



Provided as a service of the::

Arkansas Towing & Recovery Board



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Welcome ...

You are reading the first edition of, THE LIGHTBAR a new service provided by the Arkansas Towing & Recovery Board. In order to better serve you and provide accurate and timely information to you about the tow industry and the laws and regulations pertaining to your business we will publish a quarterly newsletter to all licensed tow companies.

This is a free service. To continue receiving this information you must provide the tow board with your E.Mail address. It will be delivered electronically on a quarterly basis.

Send your E.Mail address to artowing@arkansas.gov. We'll take care of the rest.

On behalf of the board of directors we hope you enjoy the information contained in the first edition.

Owners Request • Consent or Non-Consent?

The tow board has received a number of complaints where in the early part of the investigation the offending tow company claims the tow was at the *owners request* therefore a 'consent only' tow arguing that ATRB has no jurisdiction. That may not be the case.

In almost every instance the fees have come off of the tow company's non-consent rate sheet. In addition vehicle owners have been denied options that are associated with a consent tow such as delivery of the damaged or disabled vehicle to the location of the owner's choice such as their home or repair shop.

When considering the definitions applicable to this circumstance and the intent of the law a more clear picture begins to develop regarding an owner request.

If it looks like a duck .. walks like a duck .. and

quacks like a duck. It must be a duck.

An owner's request that is the result of that vehicle having been damaged, disabled or abandoned and the call was initiated by law enforcement treating that tow as 'consent only' may not be permissible.

Consider these questions.

- Did you charge a fee(s) that is posted on your non-consent rate sheet rather than negotiating a fee with the vehicle owner?
- Did you impound the vehicle instead of delivering it to a location of the owners choosing?
- Did you respond immediately? (As in the case of an accident?)

If you answered YES to any or all of these questions the tow board does not consider that a 'consent only' tow and any consumer complaint reviewed by one of the ATRB investigator's.

Speaking of Lightbars ...

There still appears to be a great deal of confusion with a lot of tow companies regarding the use of amber flashing or rotating emergency lights.

The statute ACA §27-36-305(b)(2) is very clear. The only time a tow vehicle is permitted to use their flashing lights is when the **"..tow vehicle is stopped on or within 10' of a public way and engaged in recovery or loading and hooking up .."** the statute goes on to say, **".. tow vehicle shall not operate forward flashing, red flashing or rotating emergency or warning lights while underway .."**

Please instruct your tow drivers regarding the proper and safe use of their emergency lights. Improper use of emergency lights could result in a traffic ticket.

Why Is There a Gate Fee on Your Invoice?

Typically the tow board has frowned on the use of 'gate fees' when hearing a complaint where an over charge to the vehicle owner occurred. Unfortunately 'gate fee' as with most terms used on a tow & recovery invoice there is no exact definition for its use or what it specifically means. In the case of a gate fee some companies attempt to use it as a catch-all when releasing a vehicle requires an extra effort while other companies want to charge a 'gate fee' (in some cases exorbitant) for simply opening a gate.

As you are reading this some of you are thinking, *"The auction companies do it, why can't I..?"* As you are finishing that sentence I'm sure you can hear your mothers voice ringing in your ears while trying to apply that 12 year old logic .. *"If your best friend jumps off a bridge, are you?"* And just to refresh your memory, the tow board has no authority over an auction and no one made you buy that car, the example of a tow company does not compare to a non-consent tow.

This is simply a heads up, if you use the term 'gate fee' on an invoice and a complaint is filed the charge will be suspect and could add to your woes.

But there is good news. Understanding that charges for extraordinary services may be appropriate the tow board added two (2) new definitions in the new rules that should help you out, these definitions are a result of what the tow board saw as legitimate charges that were often time listed under a 'gate fee'.

1.18 "AFTER HOURS RELEASE" a fee charged by a towing/storage firm to arrange for the release of a vehicle and/or personal property at the request of the owner or other person authorized to retrieve the vehicle,

after normal/reasonable business hours.

1.19 "SET OUT FEE" a fee charged by a towing/storage firm related to extraordinary or extenuating circumstances above and beyond the standard practice of releasing a vehicle.

If you have any questions about invoicing call the ATRB office and let's talk about it. We'd rather work with you before there is a problem rather than after a complaint is filed.

Consumer Complaint Notice Must be Posted in Your Customer Service Area

Suggested language to comply with Act 1117 passed during the Regular Session. The sign must be placed in a conspicuous and central location visible to any customer that is visiting your place of business. The sign must be at least 16"x20" in size, the type must be clear and legible and of a point size that is proportional to the signs size.

An Unresolved Complaint with this Tow Company May be Filed

with the

Arkansas Towing & Recovery Board

Call 501.682.3801

Visit the Website www.artowing.org

This sign is placed as a public service and complies with

Nothing in the law prohibits a company from posting on the notice a statement directing the customer to an owner, manager or staff person designated to manage and resolve consumer complaints.

Failure to post this sign may result in a fine of \$50.00 to \$250.00.

Want to Make Sure You Get Your License and Permits Approved Quickly?

Follow These Rules

1. Make sure each form or application is filled out completely.
 2. Sign the application and the Application for a Business License and the Tow Vehicle Safety Inspection Form.
 3. Submit the three (3) photographs for each tow vehicle you are permitting.
 4. Make sure the signage is on your truck before making application and that it complies with the rule.
 5. Include the proper fees. If you are not sure of the cost call the ATRB office.
 6. Don't forget your Certificate of Liability Insurance.
- Not following these simple rules may delay your application.**



REMEMBER: We are here to serve you. If you have a question or a problem please call us.