



**MATTHEW H. MEAD**  
Governor

**COLONEL KEBIN HALLER**  
Administrator

**WILLIAM T. PANOS**  
Interim Director

**Wyoming Highway Patrol**  
**Operations and Administrative Procedures**  
for  
**Tow and Recovery Carriers**  
**( Including Non-Consensual Tow and Recovery Procedures )**

**Statement of Intent**

The efficient, safe, and timely removal of vehicles from the highways throughout the state when such removal becomes necessary is an important concern of the Wyoming Highway Patrol.

It is equally important to provide such services in a fair and reasonable fashion to the motoring public, especially those who are unable to be actively involved in the removal of their vehicles and property from the state highway system after an incident.

Procedures are established to ensure certain standards are maintained by Non-Consensual Tow and Recovery Carriers included on the Wyoming Highway Patrol rotational "call out" list and to provide that Non-Consensual Tow and Recovery Carriers meeting those standards receive reasonable opportunity to provide such service.

Likewise, procedures are established to ensure the motoring public is treated equitably, fairly, and consistently by all Tow and Recovery Carriers working in concert with the Wyoming Highway Patrol to keep the highway system clear of damaged, stranded, stuck, or disabled vehicles.

As a service to the motoring public, the Wyoming Highway Patrol maintains a list of Tow and Recovery Carriers in each general divisional area and calls Non-Consensual Tow and Recovery Vehicles from that list on a rotational basis. Wyoming Highway Patrol Lieutenants shall maintain current lists of Tow and Recovery Carriers in their respective divisional areas and supply this information to the Wyoming Highway Patrol Communications Center. All wrecker lists shall be based on boundaries determined by the Wyoming Highway Patrol Division map. In some instances, a division may be divided into multiple lists. These areas shall be based on, but not limited to, geographical issues and response times. Rarely, call out areas may cross divisional boundaries. These additional areas shall be defined by the local Division Lieutenants.

It is imperative the relationship between the Wyoming Highway Patrol and the Tow and Recovery Carriers on the Wyoming Highway Patrol Tow and Recovery Carrier lists rests upon the common goal of safely and efficiently clearing the highway system of disabled vehicles. Public trust must be maintained while this goal is met.

The working relationship that exists between the Wyoming Highway Patrol and Tow and Recovery Carriers can create the public impression that Tow and Recovery Carriers are part of the Wyoming Highway Patrol. Tow and Recovery Carriers are not a part of the Patrol. Tow and Recovery Carriers working with the Wyoming Highway Patrol shall not conduct business in any fashion that discredits or adversely affects the Wyoming Highway Patrol.

#### **Section I. Application and Requirements for Tow and Recovery Carriers**

To be qualified by the Wyoming Highway Patrol as a Tow and Recovery Carrier and subsequently perform towing and recovery services at the request of the Wyoming Highway Patrol, each Tow and Recovery Carrier shall:

- a. Make a request in writing, on forms provided by the Wyoming Highway Patrol, and submit that written request to the Division Lieutenant in the particular area for which services will be made available.
- b. Be qualified. This includes proper registration, required state and/or federal operating authority, and insurance.
- c. Tow and recovery carriers shall submit all vehicles owned or leased by the carrier which will be used in tow and recovery operations to an annual inspection by the Wyoming Highway Patrol. Division Lieutenants shall conduct these inspections within their divisional areas at a time and place designated by the Patrol and shall notify each Tow and Recovery Carrier of the time, date, and location of the annual inspection. Tow and recovery vehicles will not be included on any rotational list prior to passing this inspection.
- d. Keep all equipment in good working condition and equipped as required for qualification. Tow and Recovery Carriers shall notify the respective Division Lieutenant of any changes in equipment utilized by their company when operating in Wyoming.
- e. Drivers of Tow and Carrier vehicles must possess a valid operator license for the vehicle they are operating and must have adequate working knowledge of the equipment to safely and expeditiously operate the equipment when called upon to perform services.
- f. Respond to calls and provide services, if available.
- g. Clean up all debris, etc., at crash scenes as required by *W.S. 31-5-117 (b)*.
- h. Furnish the Wyoming Highway Patrol with a telephone number that the Tow and Recovery Carrier can be reached at on a 24 hour per day basis.

- i. Furnish the Wyoming Highway Patrol with a current and accurate list of all charges for various services and agree to present any and all revisions thereof (including any change of rates) *prior* to the implementation of the rate change, as well as any type of auto club membership, such as AAA. These forms shall be supplied by the Wyoming Highway Patrol, and Tow and Recovery Carrier applicants shall utilize the prescribed form. The Tow and Recovery Carrier shall comply with the fees listed on the submitted fee schedule. Fees charged shall be the reasonable charges usually applied in the industry. In any action where the fee charged by a Tow and Recovery Carrier is in issue, the burden of proof to show the fee is fair and reasonable shall be upon the Tow and Recovery Carrier.
  - 1. No additional rate of charge may be applied to any incident simply because the call initiated from the Wyoming Highway Patrol Non-Consensual Tow and Recovery list. Examples of such prohibited charges would include but not be limited to *Law Enforcement Call-Out or Emergency Call-Out (when non WHP Non-Consensual Tow and Recovery calls would not also be subject to the Emergency Call out fee)*.
  - 2. No reference, actual or implied, to the rate of charge being related to the Wyoming Highway Patrol Non-Consensual Tow and Recovery list or to law enforcement call outs in general shall be made verbally or in written form when billing or negotiating payment for services or at any other time during which the Tow and Recovery Carrier or its representative is dealing with the public.
  - 3. No reference, actual or implied, shall be made to create or give the impression the Wyoming Highway Patrol receives any financial gain or maintains any business relationship with the Tow and Recovery Carrier providing the service.
- j. Agree to release all items of personal property during normal business hours at no additional charge to the lawful owner of the property when authorized to do so by the Wyoming Highway Patrol, prior to payment of any accrued charges. This applies only to items of personal property contained within the vehicle and not items considered part of the vehicle or of the contracted load.
- k. Understand the obligation to abide by the terms of these procedures and to ensure that all employees have read, understand, and follow these procedures.

## **Section II. Non-Consensual Rotational Call-out System**

The non consensual rotational call-out system shall operate in the following manner. When the need for a Non-Consensual Tow and Recovery Carrier is determined by the Wyoming Highway Patrol, the Non-Consensual Tow and Recovery Carrier shall be requested subject to the following:

- a. A Non-Consensual Tow and Recovery Carrier shall be allowed only one position in any given rotational area. For the purpose of these procedures, a Non-Consensual Tow and Recovery Carrier is defined by a unique operating authority, a unique USDOT number, unique phone number(s) for rotational call out purposes, and a unique physical business address.
- b. No individual Non-Consensual Tow and Recovery Vehicle shall be stationed or used in more than one rotational area.
- c. If the motorist needing assistance requests a particular company, the request for service shall be made to that Tow and Recovery Carrier. Such calls shall not affect the Tow and Recovery Carrier's position on the Non-Consensual Tow and Recovery rotational list, and a company need not be on the rotational list to be called as a special request.
- d. Whenever reasonable to do so, motorists needing assistance shall be asked by the Wyoming Highway Patrol if they have a preference for a specific Tow and Recovery Carrier. If no preference is articulated, the next Non-Consensual Tow and Recovery Carrier on the rotational list shall be called. If that Tow and Recovery Carrier cannot respond, then the next Non-Consensual Tow and Recovery Carrier on the rotational list shall be called, and so on.
- e. The Wyoming Highway Patrol can and may determine that certain circumstances warrant the use of a Non-Consensual Tow and Recovery Carrier closest to an emergency, rather than the Non-Consensual Tow and Recovery Carrier next on the rotational list. In these circumstances, the special request made by the Wyoming Highway Patrol shall not affect either Non-Consensual Tow and Recovery Carrier's position on the rotational list. A Tow and Recovery Carrier need not be on the Non-Consensual Tow and Recovery rotational list to be called as a special request.
- f. The Wyoming Highway Patrol shall maintain separate rotational lists for specific classes of Tow and Recovery Vehicles, *i.e.*, Small, Abandoned, Large, and nationally recognized auto clubs such as, but not limited to AAA. Tow and Recovery call outs involving any auto club rotational list shall be considered consensual.
- g. No company shall be considered for a position on the Wyoming Highway Patrol Non-Consensual Tow and Recovery rotation list if the sole equipment listed on their rotation application is a rollback (Class "R") wrecker as described in WYDOT Motor Carrier Rules and Regulations, Chapter 1, Section 6.
- h. A "no-answer" or "turn-down" response to a call shall be considered a turn on the Non-Consensual Tow and Recovery rotational list, and the Tow and Recovery Carrier for that particular call will be rotated to the bottom of the rotation list, as if it had responded to the call.

- i. When the Wyoming Highway Patrol Communications Center calls a Non-Consensual Tow and Recovery Carrier on the rotational list and receives a "busy signal," the dispatcher shall wait a minimum of two minutes and then attempt a second call. If the line is still "busy" on the second call, the call shall be considered a "no-answer" or "turn-down" call and the Tow and Recovery Carrier shall be rotated to the bottom of the rotational list.
- j. Non-Consensual Tow and Recovery Carriers utilizing answering services or pager services must confirm acceptance of the call within five (5) minutes, by calling the Wyoming Highway Patrol Communications Center. Failure to do so shall be considered a turn on the rotational list, and the Tow and Recovery Carrier shall be rotated to the bottom of the rotational list.

### Section III. Additional Requirements

- a. A Non-Consensual Tow and Recovery Carrier on the Wyoming Highway Patrol rotational list shall have no more than two telephone numbers for "call-out" purposes, and those two numbers shall be listed with the Patrol as 'during normal business' and 'after normal business' hours numbers. Any change in telephone numbers shall be reported immediately to the Wyoming Highway Patrol Communications Center.
- b. All Tow and Recovery Carriers on the Wyoming Highway Patrol rotational list, before responding to any call for service on a state highway, *not dispatched originally by the Wyoming Highway Patrol Communications Center*, shall call the Wyoming Highway Patrol Communications Center at 1-800-442-9090 or (307) 777-4321 and inform the center of the location of the intended response and of any other pertinent information regarding the nature of the call. If the Wyoming Highway Patrol has already dispatched a Tow and Recovery Carrier to that particular call, the Patrol dispatched Tow and Recovery Carrier shall be given first preference on the call.
- c. No Tow and Recovery Carrier on any Wyoming Highway Patrol Tow and Recovery Carrier list shall solicit or retrieve any vehicle for which another Tow and Recovery Carrier has already been dispatched.
- d. Tow and Recovery Carrier disputes and complaints shall be handled by the local Division Lieutenant whenever reasonable to do so. Requests for reconsideration of any dispute resolution shall then follow the Wyoming Highway Patrol Tow and Recovery Carriers Reconsideration process outlined in Section IV, Subsection "e" of these procedures.
- e. If a Tow and Recovery Vehicle will be "out of service" for an extended period of time, seven (7) days or longer, the carrier shall request to be removed from the Tow and Recovery Carrier list. This request to be removed from the list shall be made by calling the Wyoming Highway Patrol Communications Center. The local Division Lieutenant shall re-instate a Tow and Recovery Carrier when the Tow and Recovery Carrier requests reinstatement and is qualified.

- f. When called from the rotational list, Non-Consensual Tow and Recovery Carriers shall give an estimated time of arrival to the incident scene. The trooper requesting the Non-Consensual Tow and Recovery Carrier may, based upon the circumstances of the incident, determine the predicted response time is too lengthy and may opt for calling the next Non-Consensual Tow and Recovery Carrier. If this occurs, the original Tow and Recovery Carrier called shall not lose their position on the Non-Consensual Tow and Recovery list.
- g. Non-Consensual Tow and Recovery Carriers shall continually provide personnel for each call out area in which they hold a rotational spot. Should personnel not be available to provide a timely response to an incident, it is the Non-Consensual Tow and Recovery Carrier's responsibility to notify the Wyoming Highway Patrol. This shall be considered a "turn down," and the carrier will be moved to the bottom of the rotation list. Non-Consensual Tow and Recovery Carriers shall not be allowed to bring equipment from another call area as part of the original call.
- h. When a recovery operation interferes with the normal flow of traffic on a street or highway, appropriate measures must be taken to provide sufficient warning to the motoring public and sufficient traffic control so the recovery shall be completed in a safe and efficient manner. The Wyoming Highway Patrol shall assist with traffic control whenever reasonable and practical; however, other duties may preclude any assistance. If the Tow and Recovery Carrier provides its own traffic control for a recovery operation that interferes with the normal flow of traffic on a roadway, such traffic control shall be in compliance with current federal regulations.
- i. Non-Consensual Tow and Recovery Carriers shall not transfer a rotational list "call out" to another Tow and Recovery Carrier. Non-Consensual Tow and Recovery Carriers may sub-contract assistance for difficult or problematic calls with another Tow and Recovery Carrier, but shall remain responsible as the primary Tow and Recovery Carrier assigned to the specific incident for which they were requested.
- j. No Non-Consensual Tow and Recovery Carrier occupying a position on the Wyoming Highway Patrol rotation list shall engage in any activity that adversely affects the integrity of the Wyoming Highway Patrol or that adversely affects the public trust in the Wyoming Highway Patrol.

#### **Section IV. Violations of the Tow and Recovery Carrier Procedures**

Any Tow and Recovery Carrier violating any provision of these Procedures or violating Wyoming State Statutes, while doing business as a part of the Wyoming Highway Patrol Non-Consensual rotational system, or for any other reason determined by the Patrol, is subject to the following sanctions:

- Non-Consensual Tow and Recovery Carriers

- a. **A Written Warning** - Depending on the seriousness of the violation, a written warning may be issued to the Non-Consensual Tow and Recovery Carrier outlining the details of the violation and the ramification of subsequent violations of a similar nature. Written warnings shall be kept on file by the Patrol at the division level indefinitely and do not expire.
  - b. **Up to a 60 Day Removal** - Depending on the seriousness of the violation, a removal of up to 60 days from the Non-Consensual Tow and Recovery Carrier list may be issued. The removal letter shall outline the details of the violation and the ramifications of subsequent violations of a similar nature.
  - c. **1 Year Removal** - Depending on the seriousness of the violation, a 1 year removal from the Non-Consensual Tow and Recovery Carrier list may be issued. The removal letter shall outline the details of the violation and the ramifications of subsequent violations of a similar nature.
  - d. **Permanent Removal** - Under certain circumstances a Tow and Recovery Carrier may be permanently removed from the Wyoming Highway Patrol Non-Consensual Tow and Recovery Carrier rotation. The removal letter shall outline the details of the violation.
  - e. **Request for Reconsideration**
    1. Sanction (a) above may be imposed by the Division Lieutenant or any member of his/her chain of command.
    2. Non-Consensual Tow and Recovery Carrier sanctions (b), (c), and (d) above shall only be imposed by the Director of the Wyoming Department of Transportation or his/her designee.
    3. A Non-Consensual Tow and Recovery Carrier that has been removed from the Wyoming Highway Patrol rotational list shall request reinstatement in writing at or near the end of the removal period. This request shall be forwarded to the Division Lieutenant.
- **All other Tow and Recovery Carriers (Consensual)**
    - a. Tow and Recovery Carriers operating on a consensual basis in Wyoming are subject to the sanctions and reconsiderations, as outlined in Section IV, Paragraphs (a),(b), (c), and (e) of these procedures.
    - b. Any Tow and Recovery Carriers facing a sanction equal to or greater than one (1) year, as outlined in Section IV paragraphs c and d, may also have their Operating Authority suspended for the duration of the sanction. Sanctions involving removal may be appealed as provided for in Chapter 1, Section 11, of Wyoming Department of Transportation Motor Carrier Rules and Regulations.

**These Procedures are not intended to create any contractual rights in any person or entity. These Procedures are established for the benefit of the traveling public and the convenience of the Wyoming Highway Patrol. These Procedures are not intended to create any property or liberty interests and by requesting to be included on the rotational list, a Non-Consensual Tow and Recovery Carrier understands that no expectation of continuing participation in the rotational list procedures is created.**

**I have read and understand these Procedures and understand I must abide by the conditions contained within the Procedures. I further understand that as a Non-Consensual Tow and Recovery Carrier, I am subject to removal from the rotational list at any time.**

**Tow and Recovery Carrier Business**

**Name** \_\_\_\_\_

**Business Address** \_\_\_\_\_

**Authorized Signature** \_\_\_\_\_

**Printed Name** \_\_\_\_\_

**Date** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Adopted January 15, 2016  
Rev. January, 2016