

ROAD SERVICE AND TOWING

Chapter 65

ROAD SERVICE AND TOWING

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[HISTORY: Adopted Liberty Village Board 7-5-1978 as L.L. No. 6-1978; amended in its entirety 12-4-1989 by L.L. No. 12-1989. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 74.
Vehicle and traffic — See Ch. 80.

§ 65-1. Title.

This local law shall be known and may be cited as the "Road Service and Towing Local Law" of the Village of Liberty.

§ 65-2. Permit required.

No person, firm or corporation shall operate a truck or other type of motor vehicle designed and capable to service or tow other motor vehicles for hire within that portion of the Village of Liberty outside any incorporated village or city therein, unless a permit therefor shall be first obtained from the Village Clerk of the Village of Liberty, New York, as hereinafter provided, except that tow truck operators from outside the Village of Liberty may remove a motor vehicle from any place in the village without a license, upon request of the owner.

§ 65-3. Application.

No such permit shall be issued unless an application therefor shall have been filed with the Village Clerk upon a form prescribed therefor, which shall include:

- A. The name and business address of the applicant and, if he is a natural person, his age and residence address, where the tow truck will be dispatched from if different from the address of business, also the date of birth if a natural person, and where vehicles will be towed to if different than the place of business.
- B. The registration number of the service or tow truck to be operated.
- C. The amount of liability insurance for personal injury and property damage on said service truck, the name of the insurance company, which must be licensed to do business in the State of New York, and the policy number. The limits shall not be less than one hundred thousand dollars (\$100,000.) for each person and three hundred thousand dollars (\$300,000.) for each occurrence; not less than fifty thousand dollars (\$50,000.) for property damage; not less than twenty thousand dollars (\$20,000.) for uninsured motorists; and not less than fifty thousand dollars (\$50,000.) for no-fault insurance.

- D. The schedule of maximum prices the licensee agrees to charge during the term of the license for servicing or towing motor vehicles from points within the Village of Liberty and for storage of such vehicles at its garage or service station. Such schedule may be based upon the distance that each motor vehicle is to be towed, the weight of the vehicle towed and upon the time of day or night such services are performed or upon the distance to service a motor vehicle and upon the time of day or night such services are performed.

§ 65-4. Maximum towing rates. [Amended 2-23-2005 by L.L. No. 5-2005]

- A. No such permit shall be issued unless the applicant agrees to charge no more than the following maximum rates for towing, regardless of distance, within the Village of Liberty:
- (1) For all passenger cars up to $\frac{3}{4}$ of a ton:
 - (a) From 8:00 a.m. to 6:00 p.m.: \$60, plus \$3.50 per mile;
 - (b) From 6:00 p.m. to 8:00 a.m.: \$95, plus \$3.50 per mile.
 - (2) For all trucks under 1,400 pounds' gross vehicle weight: \$100, plus \$3.50 per mile.
 - (3) For all trucks in excess of 1,400 pounds' gross vehicle weight: \$250, plus \$5 per mile.
 - (4) For the following additional services, the following charges:
 - (a) Overturning a vehicle: \$150;
 - (b) Flat bedding a vehicle: \$125;
 - (c) Disconnecting a drive shaft: \$50;
 - (d) Cutting or torch work: \$75;

- (e) Winching: \$100;
- (f) Clean up (nonhazardous): \$50.

B. All licensees shall be required to post in their garage or service station a schedule of the maximum rates for towing as herein set forth and such schedule shall also be carried on the truck to show to the owner of the vehicle, if requested.

§ 65-5. Maximum road service rates. [Amended 2-23-2005 by L.L. No. 5-2005]

A. No such permit shall be issued unless the applicant agrees to charge no more than the following maximum rates for road service, regardless of distance, within the Village of Liberty:

- (1) For all motor vehicles, the sum of \$50.

B. All licensees shall be required to post in their garage or service station a schedule of the maximum rates for road services herein set forth, and such schedule shall also be carried on the truck to show to the owner of the vehicle, if requested.

§ 65-6. Storage charge. [Amended 2-23-2005 by L.L. No. 5-2005]

No such permit shall be issued unless the applicant agrees to charge no more than a maximum of \$60 per day for inside storage, and no more than \$40 per day for outside storage. There shall be no storage of any kind of any unlicensed or unregistered motor vehicles.

§ 65-7. Expiration; transferability.

Every permit issued pursuant to this local law shall expire on the first day of January following the issuance thereof and is

not transferable from one operator to another nor from one truck to another, without the prior consent of the Village Board.

§ 65-8. Permit fee.

The permit fee payable to the Village Clerk for each such permit or renewal thereof shall be \$200 per vehicle, regardless of the number of months such permit may be valid.

§ 65-9. Display of information on truck.

On each side of every tow truck, there shall be legibly inscribed in letters not less than three inches high the name and address of the owner of such service or tow truck or of the person or firm or corporation having the permit therefor and the permit number assigned to such tow truck by the Village Clerk.

§ 65-10. Charging more than maximum prices prohibited; revision of maximum prices.

It shall be unlawful for any person, firm or corporation operating a licensed service or tow truck to charge any party more than the maximum prices set forth in its application for the servicing, towing and storage of disabled motor vehicles. Nothing herein contained shall prohibit such person, firm or corporation from making a reasonable extra charge for performing the services described in § 65-4A(5) above. The schedule of maximum prices to be charged may be revised at the time application is made for renewal of the license.

§ 65-11. Removal or service of vehicles involved in accident.

It shall be unlawful for any person, firm or corporation to service or tow away any motor vehicle which has been involved in an accident without prior consent of the owner or operator or

police officer at the scene of the accident, and no motor vehicle shall be serviced or removed from the scene of an accident where the police officer requires or requests that an examination be made of the damaged vehicle to determine whether the car was defective or where the police officer requires or requests that photographs and/or diagrams of the scene be made.

§ 65-12. Soliciting towing work.

- A. It shall be unlawful for any person, firm or corporation to drive along any public street or highway within that portion of the Village of Liberty outside any incorporated Village or city therein for the purpose of soliciting towing and/or repair work.
- B. It shall be unlawful for any person, firm or corporation to solicit towing or repair work at the scene of any motor vehicle accident on private property or on a public highway within that portion of the Village of Liberty outside any incorporated Village or city therein.

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§ 65-13. Revocation of license.

The Village Board may revoke any license or licenses issued under authority of this local law to any applicant whom the Village Board shall determine, after a public hearing, to be an undesirable person or incapable of properly conducting a road service or tow truck business or has violated the provisions of this local law.

§ 65-14. Penalties for offenses.

A violation of this local law is hereby declared to be a misdemeanor, and any person, firm or corporation violating the same may, upon conviction, be punished by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment not exceeding three (3) months, or by both such fine and imprisonment.

§ 65-15. Rotating call list.

- A. A licensee whose garage or service station is located in the Village of Liberty performing towing service for the village or called by a police officer shall perform on a rotating basis. When the owner or driver of a disabled vehicle indicates a choice of a specific licensee, that licensee shall be called, and no tow truck shall be assigned from the rotating list. No licensee shall respond to the scene of an accident except upon notification by the police officer in charge in police headquarters or upon request of the driver or owner of a disabled vehicle.
- B. In the event that a licensee called does not respond as quickly as is necessary, in the opinion of the police officer in charge at the scene of an accident or other emergency, the police officer may call another licensed tow truck. At no time shall it be more than fifteen (15) minutes from the time the licensee is called.
- C. Such additional rules and regulations regarding the rotation of tow trucks as they may be hereafter promulgated by the Village Board of Trustees shall take effect immediately after service of a copy thereof on holders of all licenses for tow trucks in the village. Service upon a licensee may be made by

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sending, by ordinary mail, a copy of the additional rules and regulations to said licensee's business address.

§ 65-16. Severability.

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.