

Chapter 136

TOWING AND ROAD SERVICE

[HISTORY: Adopted by the Town Board of the Town of Liberty 12-30-2002 by L.L. No. 2-2002.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 139.

Vehicles on Town property — See Ch. 141.

§ 136-1. Title.

The title of this chapter shall be the "Road Service and Towing Law of the Town of Liberty."

§ 136-2. Permit required.

No person, firm or corporation shall operate a truck or other type of motor vehicle designed for and capable of servicing or towing other motor vehicles for hire within the Town of Liberty unless a permit therefor shall be first obtained from the Town Clerk of the Town of Liberty as hereinafter provided, except that tow truck operators from outside the Town of Liberty may enter the Town of Liberty to remove motor vehicles from any place in the Town without a license upon request of the owner of said vehicle.

§ 136-3. Application for permit.

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

- A. The name and business address of the applicant and, if the applicant is a natural person, the applicant's age and residence address.
- 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 \$1,000,000 for each accident or occurrence. [Amended 7-14-2003 by L.L. No. 2-2003]
- 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 Town 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.

¹. Editor's Note: This local law repealed former Ch. 136, Towing and Road Service, adopted 8-9-1990 by L.L. No. 5-1990, as amended.

- E. The applicant's registered repair shop certificate number and a copy of the applicant's registered repair shop certificate shall be attached to the application form.
- F. The Town official to whom administration of these provisions is delegated shall reasonably require such other information or exhibits as deemed necessary.

§ 136-4. Towing, road service and storage rates.

- A. No such permit shall be issued unless the applicant agrees to charge no more than the maximum rates allowed hereunder for towing, road service and storage, regardless of distance, within the Town of Liberty. All rates shall be adopted by resolution by the Town Board of the Town of Liberty. Additional reasonable charges may be made in addition to the charges provided for labor for the following services:
 - (1) Righting an overturned vehicle.
 - (2) Removing from the highway any motor vehicle incapable of being towed.
 - (3) Opening a locked vehicle.
 - (4) Towing, pulling or hoisting vehicles from positions off the highway.
 - (5) The use of a torch or other cutting equipment.
 - (6) Winching.
- B. Additional reasonable charges maybe made for road service calls that require services in excess of the maximum twenty-minute period.
- C. In no event shall a disabled vehicle be charged for both towing and road service. The licensee shall be permitted to charge the greater of a towing charge or a road service charge when a vehicle is towed by the licensee, and the licensee shall not charge for towing and, in addition thereto, road service.
- D. All licensed operators shall conspicuously post in their garages, service stations or other places of business a schedule of the maximum rates for towing as herein set forth. Licensees shall also carry or maintain a copy of such schedule in the towing or service trucks at all times and bring, the same to the attention of the vehicle owner before rendering any service.

§ 136-5. Expiration of permit.

Every permit issued pursuant to this chapter shall expire on the first day of January following the issuance thereof and shall not be transferable from one operator to another nor from one truck to another without the prior consent of the Town Board.

§ 136-6. Permit fee.

The permit fee payable to the Town Clerk for each such permit or renewal thereof, which permit may cover each vehicle, shall be set forth by the Town Board and changed by resolution from

time to time as the Board shall see fit.² A permit shall be valid for an entire year or portion thereof without a reduction in fee.

§ 136-7. Inscription on trucks.

On each side of every service or tow truck for which a permit has been granted, 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, firm or corporation having the permit therefor, and the decal issued by the Town Clerk shall be affixed to the windshield, which decal shall include the permit number assigned to such tow truck. No magnetic signs will be permitted.

§ 136-8. Conformance to regulations.

Each person, firm or corporation operating a service or tow truck business may obtain a license for each service or tow truck it desires to operate, provided that such person, firm or corporation abides by the regulations set forth herein.

§ 136-9. Removal of vehicles from scene of accident.

It shall be unlawful for any person, firm or corporation, without prior consent of the owner or operator and police officer at the scene of the accident, to service or prepare to tow away any motor vehicle which has been involved in an accident, and no motor vehicle shall be serviced or prepared to be removed from the scene of an accident where the police officer requires or requests that photographs and/or diagrams of the scene be made.

§ 136-10. Revocation of license.

The Town Board may revoke any license or licenses issued under authority of this chapter to any applicant who shall be determined by the Town Board, after a public hearing, to be an undesirable person or incapable of properly conducting a road service or tow truck business or who has violated the provisions of this chapter.

§ 136-11. Penalties for offenses.

A violation of this chapter shall be punishable by a fine not exceeding \$500 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.

2. Editor's Note: The fee schedule is located in Ch. 152A, Fees.