Town of New Boston
Towing Policy

The Town of New Boston establishes the following general requirements and standards for the providing of towing services processed through the New Boston, N.H. Police Department. This policy shall set the acceptable standards and requirements that are needed to provide fair and professional services.

DEFINITIONS

01. Wrecker Call: A telephonic call or paging system activation for the purposes of notifying a towing service of the need for a vehicle's removal as a result of a police request or private request.

02. Wrecker Log: The official record of all vehicles lawfully towed at the request of the police or owner or custodian of such vehicles filed at the New Boston Police Department pursuant to RSA 262:40-a. The said record shall be maintained by the Bow Police Department who provide dispatch services for the Town of New Boston.

03. Duty Wrecker: The on-call or towing service to be contacted consistent with an established weekly rotation whenever a vehicle is in need of towing services or general services.

04. Wrecker: A motor vehicle of the truck type as defined by RSA 259:126.

05. Duty Wrecker List: The official reference list of all towing services who meet the requirements established within these regulations and who desire to be on-call or contacted for vehicles in need of towing services or general services. This is the established annual list of rotation for towing services.

06. Towing Services: A duly qualified wrecker capable of causing the lawful removal of vehicles and satisfying requirements established within this regulation.

07. Wrecker Notification Time: The time in which a towing service call ends for which the Police Department has provided the necessary information for the removal of a vehicle; or after activation of a towing service's paging system.

08. Wrecker Arrival Time: The time in which a towing service arrives at the location of a vehicle in need of removal. Such time shall be communicated by the on-site officer via radio and recorded by the dispatcher.

09. Wrecker Response Time: The difference between the "Wrecker Arrival Time" and the "Wrecker Notification Time".

10. Call-Back Response Time: The time which elapses from the activation of a towing service's paging system to the time in which a representative of the towing service contacts the New Boston Police Department or dispatch center.

11. Police Request: A towing service originating from a Police Department employee. This shall include the owner or custodian of a vehicle expressing no preference in a towing service; or an owner or custodian of a vehicle expressing preference but the Police Department not being able to honor such preference due to an unreasonable delay in response time or other extenuating circumstances.

12. Owner Request: A towing service processed through the Police Department but authorized by the owner or custodian of such vehicle being towed.

13. Wrecker Operator: A designated employee of the owner of the duty wrecker company to perform towing operations originating from the New Boston Police Department.

QUALIFICATIONS

01. Any towing service with at least one (1) properly equipped wrecker and a storage yard in a properly zoned area, capable of holding ten (10) or more vehicles and doing business within ten (10) miles from the New Boston Town borders shall be eligible for the duty wrecker list. Out of Town contractors are not eligible for out of town mileage rates for normal transport to and from their place of business.

02. Preference shall be given to the Duty Wrecker towing services. However, if no Duty Wrecker towing service is willing or capable of providing required services, the Police Department reserves the right to seek services from any other towing service.

03. Triple A members, or other members of similar organizations, will have their vehicles towed by duly authorized wrecker companies if one is available and providing that the incident allows the police officer to honor the request.

04. A towing service placed on the duty wrecker list shall be kept on this list from January to December of each calendar year except due to dismissals with cause or voluntary resignations from the said list.

05. The New Boston Chief of Police shall submit an annual fee schedule to the New Boston Board of Selectmen, by December 1st of each year, for implementation the following January through December time period. The current schedule shall stay in effect until the Board of Selectmen approves any changes.

06. The owner of the towing service or authorized representative must agree to comply with the following terms and conditions and all other regulations that are established by the New Boston Police Department to implement this policy.

07. The wrecker service shall not subcontract any of the towing obligations or towing services to be performed.

REQUIREMENTS

01. All federal, state and local laws pertaining to towing services shall be adhered to.

Town of New Boston

VEHICLES

01. Owners shall ensure that any duty wrecker is duly registered, inspected and properly equipped according to the N.H. State Law and New Boston Police Department regulations.

    a. Each wrecker shall be equipped with all required warning signals, an operable fire extinguisher, dolly wheels, snatch blocks, chock blocks, chains, flares, first aid kit, pry bars and proper specialized materials to tow or haul such vehicles as motorcycles and Off Highway Recreational Vehicles.

    b. Each wrecker shall also have a broom, shovel, pan, and disposal container or bag to be used to clean up and remove glass, vehicle particles, and other debris from the roadway, which was caused by the vehicle being removed.

    c. NO DEBRIS FROM A SCENE WILL EVER BE PLACED INTO THE VEHICLE.

INSURANCE

01. Owners shall provide proof of liability insurance for any duty wreckers and storage yards to be used for towing. Insurance certificates shall be furnished to the New Boston Police Department on or before the effective date of the contractor service. The service shall provide for not less than 30 days prior notice to the Police Department of any cancellations or major changes in the policies. Insurance certificates shall name the town as "additional insured" and have this indicated on the insurance certificate. Certificates shall be provided to document all of the following requirements:

    a. Comprehensive General Liability Insurance written on occurrence form, including completed operations, coverage, personal injury liability coverage and contractual liability coverage insuring services to be provided as described herein. The minimum limits of liability carried on such insurance will be $1,000,000 each occurrence and, where applicable, in the aggregate combined single limit for bodily injury and property damage liability; $1,000,000 each annual aggregate personal injury liability.

    b. Automobile liability insurance for owned, non-owned, and hired vehicles. The minimum limits of liability carried on such insurance will be $1,000,000 each accident, combined singled limit for bodily injury and property damage.

    c. Any and all deductible on the above-described insurance policies will be assumed by and for the account of, and at the sole risk of the Company.

STAFFING

01. Owners of duty wreckers shall have a designated person on-call 24-hours per day when active on the duty wrecker list.

02. All wrecker operators shall be properly licensed for the classification of vehicle operated. Owners shall provide proof of driver identification and possession of required licenses, in writing, to the New Boston Police Department. This information shall include: Full name of any wrecker operators, date of birth of any wrecker operators and the current address of any wrecker operators.

03. The above information must be updated as wrecker operator's change and shall be immediately submitted to the New Boston Police Department for review. The Chief of Police or his designee shall conduct license checks, motor vehicle history checks, and a criminal history check in order to determine if the wrecker operator is a suitable person to be performing towing services. If any person is deemed unsuitable, the operator will be removed from the authorized list of wrecker operators and prohibited from towing. The employing company will be notified their operator is "unsuitable" however the reason(s) shall remain confidential. Any operator aggrieved by the decision can appeal the decision directly to the Chief of Police.

04. All businesses shall be in good standing with the New Hampshire Attorney General's Office of Consumer Protection Division.

05. The duty wrecker schedule shall rotate weekly or at regular intervals determined by the Chief of Police to provide equal opportunity for all contractors. The Chief of Police shall submit an annual wrecker list, for the up-coming year, to the Board of Selectmen and the wrecker companies by December 1st of each year.

06. When a new company applies to be on the duty wrecker list, the police department shall ensure that the company complies with the requirements set forth in this policy and make a recommendation to the board of selectmen. If the board authorizes the addition of the new company, it shall become part of the on call duty wrecker list the month following the approval. A revised duty wrecker list shall be completed by the police department and provided to each duty wrecker company and the dispatch center.

POLICE PROCEDURES

01. A Police Department employee or Police Dispatcher shall affect a wrecker call to a designated person or wrecker operator of the duty wrecker from the duty wrecker list in order to provide towing services. The Police Department employee or Police Dispatcher shall provide the designated person or wrecker operator with the location of the vehicle to be towed.

02. All information pertaining to the removal of a vehicle shall be recorded in the daily police log. The vehicle's registered owner's name may be provided to the designated person or wrecker operator of the towing service. However, no other information (i.e. phone number; address) may be provided. If no registered owner exists, the designated person or wrecker operator may be so informed.

03. Once a towing service has been contacted by the Police Department for a wrecker call, a lien on the vehicle to be removed shall be considered in effect. Compensation must be made prior to the release of any such vehicle pursuant to N. H. RSA 262.33.

04. The wrecker notification time and the wrecker arrival time shall be recorded by the dispatch center. The difference shall be the wrecker response time.

05. The removal of any vehicle shall be classified as a "police request" or an "owner request."

06. A police officer shall stand-by the location of the vehicle being removed until the arrival of the wrecker and until the vehicle has been removed unless extenuating circumstances prevent it. In no cases should a duty wrecker be removing any vehicle without the said vehicle being properly identified by a police officer on scene.

07. Pursuant to RSA 262:40-a, a vehicle may be removed from private property, at the request of the person in lawful possession of the private property, without a police officer present. The wrecker company shall make notice of such removal to the police department, as soon as reasonably possible.

08. It shall be the responsibility of the Police Department to cause notice of the removal of any vehicle pursuant to N. H. RSA 262:32.

RESPONSE TO CALL FOR SERVICE

01. A designated person or wrecker operator must contact the Dispatch Center within 5 minutes when paging systems are utilized. This callback response time shall apply to the duty wrecker's response time.

02. The wrecker service will notify the dispatch center or police department when they will be unavailable for a short period of time and shall notify the same contact upon their return to service.

03. The duty wrecker shall respond within 20 minutes during summer months and within 30 minutes during winter months. For the purposes of this section, "summer months" shall be considered April 1st to November 30th of each calendar year and "winter months" shall be considered December 1st to March 31st of each calendar year.

04. Any wrecker service that happens upon an accident scene or has responded for any reason, other than a police department request, shall not solicit any owners or drivers of vehicles involved in the incident to utilize their service. Doing so may result in immediate suspension from the duty wrecker list.

05. If a wrecker company receives a call for service from either the police department or dispatch center and the company is NOT on call for that day, prior to responding to the scene, the company shall advise the caller their company is not on call and inquire as to whether or not the duty wrecker company has been called.

Town of New Boston

PENALTIES

01. Owners shall be subject to penalties for duty wreckers that arrive late three or more times during the calendar year. Penalties shall consist of removal from the duty wrecker list for period of time ranging from one month to one year. Owners may appeal any penalty, in writing, to the Chief of Police within the procedures established for such appeals.

    a. If the duty wrecker arrives late three (3) times within a calendar year, it may be removed from the duty wrecker list for a period of one (1) month. Written notification shall be provided to the owner or authorized representative of the towing service.

    b. If the duty wrecker arrives late three (3) additional times following a suspension within the same calendar year, it may be removed from the duty wrecker list for a period of three (3) months. Written notification shall be provided to the owner or authorized representative of the towing service.

    c. If the duty wrecker arrives late three (3) additional times following a second suspension within the same calendar year, it will be removed from the duty wrecker list for one year from the date of the 9th offense. Written notification shall be provided to the owner or authorized representative of the towing service.

    d. The Chief of Police or his designee may take whatever action they deem necessary and appropriate if any provision of the standards, specifications, guidelines and requirements within this policy are violated. If the towing service engages in any unethical conduct they shall be removed from the wrecker list immediately. Written notification shall be provided to the owner or authorized representative of the towing service.

APPEALS

01. Any owner or authorized representative of a towing service on the duty wrecker list who feels any penalties imposed are unfair may appeal to the Chief of Police. Except for unethical conduct, no penalty shall be imposed until a period of seven (7) days after written notice of such action is forwarded to the towing service. The said appeal must be forwarded in writing to the Chief of Police and a hearing on the merits of such action will be scheduled prior to any penalties being imposed. If no written request for appeal is received, the penalties shall go into effect after seven (7) days.

02. In the case of termination by the Chief of Police, the contractor or wrecker service waives any possible claims for damages.

FEES

01. Owners shall adhere to the storage and wrecker fee schedule that is approved by the New Boston Board of Selectmen.

02. Owners of duty wreckers shall maintain ledgers, records and bills for all towing or storage fees and shall make such files available to the New Boston Police Department for a period of one (1) year from the date in which the said vehicle is claimed from storage or declared unclaimed.

STRANDED OR DISABLED MOTORISTS

01. When a stranded or disabled motorist requires general assistance, the police department shall determine if the owner or custodian of such vehicle has any preference for towing services. If not, the police department shall contact the duty wrecker for the removal of such vehicle, if necessary.

02. The police department reserves the right to contact the duty wrecker even in cases where the owner or custodian of such vehicle has a preference other than the duty wrecker, when the preferred towing service will result in unreasonable delay or other extenuating circumstances exist.

03. In cases where a stranded or disabled motorist requires general assistance and no towing, reasonable fees established by the towing service must be paid prior to the release of such vehicle to the owner or custodian.

STORAGE

01. Vehicles removed by the Police Department and classified as "Non-Impounded" shall be towed to a designated location by the towing service. Such vehicle may be released to the owner or custodian of such vehicle when the towing service has been compensated for any towing and storage charges incurred.

02. Vehicles removed by the Police Department and stored at any site other than the duty wrecker's storage facility should not be released until the towing service has been compensated for any towing and storage charges incurred. Under some special circumstances, and with advance approval of the Chief of Police, a vehicle may be released with the understanding compensation or restitution will be paid at a later time. A letter will be provided to the wrecker owner and copied to the case file to ensure prompt payment.

03. Vehicles removed by the Police Department may be stored in a suitable place and all charges incurred as a result of such removal and storage shall be a lien against the vehicle which shall be paid by the owner, custodian, or person claiming such vehicle pursuant to N.H. RSA 262:33. Unclaimed vehicles shall be disposed of consistent with the provisions of N.H. RSA 262:36-a.

04. Wrecker companies shall ensure that owners or drivers of vehicles towed can retrieve their vehicles seven days a week. During weekends and holidays vehicle owners or drivers shall be allowed to retrieve their vehicles during the time frame in

which the company would be open on a normal business day. If a vehicle cannot be retrieved due to unavailability of the wrecker company and a request to do so has been made by the owner or driver, the owner or driver of the towed vehicle shall not be charged a storage fee for that day.

APPEALS

01. Whenever a vehicle is towed under the authority of the Police Department and the owner or other person lawfully entitled to the possession of the vehicle wishes to challenge whether there was sufficient grounds for towing and impoundment, within fifteen (15) days of the towing and impoundment, he/she may request, in writing, a hearing before the Chief of Police pursuant to N.H. RSA 262:33.

EXCEPTIONS TO ROTATION PLAN

01. When multiple wrecker calls originate from the same incident, the duty wrecker will be requested to remove all vehicles. However, if this cannot be accomplished in a timely manner, the New Boston Police Department reserves the right to contact another towing service. Preference will be given to the next towing service on the duty wrecker list.

02. The New Boston Police Department shall reserve the right to contact another towing service at the discretion of an on-scene police officer in cases of extreme emergencies, hazardous conditions, fatalities, or when unavailability of wreckers on the duty wrecker list create hardship. It also reserves the right to contact another towing service when special equipment is needed such as a ramp truck or heavy-duty wrecker for commercial vehicles or when multiple wrecker calls originate from the same accident. Preference will be given to any towing service on the duty wrecker list.

TOWING FEE SCHEDULE

01. The New Boston Police Department shall submit an annual fee schedule to the New Boston Board of Selectmen, each December 1st, for implementation the following January through December time period. The current schedule shall stay in effect until the Board of Selectmen approves any changes. The fee schedule shall include the following items:

    A. Wrecker Calls:

        a. Daytime rates: Towing services provided between the hours of 9 AM and 5 PM during normal business hours Monday through Friday, excluding holidays. This shall be considered the wrecker notification time.

        b. Nighttime rates: Towing services provided between the hours of 5:01 PM and 8:59 AM. This shall also include Saturdays, Sundays and holidays. This shall be considered the wrecker notification time.

c. Service rates: Towing services initially requested by an owner but upon arrival at scene are not required.

B. Special Services:

a. Clean-up charges: Towing services provided at the scene of a motor vehicle accident in which an excessive clean-up operation with equipment was necessary.

b. Recovery charges: Special towing services required to remove a vehicle which is over an embankment, in a body of water, flipped on its side or roof, involved in spillage of gasoline or hazardous materials, or other conditions which create the need for additional equipment, manpower or extended time to accomplish a vehicle removal.

c. Out-of-town charges: Towing services provided to or from a location outside the town limits of New Boston.

C. Surcharges

a. Any surcharges beyond the approved rate schedule cannot be levied unless submitted, in advance, to the Chief of Police for consideration.

Town of New Boston

CURRENT RATE SCHEDULE

01. The following towing and storage charges shall take effect on the date this policy is effective. These rates shall be reviewed each calendar year prior to December 30th. Any changes shall take effect on January 1st of the next calendar year.

    a. Arrest – flat rate$140.00

    b. Motor Vehicle Accidents - $150.00 per hour for first hour. After first hour it is $50 per half hour.

    c. Hook up fees for stranded motorists - $50.00 + standard mileage

    d. Winching / Labor Charges - $180/hour in ½ hour increments. Minimum $90.

    e. Secured Storage Fee - $50.00 per day First 24 hours FREE. Storage fees shall begin 24 hours following the time of the tow request.

    f. Gate Fee for Nights & Weekends - $40 per occurrence

    g. Excessive clean-up charges may be an additional $15 per accident.

    h. Recovery charges may be an additional $100 per hour beyond the first 60 minutes from wrecker arrival time, charged by ¼ hour increments.

    i. Out of Town Charges. If there is a request to transport (tow) to an out of town location, the mileage rate shall be $3.75 per mile beginning at the New Boston Town border.

    j. Motorcycle tow charges - $75.00 + mileage ($3.25/mile)

    k. Standard mileage rate $3.00/mile (When applicable, mileage is calculated from the scene to the storage facility & doubled to reflect the total actual mileage or "round trip")

    l. General assistance (service rates) for stranded/disabled motorists (i.e. flat tires, lockouts, jump starts, out of gas, etc.)

        1. $40.00 during normal business hours
        2. $50.00 nights and weekends
        3. $75.00 Holidays.

02. The wrecker company will maintain a visible sign, attached to the main gate or at the office, which details all current tow fees and costs.

Town of New Boston

ACKNOWLEDGEMENT OF RECEIPT OF POLICY

I,_____ am the owner or duly authorized representative of the_____ wrecker company, do hereby acknowledge receipt of the Town of New Boston Towing Policy, this _____day of _____, 20_____.

I, _____ do hereby agree to comply with all the terms, conditions and other regulations that are set forth in this policy.

_____

Signature

☐ I hereby request to be on the PRIMARY rotating wrecker list.

☐ I hereby request to be on the SECONDARY/NON ROTATING wrecker list.

_____	_____
James R. Brace, Chief of Police	Date
_____	_____
Christine Quirk, Selectman	Date
_____	_____
Dwight Lovejoy, Selectman	Date
_____	_____
Rodney Towne, Selectman	Date