



MEMORANDUM

DATE: THURSDAY, MAY 10, 2012
TO: ECHO
FROM: BURT DEAN, CFO
REBELLO'S TOWING SERVICES, INC.
RE: GUIDE TO SELECTION OF TOW COMPANY

What is required to perform private property towing (PPT)? My background includes retirement in 1990 after 25 years property management experience with qualifications including Certified Property Manager (CPM #6131), and California Association of Community Managers (CACM #442). Currently, I am an owner of a PPT towing company and a sitting member of the California Tow Truck Association Legislative Committee that participated in the legislative process that rewrote the new CVC 22658, PPT laws effective January 1, 2007.

Following are the qualifications that property managers need to verify before allowing tow companies to provide private property towing (PPT) services for their properties:

- ✓ License; these are local government jurisdictional requirements which must be verified with copies of the licenses or permits:
 - Tow Permits for each tow company, each driver, and/or each property: CA law allows each city or county to regulate PPT in their jurisdiction. I.e., The City of San Jose issues permits to tow companies to perform PPT services; drivers are issued a wallet photo permit after a criminal background investigation and should be required to show this permit to an authorized property representative at the time they sign for any tow; and, each property requesting private property towing services must be inspected by the City of San Jose for correct signage and fire lane markings before the property ownership will be issued a Private Property Towing Permit for a specific San Jose permitted tow company. I believe San Jose is the strictest city in the U.S and is probably the safest; the laws protect the property owner and the public. The San Jose Private Property Tow Permit Application WEB pages: http://www.sjpd.org/PDF_Forms/PrivatePropertyTow.pdf All other city police departments can tell you their requirements, and each county sheriff can inform you of county requirements when the property is not in a city.
 - Business License: Issued annually to each tow company by their local jurisdiction
 - Motor Carrier Permit: Issued by DMV after proof of insurance and can be verified on the DMV WEB site: http://www.dmv.ca.gov/vehindustry/mcp/mcp_active_carrier.htm
- ✓ A Conditional, or a Special Use Permit, would be verified by a copy of the permit from the local zoning jurisdiction governing the tow and storage facilities for the purpose of holding a "public lien sale" for disposition of unclaimed vehicles pursuant to the CA Department of Motor Vehicles (DMV): <http://www.dmv.ca.gov/pubs/brochures/howto/htr7.htm> , plus CCC 3070, CCC 3071, and CCC 3072. The San Jose WEB pages for the San Jose Municipal Code Section 20.50.100 for the Zoning Ordinances is: http://www.sanjoseca.gov/planning/applications/dev_cp_app.pdf
- ✓ Certifications of Insurance; this professional business requirement must be verified annually for:
 - Workers Comprehensive
 - Commercial General Liability Insurance
 - On-Hook Insurance
 - Garagekeepers
- ✓ Authorization from the property owner (property management or licensed security) in lawful possession of private property for each and every tow.
 - Vehicle removal must meet the following; CVC 22658(a)(1)(2)(3)(4): "**any of the following circumstances**",
 - Signage is the responsibility of the property per CA State law CVC 22658(a)(f), or
 - 96 hour notice of parking violation, or

- Hazardous vehicle lacks engine, transmission, wheels, doors, windshield or any other major part for safe operation after 24 hours notification to police, or
 - Zoning for property is single family housing
 - General Authorization (Fire Lanes): A contract is required between the tow company and the property for authorization to tow vehicles without first obtaining a signature for vehicles unlawfully parked in the fire lane, parked within 15 feet of a fire hydrant, or blocking an entrance CVC 22658(l)(1)(E)(i), CVC 22658(l)(1)(E)(ii), and CVC 22658(l)(2)
 - Specific Authorization (Enforcement of Parking Rules): An authorized representative of the property must sign for each and every vehicle towed, at the time of the tow, witnessing the violation, and describing the vehicle; CVC 22658(l)(1)(A), CVC 22658 (l)(1)(B), and CVC 22658 (l)(1).
 - That person authorizing the tow is not required to be present within the tow arena (but they are required to be on the property) or allow their name disclosed in only residential properties (signers named redacted), CVC 22658(l)(C)(ii)
 - Commercial properties must wait one hour before authorizing tow. CVC 22658(i)(1)(D), and CVC 22953
 - Limitations of Area of Operation: Vehicles shall be stored within 10-miles radius from where they were towed. CVC22658(n)(1)(A), and CVC 22658 (n)(1)(B)
- ✓ Towing and Storage Fees: Maximum towing or storage fees are regulated by local law enforcement rates CVC 22658(i), CVC 22658(k)(5),
 - Credit cards must be acceptable for payment in full, CVC 22658(k)(1), CVC 22658(k)(2), and CCC 1747.02
- ✓ Public Pay Phone must be available in the tow facilities office area. CVC 22658(n)(3)
- ✓ Penalties for violation of many PPT codes are criminal misdemeanors with up to \$2,500 fines. CVC 22658(l)(4), CVC 22658(l)(5), 22658(k)(3), CCC 22658(k)(4), CVC 22658(j)(2), and CVC 22658(j)(1)

This guide for selection of a qualified tow company recommends inspection of the tow yard, copies of herein listed documents, with annual updates, for current and annual evaluation. Although Compliance Depot and Registry Monitoring are companies that perform limited vendor review, the following list is minimally recommended before approving any tow company for PPT services.

- ✓ Tow company Requirements:
 - Copies of current required licenses and permits, as above listed (updated annually).
 - Certificate of Insurance with the property indemnified for both liability (with acceptable limits) and workers compensation.
 - Copy of the Special (or Conditional) Use Permit (or confirmed alternative) conforming to DMV “public lien sales” requirements for disposition of unclaimed vehicles.
- ✓ Inspection of Tow Yard (Agenda)
 - Posted tow rates, 1 inch letters
 - Posted current permits and licenses as required, above
 - Public pay phone available to the public (if they cannot pick up the vehicle, they can call for help as required by law).
 - Less than 10-mile radius from property where vehicles would be towed from
- ✓ Inspection of Private Property Requirements (Agenda):
 - Signage on all property entrances and exits in compliance with local and state code
 - Enforceable Parking Rules and Regulations endorsing Specific and/or General Authorization services
 - List of authorized persons to sign for Specific Authorization tows delivered to tow company
 - Review of Fire Lanes and other restricted parking areas for common sense vehicle-driver instruction
 - Service contract for PPT services with indemnity from the tow company

This synopsis of laws is limited as an outline format to assist in the selection of a qualified PPT service, but is not intended as an outline for performing PPT services. Please refer to the complete text of CVC 22658, your local codes, and other referenced laws above for precise language.