway in a manner that may create an immediate public hazard or an obstruction of traffic.
- C. If a vehicle is parked in a posted "tow away" zone.
- D. If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
- E. If removal of the vehicle is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.
- F. If the vehicle is hampering the use of private property by the owner or person in charge of that property, or is parked in a manner that impedes the movement of another vehicle.

- G. If the vehicle is stopped, standing, or parked in a space designated for handicapped parking and is not permitted by law to be stopped, standing, or parked in a space designated for handicapped parking.
- H. If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities.
- I. If the vehicle is interfering with the use of a ramp or curb-cut by persons with disabilities.

#### 48.1.5. TOWED VEHICLES

For purposes of this Order a "towed vehicle" is defined as a vehicle removed from private property at the direction of a person other than the registered owner or a police agency and reported to this department by the custodian of the vehicle.

#### 48.1.6. REMOVING ABANDONED, IMPOUNDED, OR TOWED VEHICLES

The process for removal of abandoned, impounded, or towed vehicles depends on where the vehicle is located and the particular type of abandoned, impounded, or towed vehicle. Enforcement members may immediately remove any of the following vehicles.

- A. Any vehicle that has remained on a state trunk line without a valid registration plate, as provided in [MCL 257.252a](#).

State trunk line highways are described in [MCL 247.651](#) and include the majority of signed highway routes including Interstate highways (e.g. "I-75"), U.S. highways (e.g. "US-27") and "M" marked routes in Michigan (e.g. "M-35").

- B. Any registered abandoned scrap vehicle, as defined in [MCL 257.252b](#) and described in MCL 257.252a and MCL 257.252b, from either public or private property.
- C. Any unregistered abandoned scrap vehicle, as defined in MCL 257.252b, and described in MCL 257.252a and MCL 257.252b, from either public or private property.
- D. Any impounded vehicle as provided in [MCL 257.252d](#) or as described in Section 48.1.4 of this Order from either public or private property.

#### 48.1.7. TOWED VEHICLE - PRIVATE PROPERTY

- A. If a vehicle has remained on private property without the consent of the property owner, the property owner may have the vehicle removed immediately as an abandoned vehicle by contacting a local towing agency.
- B. Prior to removing the vehicle, the towing agency shall notify a police agency having jurisdiction over the location where the vehicle has been abandoned that the vehicle is being removed.
- C. Upon receiving notification from the towing agency that a vehicle is being towed from private property, the work site shall:
  - (1) Check through the Law Enforcement Information Network (LEIN) to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN.
  - (2) Within 24 hours, the vehicle shall be entered into LEIN as an abandoned vehicle. For vehicles abandoned on private property under [MCL 257.252a](#), any such LEIN entry

must notify the Secretary of State that the abandoned vehicle was taken into custody and shall include the information described in MCL 257.252a(11).

- (3) An incident report is required, but an on-scene investigation is not necessary. However, prior to entering the vehicle into LEIN an enforcement member must ensure that the VIN and/or registration information supplied by the towing agency is correct and applicable to the vehicle removed.
- (4) Once informed of the disposal of the vehicle by the custodian of the vehicle, the LEIN entry shall be canceled and the incident closed as provided in Section 48.1.10.

#### 48.1.8. IMMEDIATE REMOVAL PROCEDURES

The following procedures shall be utilized when removal of abandoned or impounded vehicles occurs immediately and an enforcement member is present at the scene.

##### A. Initial Action

- (1) An enforcement member shall physically check the vehicle before its removal.
- (2) A check shall be made through LEIN to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN.
- (3) If the vehicle is abandoned scrap, the enforcement member shall take two photographs of it.
- (4) The vehicle shall be inventoried as provided in Section 48.1.2 of this Order.
- (5) The vehicle shall be towed for safekeeping.

Towing and reporting procedures must comply with Section 48.4 of this Order.

- (6) An electronic incident report (or Traffic Crash Report, UD-010, if towed from the scene of a crash) shall be submitted. A property report is not required.

If the vehicle is abandoned scrap, the report shall contain the following information:

- a. Year, make, and VIN (if available).
  - b. Date of abandonment.
  - c. Location of abandonment.
  - d. A detailed listing of the damage or missing equipment.
  - e. Location where the vehicle is being held.
- (7) Any abandoned vehicle shall be entered into LEIN within 24 hours as an abandoned vehicle.
  - (8) Except as provided in Section 48.1.8.(9), any impounded vehicle removed from public or private property as provided in [MCL 257.252d](#) or as described in Section 48.1.4 of this Order, shall be entered into LEIN as abandoned not less than 7 days after the enforcement member authorized removal and followed the procedures set forth in [MCL 257.252a](#).

- (9) A vehicle which was impounded for any of the reasons listed in this subsection shall not be entered into LEIN as abandoned as otherwise provided in Section 48.1.8.(8) and must be released by the department prior to the towing agency or custodian releasing it to the vehicle owner. Once released by the department, the towing agency or custodian must wait at least 20 days, but not more than 30 days, to request the department enter the impounded vehicle as abandoned in LEIN and follow the procedures set forth in [MCL 257.252a](#). This subsection applies to vehicles impounded by the department for one or more of the following reasons:
- a. There was reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
  - b. The vehicle was seized to preserve evidence of a crime, or there was reasonable cause to believe that the vehicle was used in the commission of a crime.
  - c. The vehicle has been involved in a traffic crash and cannot be safely operated from the scene of the crash.

#### B. Vehicle Status

For abandoned scrap vehicles skip to Section 48.1.8.B.(3).

- (1) Not less than 30 days after the date the vehicle was entered into LEIN as an abandoned vehicle, the custodian of the vehicle shall be contacted to see if the vehicle has been redeemed by the owner or sold at auction as provided in [MCL 257.252g](#). See Section 48.1.10 of this Order.
- (2) If at any time the owner or secured party redeems the vehicle, the incident shall be closed in accordance with the instructions in Section 48.1.10 of this Order.
- (3) If the vehicle is registered abandoned scrap:
  - a. Within 24 hours enter the vehicle into LEIN as an abandoned vehicle. A purge date of 30 days after taking custody of the vehicle shall be entered on LEIN Scan Line 29.
  - b. The custodian of the vehicle will dispose of the vehicle according to Section 48.1.10 of this Order.
- (4) If the vehicle is unregistered abandoned scrap:
  - a. The vehicle shall be entered into LEIN within 24 hours as an abandoned vehicle.
  - b. Within 24 hours, excluding weekends and legal holidays, after removing the vehicle, the enforcement member or designee shall complete a release form provided by the Department of State, and release the abandoned scrap vehicle to the custodian of the vehicle.
  - c. The custodian of the vehicle will dispose of the vehicle in accordance with [MCL 257.252b](#).

#### 48.1.9. REMOVAL OF TAGGED VEHICLES

##### A. Initial Investigation

- (1) An enforcement member shall physically check every vehicle considered abandoned.

- (2) A check shall be made through LEIN to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN.
- (3) An Abandoned Vehicle Tag, UD-070, shall be affixed to the vehicle when first checked by the enforcement member.

B. After the required 18 or 48-hour waiting period and before removal of the vehicle:

- (1) Recheck both the registration plate, if any, and the VIN through LEIN to determine if the vehicle has been reported stolen.
- (2) Proceed with the appropriate steps outlined in Section 48.1.8 above.

48.1.10. DISPOSITION OF ABANDONED, TOWED, AND IMPOUNDED VEHICLES

A. Release to Owner

- (1) The owner may secure release of the vehicle by paying the accrued charges to the custodian of the vehicle, along with the abandoned vehicle fee outlined in [MCL 257.252a](#).
- (2) Vehicle bonds shall not be accepted by this department. These bonds shall be posted with the court.
- (3) When the owner redeems the vehicle or upon disposition of the hearing, the LEIN entry shall be canceled and the incident may be closed.

B. Release to Secured Party

- (1) If the owner fails to redeem the vehicle or request a hearing and the secured party wishes to redeem the vehicle, they may secure release of the vehicle by paying the accrued charges to the custodian of the vehicle, along with the abandoned vehicle fee outlined in [MCL 257.252a](#).
- (2) When the owner redeems the vehicle, the LEIN entry shall be canceled and the incident may be closed.

C. Sale at Auction--[MCL 257.252g](#)

- (1) If there are no bidders on the vehicle, the Michigan Vehicle Code allows police agencies to obtain title to the vehicle. The department however, does not allow the purchase of these vehicles except in extraordinary circumstances and with the prior approval of the Budget and Financial Services Division.
- (2) Once informed of the disposal of the vehicle by the custodian of the vehicle, the LEIN entry shall be canceled and the incident closed.

D. Unregistered Abandoned Scrap Vehicles

- (1) Within 24 hours after taking an unregistered abandoned scrap vehicle into custody, the custodian of the vehicle may apply for a certificate of scrapping from the Department of State as outlined in [MCL 257.252b](#). The enforcement member or designee shall complete the release form and release the vehicle to the custodian.
- (2) Once the unregistered abandoned vehicle has been released the LEIN entry can be cancelled and the incident report closed.

#### 48.1.11. INCIDENT REPORTS

Any time a vehicle is deemed abandoned, impounded, or towed, and entered into LEIN, an incident report shall be completed. The incident report shall remain open until the vehicle has been disposed of in accordance with MCL 257.252g and the LEIN entry has been cancelled.

#### 48.1.12. ENFORCEMENT ACTION

The investigating enforcement member may cite the last titled owner for violation of the [Michigan Vehicle Code](#) or the [Natural Resources and Environmental Protection Act](#). The decision as to which Act to cite the last titled owner under shall be based on the condition of the vehicle and contents.

### 48.2 MOTOR VEHICLE INSPECTION

This section establishes guidelines for inspection of motor vehicles operating on the highways, including non-commercial and commercial vehicles, school buses, and department vehicles. This section also provides uniformity for inspection of vehicles by department members.

#### 48.2.1. NON-COMMERCIAL VEHICLE INSPECTION PROCEDURES

##### A. Authority for non-commercial motor vehicle inspections

Enforcement members are prohibited from establishing temporary check lanes for the inspection of non-commercial motor vehicles.

##### B. The primary method to inspect motor vehicles operating on the public highways is road patrol inspections.

(1) When a vehicle is legally stopped for a violation of the Michigan Vehicle Code, enforcement members of the department may conduct a vehicle inspection.

(2) Road patrol vehicle inspections shall be recorded on the enforcement member's daily report.

##### C. Every vehicle inspected shall be checked according to the Michigan Vehicle Code.

At a minimum, a vehicle inspection should include inspection of lights, brakes, tires, steering, vision requirements, and exhaust system.

##### D. When a vehicle is inspected and found to have defective equipment, one or more of the following actions shall be taken:

(1) The driver and vehicle may be released with instructions to make the necessary repairs.

(2) A citation may be issued for the violations.

(3) If it is determined that the mechanical condition of the vehicle may create an immediate hazard to the public, the vehicle shall not be allowed to continue operating on the highway. If impoundment of the vehicle is necessary, the procedures outlined in Section 48.1.4 of this Order shall be followed.



#### 48.2.2. COMMERCIAL VEHICLE INSPECTION PROCEDURES

##### A. Authority for Commercial Vehicle Inspections

Legal authority for inspection of commercial motor vehicles is found in the [Motor Carrier Safety Act](#). This Act authorizes a peace officer or an officer of the Commercial Vehicle Enforcement Division (CVED), on reasonable cause to believe that a motor vehicle is being operated in violation of the Act or a rule promulgated pursuant to the Act, to stop the motor vehicle and inspect it. If a violation is found, the enforcement member may issue a citation for that violation.

##### B. Commercial vehicle inspections may be conducted at scale locations, highway locations, or alternative inspection sites according to the CVED Command.

(1) Inspections shall be conducted by enforcement members assigned to scales and patrol units. Other enforcement members, when properly trained, shall also conduct inspections when assigned. Inspections performed on public highways shall be conducted in a manner to ensure safety of the officer and the public.

(2) Special inspection operations may be established and conducted at alternate inspection sites. These projects shall be conducted according to CVED Command.

##### C. Inspections shall be conducted on commercial vehicles that have been legally stopped with probable cause and or violations of rules and regulations.

##### D. Each commercial vehicle inspected shall be checked as closely as possible according to the items listed in the Commercial Vehicle Safety Alliance (CVSA) policy manual. /, . Instructions for the Driver/Vehicle Examination Report are available from the CVED Headquarters. Officers shall complete the Driver/Vehicle Examination Report in compliance with the CVSA Policy Manual and CVED policy.

(1) A printed copy of the Driver/Vehicle Examination Report shall be provided to the driver of the commercial vehicle inspected. The electronic copy of the Driver/Vehicle Examination Report shall be uploaded to the safer mailbox at the completion of the traffic stop.

(2) Commercial Vehicle Safety Alliance (CVSA) decals shall be issued to inspected vehicles meeting the criteria for decal issuance as established by the CVSA Policy Manual.

a. When a decal is issued, the officer shall attach it to the lower right-hand corner of the passenger side windshield for power units. Decals shall be attached on trailing units on the lower right corner as near the front as possible.

b. Decals are available from the CVED Headquarters.

c. Officers shall not stop a vehicle with a valid CVSA decal unless a critical safety defect as identified in the CVSA Policy Manual is observed or other violations of law not related to equipment have been observed.

#### 48.2.3. SCHOOL BUS INSPECTION

##### A. Authority

Legal authority to conduct inspections of public and non-public school buses is contained in [MCL 257.715a](#) and [MCL 257.1839](#), respectively.

##### B. Members Assigned

Vehicle Safety Inspectors are assigned to the CVED under the supervision of the Bus Inspection Unit commander.

##### C. CVED shall administer the bus inspection program.

##### D. Refer to Official Order No. 17, Section 17.3, for the department's policy on enforcement of laws pertaining to the operation of school buses.

#### 48.3 STATEWIDE WRECKER POLICY AND PROCEDURES

This section establishes policy and outlines operational procedures for the use of wrecker services. Included are operational guidelines to provide efficient and equitable delivery of qualified and courteous wrecker service to protect the safety of people and property.

##### 48.3.1. GENERAL

##### A. Work sites shall establish a local policy for areas not covered by this Order, or where local policy development is required.

(1) Work site commanders shall work with their local prosecutor(s) to develop a work site policy for vehicles seized and held for evidence.

(2) Policies shall be approved by the district or division commander and become part of the local work site policy book.

##### B. Work site commanders have the option of establishing a no-preference wrecker list or contracting with wrecker services in their area, depending on what best suits their area's operational needs.

##### C. State and county facilities, such as county road commission garages, shall be used for storing seized and/or recovered items to the extent possible. Many of these government facilities are available for secure storage areas at no cost.

##### 48.3.2. TYPES OF TOWING SERVICES

##### A. Basic Services

General towing services utilizing small- and medium-duty wreckers that include the following:

(1) Providing towing and roadside assistance services to automobiles and light-duty trucks.

(2) Removal of:

a. Abandoned vehicles.

- b. Vehicles involved in a traffic crash.
  - c. Emergency vehicle removal (upon the direction of an enforcement member).
  - d. Impound and secure storage of removed vehicles.
- (3) Hook-up for tow on or immediately adjacent to normally maintained right-of-way or maintained private road, drive or parking lot.
- (4) Straight pull or winching.
- (5) Clean-up at a collision scene requiring one employee to perform manual labor, including up to 30 minutes of on-scene standby.
- a. Per [MCL 324.8902](#), it is the wrecker service's legal responsibility to clean up the debris at the scene of a traffic crash.
  - b. Clean up shall be done as quickly as possible, and shall involve the removal of all crash-related debris including debris from scene policing (i.e., spent flares).
  - c. Clean up shall not include the removal of hazardous or bio-hazardous materials except for fluids normally used to operate a vehicle.
  - d. If the required clean-up necessitates the use of motorized equipment to pick up debris, the wrecker service shall be entitled to charge a reasonable fee.

B. Special Services

- (1) Services using medium or heavy-duty wreckers that include, but are not limited to, the following:
- a. Excess winching.
  - b. Use of tow dollies.
  - c. Recovering, or towing/stabilizing, a vehicle that is located beyond a normal roadside ditch.
  - d. Unusually large clean-ups
  - e. Class B or C vehicle towing.
  - f. Up righting cargo tanks.
  - g. Providing assistance at hazmat incident scenes with specially trained wrecker operators.
  - h. Any removal or assistance duties the contract wrecker service cannot provide with its small and medium duty wreckers.
- (2) Subcontracting for Special Services
- a. Wrecker services shall be responsible for subcontracting with other wrecker services to provide any special services within the contract area that they cannot.

- b. The wrecker service shall ensure that companies they sub-contract with meet the specifications listed in their contract and agree to abide by the requirements listed in Section 48.4.5 of this Order.
- c. The wrecker service shall provide the work site commander with the names of the companies with which they have subcontracted.
- d. It is the responsibility of the wrecker service to inform the caller at the time of the request for service which subcontractor company will be responding to the scene.
- e. The wrecker service shall respond to the scene with their subcontractor and ensure that the vehicles are towed to the wrecker service's storage lot.

(3) Special agreements, policies, and contracts may be developed by a work site to accommodate unique circumstances (e.g., special equipment needs, lack of sufficient wrecker services in remote areas, central and regional dispatching), and shall be approved by the district/division commander.

#### 48.3.3. REQUESTS FOR WRECKER SERVICE

- A. Members of the department shall not recommend one wrecker service over another to the public.
- B. Enforcement members calling for a no-preference wrecker shall not request a wrecker service which is not contracted or on the no-preference wrecker call list, nor direct that a particular wrecker service be called out of order. The only exception is if the particular service required is only available through the towing service requested.
- C. Motorist-Preferred Wrecker Service
  - (1) Regardless of whether a no-preference wrecker list or contract wrecker service is used, motorists in need of wrecker service shall be asked if they have a preferred service. Their request shall be honored so long as the wrecker service is readily available and public safety is not an immediate concern.
  - (2) Motorists shall also be asked if their insurance company or vehicle's manufacturer offers roadside assistance. If so, they shall be given an opportunity to call their service provider for a wrecker as long as public safety is not an immediate concern.

#### 48.3.4. WORK SITE WRECKER SERVICE GEOGRAPHICAL AREAS

- A. The work site commander may establish wrecker service geographical areas within their area of a number, size, shape, and location deemed necessary.
- B. Wrecker services meeting the requirements outlined in this Order shall be used by the work site within the wrecker service's requested geographical area.

#### 48.3.5. CONTRACT OR NO-PREFERENCE LIST REQUIREMENTS

Wrecker services interested in working with the Michigan State Police shall agree to abide by the following requirements for the duration of their association with the department. Failure to comply with all of these requirements may be cause for termination of the contract or removal from the no-preference wrecker call list as provided in this Order.

- A. The wrecker service shall neither conceal nor misrepresent any material facts when applying for or performing services under this agreement.
- B. The wrecker service shall be legally established as a towing business with a minimum of five years of towing and recovery operations experience (e.g., registered with the County Clerk as an assumed name business, or registered with the State of Michigan as a corporation) with operations within the post area.
- (1) Post office box numbers shall not be accepted.
  - (2) All necessary equipment and storage facilities shall be located in the area to be served. Exceptions may be made for specialized equipment needs, as dictated by unique or emergency conditions.
  - (3) The wrecker service shall be registered with the Michigan Secretary of State website, Michigan's Auto Lost and Found.
  - (4) The wrecker service shall be registered with the National Motor Vehicle Title Information System (NMVTIS).
- C. The wrecker service shall comply with this Order, all rules and regulations prescribed by the MPSC (as applicable), local ordinances, zoning requirements, and state laws pertaining to this type of business.
- D. Drivers and representatives of the wrecker service shall be professional and courteous in their dealings with the public.
- E. The wrecker service shall maintain an effective means of communication with their trucks and drivers at all times.
- F. Insurance
- (1) The wrecker service shall maintain insurance coverage with a limit of \$1,000,000 for liability and \$100,000 in cargo on its fleet and drivers.  
  
Wrecker service insurance coverage shall include workers' compensation.
  - (2) The work site commander shall require that wrecker services provide a copy of their valid insurance policy, as well as copies of each renewal as long as their contract is in effect or they are listed on the no-preference wrecker list.  
  
All wrecker services shall have the Michigan State Police listed as additional insured, to insure notification of canceled coverage.
  - (3) If the wrecker service does not maintain insurance coverage or cannot provide proof of insurance coverage, they shall immediately have their contract canceled or be removed from all no-preference wrecker call lists until the work site commander is satisfied that the wrecker service is in compliance with insurance requirements.
- G. Indemnification
- The department shall not be held responsible for liabilities incurred while the wrecker service is providing service at a scene to which they were dispatched by the department. The wrecker service agrees that it is not acting as, nor will it represent itself as, an agent of the department while performing services.

#### H. Storage Facilities

- (1) The wrecker service shall own or have an exclusive, signed lease to a secure vehicle storage area of suitable size, properly zoned and adequately fenced, within the work site's assigned area. If the storage area is leased, the lease shall be valid through the term of the contract or no-preference list.
  - a. Documentation of zoning compliance and ownership or exclusive lease of the storage facility are required and shall be submitted with the wrecker service's application.
  - b. If the storage area location is different from the wrecker service's business location, it shall identify the physical location of the storage facility on the application.
- (2) The storage area shall only be accessible by the wrecker service.
- (3) The storage area shall be capable of simultaneously holding a minimum of 20 passenger vehicles and at least four maximum-size tractor-trailer combinations if they are able to perform heavy-duty tows.
- (4) If the wrecker service is unable to store a vehicle because there is insufficient storage area, they shall immediately notify the work site's on-duty supervisor. The wrecker service shall be financially responsible for any additional towing or storage charges associated with this situation.
- (5) Seized and Evidence Vehicles
  - a. The wrecker service shall provide a separate area within their storage area for vehicles that have been identified as stolen or involved in criminal investigations, forfeitures, or other police-related matters.
  - b. After having stored the vehicle for 20 days, the wrecker service agrees to contact the work site commander to initiate the abandoned and unclaimed vehicle procedures specified in Section 48.4.5.K of this Order.

Under no circumstances shall the work site or department be charged for the storage of seized vehicles and vehicles held as evidence.
- (6) The wrecker service shall be solely responsible for any damage or theft of vehicles and/or personal property while such vehicle and/or personal property stored on the wrecker service premises.
- (7) When requested by a police agency, the wrecker service shall provide written notification identifying where a towed vehicle is physically being held.

#### I. Equipment

- (1) The wrecker service agrees to properly maintain its trucks and clearly mark them as required by state law. The trucks shall not bear markings which would suggest or indicate that they are police vehicles.
- (2) The wrecker service shall ensure that its drivers and equipment used for department requests are qualified under the provisions of the [Motor Carrier Safety Act](#), 1963 PA 181, and the [Michigan Vehicle Code](#), 1949 PA 300, as amended.

- a. The wrecker service shall maintain a minimum of two Class A-B-C trucks and two drivers on call to respond to requests for services under this contract 24 hours per day, 365 days per year.
  - b. The wrecker service shall provide the work site commander with the following information for each of their trucks:
    - i. Vehicle class
    - ii. Make Year, Model and GVWR (rating of chassis)
    - iii. Number, capacity and type (e.g., fixed or moveable, manual or hydraulic) of booms
    - iv. Number and size of winches
    - v. Size and quantity of cable for each winch
    - vi. Lift type(s) (e.g., sling, wheel lift, chassis lift, roll back)
    - vii. Rear wheel/axle configuration (i.e., duels, tandem duels)
    - viii. Any additional equipment
    - ix. Copy of each vehicle's registration
    - x. If leased, a copy of each vehicle's lease agreement
    - xi. A copy of the last annual (periodic) certification inspection completed (shall be within the three months prior to the date of their application)
  - c. The wrecker service shall maintain all equipment in safe, legal operating condition at all times and shall equip all vehicles with rotating amber lights visible from 360 degrees.
  - d. If the wrecker service fails to maintain its equipment in good repair, the work site commander may immediately cancel the contract or remove the service from the no-preference wrecker call list at any time during this contract.
- J. Response to Calls for Service
- (1) Requests for service received from enforcement members shall receive first response priority.
  - (2) The wrecker service shall be available by telephone 24 hours a day, 365 days per year, with at least one wrecker immediately available, unless another schedule is deemed appropriate by the work site commander.
  - (3) Answering Telephone Calls
    - a. The wrecker service shall answer telephone calls for service within ten rings.
    - b. If the wrecker service fails to answer its telephone after ten rings, or if it indicates that it cannot immediately handle a call, the work site commander shall notify the wrecker service in writing of noncompliance with their agreement.

c. Upon the occurrence of three such written notices within a 12-month period, the work site commander shall have the right to immediately cancel the contract or remove the service from the no-preference list.

- (4) Response time to calls from the department shall be reasonable, as determined by the work site commander.
- (5) The wrecker service shall abide by all laws when responding to a scene and/or towing vehicles for the department, including equipment and traffic laws.
- (6) The wrecker service shall not send a truck to a police incident outside the agreed upon geographical area unless requested by an enforcement member.

#### K. Abandoned and Unclaimed Vehicles

- (1) The wrecker service shall comply with all applicable provisions of MCL 257.252a-g as they apply to abandoned vehicles.
- (2) The wrecker service shall not remove an abandoned vehicle from private property in accordance with [MCL 257.252a](#) without first notifying their affiliated work site.
- (3) The wrecker service agrees to serve as the custodian of the vehicle to ensure disposal of unclaimed vehicles as outlined in [MCL 257.252g](#).
- (4) Unclaimed vehicles shall be disposed of at public auction held by the work site commander or their designee, per the instructions in this Order.

#### L. Charges

- (1) The wrecker service shall be paid by the registered owner of the serviced vehicle.
- (2) Basic and Special Service Charges

Reasonable rates based on local industry standards shall be used for all services provided. The wrecker service shall provide a written copy of its rates detailing charges for all basic and special services to the work site commander no later than January 31<sup>st</sup> of each year.

#### (3) Storage Charges

a. The wrecker service may charge reasonable fees in addition to the basic and/or special charges for services performed in addition to the basic service. These charges may vary based on the size of the vehicle stored.

#### b. Vehicles Excluded from Storage Charges

In the event a vehicle is towed and/or stored but a court later determines that it was improperly moved, the department shall not be charged a fee by the wrecker service unless payment is required by court order under [MCL 254.252f](#).

#### (4) Mileage Charges

a. A local industry standard amount may be charged per mile for mileage driven in excess of five miles from the point of hook-up to the storage facility or other designated destination. All mileage charges shall be calculated based on one way mileage.



- b. The wrecker service shall provide a written copy of its mileage rates to the work site commander no later than January 31<sup>st</sup> of each year.

(5) Charges for Canceled Calls

If a call requesting wrecker service is canceled prior to the service being provided (e.g., hooking up the vehicle), neither the work site nor the vehicle's owner/operator shall be obligated to compensate the towing company.

M. Towing Documentation

- (1) Before towing any impounded vehicle from a scene as requested by an enforcement member, the wrecker service shall:
  - a. Obtain the vehicle's identification number from the vehicle, or from the enforcement member at the scene.
  - b. Take an inventory listing the vehicle's contents.
    - i. Jointly sign this inventory with the enforcement member.
    - ii. The wrecker service may also verify and sign an inventory taken by the enforcement member instead of completing their own.
- (2) The wrecker service shall not remove a wrecked vehicle from the scene of an accident without authorization by a law enforcement agency.

N. Vehicle Redemption

- (1) The wrecker service shall allow for the redemption of vehicles from their storage area at least eight hours per day, five days per week, and shall make their facility reasonably available after normal business hours upon receiving a telephone call from a post department member.
- (2) The wrecker service shall not permit a vehicle owner to redeem an impounded vehicle or remove any of its contents without permission from the work site commander or their designee. Failure to comply with this section is grounds for termination of the contract or removal from the no-preference wrecker list.

- O. The wrecker service agrees that intentional violations of [Chapter II of the Michigan Vehicle Code](#) for financial gain will result in their immediate termination of the contract or removal from the no-preference wrecker list and criminal prosecution where applicable.

- P. Upon approval of their district or division commander, a work site commander may establish additional requirements if unique circumstances exist in their area.

48.3.6. NO-PREFERENCE WRECKER CALL LIST

- A. Work site commanders may establish a no-preference wrecker call list for each assigned geographical area where there is more than one qualified wrecker service.
  - (1) If a no-preference wrecker call list is created, only wrecker services which have requested placement on the list and have met the requirements of this Order shall be included.

- (2) If a wrecker service has been contacted and cannot respond, it shall be placed at the end of the no-preference wrecker call list, and the next wrecker service on the list in the corresponding geographical area shall be contacted.

B. Application for Placement on No-Preference Wrecker Call List

- (1) Work sites shall provide a copy of the Requirements for Placement on No-Preference Wrecker Call List, UD-041, to the representative of a wrecker service requesting to be placed on the work site's no-preference wrecker call list. This document defines the department's standards and service expectations.
- (2) The wrecker service representative shall sign and date the form indicating he or she has read and understands the requirements, that the wrecker service is willing to adhere to the requirements, and shall provide all required information specified in the UD-041.

It is the wrecker service's responsibility to ensure that the work site commander is provided with updated information required by the UD-041 by January 31<sup>st</sup> of each year.

- (3) The original signed UD-041 and all other required documents shall be maintained at the work site for the year the wrecker service is removed from the no-preference wrecker call list plus two years.

C. Working Outside of the No-Preference Wrecker List

Enforcement members may work outside the no-preference wrecker list and contact the nearest available wrecker service if any of the following situations occur:

- (1) The wrecker service notifies the work site that it cannot immediately handle a call for service.
- (2) The wrecker service does not respond to the call within 20 minutes after being notified by the work site.
- (3) On occasions when an injured person is pinned in a wreck or when there is a danger of fire or explosion and expedient wrecker service is required.
- (4) Traffic conditions are such that immediate removal of a vehicle is necessary to resume the flow of traffic.
- (5) Once on the scene, the wrecker service is unable to handle the tow and cannot respond with the necessary equipment in a timely manner.
- (6) If the next wrecker service on the list is based a considerable distance from the scene to make it impractical to wait for its arrival.

48.3.7. CONTRACTING FOR WRECKER SERVICES

- A. In areas where circumstances make the use of the no-preference list impossible or impractical (e.g., there are a limited number of potentially qualified wrecker services, or central dispatch is unwilling to use the compiled list), work site commanders may contract with one or more wrecker service.
- B. In contracting with a wrecker service, the work site commander reserves the right to reject any and all bids, to waive or not waive informalities or irregularities in bids or bidding procedures, and to accept or further negotiate cost, terms, or conditions of any bid

determined by the Michigan State Police or its designee to be in the best interest of the department even though not the lowest bid.

C. If a contract is awarded, the selected wrecker service shall be required to adhere to the requirements listed in this Order, which shall become a part of a formal agreement between them and the Michigan State Police.

- (1) The contract shall represent the entire agreement between the parties and supersedes all prior representations, negotiations or agreements, whether oral or written. Any modifications of this contract shall be mutually agreed upon with written amendments signed by all parties.
- (2) In the event that it becomes necessary to revise any part of the agreement, an addenda shall be provided. Deadlines for submission of agreement may be adjusted to allow for revisions.
- (3) This contract shall commence upon its execution by all parties and shall stand valid and binding for a period of four years.

D. Proposals shall be signed by an official authorized to bind the wrecker service to the contract provisions for a period of at least 90 days. Failure of the successful bidder to accept the obligation of the contract may result in the cancellation of any award.

E. Working Outside the Contract

Enforcement members may work outside the contract and contact the nearest available wrecker service if any of the following situations occur:

- (1) The wrecker service notifies the work site that it cannot immediately handle a call for service.
- (2) The wrecker service does not respond to the call within 20 minutes after being notified by the work site.
- (3) On occasions when an injured person is pinned in a wreck or when there is a danger of fire or explosion and expedient wrecker service is required.
- (4) Traffic conditions are such that immediate removal of a vehicle is necessary to resume the flow of traffic.
- (5) Once on the scene, the wrecker service is unable to handle the tow and cannot respond with the necessary equipment in a timely manner.

F. Termination of Contract

- (1) The contract may be terminated by any party to it without cause upon 30 days' notice to the other party. If the contract/agreement is terminated or the department cancels this contract for failure of the wrecker service to comply with the terms of this contract, it shall do so in writing, specifying the violated sections.
- (2) Either party may complete revocation of the contract at any time. Just cause and prior notification will be afforded all parties concerned before revocation.

#### 48.3.8. METRO SOUTH POST PROVISIONS

- A. The Detroit City Code - Traffic and Motor Vehicles, Section 55-15-8, defines the Standards for Authorized Towers, Payments. It requires that a "police authorized tower's business is based within the City of Detroit as determined by payment of city income and property taxes."
  - (1) The Metro South Post shall use a tow list approved by the Detroit City Code.
  - (2) The Metro South Post shall not establish a rotational call list due to the unique circumstances within the post area.
- B. Wrecker services listed on the Metro South Post tow list shall abide by the requirements listed in this Order. Wrecker services are required to meet the criteria established by the Metro South Post for the selection of wrecker services.
- C. The commander of the Metro South Post may establish wrecker service geographical areas within the post area, if necessary.
- D. The Metro South Post shall follow the procedure outlined in Section 48.4.13 of this Order whenever a complaint is received concerning a wrecker service or if a wrecker service files a complaint.
- E. Special agreements or contracts developed to meet the needs of the Metro South Post shall comply with this Order and be approved by the district commander, bureau commander, and the Budget and Financial Services Division.

#### 48.3.9. SPECIAL INVESTIGATION DIVISION PROVISIONS

- A. Section commanders may deviate from the requirements outlined in this Order during the course of sensitive and/or covert investigations when confidentiality shall be preserved.
- B. Wrecker services used by multijurisdictional task forces shall abide by the requirements listed in this Order unless otherwise directed by a multijurisdictional task force board of directors.
- C. Multijurisdictional task forces shall follow the procedures outlined in Section 48.4.13 of this Order whenever complaints are received concerning a wrecker service, or if the wrecker service has concerns or complaints.
- D. Special agreements or contracts developed to meet the needs of multijurisdictional task forces shall be approved by the appropriate division and bureau commanders and multijurisdictional task force board of directors.

#### 48.3.10. WRECKER SERVICES PAID WITH DEPARTMENT FUNDS

- A. Work sites which use department funds to pay for wrecker services may be required to establish a contract for services if the total amount paid to a single vendor exceeds \$100 per incident or \$400 per year. When it is anticipated that expenditures will exceed these amounts, Purchasing shall be contacted.
- B. If the costs associated with the towing, storage, and disposal of vehicles are paid with multijurisdictional team funds, or other funds which have not been appropriated, it is not necessary to follow these requirements.

#### 48.3.11. DISPATCH CENTERS

##### A. Central Dispatch Centers

- (1) Central dispatch centers administered by the department shall establish a local policy to address the wrecker needs of the service area.
- (2) Contractual or other agreements between government entities and a wrecker service shall be honored, and the appropriate service shall be dispatched.

##### B. Regional Dispatch Centers

- (1) Work sites participating in regional dispatch centers shall forward a copy of their work site wrecker service policy and contract or no-preference wrecker call list to the regional dispatch center. The center shall use the work site's contracted wrecker service or no-preference wrecker call list when dispatching for the work site.

The work site shall continue to abide by the contract or use a no-preference wrecker call list and towed vehicle log whenever it is dispatching its own patrols.

- (2) Complaints received by a regional dispatch center concerning a wrecker service, or a complaint from a wrecker service, shall be forwarded to the respective work site's commander for follow up. See Section 48.4.13 of this Order.

- C. It is not necessary for a work site which participates in a central or regional dispatch center to contract with a wrecker service, maintain a no-preference wrecker call list, or towed vehicle log, provided that all wrecker service is dispatched by the central or regional dispatch center.

#### 48.3.12. COMPLAINT PROCEDURES

##### A. Complaint Against a Wrecker Service

- (1) Problems with or complaints about a wrecker service shall be documented by the work site commander. The documentation shall be retained for the duration of the wrecker service's contract with the department, or their time on the wrecker list, plus two years.
- (2) Members shall report to their immediate supervisors the name of any wrecker service or their employee that renders poor service, or that is incapable of providing quality service because of inadequate equipment or personnel.
- (3) Members who become aware that a wrecker service has intentionally violated [Chapter II of the Michigan Vehicle Code](#) shall inform their work site commander of the reported violations.
  - a. A work site commander who learns of intentional violations of Chapter II of the Michigan Vehicle Code shall ensure a thorough investigation into the incident and seek criminal prosecution if warranted.
  - b. A wrecker service who is found to have intentionally violated Chapter II for financial gain shall immediately have their contract canceled or be removed from the no-preference wrecker call list.
- (4) Each wrecker service shall be held to identical standards of conduct or performance.

- (5) When a complaint is received concerning the performance or rate change of a wrecker service or the service is not adhering to the requirements established by this Order, the complaint shall be immediately investigated.
  - a. Unless extenuating circumstances exist, a wrecker service shall not have their contract cancelled or be removed from the no-preference wrecker call list without an investigation by the work site commander or their designee.
  - b. If it is found that the wrecker service failed to comply with the requirements of this Order, a written notice shall be sent describing the complaint and the action needed to maintain a position on the no-preference wrecker call list.
  - c. Wrecker services shall be notified in writing of any non-compliance with accepted standards of conduct in a timely manner, and advised that they have the right to an appeal in writing to the work site commander before administrative or disciplinary action can be taken. The written notice shall indicate that additional complaints could result in removal from the list.
- (6) If an additional complaint is received concerning a wrecker service within a year, another investigation shall be conducted by the work site commander or their designee.
  - a. A copy of the report shall be sent to the Hazardous Materials and Investigation Unit commander, CVED, for further review and investigation.
  - b. The CVED shall notify the work site of the results of any investigation.

**B. Complaints from a Wrecker Service**

Complaints or concerns from a wrecker service shall be investigated by the work site commander or their designee. If their complaint cannot be handled at the local work site, the information shall be forwarded to the Hazardous Materials and Investigation Unit commander, CVED Headquarters. The CVED shall make contact with the MPSC when necessary.

**48.4 ADMINISTRATIVE FEES AND OTHER CHARGES**

A Michigan State Police post, multijurisdictional task force (MJTF), or other work site shall not profit from the towing of any vehicle. This policy precludes the receiving of any type of administrative fee or other cost outside of a dollar for dollar cost reimbursement for expenses paid in advance by the Post, MJTF, or other work site in conjunction with the towing of a seized vehicle. This section does not preclude proceeds which may be received as the result of a court ordered or administrative adjudication of the forfeiture process instituted by the post, MJTF, or other work site against a seized/towed vehicle.

**48.5 REVISION RESPONSIBILITY**

Responsibility for continued review and revision of this Order lies with the Field Services Bureau, Specialized Services Bureau (Intelligence Operations and Commercial Vehicle Enforcement divisions) and State Services Bureau (Training Division/Traffic Services), in cooperation with the Office of the Director.

DIRECTOR