

ORDINANCE _____ - 2021

AN ORDINANCE AMENDING SECTION 14-89 OF THE CODE OF ORDINANCES RELATED TO TOWING TO AMEND THE NOTICE REQUIREMENT FROM ONE (1) HOUR TO TWO (2) HOURS; AMENDING SECTION 14-90(2) OF THE CODE OF ORDINANCES RELATED TO TOWING TO AMEND THE RETENTION OF RECEIPTS FROM (1) ONE YEAR TO (2) TWO YEARS AND AMENDING THE ENTITIES ENTITLED TO RECEIVE THE TOWING INVOICE UPON WRITTEN REQUEST TO INCLUDE A LAW ENFORCEMENT AGENCY, THE ATTORNEY GENERAL, A PROSECUTING ATTORNEY, DISABLED VEHICLE'S OWNER OR LIENHOLDER AND INDIVIDUAL INVOLVED IN THE UNDERLYING COLLISION OR HIS OR HER REPRESENTATIVE; AMENDING SECTION 14-90(4) OF THE CODE OF ORDINANCES RELATED TO TOWING TO DELETE MAXIMUM CHARGES AND REPLACE IT WITH RATE SHEET POSTING REQUIREMENTS; AMENDING SECTION 14-91(3) OF THE CODE OF ORDINANCES RELATED TO TOWING TO DELETE THE SECTION AND REPLACE IT WITH A PHONE NUMBER FOR CONTACT OF THE TOWING COMPANY OUTSIDE OF BUSINESS HOURS AND RETURN CALL PROVISIONS.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 — In order to be consistent with the provisions of KRS 281.00 to 281.936 related to towing, the following Code of Ordinance sections are amended as follows.

Section 2 – That Section 14-89 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

Within ~~one (1)~~ two hours of removal of any vehicle by a private impound tow truck service operator, the division of police reports desk shall be notified of such removal. That notification shall include the following information:

- (1) The make, model, year and color of the vehicle towed;
- (2) The license number and state of issuance of the license and, if known, the vehicle identification number;
- (3) The time and location that the tow occurred;
- (4) The location of the private impound tow truck service storage yard; and
- (5) The telephone number which the owner should call to reclaim the vehicle.

Section 3 – That Section 14-90(2) of the Code of Ordinance of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

- (2) For each and every tow, a receipt bearing the identifying tow number must be given to each person who redeems a vehicle which has been towed by the private impound tow truck service upon release of the vehicle. The information on the receipt must be clearly legible and include the date and place of the tow., the license plate number and the state of issuance, the make, model and color of the vehicle, the private impound tow truck service operator's employee number or name, and the name of the private impound tow truck service said operator works for. The receipt must also list the amount of money paid for the release of the vehicle. Any receipt provided to the redeemer of the vehicle must be itemized so that the individual fees are clearly discernible. All receipts shall include a statement of the right to make a written complaint to the Division of Police Traffic Section, at 150 E. Main Street, Lexington, KY 40507. A copy of the receipt must be retained by the private impound tow truck service for a period of ~~one (1)~~ two (2) years and shall be made available for inspection upon written request to the division of police, commissioner of public safety, a law enforcement agency, the Attorney General, a city attorney, county attorney, or the prosecuting attorney having jurisdiction in the location of any of the towing company's business locations, the disabled motor vehicle's owner or lienholder, an agent of the disabled motor vehicle's owner or lienholder and any individual involved in the underlying collision, his or her respective insurance companies, or his or her legal representatives, if the disabled motor vehicle was involved in a collision.

Section 4 – That Section 14-90(4) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

- (4) ~~The maximum charge which may be collected by a private~~

~~impound tow truck service for towing a vehicle with a gross weight rating (GVWR) of ten thousand (10,000) pounds or less (a standard tow) shall be one hundred eighteen dollars (\$118.00). The maximum charge which may be collected by a private impound tow truck service for towing a vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or more (a heavy tow) shall be three hundred eight dollars (\$308.00). The maximum daily storage charge for single unit vehicles with a GVWR of ten thousand (10,000) pounds or less shall not exceed one third (1/3) of the cost of a standard tow per day (Level 1 Storage). The maximum daily storage charge for single unit vehicles with a gross weight rating (GVWR) of ten thousand one (10,001) pounds or more or any combination unit other than a semi tractor trailer combination, shall not exceed half of a standard tow per day (Level 2 Storage). The maximum daily storage charge for semi tractor trailer combinations shall not exceed two thirds (2/3) the cost of a standard tow per day (Level 3 Storage). Such maximum charge will be adjusted annually by the commissioner of public safety for inflation commencing on January 1, 2004, according to the increase in the Consumer Price Index for all Urban Consumers for the most recent twelve month period as published by the U.S. Department of Labor, such charge to be adjusted to the nearest dollar. There shall be no additional charges for accessory equipment. Prior to attaching a motor vehicle to the tow truck, the towing company shall furnish the vehicle's owner or operator, if the owner or operator is present at the scene of the disabled vehicle and upon the owner's or operator's request, a rate sheet listing all rates for towing services, including but not limited to all rates for towing and associated fees, cleanup, labor, storage, and any other~~

services provided by the towing company. Any towing company or storage facility shall post a rate sheet at its place of business and shall make the rate sheet available upon a customer's request. Any charge in excess of the rate sheets provided under this subsection shall be deemed excessive.

Section 5 – That Section 14-91(3) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

- (3) ~~Either an attendant must be on-site at the storage yard twenty-four (24) hours a day, seven days a week, to return vehicles upon the payment of towing and storage charges, or the sign provided for in subsection (2) hereof shall also contain a telephone number where the owner, manager or attendant of the private impound tow truck service storage yard may be reached at any time twenty-four (24) hours a day, seven (7) days a week so that a towed vehicle may be reclaimed by its owner in a minimum amount of time, not to exceed one (1) hour. If a private impound tow truck service which does not retain a twenty-four hour attendant is the subject of three (3) or more complaints in a six-month period for failing to return a vehicle within one (1) hour of the time the vehicle owner has attempted to contact the service, such private impound tow truck service shall be required to provide a twenty-four hour on-site attendant. Upon receipt of a notice that a twenty-four hour on-site attendant is required pursuant to this section, the private impound tow truck service shall have the right pursuant to section 14-94.2 to provide a written response with ten (10) days and request a hearing. A towing company or storage facility shall be open for business or accessible by telephone during posted business hours. A towing company or storage facility shall provide a telephone number available on a twenty-four (24) hour basis to receive calls and~~

messages from callers, including calls made outside posted business hours. All calls made to a towing company or storage facility shall be returned within twenty-four (24) hours from the time received. However, if adverse weather, an emergency situation, or another act over which the towing company or storage facility has no control prevents the towing company or storage facility from returning calls within twenty-four (24) hours, the towing company or storage facility shall return all calls received as quickly as possible.

Section 6 - That this Ordinance shall become effective on_____.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

MRS:X:\Cases\CO\08-CC0785\LEG\00169877.8.1