



December 21, 2024

Wrecking or Towing Service License

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Table of Contents

Wrecking or Towing Service License	3
Private Acts of 1961 Chapter 189	3

Wrecking or Towing Service License

Private Acts of 1961 Chapter 189

SECTION 1. That for the purpose of this Act a wrecker or towing operator shall be deemed to be any person, firm or corporation engaged in the business of offering towing service by use of a wrecker or by an automobile adapted to that purpose, said service being the towing or otherwise removing disabled motor vehicles from the place where they had been disabled. Storage, for the purpose of this Act consists of storing a motor vehicle within or on a building or place being used by the towing operator as his place of business.

SECTION 2. That no wrecker or towing operator shall engage in the business within Shelby County or offer such service to any motor vehicle upon the roads, streets or highways of Shelby County unless a license is obtained from the Clerk of the County Court for each wrecker or towing car operated by said wrecker or towing operator. A fee of one dollar shall be paid to the County Court Clerk for the handling and issuing of the license.

SECTION 3. That the Sheriff of Shelby County shall promulgate a complete set of Rules and Regulations describing in detail the procedure to be observed by any such Licensee. The Sheriff shall have authority to change such Rules and Regulations whenever, in his judgment, the interest of the County requires such change or revision, such change or revision to be submitted to be approved by the Shelby County Commissioners before becoming effective.

SECTION 4. That the maximum charges for wrecker, towing and road service within the limits of Shelby County shall be set by the Sheriff subject to approval by the County Board of Commissioners.

As amended by: Private Acts of 1979, Chapter 147.

SECTION 5. That any person, firm or corporation desiring to obtain a towing license shall file with the Sheriff an application setting out, among other things, the following:

1. Name and address of person, firm or corporation desiring license.
2. The location, description and hourly availability of wreckers owned or operated by the applicant.
3. A statement setting forth and describing available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they had been disabled.
4. The number of wreckers or towing cars owned or available for use by applicant.
5. A statement that applicant intends to comply with the fees and schedule of charges as herein provided and the Rules and Regulations to be promulgated by the Sheriff.
6. That applicant is in position to and will provide twenty-four hour service, including holidays, and that he will have at all times a minimum of two (2) wreckers or towing cars and two (2) men on duty or available at all times in any twenty-five hour period.
7. That all wreckers or towing cars will be fully equipped at all times with emergency equipment, such as flags, flares, axes, shovels, fire extinguisher and brooms.

SECTION 6. That the Sheriff shall investigate or cause to be investigated each applicant for the purpose of determining whether or not the applicant has the necessary facilities to qualify as a wrecker or towing car operator, and if the applicant is qualified to recommend to the Shelby County Commissioners that a license be issued to the applicant.

SECTION 7. That when an application has been approved the Clerk of the County Court shall grant a towing license to the applicant upon the payment by the applicant of an annual license fee. The annual license fee shall be \$5.00 for each towing car or wrecker unless application is made after July 1st, in which event it shall be \$2.50 for the remaining period of the year. This fee shall be in addition to the fee for handling set out in Section 2 hereof. All licenses shall expire on December 31st, and shall be renewed between December 1st, and December 31st of each year. Before the Clerk of the County Court shall issue any license the applicant shall deposit with the Clerk of the County Court a certificate of an Underwriter that applicant has in force a policy or policies of insurance issued by an insurance company authorized to transact business in the State of Tennessee as follows:

"A garage-keeper's legal liability policy covering fire, theft, explosion and collision in the following amounts: "Fire, Theft and Explosion all in the minimum amount of \$10,000.00; collision, subject to \$100.00 deduction, with each accident being separate claim." A garage liability policy covering the operation of applicant's own business, equipment or vehicle, for bodily injuries in the amount of \$25,000.00 for any one person killed or injured, and \$50,000.00 for more than one person injured or killed in any one accident; \$5,000.00 for all damage arising, injury to or destruction of

property. "The policy or policies must contain an endorsement providing for ten (10) days' notice to the County of Shelby in event of any material change or cancellation of the policy or policies."

SECTION 8. That whenever the Clerk of the County Court shall issue a license under the provisions of this Act he shall furnish the Licensee with a sticker having printed thereon the year for which the license has been taken out.

SECTION 9. That every person, firm or corporation receiving a license pursuant to Section 8 hereof shall be issued a license sticker which shall at all times be prominently displayed on the windshield of each wrecker or automobile used for towing purposes.

SECTION 10. That the owner or operator of a towing car or wrecker shall have inscribed on each side thereof, in letters not less than three (3) inches in height, the name and address of the Licensee.

SECTION 11. That the owner of a wrecker or towing car shall have prepared billheads with his name and the address of his place of business printed thereon. The operator of a towing car before towing a disabled vehicle away shall prepare a bill on this billhead form in triplicate, the original of which shall be given to the owner of the disabled vehicle or his authorized representative. One copy shall be sent to the Sheriff, and the other copy retained by the owner of the wrecker or towing car. This bill shall contain the following information:

- (a) Name and address of person engaging towing car.
- (b) State license number of disabled vehicle.
- (c) Total amount to be charged for towing.
- (d) Storage rates per day, or parts thereof.
- (e) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of six (6) months, and shall be exhibited upon demand of the Sheriff or his duly authorized representative, or any person who removes the towed disabled vehicle from the original towing car owner's place of business to another place.

SECTION 12. That the wrecker or towing operator shall pull the wrecked vehicle to any place designated by the owner of such wrecked vehicle. Unless requested by the owner of such wrecked vehicle, the wrecker or towing operator shall not pull such wrecked vehicle to any location outside the limits of Shelby County. It shall be unlawful for the owner of a wrecker, his agent, employee or representative, at the scene of any accident to high-pressure or otherwise coerce or insist upon any owner of a wrecked vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked vehicle.

SECTION 13. That it shall be unlawful for the owner of any wrecker or towing car to go to any place where an accident has occurred unless called by the owner or his authorized representative or by the Police or Sheriff's Dispatcher. It shall be unlawful for the owner of any wrecker or towing car to go to the place of a wreck by reason of information received by short wave or Police or Sheriff's radio.

SECTION 14. That it shall be unlawful for any County employee to solicit business for any wrecker or towing car operator, and any employ guilty of violating the provisions of this Act shall forfeit his or her right to continue as such employee, and shall be subject to discharge.

SECTION 15. That it shall be unlawful to drive along any street or bridge and solicit towing work. Solicitation of towing work by the operator or other occupant of a licensed towing car while parked on any street or bridge is also prohibited. A towing car operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so, as provided in Section 13 hereof. Responding to a call upon notice from gas station attendants, taxicab drivers, or unauthorized persons shall be considered a violation of this Act.

SECTION 16. That the Sheriff shall revoke the license of any Licensee on any of the following grounds:

- (1) If said license was procured by fraudulent conduct or false statement of a material fact or that a fact concerning applicant was not disclosed at the time of his making application that would have constituted just cause for refusing to issue said license.
- (2) If the Licensee proceeds to the scene of the accident in violation of the provisions of this Act.
- (3) If the Licensee uses a short wave or Police or Sheriff's radio to obtain information as to location of the accident.
- (4) If the Licensee shall pay in the form of a gratuity to any person not involved in the accident for information as to the location of the accident.
- (5) If the Licensee has violated the fee schedule by overcharge or has violated any of the Rules and Regulations established by the Sheriff. Such revocation shall terminate all authority and permission heretofore granted by said license to the Licensee. Any person, firm or corporation whose license has been revoked shall not be eligible to again apply for a license for a period of one (1) year from the date of such revocation. The period for which the license is terminated shall be set by the

Sheriff for any reasonable and just length of time.

SECTION 17. That any person, firm or corporation violating any of the provisions of this Act or who shall engage in business as a wrecker of towing car operator without a license as herein provided shall be guilty of a misdemeanor, punishable by a fine of \$50.00, and each violation shall constitute a separate offense.

SECTION 18. That is any Section, paragraph, clause or sentence of this Act shall be held invalid by a Court of competent jurisdiction, such holding shall not affect the remaining Sections, paragraphs, clauses and sentences.

SECTION 19. That this Act shall not have the effect of replacing or repealing any existing or subsequent Ordinance of the City of Memphis except insofar as in direct conflict therewith, or when such existing or subsequent Ordinances provide lower standards than those set forth in this Act.

SECTION 20. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County within ninety days (90) after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

Passed: March 8, 1961.

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