



SUBJECT: Vehicles: Towing, Reporting, Inspection, and Department Wrecker Policy

TO: Department Members

This Order establishes department policy and member responsibilities for the following:

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48.1 PROCEDURES FOR REMOVING, REPORTING, AND INVENTORYING VEHICLES

This section shall be followed to process abandoned, abandoned scrap, impounded, and towed vehicles since most of the procedures outlined are required by law. This section also establishes department policy for inventorying personal property left in impounded vehicles.

Enforcement members shall not operate an abandoned, impounded, or towed vehicle except when the vehicle is stopped, parked, or standing in a manner that creates an immediate hazard to life and/or safety, and immediate action is required on behalf of the enforcement member to mitigate the hazard.

48.1.1. VEHICLES INVOLVED IN CUSTODIAL ARRESTS

A. Release to Passenger

When the driver of a vehicle is subjected to a custodial arrest and separated from the vehicle, a properly licensed passenger may be allowed to take custody of the vehicle (with authorization of the driver) as long as the passenger would not violate any law by doing so. This section shall not apply when the vehicle is being seized as evidence or for forfeiture.

B. Vehicles on Limited Access Highways

If a vehicle is not turned over to a passenger or immediate removal cannot be arranged, the vehicle shall be inventoried and impounded as provided in this Order.

C. Vehicles on Non-Limited Access Highways

- (1) When a vehicle is lawfully parked and not turned over to a passenger, the enforcement member shall offer to call a wrecker to remove the vehicle for safekeeping. If the driver declines the offer, he or she will be presumed to have assumed the risk for any claims of loss or damage that may arise and the vehicle may be left at the scene.
- (2) If the vehicle is parked in a way that it may create an immediate public hazard or an obstruction to traffic and immediate removal cannot be arranged, the vehicle shall be inventoried and impounded as provided in this Order.

48.1.2. INVENTORYING VEHICLES

- A. Vehicles seized as evidence or towed because they are abandoned, abandoned scrap, impounded vehicles, or vehicles seized in a forfeiture action shall be inventoried by one of the investigating enforcement members.
- (1) All areas of the vehicle that may contain property, including any containers, shall be checked.
 - (2) Only a visual inspection shall be conducted from outside the vehicle if it is locked and access cannot be gained without causing damage, unless a search warrant is obtained.
- B. An Impounded Vehicle Report, UD-091, shall be completed on each vehicle inventoried by a member. All items of an unusual nature located in the vehicle shall be recorded on the form, including evidence or contraband.
- It is not necessary to list items normally found in a vehicle.
- C. Items of unusual value which will be held to protect the owner's interest or evidence seized from the vehicle shall be recorded on an electronic record management system property report. An electronic record management system property report is not required for the vehicle unless it will be stored at a department facility or held as evidence of a crime.

48.1.3. ABANDONED VEHICLES

For statutory definitions and procedures pertaining to abandoned vehicles, see MCL [257.252a](#) and [257.252b](#).

48.1.4. IMPOUNDED VEHICLES

Vehicles seized as evidence or forfeiture shall not be considered impounded vehicles. See Official Order No. 62, Section 62.1.4.A.

For purposes of this Order those vehicles defined as "impounded" are described as follows:

- A. If the vehicle is in such a condition that the continued operation of the vehicle on the highway would constitute an immediate hazard to the public.
- B. If the vehicle is parked or standing on the highway in a manner that may create an immediate public hazard or an obstruction of traffic.
- C. If a vehicle is parked in a posted "tow away" zone.
- D. If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
- E. If removal of the vehicle is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.
- F. If the vehicle is hampering the use of private property by the owner or person in charge of that property, or is parked in a manner that impedes the movement of another vehicle.
- G. If the vehicle is stopped, standing, or parked in a space designated for handicapped parking and is not permitted by law to be stopped, standing, or parked in a space designated for handicapped parking.

- H. If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities.
- I. If the vehicle is interfering with the use of a ramp or curb-cut by persons with disabilities.

48.1.5. TOWED VEHICLES

For purposes of this Order a "towed vehicle" is defined as a vehicle removed from private property at the direction of a person other than the registered owner or a police agency and reported to this department by the custodian of the vehicle.

48.1.6. REMOVING ABANDONED, IMPOUNDED, OR TOWED VEHICLES

The process for removal of abandoned, impounded, or towed vehicles depends on where the vehicle is located and the particular type of abandoned, impounded, or towed vehicle.

Enforcement members may immediately remove any of the following vehicles.

- A. Any vehicle that has remained on a state trunk line without a valid registration plate, as provided in [MCL 257.252a](#).
 - State trunk line highways are described in [MCL 247.651](#) and include the majority of signed highway routes including Interstate highways (e.g. "I-75"), U.S. highways (e.g. "US-27") and "M" marked routes in Michigan (e.g. "M-35").
- B. Any registered abandoned scrap vehicle, as defined in [MCL 257.252b](#) and described in MCL 257.252a and MCL 257.252b, from either public or private property.
- C. Any unregistered abandoned scrap vehicle, as defined in MCL 257.252b, and described in MCL 257.252a and MCL 257.252b, from either public or private property.
- D. Any impounded vehicle as provided in [MCL 257.252d](#) or as described in Section 48.1.4 of this Order from either public or private property.

48.1.7. TOWED VEHICLE - PRIVATE PROPERTY

- A. If a vehicle has remained on private property without the consent of the property owner, the property owner may have the vehicle removed immediately as an abandoned vehicle by contacting a local towing agency.
- B. Prior to removing the vehicle, the towing agency shall notify a police agency having jurisdiction over the location where the vehicle has been abandoned that the vehicle is being removed.
- C. Upon receiving notification from the towing agency that a vehicle is being towed from private property, the work site shall:
 - (1) Check through the Law Enforcement Information Network (LEIN) to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN.
 - (2) Within 24 hours, the vehicle shall be entered into LEIN as an abandoned vehicle. For vehicles abandoned on private property under [MCL 257.252a](#), any such LEIN entry must notify the Secretary of State that the abandoned vehicle was taken into custody and shall include the information described in MCL 257.252a(12).

- (3) An incident report is required, but an on-scene investigation is not necessary. However, prior to entering the vehicle into LEIN an enforcement member must ensure that the VIN and/or registration information supplied by the towing agency is correct and applicable to the vehicle removed.
- (4) Once informed of the disposal of the vehicle by the custodian of the vehicle, the LEIN entry shall be canceled and the incident closed as provided in Section 48.1.10.

48.1.8. IMMEDIATE REMOVAL PROCEDURES

The following procedures shall be utilized when removal of abandoned or impounded vehicles occurs immediately and an enforcement member is present at the scene.

A. Initial Action

- (1) An enforcement member shall physically check the vehicle before its removal.
- (2) A check shall be made through LEIN to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN.
- (3) If the vehicle is abandoned scrap, the enforcement member shall take two photographs of it.
- (4) The vehicle shall be inventoried as provided in Section 48.1.2 of this Order.
- (5) The vehicle shall be towed for safekeeping.

Towing and reporting procedures must comply with Section 48.3 of this Order.

- (6) An electronic incident report (or Traffic Crash Report, UD-010, if towed from the scene of a crash) shall be submitted. A property report is not required.

If the vehicle is abandoned scrap, the report shall contain the following information:

- a. Year, make, and VIN (if available).
 - b. Date of abandonment.
 - c. Location of abandonment.
 - d. A detailed listing of the damage or missing equipment.
 - e. Location where the vehicle is being held.
- (7) Any abandoned vehicle shall be entered into LEIN within 24 hours as an abandoned vehicle.
 - (8) Except as provided in Section 48.1.8.A.(9), any impounded vehicle removed from public or private property as provided in [MCL 257.252d](#) or as described in Section 48.1.4. of this Order, shall be entered into LEIN as abandoned not less than 7 days after the enforcement member authorized removal and followed the procedures set forth in [MCL 257.252a](#).
 - (9) A vehicle which was impounded for any of the reasons listed in this subsection shall not be entered into LEIN as abandoned as otherwise provided in Section 48.1.8.A.(8) and must be released by the department prior to the towing agency or custodian

releasing it to the vehicle owner. Once released by the department, the towing agency or custodian must wait at least 20 days, but not more than 30 days, to notify the department to enter the vehicle as abandoned. Upon notification, if the vehicle has not been redeemed, the vehicle shall be entered as abandoned in LEIN, and the procedures set forth in [MCL 257.252a](#) shall be followed.

This subsection applies to vehicles impounded by the department for one or more of the following reasons:

- a. There was reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
- b. The vehicle was seized to preserve evidence of a crime, or there was reasonable cause to believe that the vehicle was used in the commission of a crime.
- c. The vehicle has been involved in a traffic crash and cannot be safely operated from the scene of the crash.

B. Vehicle Status

For abandoned scrap vehicles skip to Section 48.1.8.B.(3).

- (1) Not less than 30 days after the date the vehicle was entered into LEIN as an abandoned vehicle, the custodian of the vehicle shall be contacted to see if the vehicle has been redeemed by the owner or sold at auction as provided in [MCL 257.252g](#). See Section 48.1.10 of this Order.
- (2) If at any time the owner or secured party redeems the vehicle, the incident shall be closed in accordance with the instructions in Section 48.1.10 of this Order.
- (3) If the vehicle is registered abandoned scrap:
 - a. Within 24 hours enter the vehicle into LEIN as an abandoned vehicle. A purge date of 30 days after taking custody of the vehicle shall be entered on LEIN Scan Line 29.
 - b. The custodian of the vehicle will dispose of the vehicle according to Section 48.1.10 of this Order.
- (4) If the vehicle is unregistered abandoned scrap:
 - a. The vehicle shall be entered into LEIN within 24 hours as an abandoned vehicle.
 - b. Within 24 hours, excluding weekends and legal holidays, after removing the vehicle, the enforcement member or designee shall complete a release form provided by the Department of State, and release the abandoned scrap vehicle to the custodian of the vehicle.
 - c. The custodian of the vehicle will dispose of the vehicle in accordance with [MCL 257.252b](#).

48.1.9. REMOVAL OF TAGGED VEHICLES

A. Initial Investigation

- (1) An enforcement member shall physically check every vehicle considered abandoned.

- (2) A check shall be made through LEIN to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN.
- (3) An Abandoned Vehicle Tag, UD-070, shall be affixed to the vehicle when first checked by the enforcement member.

B. After the required 18- or 48-hour waiting period and before removal of the vehicle:

- (1) Recheck both the registration plate, if any, and the VIN through LEIN to determine if the vehicle has been reported stolen.
- (2) Proceed with the appropriate steps outlined in Section 48.1.8 above.

48.1.10. DISPOSITION OF ABANDONED, TOWED, AND IMPOUNDED VEHICLES

A. Release to Owner

- (1) The owner may secure release of the vehicle by paying the accrued charges to the custodian of the vehicle, along with the abandoned vehicle fee outlined in [MCL 257.252a](#).
- (2) Vehicle bonds shall not be accepted by this department. These bonds shall be posted with the court.
- (3) When the owner redeems the vehicle or upon disposition of the hearing, the LEIN entry shall be canceled and the incident may be closed.

B. Release to Secured Party

- (1) If the owner fails to redeem the vehicle or request a hearing and the secured party wishes to redeem the vehicle, they may secure release of the vehicle by paying the accrued charges to the custodian of the vehicle, along with the abandoned vehicle fee outlined in [MCL 257.252a](#).
- (2) When the secured party redeems the vehicle, the LEIN entry shall be canceled and the incident may be closed.

C. Sale at Auction--[MCL 257.252g](#)

- (1) If there are no bidders on the vehicle, the Michigan Vehicle Code allows police agencies to obtain title to the vehicle. The department, however, does not allow the purchase of these vehicles except in extraordinary circumstances and with the prior approval of the Budget and Financial Services Division.
- (2) Once informed of the disposal of the vehicle by the custodian of the vehicle, the LEIN entry shall be canceled and the incident closed.

D. Unregistered Abandoned Scrap Vehicles

- (1) Within 24 hours after taking an unregistered abandoned scrap vehicle into custody, the custodian of the vehicle may apply for a certificate of scrapping from the Department of State as outlined in [MCL 257.252b](#). The enforcement member or designee shall complete the release form and release the vehicle to the custodian.
- (2) Once the unregistered abandoned vehicle has been released the LEIN entry can be cancelled and the incident report closed.

48.1.11. INCIDENT REPORTS

Any time a vehicle is deemed abandoned, impounded, or towed, and entered into LEIN, an incident report shall be completed. The incident report shall remain open until the vehicle has been disposed of in accordance with MCL 257.252g and the LEIN entry has been cancelled.

48.1.12. ENFORCEMENT ACTION

The investigating enforcement member may cite the last titled owner for violation of the [Michigan Vehicle Code](#) or the [Natural Resources and Environmental Protection Act](#). The decision as to which Act to cite the last titled owner under shall be based on the condition of the vehicle and contents.

48.2 MOTOR VEHICLE INSPECTION

This section establishes guidelines for inspection of motor vehicles operating on the highways, including non-commercial and commercial vehicles, school buses, and department vehicles. This section also provides uniformity for inspection of vehicles by department members.

48.2.1. NON-COMMERCIAL VEHICLE INSPECTION PROCEDURES

A. Authority for non-commercial motor vehicle inspections

Enforcement members are prohibited from establishing temporary check lanes for the inspection of non-commercial motor vehicles.

B. The primary method to inspect motor vehicles operating on the public highways is road patrol inspections.

(1) When a vehicle is legally stopped for a violation of the Michigan Vehicle Code, enforcement members of the department may conduct a vehicle inspection.

(2) Road patrol vehicle inspections shall be recorded on the enforcement member's daily report.

C. Every vehicle inspected shall be checked according to the Michigan Vehicle Code.

At a minimum, a vehicle inspection should include inspection of lights, brakes, tires, steering, vision requirements, and exhaust system.

D. When a vehicle is inspected and found to have defective equipment, one or more of the following actions shall be taken:

(1) The driver and vehicle may be released with instructions to make the necessary repairs.

(2) A citation may be issued for the violations.

(3) If it is determined that the mechanical condition of the vehicle may create an immediate hazard to the public, the vehicle shall not be allowed to continue operating on the highway. If impoundment of the vehicle is necessary, the procedures outlined in Section 48.1.4 of this Order shall be followed.

48.2.2. COMMERCIAL VEHICLE INSPECTION PROCEDURES

A. Authority for Commercial Vehicle Inspections

Legal authority for inspection of commercial motor vehicles is found in the [Motor Carrier Safety Act](#). This Act authorizes a peace officer or an officer of the Commercial Vehicle Enforcement Division (CVED), on reasonable cause to believe that a motor vehicle is being operated in violation of the Act or a rule promulgated pursuant to the Act, to stop the motor vehicle and inspect it. If a violation is found, the enforcement member may issue a citation for that violation.

B. Commercial vehicle inspections may be conducted at scale locations, highway locations, or alternative inspection sites according to the CVED Command.

(1) Inspections shall be conducted by enforcement members assigned to scales and patrol units. Other enforcement members, when properly trained, shall also conduct inspections when assigned. Inspections performed on public highways shall be conducted in a manner to ensure safety of the officer and the public.

(2) Special inspection operations may be established and conducted at alternate inspection sites. These projects shall be conducted according to CVED Command.

C. Inspections shall be conducted on commercial vehicles that have been legally stopped with probable cause and or violations of rules and regulations.

D. Each commercial vehicle inspected shall be documented using the inSPECT software. Officers shall complete the Driver/Vehicle Examination Report in compliance with the CVSA Policy Manual and CVED policy.

(1) A printed copy of the Driver/Vehicle Examination Report shall be provided to the driver of the commercial vehicle inspected. In the event that no driver is available, a copy of the inspection shall be mailed to the carrier. The electronic copy of the Driver/Vehicle Examination Report shall be uploaded to the SAFER mailbox at the completion of the inspection.

(2) Commercial Vehicle Safety Alliance (CVSA) decals shall be issued to inspected vehicles meeting the criteria for decal issuance as established by the CVSA Policy Manual.

a. When a decal is issued, the officer shall attach it to the lower right-hand corner of the passenger side windshield for power units. Decals shall be attached on trailing units on the lower right corner as near the front as possible.

b. Decals are available from the CVED Headquarters.

c. Officers shall not stop a vehicle with a valid CVSA decal unless a critical safety defect as identified in the CVSA Policy Manual is observed or other violations of law not related to equipment have been observed.

48.2.3. SCHOOL BUS INSPECTION

A. Authority

Legal authority to conduct inspections of public and non-public school buses is contained in [MCL 257.715a](#) and [MCL 257.1839](#), respectively.

B. Members Assigned

Vehicle Safety Inspectors are assigned to the CVED under the supervision of the Bus Inspection Unit commander.

C. CVED shall administer the bus inspection program.

D. Refer to Official Order No. 17, Section 17.3, for the department's policy on enforcement of laws pertaining to the operation of school buses.

48.3 DEPARTMENT WRECKER POLICY AND PROCEDURES

This section establishes operational policies and procedures applicable the department's use of wrecker services.

48.3.1. TYPES OF WRECKER SERVICES

The following provisions establish the meaning of "basic services" and "special services" and are collectively considered "services," as those terms are used in this Order:

A. Basic Services

General towing services utilizing small and medium-duty wreckers that include the following:

- (1) Providing towing and roadside assistance services to automobiles and light-duty trucks.
- (2) Removal of:
 - a. Abandoned vehicles.
 - b. Vehicles involved in a traffic crash.
 - c. Emergency vehicle removal (upon the direction of an enforcement member).
 - d. Impound and secure storage of removed vehicles.
- (3) Hook-up for tow on or immediately adjacent to normally maintained right-of-way or maintained private road, drive or parking lot.
- (4) Straight pull or winching.
- (5) Clean-up at a collision scene requiring one employee to perform manual labor, including up to 30 minutes of on-scene standby.
 - a. Under [MCL 324.8902](#), it is the wrecker service's legal responsibility to clean up the debris at the scene of a traffic crash.
 - b. Clean up shall be done as quickly as possible, and shall involve the removal of all crash-related debris including debris from scene policing (i.e., spent flares).
 - c. Clean up shall not include the removal of hazardous or bio-hazardous materials except for fluids normally used to operate a vehicle.
 - d. If the required clean-up necessitates the use of motorized equipment to pick up debris, the wrecker service is entitled to charge a reasonable fee.

B. Special Services

Services using medium or heavy-duty wreckers that include, but are not limited to, the following:

- (1) Excess winching.
- (2) Use of tow dollies.
- (3) Recovering, or towing/stabilizing, a vehicle that is located beyond a normal roadside ditch.
- (4) Unusually large clean-ups.
- (5) Class B or C vehicle towing.
- (6) Up righting cargo tanks.
- (7) Providing assistance at hazmat incident scenes with specially trained wrecker operators.
- (8) Any removal or assistance duties the wrecker service cannot provide with its small and medium duty wreckers.

48.3.2. WORK SITE LOCAL POLICY

A. General Provisions

- (1) Work site commanders shall establish, and annually review, a local policy following the procedures in this Order.
 - a. All work site local policies must be approved by the district or division commander and become part of the local work site policy book.
 - b. Work site commanders shall work with their local prosecutor(s) when developing provisions within the work site local policy that apply to vehicles seized and held for evidence.

State and county facilities, such as county road commission garages, must be used for storing seized and/or recovered items to the extent possible. Many of these government facilities are available for secure storage areas at no cost.

- c. The work site commander may create geographical areas within his or her work site area of a number, size, shape, and location deemed necessary and establish a policy for each geographic area.
- d. The work site local policy must establish that requests for wrecker services will be based on an open or closed no-preference rotational call list (defined in Section 48.3.2.C.) that is developed and implemented pursuant to this Order and/or made through a Central Dispatch Center (or a Regional Communication Center as described in Section 48.3.6).

If a work site utilizes an open or closed no-preference rotational call list and participates in the Regional Communication Center in that area, the work site commander shall provide that Regional Communication Center a current list of wrecker services utilized by the work site and the work site local policy.

e. If a work site utilizes an open or closed no-preference rotational call list, the work site commander shall provide the Regulatory and Credentialing Section commander, CVED HQ, a current list of wrecker services utilized by a work site pursuant to the work site local policy.

- (2) The provisions of this Order control to the extent there may be conflict with the terms or implementation of any work site local policy and is intended to supersede and/or supplement work site local policies.
- (3) A work site shall not establish any agreement, contract, or policy in addition to, or in replace of, the local policy established pursuant to this Order, unless the agreement, contract, or policy is necessary to accommodate unique circumstances and has been forwarded through the chain of command and received legal approval from the Legal Resources and Education Unit.

B. Annual Review of Work Site Local Policy

- (1) An approved policy being used by a work site when the revisions to this Order take effect may continue until December 31, 2020. After that date, all work site local policies must be established following the procedures and requirements described in this Order, as revised.
- (2) No later than November 1 of each year, beginning 2020, work site commanders shall review the work site's local policy to ensure it best serves the public and operational needs of the work site area and complies with this Order.

a. If no change in the local policy is necessary, the local policy shall be renewed for the following year.

If an open or closed no-preference rotational call list is used, the wrecker service(s) utilized by the work site shall be required to update all information and supporting documentation required by the work site and/or department no later than December 1 of each year, beginning 2020, unless the work site commander determines a different date is appropriate.

b. If a change in the local policy is necessary, the work site commander shall initiate a revision of the local policy.

If an open or closed no-preference rotational call list is used, work sites shall require wrecker services to submit all necessary information and supporting documentation required by the work site and/or department no later than December 1 of each year, beginning 2020, to be considered for use by the work site during the following year, unless the work site commander determines a different date is appropriate.

c. If an open or closed no-preference rotational call list is used, no later than December 31 of each year, beginning 2020, work site commanders shall notify the wrecker service(s), if any, that are intended to be used by the work site during the following year.

- (3) Local work site policies remain in effect for one (1) year from January 1 to December 31 of each year, unless the work site commander determines at any time within the year that a new local policy is necessary to best serve the public and its operational needs.

C. No-preference Rotational Lists

- (1) Open No-preference Rotational List

- a. An open no-preference rotational list is a list of all wrecker services that have met the requirements of this Order and have submitted a UD-041 and supporting documentation.
- b. Work site commanders shall first consider whether an open no-preference rotational list is appropriate for the work site or, if applicable, any geographical area within the work site.

(2) Closed No-preference Rotational List

- a. A closed no-preference rotational list is a list of only a certain number of wrecker services that have met the requirements of this Order and have submitted a UD-041 and supporting documentation.
- b. If a work site commander determines that an open no-preference rotational list is not appropriate for the work site or a geographical area within the work site, the work site commander shall establish a closed no-preference rotational list, unless the local work site policy permits participation in a Central Dispatch Center (or a Regional Communication Center as described in Section 48.3.6).
 - i. A closed no-preference rotational list may include only one (1) qualified wrecker service for a work site or geographical area within a work site, if determined appropriate by the work site commander.
 - ii. If the number of qualified wrecker services (i.e., wrecker services that have met the requirements of this Order and have submitted a UD-041 and supporting documentation) exceeds the desired number of wrecker services to be utilized within the work site or geographic area, the work site commander shall use a random selection process to determine which qualified wrecker service(s) will be on the closed no-preference rotational list.

(3) Documentation Required for Wrecker Services on No-preference Rotational Lists

- a. A work site shall require any entity interested in providing wrecker services to complete a copy of the UD-041, Wrecker Service Acknowledgements and Requirements, and provide any supporting documentation requested or required by the work site and/or department to ensure the accuracy and completeness of the information.
 - i. An individual authorized by the wrecker service shall sign and date the UD-041.
 - ii. If the work site is divided into geographical areas, the work site shall provide the interested wrecker service a map or description of those geographical areas and corresponding policies.
- b. All documentation relating to a wrecker service's initial and continued use by the work site must be retained in accordance with the approved retention and disposal schedules and policies

(4) Use of Qualified Wrecker Services on No-preference Rotational Lists

- a. A wrecker service shall not be used by a work site unless the wrecker service initially satisfies and remains in compliance with all mandatory minimum requirements and additional requirements established by the work site commander, if any, as described in this Order.

A work site commander may make an exception if he or she considers the use of a wrecker service necessary or appropriate, unless any of the following situations apply:

- i. The wrecker service intentionally violates the special anti-theft laws under the Michigan Vehicle Code, [MCL 257.252 to MCL 257.254](#) for financial gain.
 - ii. The wrecker service is operating without valid CVED authority.
- b. If the work site commander determines that an individual or entity operating a qualified wrecker service is affiliated with other wrecker services that may be qualified to provide services to the department, the work site commander may initially exclude or later remove any of the wrecker services from a no-preference rotational list or random selection process used to form a list.
- (5) A work site that has stopped using a previously qualified wrecker service is not required to begin using that wrecker service later in the same year or in subsequent years, even if the wrecker service remedies the reason for which the work site stopped utilizing its services.

However, upon the wrecker service's remediation of the issue, a work site may, in the discretion of the work site commander, begin using the wrecker service again or consider using the wrecker service in subsequent years.

48.3.3. MEMBER REQUESTS FOR WRECKER SERVICES

- A. Enforcement members' requests for wrecker services must be consistent with the work site local policy in that work site area or geographical area.

However, an exception may be made if any of the following situations occur:

- (1) The wrecker service does not answer a telephone call or other request for service within a reasonable time or is not immediately responsive to the requestor upon answering.
 - (2) The wrecker service states that it cannot immediately respond to or handle a request for service.
 - (3) The wrecker service does not actually respond to the request within 20 minutes after the request or within a reasonable time.
 - (4) Once on-scene, the wrecker service is unable efficiently to handle the requested services, including responding with the necessary equipment in a timely manner.
 - (5) The wrecker service is a considerable distance from the scene, and it is impractical to wait for its arrival.
 - (6) Traffic conditions require immediate removal of a vehicle to resume the efficient flow of traffic.
 - (7) A person is injured and pinned in a wreck or there is a danger of fire or explosion and expedient wrecker service is required.
- B. When requesting wrecker services from an open or closed no-preference rotational list, wrecker services must be requested on a rotational basis.

- (1) After a wrecker service provides requested service, the wrecker service must be placed at the end of the list.
- (2) If the situation in Section 48.3.3.A.(1), (2), (3), or (4) occurs, the wrecker service must be placed at the end of the list, and the next wrecker service on the list must be contacted.
- (3) If the situation in Section 48.3.3.A.(5), (6), or (7) occurs, the wrecker service may be placed at the end of the list, and the next wrecker service on the list must be contacted.

C. Motorist-Preferred Wrecker Service

- (1) Motorists in need of wrecker service must be asked if they have a preferred service. Their request must be honored so long as the wrecker service is readily available and public safety is not an immediate concern.
- (2) Motorists must also be asked if their insurance company or vehicle's manufacturer offers roadside assistance. If so, they shall be given an opportunity to call their service provider for a wrecker as long as public safety is not an immediate concern.

D. Members shall not recommend one wrecker service over another to the public.

48.3.4. WRECKER SERVICE REQUIREMENTS

A. Required Acknowledgements

- (1) The department/work site determines in its sole discretion what wrecker services, if any, are best suited to provide proper public service by protecting the safety of people and property and by addressing the needs of a work site or geographical areas within a work site.
- (2) A wrecker service may be excluded or removed from a no-preference rotational list within a local work site policy or a list provided to a Regional Communication Center by CVED, or otherwise not utilized for services by the department/work site when contacting a Central Dispatch Center, at any time and without notice whether or not the wrecker service is in compliance with applicable law or department/work site policy, including this Order.
- (3) The department/work site includes, excludes, and/or removes wrecker services for use by the department/work site pursuant to internal operating policies and procedures described in this Order, which do not provide wrecker services a right to demand compliance.
- (4) The requirements listed in this Order do not, and are not intended to, create a contract between the department and/or work site and any entity or individual providing wrecker services.
- (5) Compliance with the requirements listed in this Order is required to initially be considered for use by the department in a no-preference rotational list and continue to be used by the department in a no-preference rotational list.
- (6) Meeting and remaining compliant with the requirements listed in this Order does not:
 - a. Result in any promise or obligation for performance from the department in return.

- b. Establish an entitlement or right to provide, or continue to provide, wrecker services to the department.
 - c. Prevent a wrecker service from deciding, at any time, that it no longer wishes to abide one or more requirements listed in this Order and remain utilized by the department.
- (7) The requirements listed in this Order are minimal requirements that are subject to change at any time, and wrecker services are not entitled to or guaranteed notice of any change in these requirements.

B. Mandatory Minimum Requirements

- (1) The wrecker service shall not conceal nor misrepresent any facts to the department when initially being considered for use by the department or while performing services for the department.
- (2) The wrecker service shall not be, or represent itself to be, an agent of the department.
- (3) The wrecker service, including its employees and agents, shall maintain the highest level of professionalism and courtesy within its industry when interacting with the department, local law enforcement officials, other members of its industry, and the public.
- (4) Whether or not performing a service for the department, the wrecker service, including its employees and agents, shall not engage in conduct that may bring the department or a member of the department into disrepute.
- (5) The wrecker service shall have and maintain valid CVED operating authority; currently be, and have been for a period of not less than five (5) years, a legally established towing business (e.g., registered with the County Clerk as an assumed name business, or registered with the State of Michigan as a corporation); and have current operations within the area to be served.
 - a. The wrecker service shall provide to the work site proof of a physical address, not a post office box number, to establish it has current operations within the area to be served.
 - b. The wrecker service shall be registered with the Michigan Secretary of State website, [Michigan's Auto Lost and Found](#).
 - c. The wrecker service shall be registered with the [National Motor Vehicle Title Information System](#).
- (6) An individual or entity operating the wrecker service being considered for use by the department shall disclose any information relating to other wrecker services that the individual or entity is affiliated with, including, but not limited to, addresses, equipment, or business names.
- (7) Storage Facilities
 - a. The wrecker service's necessary equipment and storage facilities must be located in the area to be served, unless the work site commander makes an exception for specialized equipment needs under unique or emergency conditions.
 - b. The wrecker service shall own, or exclusively lease while being used by the department, a vehicle storage area that is of suitable size, properly zoned,

adequately fenced, only accessible by the wrecker service, and within the area to be serviced.

- i. The wrecker service shall provide to the work site documentation of ownership or exclusive lease and of compliance with applicable zoning requirements.
 - ii. If the vehicle storage area is at a different location than the physical address provided under Section 48.3.4.B.(5), the wrecker service shall provide the physical address and location of its storage area.
 - iii. The vehicle storage area must be able to simultaneously hold at least 20 passenger vehicles. If the wrecker service is able to perform heavy-duty tows, the vehicle storage area must also be able to hold at least four (4) maximum-size tractor-trailer combinations.
- c. If the wrecker service is unable to store a vehicle because of insufficient vehicle storage area, it shall immediately notify the work site's on-duty supervisor. The wrecker service shall be financially responsible for any additional towing or storage charges associated with this situation.
- d. Vehicles Seized or Held as Evidence
- i. The wrecker service shall provide a separate area within its vehicle storage area for vehicles that are identified as stolen or involved in criminal investigations, forfeitures, or other police-related matters.
 - ii. The wrecker service shall immediately contact the work site commander after it has stored a seized vehicle or vehicle held as evidence for 20 days to ensure that the abandoned and unclaimed vehicle procedures specified in this Order are initiated.
 - iii. Neither the work site or department is financially responsible for the storage of vehicles seized or held as evidence.
- e. Upon request by a police agency, the wrecker service shall provide written notification identifying where a vehicle it serviced is physically stored or held.
- f. Vehicle Redemption
- i. The wrecker service shall ensure the redemption of vehicles is available from its storage facilities at least eight (8) hours per day, five (5) days per week, and shall make its storage facilities reasonably available after normal business hours upon request by an enforcement member or vehicle owner.
 - ii. The wrecker service shall notify the work site when a person attempts to redeem an impounded vehicle or remove any of its contents to ensure no vehicle, or its contents, being held as evidence are released or accessed without the work site's prior approval.
- g. The wrecker service shall agree to be solely legally and solely financially responsible for any damage or theft of vehicles and/or personal property stored or held by the wrecker service.

(8) Equipment and Drivers

- a. The wrecker service shall ensure its equipment and drivers are and remain in compliance with all applicable law, including, but not limited to, the Motor Carrier Safety Act of 1963, [MCL 480.11a to MCL 480.25](#), and the Michigan Vehicle Code, [MCL 257.1 to MCL 257.923](#).
 - i. Each vehicle used in performing services must display a valid CVED decal and otherwise be properly maintained and clearly marked, as required by law. No vehicle may have markings suggesting or indicating they are police vehicles.
 - ii. All equipment must be maintained in safe operating condition at all times.
 - iii. All vehicles must be equipped with flashing, oscillating, or rotating lights to the full extent permitted under [MCL 257.698](#).
- b. The wrecker service shall maintain at least two (2) Class A-B-C trucks and two (2) drivers on call to respond to department requests for services 24 hours per day, 365 days per year.
- c. The wrecker service shall provide the work site commander with the following information for each of its trucks:
 - i. Vehicle class.
 - ii. Make Year, Model, and GVWR (rating of chassis).
 - iii. Number, capacity, and type (e.g., fixed or moveable, manual or hydraulic) of booms.
 - iv. Number and size of winches.
 - v. Size and quantity of cable for each winch.
 - vi. Lift type(s) (e.g., sling, wheel lift, chassis lift, roll back).
 - vii. Rear wheel/axle configuration (e.g., duals, tandem duals).
 - viii. Any other equipment relating to the truck.
 - ix. Copy of each vehicle's registration.
 - x. If leased, a copy of each vehicle's lease agreement.
 - xi. A copy of the last annual (periodic) certification inspection completed. The last inspection must have occurred not more than three (3) months before the wrecker service is initially used by the work site.

(9) Performance of Services

- a. The wrecker service shall agree, to the maximum extent permitted by law, to defend, indemnify, and fully hold harmless, including, but not limited to, attorneys fees, the Michigan State Police and its officers, agents, employees, and representatives from any claim, cause of action, fine or penalty, or other loss that may be asserted by any third party and arising from the performance of the wrecker service's provision of services to the department.

- b. The wrecker service shall maintain an effective means of communication with its trucks and drivers at all times.
- c. Response to Service Requests from the Work Site
 - i. All services provided by the wrecker service must be in response to a specific request for services at a particular location.
 - ii. All services provided by the wrecker service must be within the approved service area, unless an enforcement member requests that services are provided elsewhere.
 - iii. The wrecker service must be available by telephone 24 hours a day, 365 days per year, with at least one (1) truck immediately available, unless another schedule is deemed appropriate by the work site commander.
 - iv. Requests for service from members must receive first-response priority.
 - v. A telephone call or other request for service must be answered within a reasonable time, and the wrecker service must be immediately responsive to the requestor upon answering.
 - vi. The actual response must be made within 20 minutes after the request, or within a reasonable time or another specific period of time, as determined by the work site.
 - vii. Once on-scene, the wrecker service must be able to efficiently handle the requested services and respond with necessary equipment in a timely manner.
- d. Before towing any impounded vehicle from a scene, as requested by the work site, the wrecker service shall do both of the following:
 - i. Obtain the vehicle's identification number from the vehicle or from the enforcement member at the scene.
 - ii. Take an inventory listing the contents of the vehicle and jointly sign the inventory with an enforcement member, or verify and sign an inventory taken by the enforcement member.
- e. The wrecker service shall not remove a vehicle from the scene of a traffic crash without authorization by a law enforcement agency.
- f. Subcontracting for Special Services
 - i. The wrecker service is responsible for subcontracting for necessary special services that the wrecker service is unable to provide.
 - ii. The subcontractor shall comply with, and remain in compliance with, the requirements listed in this Order that apply to the wrecker service.
 - iii. Before the necessity for the subcontractor's performance arises, the wrecker service shall provide the work site commander the name of all of its subcontractors and a copy of any existing agreements between the wrecker service and the subcontractor.

- iv. If the wrecker service will use a subcontractor, it shall notify the individual requesting services of that fact and respond to the scene with the subcontractor to ensure the vehicle(s) are towed to the wrecker service's vehicle storage area.

(10) Charges, Fees, and Rates

- a. The wrecker service shall not require payment of any fee or charge from the department, unless required by law or court order or permitted by the department.
- b. The wrecker service shall document all rates for fees and charges and provide a copy to the work site.
- c. All rates, charges, and fees must be reasonable and based on local industry standards, which are determinations ultimately made by the work site commander that are subject to change at any time.
- d. To the extent permitted by law and this Order, the wrecker service may require the registered owner of the vehicle to pay a fee or charge for only following:
 - i. Basic and special services, not including a "cancelled call" fee when a request for services is cancelled before the service is provided (e.g., hooking up the vehicle).
 - ii. Storage of vehicles.
 - iii. Mileage driven in excess of five (5) miles from the point of hook-up to the storage facility or other designated destination, calculated based on a per-mile amount.

(11) Abandoned and Unclaimed Vehicles

- a. The wrecker service shall not remove an abandoned vehicle from private property in accordance with [MCL 257.252a](#) without first notifying the work site.
- b. The wrecker service shall serve as the designated custodian of the vehicle to ensure disposal of unclaimed vehicles as provided in [MCL 257.252g](#).
- c. Unclaimed vehicles shall be disposed of at public auction held by the work site commander or his or her designee, at a time agreed upon by the work site commander or designee.

(12) The wrecker service shall comply with all applicable rules and regulations prescribed by the department, including the CVED and within this Order, and comply with all applicable local ordinances, zoning requirements, and state and/or federal law not otherwise expressly referenced in this Order

(13) The wrecker service shall provide to the work site all requested documentation not otherwise expressly referenced in this Order to demonstrate compliance with law and this Order.

C. Additional Requirements Established by the Work Site

- (1) A work site commander may establish additional requirements not listed above to serve public or operational needs within the work site or geographical area within the work site by completing the appropriate portion of the UD-041.

- a. An additional requirement may only be determined by the work site commander as part of establishing the work site local policy pursuant to Section 48.3.2, which must be approved by the district or division commander.
- b. An additional requirement not already listed as an available option on the UD-041 must be necessary to accommodate unique circumstances in the area to be serviced. The additional requirement(s) must be forwarded through the chain of command and receive legal approval from the Legal Resources and Education Unit.
- c. All additional requirements must be marked or described, as applicable, on a copy of the UD-041 immediately after the work site local policy is determined to ensure that a finalized copy is available to the work site and wrecker services interested in providing services to the work site.

(2) The wrecker service shall comply with any additional requirement listed on the UD-041.

48.3.5. WRECKER SERVICE VIOLATIONS

A. Member notification and documentation

- (1) Members who become aware of a wrecker service utilized by the department that provides inadequate service, has inadequate equipment or personnel, or fails to comply with this Order, including a violation or suspected violation of applicable law, shall report the wrecker service to their immediate supervisor.
- (2) Work site commanders must be made immediately aware if any of the following situations occur regarding a wrecker service used by the work site:
 - a. The wrecker service is operating without valid CVED authority.
 - b. The wrecker service has violated the special anti-theft laws under the Michigan Vehicle Code, [MCL 257.252 to MCL 257.254](#). A work site commander who learns of the intentional violations shall ensure a thorough investigation into the incident and seek criminal prosecution if warranted.
- (3) A work site shall document all complaints and violations and alleged violations of this Order regarding a wrecker service utilized by the work site. All documentation must be retained in accordance with the approved retention and disposal schedules and policies.

B. CVED Notifications

- (1) The work site commander, or his or her designee, shall immediately notify the Regulatory and Credentialing Section commander, CVED HQ, if a wrecker service utilized by the work site is, or is suspected of, operating without valid CVED authority. Members may verify active CVED authority for a carrier through the Intrastate Carrier Authority Registration System (ICARS) website, or contact the Regulatory and Credentialing Section at 517-284-3250.
- (2) The CVED shall notify a work site commander upon determining that a wrecker service utilized by the work site pursuant to the work site's local policy is operating without CVED authority.

48.3.6. DISPATCH CENTERS

A. Regional Communication Centers

- (1) Regional Communication Centers administered by the department shall honor a department work site local policy establishing a no-preference rotational list, and any contract or other agreement between a government entity and a wrecker service it has been provided, and dispatch the appropriate service pursuant to the applicable policy, contract, or agreement.
- (2) Complaints received by a Regional Communication Center concerning a wrecker service must be forwarded to the respective work site's commander for follow up. See Section 48.3.5 of this Order.

B. Requesting Wrecker Services from Central Dispatch and Regional Communication Centers

- (1) A work site local policy may permit participation in a Central Dispatch Center in replace of, or in addition to, a no-preference rotational list, as long as wrecker services dispatched by the Central Dispatch Center operate in a manner not inconsistent with the requirements of this Order.
 - a. Deviation from the mandatory minimum wrecker service requirements under Section 48.3.4.B. may be allowed by the work site if using the dispatched wrecker service remains appropriate and necessary under the circumstances.
 - b. If a work site is located where a Regional Communication Center operates as the functional equivalent of a Central Dispatch Center, the work site may treat the Regional Communication Center as if it is a Central Dispatch Center for the purposes of implementing this Order.
- (2) If the work site policy permits participation in a Central Dispatch Center, as described above in Section 48.3.6.B.(1), a Regional Communication Center (other than one described in Section 48.3.6.B.(1).b.) shall not be used to dispatch a wrecker service, unless the Central Dispatch Center is unavailable or not suitable under the circumstances.
 - a. The wrecker service must be dispatched by the Regional Communication Center based on the wrecker service's proximity to the needed service and whether service will be provided in a reasonable time. The Regional Communication Center may consult the applicable Central Dispatch Center to determine which wrecker service(s) are available for dispatch at the time that operate in a manner not inconsistent with the requirements of this Order.
 - b. The work site may request that the Regional Communication Center dispatch an alternative listed wrecker service other than the wrecker service initially selected by the Regional Communication Center.

48.3.7. SPECIAL INVESTIGATION DIVISION PROVISIONS

- A. Section commanders may deviate from the requirements outlined in this Order during the course of sensitive and/or covert investigations if confidentiality must be preserved.
- B. Wrecker services used by multijurisdictional task forces (MJTF) shall abide by the requirements listed in this Order unless otherwise directed by a multijurisdictional task force board of directors.

- C. An MJTF shall follow the procedures outlined in Section 48.3.5 of this Order whenever complaints are received concerning a wrecker service.
- D. Special agreements or contracts developed to meet the needs of an MJTF shall be approved by the appropriate division and bureau commanders and MJTF board of directors.

48.4 ADMINISTRATIVE FEES AND OTHER CHARGES

A Michigan State Police Post, MJTF, or other work site shall not profit from the towing of any vehicle. This policy precludes the receiving of any type of administrative fee or other cost outside of a dollar for dollar cost reimbursement for expenses paid in advance by the Post, MJTF, or other work site in conjunction with the towing of a seized vehicle. This section does not preclude proceeds that may be received as the result of a court ordered or administrative adjudication of the forfeiture process instituted by the Post, MJTF, or other work site against a seized/towed vehicle.

48.5 WRECKER SERVICES PAID WITH DEPARTMENT FUNDS

- A. Work sites that use department funds to pay for wrecker services may be required to establish a contract for services if the total amount paid to a single vendor exceeds \$100 per incident or \$400 per year. When it is anticipated that expenditures will exceed these amounts, Purchasing must be contacted.
- B. If the costs associated with the towing, storage, and disposal of vehicles are paid with multijurisdictional team funds, or other funds which have not been appropriated, it is not necessary to follow these requirements.

48.6 REVISION RESPONSIBILITY

Responsibility for continued review and revision of this Order lies with the Field Operations Bureau and Intelligence and Technology Bureau (Intelligence Operations Division), in cooperation with the Office of Professional Development.

DIRECTOR