



SOLANO COUNTY ROTATION TOW SERVICE STANDARDS

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SOLANO COUNTY ROTATION TOW SERVICE STANDARDS

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SOLANO COUNTY ROTATION TOW SERVICE STANDARDS

1. TOW PROGRAM ENROLLMENT

Open Enrollment Period. The annual open enrollment period for the Solano County Rotation Tow Service Program (Program) is September 1 through September 30.

Eligibility. The County will only accept Tow Service Operators (Tow Operator) who have been approved under the current California Highway Patrol (CHP) Tow Service Agreement and have submitted a signed Participation and Tow Operator Certification Form to the County.

Pre-enrollment Meeting. During the open enrollment period the Sheriff's Office shall conduct an open enrollment meeting to discuss the forthcoming Program term and issues concerning the Program.

Applicant Denials. The County shall reject an application if an applicant is not currently approved by the CHP or has an unsatisfactory history of violations. Moreover, should the Applicant or Applicant's designee fail to attend the mandatory open enrollment meeting, the Tow Operator's application for the forthcoming Program term shall be denied. The Tow Operator shall be provided with written notification of the denial and may re-apply during the next open enrollment.

2. TOW SERVICES

Tow Areas. The Sheriff's Office has established six county tow districts (a.k.a. tow areas) based on geographic location to facilitate the distribution of calls and to meet the needs of the County with regards to response time and availability of tow services. The Solano County tow areas are reflected in Appendix 1. Within each county tow area, the Sheriff's Office shall:

- Establish a maximum radius for the location of a business from which the Tow Operator may provide service for a county tow area.
- Determine the reasonable response time, maximum rates and minimum number of trucks, including, requiring more than one tow truck in each class in county tow areas where rapid response for congestion relief is required.

At the County's sole discretion, the Sheriff's Office shall assign participating Tow Operators to one or more County tow areas based on geographic location of their business address and storage yards.

Should the Tow Operator disagree with its tow area assignment, the Tow Operator may appeal the assignment decision using a prescribed form approved by the County. The appeal shall be the responsibility of the Compliance Division's Captain and a response in writing shall be provided within five (5) business days from the request date. This decision is final.

Rotation Lists. The Sheriff's Office shall establish a rotation list of tow operators for each tow area at the end of each enrollment period and provide the Solano County Dispatch Center with a separate rotation list of for each established county tow areas. Tow Operators will be listed in the order the County receives and accepts completed Participation and Tow Operator Certification Forms.

At its sole option, the County may maintain separate rotation tow lists for salvage and recovery operations involving large commercial vehicles (e.g., overturned, down an embankment).

Rotation Placement. Generally, after a Tow Operator has been called by the Dispatch Center



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or Sheriff's personnel, they are moved to the bottom of the rotation list and all others on that list move up one position to allow the Dispatch Center to contact the appropriate next in-line tow operator.

Notwithstanding the preceding paragraph, Sheriff's personnel at the scene may request a specific tow company when, in their opinion, the necessary resources to clear a hazard are not available from the tow company currently at the top of the rotation tow list. In such an instance, the selected Tow Operator would then go to the bottom of the list and those tow companies which were bypassed, would remain in the same list order.

Rotation Turn. A call to the Tow Operator shall constitute one turn on the list. This includes when the Tow Operator fails to answer the phone, is unable to respond, is unable to perform the required service, is unable to perform the required service within the maximum response time, refuses to respond or provide service, or is canceled due to excessive response time.

Rotation Turn Exceptions. In the following situations where a Tow Operator may have been called and may have responded but has not taken possession of the vehicle, the Tow Operator will be placed back at the top of the list. Possession is deemed to arise when the vehicle is removed and is in transit, or when vehicle recovery operations or load salvage operations have begun (Civil Code §3068.1(a) and CA Vehicle Code §22851 (a) (1)).

- If the Tow Operator responds to a call and the request is canceled by the ranking Sheriff's personnel on the scene prior to the Tow Operator taking possession of the vehicle.
- If the Tow Operator responds to a call and the request is canceled by the vehicle's registered owner or agent prior to the Tow Operator taking possession of the vehicle.

Response to Calls. The Tow Operator shall respond to calls 24 hours a day, seven (7) days a week, within the maximum response time limits established by the County and:

- Shall respond with a properly equipped tow truck of the class required to tow the vehicle, provide service, and be in possession of the appropriate class of license and applicable endorsements and permits. Any applicable permits (e.g., load variance, oversize) shall be valid and maintained in the tow truck.
- Shall advise County Dispatch, at the time of notification, if it is either unable to respond or unable to meet the maximum response time. If, after accepting the call, the Tow Operator is unable to respond or will be delayed in responding, the Tow Operator shall immediately notify County Dispatch. A failure to respond to towing or service calls, and/or repeated failures to meet maximum response time requirements, without justification, shall result in disciplinary action. Notwithstanding the preceding sentence, and at the County's discretion, the County may suspend the operator or send the operator a notice of default should the operator appear to develop a pattern of failing to respond to calls that may require an impound and/or storage of property.
- If service, other than towing, recovery, and load salvage, is canceled by the vehicle's registered owner or agent, no lien shall arise for the service unless the Tow Operator has presented a written statement to the vehicle's registered owner or agent for the signed authorization of services to be performed pursuant to CC § 3068(a).
- Shall not attempt to take possession of a vehicle in order to establish a lien for any non-towing services performed, or initiated and subsequently canceled.



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- The County may establish a policy which allows the Tow Operator to dispatch more than one tow truck to a multiple vehicle collision scene in response to a rotation tow call. If two or more Tow Operators are called to the same incident, distribution of the vehicles shall be at the discretion of the County Sheriff's Office Deputy or representative in charge of a scene.
- When the Tow Operator is temporarily unavailable to provide services due to a pre-planned or scheduled activity, the Tow Operator shall notify the County Dispatch at least 24 hours prior to the date that services will be unavailable, noting the times and dates of the unavailability.
- Only the Tow Operator's personnel and equipment that are requested shall respond to a call (e.g., tow truck driver bringing family or friends, children, or animals, is not allowed). An exception would be responding including a tow truck driver trainee accompanying an approved rotation tow truck driver only if approved by, and documentation of tow truck driver training has already been submitted for the trainee to the CHP.
- Shall not respond to a call assigned to another Tow Operator or re-assign a call to another tow operator, unless requested to do so by the County Dispatch.
- Shall not over-respond to a call with personnel and equipment that was not requested by County Dispatch. There shall be no additional charge for any personnel or equipment which is not necessary to perform the required service. Any additional personnel or equipment shall be approved by the County Sheriff's Office Deputy or representative on scene.
- There may be times when the Tow Operator assigned the initial call may require assistance from an additional Tow Operator. The assigned Tow Operator may, with the concurrence of the County Sheriff's Office Deputy or representative in charge of a scene, request a specific Tow Operator for additional assistance. The Tow Operator's request shall be routed through the County Sheriff's Office Deputy or representative in charge of the scene.
- There may be times when the Tow Operator, who was not called to the scene, comes upon a collision scene where a vehicle or vehicles are blocking a roadway and the County Sheriff's Office Deputy or representative in charge of a scene, requests assistance in clearing the roadway. In such a case, the Tow Operator may be requested to move the vehicle to a safe location and leave it. There shall be no charge for this assistance and the assistance provided shall not change the Tow Operator's place in the rotation.

3. TOW OPERATORS

General. The Tow Operator shall be a certified CHP tow operator in Solano County. The Tow Operator shall ensure that its drivers and managers shall meet the qualification and standards established by the current CHP TSA. Proof of qualifications shall be documented by CHP and provided to the County upon request.

Business. The Tow Operator's place of business must adhere to the following standards:

- Have a sign which clearly identifies it to the public as a tow service, is clearly visible to the public from the street, and shall be visible at night.
- Post business hours and towing fees in plain view to the public and a "Towing Fees and Access Notice" shall be posted and readily available to the public per CVC §222651.07(a)(1)(A) and CVC §222651.07(d).
- "Normal business hours" shall not be less than 8 a.m. to 5 p.m., Monday through Friday, except for County-approved and State-approved holidays. If the business closes for the lunch



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hour and/or breaks, a sign shall be posted which reflects the closure and an on-call phone number provided.

- Be sufficiently staffed to allow customers to talk face-to-face with a tow company's owner, manager, or employee during normal business hours. Should the business be closed for the lunch hour, customers may use the on-call number provided and the Tow Operator shall respond in-person immediately to release property or a vehicle.
- Maintain business records relating to tow services, personnel, insurance, personnel taxes, payroll, applicable operating authorities, local operating authorities, lien sale actions, and Federal Communication Commission licensing (if applicable) for at least three years.
- Customer invoices shall contain the required itemized information pursuant to CVC §22651.07(e) such as vehicle description, service description, service vehicle number and classification, tow truck driver's name, start time, end time, location, and the itemized costs of towing and storage, and shall contain the required declaration regarding Towing Fees and Access Notice in the manner and formatting pursuant to CVC § 22651.07(a)(1)(B)(3).

Financial Interest. The Tow Operator may not hold a financial interest in a competing tow company operating within the same rotation tow areas where the Tow Operator is directly involved in the competing tow company. Moreover, the Tow Operator shall not share equipment with any other Tow Operator or applicant involved with the Program (excluding equipment which may be unavailable due to repairs or equipment replacement).

The sale or transfer of the controlling interest in the Tow Operator's company shall immediately suspend Tow Operator's participation in the Program. A new owner may reapply for reinstatement at any time during the remainder of Program's annual term provided the Tow Operator has been reinstated by CHP and/or remains in good standing.

Storage Yard. The Tow Operator shall be responsible for the safekeeping of all vehicles stored or impounded at the County's request including the prevention of theft of the vehicle or its contents or vandalism to the vehicle. At a minimum, a permanent, securely fenced or enclosed storage area shall be provided of an adequate size for the proper storage of vehicles.

The Tow Operator shall have a storage yard and place of business, sharing the same business address, located within at least one Solano County tow area served. All towed and impounded vehicles shall be stored at this location. A Tow Operator may have a secondary storage yard that may be used if the primary storage yard is full, provided that the secondary storage yard is located reasonably close to the business address. There shall be no charge to the vehicle's owner/agent for towing a vehicle from a secondary storage yard to the primary storage yard. A secondary storage yard does not qualify the Tow Operator for an additional county tow area.

Prior to the use of a new storage yard, the Tow Operator shall obtain approval from CHP for use of the storage yard.

Storage yards rented or leased by the Tow Operator shall only be approved if the storage yard space is charged using a flat monthly rate rather than on a vehicle-by-vehicle basis or a combination thereof. Storage yards shared by Tow Operator and another tow company or other business establishment not owned by the Tow Operator shall be physically separated and secured from each other.

Property Release. The Operator's employees shall be properly trained to conduct business transactions related to towing, storage, and release of vehicles/property.



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Upon approval from the County, the Operator or its employee shall release a vehicle or personal property from a vehicle which has been stored/impounded by the County at the request of the vehicle's registered owner or agent (personal property is considered to be items which are not affixed to the vehicle). A receipt shall be provided for the removed property, with a copy placed in the stored vehicle. This procedure shall also apply to the removal of property by the Operator or its employee to a secured area within the business.

If a dispute results between the Operator and the owner of the vehicle regarding release of property, the owner of the vehicle should be directed to contact the County to obtain a written authorization to allow the release of the property.

Personal property and/or the vehicle shall be released at the primary storage facility. Personal property or a vehicle release from a secondary storage facility shall only be granted if it's acceptable to the vehicle's registered owner or agent. No fee shall be charged for the release of a vehicle or personal property during normal business hours pursuant to CVC § 22851(b) and § 22651.07(c)(1). The maximum charge for a non-business hour release of a vehicle or personal property shall be one-half the hourly tow rate charged, or less, for initially towing the vehicle pursuant to CVC § 22851(b). No lien shall attach to any personal property in or on the vehicle pursuant to CVC § 22851(b).

The Operator shall keep a written record of every vehicle stored for a period longer than 12 hours pursuant to CVC § 10650(a). The record shall contain the name and address of the person storing or requesting the tow, the names of the owner and driver of the vehicle (if ascertainable), and a brief vehicle description (make, model, license plate number, and any vehicle damage) pursuant to CVC § 10650(b).

Tow Truck Drivers. The Tow Operator shall ensure tow truck drivers responding to calls initiated by the County are competent and have completed a CHP Tow Service Agreement Advisory Committee (TSAAC) approved tow truck driver training program within the past five (5) years. These requirements shall be established by CHP Policy and may be amended during the term of this Program. The Operator shall maintain a current list of drivers.

Tow truck drivers shall:

- Perform all towing and recovery operations in the safest and most expedient manner possible.
- Be at least 18 years of age.
- Possess the proper class of license and endorsements for the towed and towing vehicle. Tow Operators possessing a Class B, C, or D license may maintain a position on a lighter class rotation list, provided the tow truck meets the equipment specifications for that class of operation.
- Maintain a professional appearance and wear an identifiable uniform (either shirt and pants, or coveralls) displaying the company and driver's name and also wear appropriate warning garments (e.g., vests, jackets, shirts, retro-reflective clothing) for daylight and hours of darkness in accordance with California Code of Regulations, Title 8, Section 1598. If the tow truck driver is working on a Federal-aid highway, the Operator shall comply with the guidelines contained in the Federal Code of Regulations, Title 23, Highways, Chapter 1, Federal Highway Administration, Department of Transportation, Part 634, Worker Visibility, which requires high-visibility personal protective safety clothing to be worn that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 (compliance date of November 24, 2008).



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Demeanor and Conduct. While involved in Program or related business, the Tow Operator and its employee(s) shall refrain from any acts of misconduct including, but not limited to, any of the following:

- Rude or discourteous behavior.
- Lack of service, selective service, or refusal to provide service which the Tow Operator is capable of performing.
- Unsafe driving practices.
- Exhibiting any objective symptoms of alcohol or drug use. The Tow Operator/tow truck driver shall submit to a preliminary alcohol screening test upon demand of the County if an odor of an alcoholic beverage is detected.
- Any act of sexual harassment or sexual impropriety.
- Any illegal or unethical acts.

Any conviction of the Tow Operator or its employees including, but not limited to, fraud related to the towing business, stolen or embezzled vehicles or property, a crime of violence, a drug-related offense, felony driving while under the influence of alcohol or drugs, misdemeanor driving while under the influence of alcohol or drugs, or moral turpitude may be cause for suspension or removal of the Tow Operator and/or the employee from participation in the Program.

Tow Truck Classifications and General Equipment. The Tow Operator shall equip and maintain its tow trucks in accordance with the provisions set forth in the California Vehicle Code, Title 13 of the California Code of Regulations, the specifications contained in this Program, and in a manner consistent with industry standards and practices. Tow truck and car carrier classifications enumerated below are based on the truck chassis' Gross Vehicle Weight Rating (GVWR) under the classification system used by the American Trucking Association.

Special Equipment: Truck with 4-Wheel Drive. GVWR under 14,000 pounds.

Class A: Light Duty. GVWR of at least 14,000 pounds.

Class B: Medium Duty. GVWR of at least 33,000 pounds.

Class C: Heavy Duty. GVWR of at least 52,000 pounds.

Class D: Super Heavy Duty. GVWR of at least 54,000 pounds.

Each piece of equipment on the tow truck shall have a manufacturer's label or identification tag permanently affixed to the equipment in a prominent location to identify the manufacturer, model, serial number, and rated capacity.

Insurance. The Tow Operator shall maintain the following minimum levels of insurance from an insurance carrier licensed by the California Department of Insurance, or licensed in the state in which the Tow Operator's business is located, and is authorized to do business in California:

- Minimum Level of Financial Responsibility (as required by CVC § 34631.5) - Bodily injury and property damage with a combined single limit of not less than \$750,000 for Class A tow trucks. The combined limits for Classes B, C, and D shall not be less than \$1,000,000. These minimum standards are to include non-owned and hired auto coverage.
- Uninsured Motorist – Legal minimum combined single limit.



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- On-Hook Coverage/Cargo - Insuring the vehicle in tow with limits based on the size of the tow truck.
Class A tow truck.....\$50,000
Class B tow truck.....\$100,000
Class C tow truck.....\$200,000
Class D tow truck.....\$250,000
- Garage Liability - Includes premises and operations. Coverage for bodily injury and property damage with a combined single limit of not less than \$500,000.
- Garage Keeper's Liability – Shall be the same minimum as on-hook coverage for vehicles in the care, custody, and control of the operator in the storage yard.

Tow Operators shall provide proof of insurance for all storage facilities used. Proof of insurance shall be in the form of a certificate of insurance. The Tow Operator's insurance policy shall provide for not less than 30 days written notice to the County in the event the insurance policy is cancelled or is due to expire. Failure of the Tow Operator to maintain the minimum insurance requirements set forth in the Standards shall immediately result in the removal of the Tow Operator from the Program and subject the Tow Operator to disciplinary action.

4. RATES, FEES AND PAYMENTS

Rate Schedule. Fees charged for calls originating from the County shall not exceed the maximum rates as established by the California Highway Patrol (CHP) and posted on the County's website. The rates shall not apply if the Tow Operator responds to a call in a location where towing rates for all tow companies are established by an Official Police Garage or city/county ordinance pursuant to CVC § 21100(g).

The maximum rates shall remain firm during the current Tow Program period. Notwithstanding the preceding sentence, should the CHP accept and approve any rate changes, the new maximum rates will be automatically incorporated and posted to the County's website. The County shall notify the Tow Operators of any changes and instruct the Tow Operators to download the rate schedule. A copy of the rate schedule then in-effect shall be carried in each tow vehicle and upon request, be made available to the vehicle owner/agent for whom the tow service was provided or any County representative at the scene.

If the Tow Operator charges rates above the established maximum rates, the Tow Operator shall be subject to disciplinary action. Conversely, nothing in the Solano County Rotation Tow Service Standards precludes the Tow Operator from charging a lower rate when the Tow Operator deems it appropriate or from foregoing the charge if the Tow Operator would not normally charge for such a service.

Collusion. The Tow Operator shall not conspire, attempt to conspire, or commit any other act of collusion with any other Tow Operator for the purpose of secretly, or otherwise, establishing an understanding regarding rates or conditions to this Contract that would bring about any unfair condition which could be prejudicial to the County, the motoring public, or other operators. A finding by the County that the Tow Operator has been involved in collusion shall be cause for denial of an application or shall nullify this Contract. If the Tow Operator is found to be involved in any act, or attempted act of collusion it shall be disqualified from participation on all County rotation tow lists for the current term, plus three years.



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Tow Fees. The rate for towing should be computed from portal to portal when a vehicle is towed to the Tow Operator's storage yard. Portal to portal is defined as follows: Time shall start from either the point of dispatch or upon departure from the place of business, whichever is closer to the location of the call, and shall end at the estimated time of return to the place of business; or completion of the call if another call is pending; whichever is shorter.

Time expended for towing a vehicle back to the Tow Operator's storage yard shall be charged at a rate not to exceed the hourly rate. Time expended in excess of the hourly rate shall be calculated in no more than one-minute intervals. There shall be no additional charges for mileage. There shall be no additional charge for moving (i.e., driving, towing, pushing, utilizing a forklift) a stored vehicle from inside the Tow Operator's storage yard to the front of the business establishment.

A clear itemized and detailed explanation of any additional service that caused the time to exceed one hour shall be documented on the invoice pursuant to CVC § 22651.07(e)(7). The Tow Operator may submit two retail hourly tow rates: one rate for calls originating during normal business hours and one rate for calls originating after business hours.

The Tow Operator shall base towing charges upon the class of vehicle being towed regardless of the class of tow truck used.

The Tow Operator or its employees shall not refer to any rate as a required or "County rate".

Service Calls. The Tow Operator may charge up to a 30-minute minimum per call for any service call which is performed when the vehicle operator or agent is present and the vehicle is not stored at the direction of an officer or returned to the Tow Operator's storage yard. Rates for a service call (out-of-gas, lockouts, tire changes, etc.) should be from portal to end of service. Charges in excess of a 30-minute service call may be charged in no more than one-minute increments.

A clear, itemized and detailed explanation of any additional service that caused the time to exceed one hour shall be documented on the invoice pursuant to CVC § 22651.07(e)(7). If service cannot be performed safely at the vehicle's location, the vehicle may be moved to safe location to perform the service at the service call rate. Fuel charges for gasoline dispensed on out-of-gas service calls shall be at the prevailing market rate.

Fees for special operations shall be reasonable and consistent with industry standards for similar operations. Hourly rates shall be established for auxiliary and contracted equipment (e.g. airbags, converter gear/dolly, additional trailers, fork lifts, front loaders, low-boy trailers, rotators). A Tow Operator shall submit a marked-up rate (percentage of the cost to the Tow Operator) for rental equipment and labor not otherwise listed on the CHP 234A, Rotation Tow Listing Application.

If the Tow Operator performs a service for which a required rate was not submitted and approved, the Tow Operator shall only be entitled to charge for the actual cost of that service plus a markup rate not to exceed 10 percent.

If the Tow Operator has been called and responded but has not taken possession of the vehicle, there shall be no charges.

Storage Fees. A vehicle stored or impounded 24 hours or less shall be charged no more than one-day storage pursuant to CC § 3068.1(a). If the vehicle is released from storage after 24 hours has lapsed, charges may be allowed on a full, calendar-day basis for each day of storage, or portion pursuant to CC § 3068.1(a). Storage of vehicles in combination should be charged a per



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vehicle rate except for dollies, con-gear, vehicle on a car carrier/trailer, etc. Dollies and con-gear, not in combination, may be charged a storage rate not to exceed Class A storage fees.

Inside storage fees shall only be charged when inside storage is requested by the County, registered owner, legal owner, insurance company, or when the inside storage can be justified by the Tow Operator.

The Tow Operator shall display in plain view at all cashiers' stations, a sign as described in CC § 3070(d)(2)(E), disclosing all storage fees and charges in force, including the maximum storage rate.

Forms of Payment. A valid bank credit card or cash payment shall be accepted for payment of towing and/or storage pursuant to CVC § 22651.1 and § 22651.07(c)(4). A surcharge shall not be imposed upon a cardholder who elects to use a credit card for payment pursuant to CVC § 1748.1 and § 22651.07(c)(4).

5. GENERAL PROVISIONS

Gratuities. County personnel, as well as the Tow Operator and its employees, shall not be offered nor accept gratuities pursuant to CVC § 12110(a). Neither the Tow Operator nor its employees shall accept any gratuities from a repair shop for the delivery of a vehicle, not owned by the repair shop or tow company, for the purpose of storage or repair pursuant to CVC § 12110(c). A Tow Operator in violation of this provision may be subject to disciplinary action.

Advertising. The Tow Operator shall not display any sign or engage in any advertisement indicating an official or unofficial connection with the Solano County Sheriff's Office or the Department of Motor Vehicles.

Recordings. Tow Operators shall not record via video or photograph any vehicle or its surroundings when the vehicle is located within the boundaries of a crime scene unless it is for official use by the tow company for business-related reason and must first get approval from the County Sheriff's Deputy or representative on the scene. A Tow Operator in violation of this provision will immediately surrender any such recording device to the County Sheriff's Deputy or on scene representative and may be subject to disciplinary action.

6. COMPLIANCE

Laws and Regulations. The Tow Operator or its employees shall, at all times, comply with federal, state, and local laws and ordinances.

Program Standards. The Tow Operator and its employees shall, at all times, comply with the Solano County Rotation Tow Service Standards (Standards). Failure to comply with these Standards shall be cause for disciplinary action (i.e., written reprimand, suspension, termination, or denial of an application). The County reserves the right to amend the Standards at any time in response to legislative and/or authoritative changes impacting tow services. The County shall notify the Tow Operator of any changes and the effective date and update the Standards on its Website.

Inspections. The Tow Operator's tow vehicles and equipment shall be inspected annually to ensure the vehicle is properly equipped and operating in a safe condition. To meet this requirement, Solano County shall accept the CHP inspections of all tow trucks pursuant to its CHP Tow Service Agreement. The Tow Operator shall retain a maintenance log for each vehicle



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to demonstrate an ongoing safety maintenance program and make the log available to the County Public Safety Division Captain or designee upon request.

The County may inspect all Tow Operator business records without notice during normal business hours. The Tow Operator shall permit the County to make copies of business records at its place of business, or to remove business records for the purpose of reproduction.

Tow Complaints. All County related tow service complaints against a Tow Operator or its employees, shall be investigated in a fair and impartial manner by the County Public Safety Division Captain or designee and/or referred to the appropriate agency. The Tow Operator or its employees shall cooperate fully with the investigation. The Tow Operator shall be notified in writing of the findings within 30-days of the conclusion of any investigation.

Violations. Alleged violations of Tow Operator's performance under this Program shall be investigated by the County. Violations include, but are not limited to, equipment requirements; exceedance of the gross vehicle weight rating and/or safe loading requirements; dispatching non-licensed drivers, drivers with inadequate licensing, non-approved drivers, drivers with new criminal charges, or an unqualified driver; overcharging; improper call response or failure to respond; failed inspections; price-fixing; sustained tow complaints; and an unfavorable status with the CHP or the California Vehicle Tow and Storage Board. Records of violations shall be retained by the County for 36 months and may be provided to the CHP at the discretion of County.

Disciplinary Action. The Sheriff's Office shall be the disciplinary body and take disciplinary action against the Tow Operator for sustained violations during the service period according to the disciplinary guidelines below; however, the County retains discretion regarding use of immediate suspension and/or the length of any suspension imposed. To determine the appropriate disciplinary action, the County may consider all Tow Operator violations within the last 3 years to determine if there is a pattern or escalation of violations.

<u>Violation Order</u>	<u>Recommended Disciplinary Action</u>
First	Written letter of reprimand
Second	30-day Program suspension
Third	90-day Program suspension
Fourth	Program Termination and Disbarment

Tow Operator suspension from the Program applies to all tow lists maintained by the County. A suspended or terminated Tow Operator shall be removed from any rotation listing for the duration of the suspension or termination. A change in Tow Operator ownership shall not discharge the disciplinary action.

Nothing in these Standards shall prohibit the County from immediately suspending or terminating any Tow Operator whose conduct, in the opinion of the County, is deemed to be a danger to the motoring public (e.g., driver is a registered sex offender), or who has engaged in conduct constituting a flagrant violation of the Program. For egregious violations, the County may call for immediate suspension pending the outcome of a hearing or appeal.

The County shall notify the Tow Operator in writing of the violation and effective date of the pending disciplinary action, and the deadline date for a hearing request. The recommended disciplinary actions do not preclude the County from taking the appropriate enforcement or administrative action for any violations of law. All criminal violations shall be referred to the District Attorney's Office.



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Hearing. Upon a Tow Operator's request using a prescribed form approved by the County, a hearing shall be granted to address any disciplinary action served on the Tow Operator. The hearing shall be conducted by the Sheriff's Field Operation's Captain or designee and shall be held as soon as practicable, not to exceed ten (10) calendar days of request. The Tow Operator shall be entitled to present all relevant facts and circumstances in support of the Tow Operator's position.

Within five (5) days of the hearing date, the County shall notify the Tow Operator in writing of the hearing decision. The Tow Operator shall then have five (5) business days to file an appeal.

Appeal. Upon a Tow Operator's appeal using a prescribed form approved by the County, an appeal shall be granted to revisit the hearing decision. The appeal shall be conducted by the Undersheriff or the Compliance Division's Captain and shall be held as soon as practicable, not to exceed five (5) business days from the request date. The Tow Operator shall be entitled to restate their position and present any new facts or circumstances that surfaced.

Within five (5) days of the hearing date, the County shall notify the Tow Operator in writing of the appeal decision. This decision is final and shall not be subject to further administrative review.

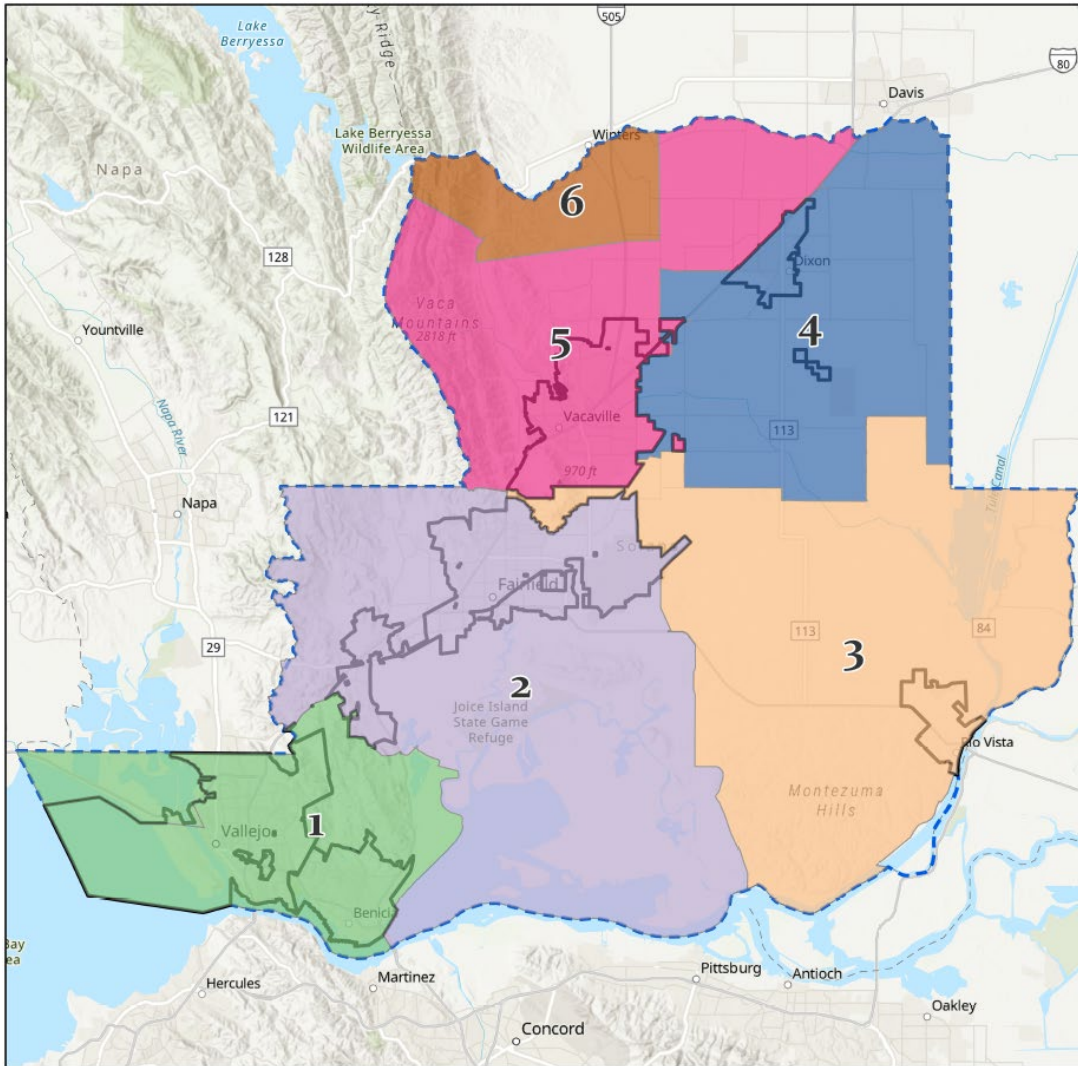
Effective Date of Discipline. Generally, disciplinary action shall not take effect until the hearing and appeal process has been completed and written notification sent to the Tow Operator. Notwithstanding the preceding sentence, should the Tow Operator fail to request a hearing or appeal by the specified deadline or fail to appear at a scheduled hearing or appeal, the action taken by the County shall be deemed final and the disciplinary action shall take effect upon written notification to the Tow Operator.

Notifications. The County shall notice the CHP of any suspensions or disbarment and, if warranted, may notice the California Vehicle Tow and Storage Board.



SOLANO COUNTY ROTATION TOW SERVICE STANDARDS

APPENDIX 1



SOLANO COUNTY TOW BOUNDARIES

Legend

Tow Areas

- 1 - Vallejo/Benicia
- 2 - Fairfield/Suisun City
- 3 - Rio Vista
- 4 - Dixon
- 5 - Vacaville
- 6 - Winters
- City Boundary
- Solano County Boundary



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 Thursday, October 12, 2023

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