

## ARTICLE II. WRECKERS

### **Sec. 82-26. Penalty for violation.**

If a wrecker service proceeds to the scene of an accident in violation of any of the provisions of this article, the operator of the wrecker vehicle and any agent or employee of the wrecker service who dispatched the wrecker vehicle shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-6. (Code 1980, § 18-4)

### **Sec. 82-27. Standards enumerated.**

In order to be consistent with the existing state highway department regulations which are followed by all wrecker services utilized by the state highway patrol, the county hereby adopts the following standards to be followed by all wrecker services operating or conducting business in the county:

**(1) *Financial interest by law enforcement officer.*** No county law enforcement officer shall hold any financial interest or any form of ownership interest in any wrecker service.

**(2) *Driver to have service of choice.*** Unless the owner or driver of a vehicle is incapacitated, the owner or driver of a wrecked or disabled vehicle shall have the right to the wrecker service of his choice. Before calling any wrecker service to tow a wrecked or disabled vehicle, the investigating officer on the scene shall, if practical, determine the owner's or driver's preference of wrecker service and the wrecker service designated by the owner or driver shall be called.

**(3) *Safe storage area.*** The wrecker service shall maintain a safe storage area for all vehicles towed. This may be a locked building or a secured fenced-in area where the stored vehicles shall not be accessible to the public.

**(4) *Safety equipment.*** All wreckers shall be equipped with legally authorized lighting and other safety equipment to protect the motoring public. Such equipment shall be maintained in good working order.

**(5) *Removal of debris.*** Equipment such as brooms, shovels, etc., must be carried on all wreckers, whereby to remove glass and other debris from the highway. The highway shall be cleared by the wrecker service prior to leaving the scene of any accident.

**(6) *Twenty-four-hour call.*** Wrecker services shall be available to the county sheriff's department, the county communications center and the public on a 24-hour basis. They must be willing to accept collect calls from the county sheriff's department and the county communications center.

**(7) *Favoring of particular service.*** In no event shall any county law enforcement officer recommend any wrecker service to the owner of a wrecked or disabled vehicle, nor shall any county law enforcement officer ever recommend the services of a particular wrecker service in the performance of his duties.

**(8) *Wrecker service zones.*** For the purposes of this article, the unincorporated area of the county has been divided into wrecker service zones. Upon adoption of this article, the zones shall be four in number and which zones are designated as follows:

a. *Zone 1.* All that area north of Business Interstate 85 and west of Interstate 26.

- b. *Zone 2.* All that area north of Business Interstate 85 and east of Interstate 26.
- c. *Zone 3.* All that area south of Business Interstate 85 and west of Interstate 26.
- d. *Zone 4.* All that area south of Business Interstate 85 and east of Interstate 26.

The zone map shall be maintained at the county sheriff's office and the county communications center. A wrecker rotation list shall be prepared for each zone. No wrecker service may have its name placed on the rotation list of a zone, unless the wrecker service is physically located within the zone, provided that if a wrecker service has a separate business and a separate storage lot in more than one zone, it may place its name on the rotation list in any zone where such separate business and storage lot are located.

**(9) *Response upon request.*** Wreckers shall respond only upon the request of the proper police authority. Response under any other condition may result in removal from the wrecker list.

**(10) *Administration of rotation lists.*** The wrecker rotation lists shall be administered fairly and in a manner designed to ensure that all wrecker services on the list have an equal opportunity to the towing business arising from the rotation list.

**(11) *Called in order on list.*** Wrecker services shall be called from the rotation lists in the order in which they appear on the lists. If a particular wrecker service is unavailable when called, it shall be passed over, and the next wrecker service on the list shall be called to the scene.

**(12) *Separate rotation for heavy duty wreckers.*** Separate rotation lists shall be maintained for heavy duty wreckers. Where the services of a heavy duty wrecker are needed and where the owner or driver has no preference as to which wrecker service he desires, a heavy duty wrecker shall be called from the heavy duty wrecker rotation list.

**(13) *Wrecker qualifications.*** The wrecker service must have a wrecker of sufficient size and strength to handle the job. The county sheriff's department shall have the right not to call a wrecker service which, in its opinion, fails to meet this qualification. Under these conditions, the wrecker service not called shall remain on the top of the rotation list.

**(14) *Towing log.*** Each wrecker owned by any wrecker service on a vehicle rotation list shall be equipped with a towing log. The towing log shall be maintained by the wrecker service and shall accurately reflect all towing done by the wrecker service at the request of the county sheriff's department or the county administrator. The wrecker log format shall be the same as that designed and utilized by the state highway patrol. Each wrecker service owner shall be responsible for producing this towing log.

**(15) *Charges.*** Charges for work performed shall be in accordance with the following fee schedule:

**TABLE INSET:**

Violation	Collision	Stranded Motorist	Storage
Class A vehicle \$130.00	\$200.00	\$100.00	\$20.00/ per day
Class B vehicle \$155.00	\$225.00	\$125.00	\$20.00/ per day
Class C vehicle \$300.00/per hour	---	---	\$50.00/ per day

Any wrecker fee in excess of those stated herein shall not be valid unless first approved by the Spartanburg County Administrator in his sole discretion. Requests made to charge fees in excess of those stated herein, shall require written documentation explaining and justifying the amount of the increased fee. These fees apply only to next on the list rotation calls for Spartanburg County and shall not apply to request calls made by vehicle owners.

For purposes of this section, a class A vehicle is defined as a vehicle with four tires and with a gross vehicle weight of 6,000 pounds or less; a class B vehicle is defined as a vehicle with six tires or more and with a gross vehicle weight between 6,001 pounds and 26,000 pounds; and a class C vehicle is defined as a vehicle with six tires or more and with a gross vehicle weight in excess of 26,001 pounds, and including tractor trailer vehicles.

**(16) Conduct of operators.** Wrecker operators must conduct themselves in a proper manner at all accident scenes and when dealing with the public.

**(17) Solicitation from highway.** Wrecker services and operators shall familiarize themselves and shall comply with the laws regarding solicitation from the highway.

**(18) Assistance other wreckers from.** A wrecker service may secure assistance from another wrecker service when necessary to do the job. Only one bill is to be submitted to the owner or operator for the work performed.

**(19) Unavailability.** When a wrecker service or wrecker driver is unable to answer a call, the county sheriff's office or the county communications center shall be promptly notified of that fact and the reason for the unavailability. If a wrecker service or wrecker driver does not arrive at the job scene within one hour from the time of being first called, the next wrecker service on the list shall be called to the scene and shall perform all of the needed services.

**(20) Signage on wreckers.** Each wrecker service on the rotation list must place a sign on the door of each of its wreckers indicating the company name, address and telephone number. This sign shall be painted on the door of the wrecker or otherwise permanently affixed to the door. The letters of the sign must be no less than two inches high. If the wrecker is registered in a name other than that of the wrecker service, the owner's name must also appear on the door in letters no less than one inch high. All

lettering on wreckers shall be plainly visible and shall be in a color which contrasts to that of the wrecker.

**(21) *Liability insurance required.*** Any wrecker service on the rotation lists shall carry liability insurance on its wrecker and its premises in an amount no less than \$100,000.00.

**(22) *Garage keeper's liability insurance required.*** Any wrecker service on the rotation lists shall carry garage keeper's liability insurance covering customers' vehicles in an amount no less than \$25,000.00.

**(23) *Securing personal property.*** Each wrecker service shall be responsible for securing personal property in a vehicle at an accident scene as best it can, and the wrecker service shall be responsible for reasonably attempting to preserve personal property in a vehicle which is about to be towed from an accident scene. In no event, however, shall a wrecker service be responsible for personal items which do not come into the possession of the wrecker service.

**(24) *Complaints.*** Any complaints from wrecker services regarding any incident involving the county sheriff's department or its operation of the wrecker lists must be received within 30 days of the alleged incident.

(Code 1980, § 18-2; Ord. No. O-08-22, §§ 1--3, 10-20-08)

**Sec. 82-28. Suspension from approved list; appeals.**

(a) The county administrator or his designee may summarily direct the removal of a wrecker service from the approved list of the county sheriff's office for any cause which constitutes an immediate danger to the property or personal safety of the citizens of the county, and which constitutes a violation of this article or the requirements for approval of wrecker services. The county administrator shall promptly notify the wrecker service removed from the approved list of the summary suspension and shall promptly arrange an opportunity for representatives of such wrecker service to show cause before him as to why the summary suspension should not be continued until the condition is corrected. After the hearing before the county administrator, if the suspension is continued by the county administrator, the wrecker service so suspended may appeal the decision of the county administrator to the county council.

(b) In all other cases of failure of a wrecker service to comply with this article or the requirements for approval of wrecker services, in which immediate danger to the property or personal safety of citizens of the county is not likely to occur, the county administrator may direct the removal of the wrecker service from the approved list, but no such action shall be taken unless the wrecker service fails to correct the deficiency after 30 days' written notice from the county administrator. In cases of suspension after notice of deficiency, the wrecker service shall have the same right of appeal to the county council.

(Code 1980, § 18-3; Ord. No. O-08-22, § 4, 10-20-08)