

HOUSE BILL No. 2273

By Representative Campbell

2-10

1 AN ACT regulating traffic; relating to incident management tows;
2 allowing certain counties to require incident management tow permits
3 and operator licenses.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) As used in this section:

7 (1) "Eligible county" means the counties of Johnson, Riley,
8 Sedgwick, Shawnee and Wyandotte, Kansas;

9 (2) "incident management tow" means any tow of a motor vehicle in
10 which a tow truck is summoned by law enforcement in an eligible county,
11 including police agencies of such county and the Kansas highway patrol,
12 to the scene of a traffic incident involving the removal of a motor vehicle,
13 regardless of whether the owner of the towed motor vehicle has a
14 preference for a particular tow operator;

15 (3) "roll back or car carrier" means any vehicle specifically designed
16 to transport wrecked, disabled or otherwise inoperable vehicles, when the
17 transportation is directly connected to a wrecker or towing service;

18 (4) "wrecker or towing service" means the act of transporting, towing
19 or recovering with a wrecker, tow truck, rollback or car carrier any vehicle
20 not owned by the operator of the wrecker, tow truck, rollback or car carrier
21 for which the operator directly or indirectly receives compensation or
22 other personal gain; and

23 (5) "wrecker" or "tow truck" means any emergency commercial
24 vehicle equipped, designed and used to assist or render aid and transport or
25 tow disabled or wrecked vehicles from a highway, road, street or highway
26 right-of-way to a point of storage or repair, including towing a replacement
27 vehicle to replace a disabled or wrecked vehicle.

28 (b) It shall be unlawful for any person to provide an incident
29 management tow without having first obtained from the state corporation
30 commission an incident management towing permit and an incident
31 management towing operator license.

32 (c) (1) In order to obtain an incident management towing permit, an
33 applicant tow company must satisfy the following:

34 (A) No partner, principal or officer of an applicant tow company shall
35 have ever had a felony criminal conviction, pleaded guilty, pleaded nolo
36 contendere, to a felony or a theft related misdemeanor conviction in the

1 last three years;

2 (B) have and occupy a verifiable business address with a fenced,
3 secured and lighted outdoor storage lot comprising at least $\frac{1}{2}$ acre and
4 indoor storage sufficient to store at least five motor vehicles;

5 (C) own or lease at least two light duty tow trucks with a
6 manufacturer's gross vehicle weight rating of at least 14,000 pounds with
7 wheel-lift capability;

8 (D) own or lease at least one medium duty tow truck with a
9 manufacturer's gross vehicle weight rating of at least 26,000 pounds;

10 (E) be available 24 hours a day, seven days a week, 365 days a year to
11 answer calls and to perform tows;

12 (F) maintain a valid insurance policy issued by an insurer authorized
13 to do business in the state of Kansas providing coverage for the death of or
14 injury to persons and damage to property for each accident or occurrence
15 in the amount prescribed by the United States department of
16 transportation;

17 (G) provide workers' compensation insurance for all tow truck
18 operators responding to incident management tows;

19 (H) ensure that all employees of the tow company are compensated
20 on a W-2 basis; and

21 (I) require all tow truck drivers responding to incident management
22 tows to submit to at least one scheduled drug test per year as well as
23 random, unannounced drug testing.

24 (2) In order to obtain an incident management towing operator
25 license, an applicant must satisfy the following:

26 (A) Own or be employed by a tow company possessing an incident
27 management towing permit;

28 (B) successfully complete a state or federally funded certification
29 program for the towing of motor vehicles. A level 1 certification will be
30 required for light duty towing and a level 2 certification will be required
31 for medium and heavy duty towing;

32 (C) attend at least one continuing education class each year that is
33 certified by the Kansas department of transportation or the United States
34 department of transportation regarding the safe towing of motor vehicles;

35 (D) pass a criminal background check evidencing that the applicant
36 has not, within the last seven years, been found guilty of, pleaded guilty to,
37 pleaded nolo contendere or been convicted of a felony; and

38 (E) all licensees must conduct tow services in accordance with
39 applicable laws and rules and regulations of the state corporation
40 commission.

41 (d) (1) Light duty tow trucks shall have the following:

42 (A) A manufacturer's gross vehicle weight rating of at least 14,000
43 pounds with wheel-lift capability;

- 1 (B) boom capacity of not less than 5,000 pounds;
- 2 (C) power winch pulling capacity of not less than 8,000 pounds;
- 3 (D) minimum of 100 feet of $\frac{3}{8}$ inch or larger wire rope;
- 4 (E) a wheel lift to pick up vehicles, equipped with safety chains or
- 5 secondary means of attachment, and so designed and constructed so that
- 6 no further damage will occur when picking up a vehicle;
- 7 (F) wheel lift or scotch blocks for blocking wheels;
- 8 (G) a broom;
- 9 (H) a shovel;
- 10 (I) two snatch blocks; and
- 11 (J) if such tow truck is a roll back carrier, dollies capable of lifting all
- 12 four wheels of the towed vehicle off the ground.
- 13 (2) Medium duty tow trucks shall have the following:
- 14 (A) A manufacturer's gross vehicle weight rating of at least 26,000
- 15 pounds;
- 16 (B) boom capacity of not less than 5,000 pounds;
- 17 (C) power winch pulling capacity of not less than 8,000 pounds;
- 18 (D) minimum of 100 feet of $\frac{9}{16}$ inch or larger wire rope;
- 19 (E) underlift or wheel lift to pick up vehicles, equipped with safety
- 20 chains or secondary means of attachment, and so designed and constructed
- 21 so that no further damage will occur when picking up a vehicle;
- 22 (F) dual wheels;
- 23 (G) two snatch blocks;
- 24 (F) wheel lift or scotch blocks for blocking wheels;
- 25 (G) a broom; and
- 26 (H) a shovel.
- 27 (3) All tow trucks used in incident management towing shall comply
- 28 with the following:
- 29 (A) Tow trucks shall be lettered in a manner on both sides in
- 30 accordance with state and federal law;
- 31 (B) tow trucks shall have rear flood lights, rotating beam or strobe
- 32 lights mounted on top of the wrecker in such a manner that it can be seen
- 33 from the front, rear and both sides;
- 34 (C) all tow trucks lights must meet the requirements of state law and
- 35 administrative rules and regulations;
- 36 (D) all tow trucks must maintain the equipment required by the state
- 37 corporation commission;
- 38 (E) all tow trucks must have rear stop, tail and turn signals for the
- 39 towed vehicle, connected, either wired or wirelessly, to the towed vehicle;
- 40 and
- 41 (F) all tow trucks shall have one heavy-duty push broom, one shovel,
- 42 one crow bar or pry bar, one pair of heavy duty bolt cutters, one set of
- 43 jumper cables, one four-way lug wrench or air impact, reflective triangles,

1 and at least five thirty-minute fuses and a first-aid kit.

2 (e) (1) A vehicle towed by a tow truck shall be coupled to the tow
3 truck by means of at least two secondary means of attachment in addition
4 to the primary restraining system. The safety chains shall be securely
5 affixed to the truck frame, bed or towing equipment, wheel lift or under-
6 reach towing requirement;

7 (2) a vehicle transported on a slide back carrier tow truck or on a
8 trailer shall be secured by at least four tiedown chains, straps or an
9 equivalent device, independent of the winch of the wire rope; and

10 (3) all safety connections and attachments shall be of sufficient
11 strength to control the towed vehicle in the event of failure of the regular
12 hitch, coupling device, drawbar, underlift, tongue or other connection. All
13 safety connections and attachments also shall have a positive means of
14 ensuring that the safety connection or attachment does not become
15 dislodged while in transit.

16 (f) All tow truck operators responding to an incident management tow
17 shall comply with the procedures outlined in the United States department
18 of transportation's manual on uniform control devices and shall, at a
19 minimum, wear high-visibility safety apparel meeting the requirements of
20 ANSI/ISEA 107-2010, or equivalent revisions.

21 (g) An eligible county may opt out of the provisions of this section.

22 Sec. 2. This act shall take effect and be in force from and after its
23 publication in the statute book.