



**BINGHAM COUNTY
ORDINANCE NO. 2026-08**

**TITLE 5 "PUBLIC SAFETY"
CHAPTER 3 "TOW COMPANIES"**

AN AMENDMENT OF THE ORDINANCE OF BINGHAM COUNTY, BY BINGHAM COUNTY BOARD OF COMMISSIONERS, TO CLARIFY AND DEFINE THE TOWING ORDINANCE UNDER TITLE 5 "PUBLIC SAFETY" CHAPTER 3 "TOW COMPANIES", PROVIDING THAT THIS AMENDMENT OF THE ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

5-3-1: DEFINITIONS:

As used in this chapter, the following terms will have the following meanings:

BINGHAM COUNTY: That area which is within the jurisdiction of the Board of Bingham County Commissioners.

BUSINESS DAY: Monday through Friday excluding declared holidays by the Board of Bingham County Commissioners.

CRASH: Any occurrence in Bingham County which results in a wrecked or disabled vehicle, and which results in either the injury or death of any person, or damage to property of any one person in excess of one thousand five hundred dollars (\$1,500.00), or both.

DISABLED VEHICLE: A vehicle which has been abandoned or rendered unsafe to be driven as the result of some occurrence other than an accident including, but not limited to: a) mechanical failures or breakdowns; b) fire; c) vandalism; d) a vehicle which is in a safe driving condition, but the owner is not present, able or permitted to drive; or e) any other occurrence which reasonably necessitates removal of the vehicle by a tow truck.

DISPATCH: The person or persons in the Bingham County Sheriff's Office assigned by the Sheriff to route law enforcement agency calls for tow truck service by the use of tow truck rotation list.

LAW ENFORCEMENT TOW: Provision of a tow truck to the owner of a wrecked or disabled vehicle by dispatch when a law enforcement agency has become involved.

OPERATOR: A tow truck owner, driver, or operator, that has passed a criminal records check and a driver's license check.

OWNER: A person who holds legal title to a vehicle, or who has legal right of possession of a vehicle, or legal right of control of a vehicle.

PERSON: An individual, assumed name entity, proprietorship, partnership, joint venture, association, corporation, or other legal entity.

TOW COMPANY: A tow company that has completed the tow company packet and has been approved by the Sheriff or his designee to perform tow company services for Bingham County.

TOW TRUCK: A vehicle designed to be used primarily for removing wrecked or disabled vehicles from any street, highway, interstate, or property.

TOW TRUCK ROTATION LIST: A list of qualified approved tow companies maintained by dispatch and which is used to determine the priority of the tow truck to be dispatched to the scene of a law enforcement tow.

WRECKED VEHICLE: A vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to reasonably necessitate that the vehicle be removed by a tow truck. (Ord. 2015-02, 5-26-2015)

5-3-2: DRIVING TOW TRUCK TO SCENE; CALL BY DISPATCH REQUIRED:

To avoid reportable crashes not being reported, no operator may knowingly drive a tow truck to the scene of any accident in Bingham County without notifying dispatch. (Ord. 2015-02, 5-26-2015)

5-3-3: SOLICITING TOW BUSINESS AT SCENE PROHIBITED:

No person may solicit in any manner, directly or indirectly, at the scene of a law enforcement tow in Bingham County, the business of towing, removing, repairing, wrecking, storing, trading, or purchasing a vehicle. (Ord. 2015-02, 5-26-2015)

5-3-4: RESPONSE TO CERTAIN PRIVATE CALLS PROHIBITED:

A tow truck may respond to a private request for towing service to a disabled vehicle not involved in an accident, or to a private request for other towing services not requiring the involvement of a law enforcement agency; provided, however, if, upon arrival on the scene, an operator discovers a crash is involved, the operator shall immediately notify dispatch. (Ord. 2015-02, 5-26-2015)

5-3-5: CERTAIN REMUNERATION OR CONSIDERATION PROHIBITED:

Tow companies are prohibited from soliciting or accepting any remuneration or consideration of any type from any repair shop, garage or other repair facility given for the purpose of influencing such tow company's decision as to where a disabled or wrecked vehicle should be taken for repair. It shall be a rebuttable presumption that any such remuneration or consideration was given for the purpose of influencing said decision. (Ord. 2015-02, 5-26-2015)

5-3-6: DISPATCH TO CALL TOWING SERVICE:

If a law enforcement officer determines a tow truck is needed at the scene of a law enforcement tow for a wrecked or disabled vehicle, dispatch shall call the towing service indicated to the law enforcement officer by the express preference of the owner; if the owner does not of his or her own initiative expressly request a particular towing service, the next available emergency tow company on the tow truck rotation list will be called. Dispatch shall indicate to the tow company the color, year, make, body and general condition of the vehicle to be towed. Based on the information provided, the tow company shall provide all necessary towing equipment. (Ord. 2015-02, 5-26-2015)

5-3-7: TOW COMPANY RESPONSIBILITIES:

Tow truck companies approved to perform law enforcement towing are responsible for wrecked and disabled vehicles and the contents therein, from the time of on scene pick up until the vehicle is removed from the tow company's premises or is otherwise released from the tow company's custody and control. Any damage or loss to said vehicle or contents while in the custody and control of the tow company is the sole responsibility of said tow company, and Bingham County assumes no liability for any such loss or damage. (Ord. 2015-02, 5-26-2015)

5-3-8: APPROVAL REQUIRED; YEARLY INSPECTIONS:

A. No person may provide law enforcement towing inside Bingham County without first being placed on the tow company rotation list. Upon approval, a tow company along with its bona fide employees will engage in dispatched law enforcement towing from the tow truck rotation list. Approved tow companies may not subcontract with other towing agencies for the provision of law enforcement towing services. Applications for law enforcement towing may be obtained at the Bingham County Sheriff's Office during regular business hours. Incomplete applications will not be considered for approval. After approval for the Bingham County tow company rotation list, an annual wrecker inspection will be performed. Tow service inspections shall be conducted by a member of the Bingham County Sheriff's Office during June of each year.

B. Tow companies must maintain a permanent and established place of business or secure impound yard either within Bingham County or within 2.5 miles of Bingham County. Any Bingham County wrecker rotation tow that is south of 600 South Highway 39 will utilize tow companies with impound lots located south of 600 North near Firth, Idaho, due to extended response time. Tow companies shall promptly notify the Bingham County Sheriff's Office of any change of address. (Ord. 2015-02, 5-26-2015)

5-3-9: APPLICATION; INSPECTIONS; ISSUANCE:

A. Contents Of Application: An applicant wishing to participate in Bingham County's law enforcement towing rotation shall lodge with the Bingham County Sheriff a written application upon a form provided for that purpose, which must be signed by the applicant or his authorized agent. The following information shall be required in the application:

1. Owner's name, address to which all official correspondence may be sent, telephone number and signature.
2. Company name, address and telephone number.
3. Number and types of tow trucks to be operated.
4. A statement as to whether or not the applicant wishes to participate in the tow truck rotation list.
5. A copy of the applicant's public liability insurance policy.
6. A description of the applicant's impound yard and its location.
7. A list of all employees that will be operating and/or driving tow vehicles.
8. A tow vehicle description to include year, make, model, license plate number, VIN number and whether it is light or medium duty.

B. Inspections: Upon the lodging of the application, a Sheriff's Office employee shall direct the applicant to appear for an inspection of the tow truck(s). The Sheriff's Office employee shall conduct an inspection of the tow truck(s) and the business premises of the applicant, as necessary, to determine if each tow truck and emergency tow company complies with this chapter.

C. Action On Application: The Sheriff may, at any time, in his discretion, require additional information from an applicant to clarify items on the application. Failure to cooperate with the request for additional information may result in the denial of application.

D. Issuance: The Sheriff shall, within thirty (30) days of receipt of an application for a law enforcement towing privilege, either approve or deny said application. If the Sheriff finds that the emergency tow company meets the requirements of this chapter, he will approve the application. If the Sheriff finds that the emergency tow company does not meet the requirements of this chapter, he may deny the application. If at any time an emergency tow company violates the requirements of this chapter, the company may be suspended in accordance with this chapter. (Ord. 2015-02, 5-26-2015)

5-3-10: RANDOM INSPECTIONS; VIOLATIONS; HEARINGS:

A. Inspections: Any Bingham County Sheriff's Deputy is authorized to conduct random equipment and safety inspections of any tow truck company approved to conduct law enforcement tows.

B. Violations And Temporary Suspensions: The following violations shall result in a written warning by the Sheriff or his designee. Any repeat(s) of the same violation shall result in an immediate temporary suspension from the tow truck rotation list for a period not to exceed three (3) days. More than three (3) repeats of the same violation shall result in the imposition of a suspension of more than three (3) days of the tow company's law enforcement tow privileges in accordance with subsection C of this section:

1. Failure to notify dispatch that tow company's on scene arrival time will exceed thirty (30) minutes.
2. Failure to have the required equipment for each operating tow truck and to have such equipment in good operating condition.
3. Use of magnetic stripping/signage on tow trucks.
4. Charging tow customers in excess of the tow rates established by the Bingham County Board of Commissioners for law enforcement tows.
5. Subcontracting law enforcement tows through other tow companies, licensed or unlicensed.

C. Suspensions And Revocations: If a Sheriff's Office employee finds that any of the following violations have been committed, the violation(s) will be reported to the Sheriff or his designee. The Sheriff or his designee shall issue an immediate twenty four (24) hour suspension of the tow company's law enforcement tow privileges, and may invoke suspension of said tow company for more than three (3) days:

1. Failure to respond to a dispatch request for a law enforcement tow more than three (3) times in a three (3) month time period.

2. Driving a tow truck to the scene of an accident without having been requested to the scene by dispatch, as described by sections 5-3-2, 5-3-3 and 5-3-4 of this chapter.

3. The solicitation of tow truck business by any operator, employee, or agent of the tow company at the scene of a law enforcement tow.

4. The failure to report a crash to dispatch for which a law enforcement tow is required.

5. The solicitation or acceptance of any remuneration or consideration of any type by any tow company, employee or agent of a tow company, from any garage, or repair shop or facility, for the purpose of influencing such tow company's decision as to where a disabled or wrecked vehicle should be taken for repair.

6. Allowing the lapse or cancellation of the tow business insurance required by this chapter.

D. Notice Of Intent: If within five (5) days of the Sheriff or his designee finding good cause that a violation of subsection C of this section has occurred, the Sheriff shall issue a notice of intent to suspend or revoke a tow company's law enforcement towing privileges. Said notice shall provide a general description of the alleged violation(s) and the date(s) of the alleged violations. Depending on the nature and extent of the violation(s), the Sheriff, in his sole discretion, may permit said tow company to resume law enforcement towing pending any hearing on the matter.

E. Right To Hearing: A tow company shall have the right to a hearing prior to the revocation or suspension of more than three (3) days of its law enforcement towing privileges, in accordance with the procedures set forth in subsection F of this section. If the tow company does not request a hearing, or does not follow the procedures for requesting a hearing, said decision to suspend or revoke the law enforcement towing privileges shall be final, and shall be effective fifteen (15) days from the date of the notice of intent. Any suspension shall be for a length of time as determined by the Sheriff.

F. Hearing Procedures: A tow company may request a hearing before the Sheriff or his designee prior to the suspension for more than three (3) days or revocation of law enforcement towing privileges, in accordance with the procedures set forth in this section.

1. A tow company desiring such a hearing shall, within fifteen (15) days of the date of the notice of intent to suspend or revoke law enforcement towing privileges, file a written request for hearing with the Bingham County Sheriff, together with a statement setting forth the factual basis and reasons for said tow company's appeal of the decision.

2. The Sheriff or his designee shall conduct an informal public hearing within thirty (30) days after a request for hearing has been filed. The tow company and the Sheriff may be represented by an attorney. The tow company will be afforded the opportunity to present evidence and testimony. The tow company shall have no right to cross examine or confront witnesses, except in the discretion of the Sheriff, nor shall the Idaho Rules of Evidence apply to such hearings. In the Sheriff's discretion, the record of any such hearing may be held open for a period of time, not to exceed seven (7) days, for the receipt of additional evidence.

3. The Sheriff or his designee shall issue a written decision within ten (10) days after the hearing. A copy of the decision shall be mailed or made available to all interested parties. A record of said hearing and decision shall remain in the custody of the Sheriff. (Ord. 2015-02, 5-26-2015)

5-3-11: TOW TRUCK SPECIFICATIONS AND CAPABILITIES:

A. Compliance: Each emergency tow company shall comply with all safety provisions, rules and regulations required to be observed by motor carriers, and, in addition thereto, shall comply with the requirements of this chapter.

B. Equipment: Each tow truck shall be equipped with only those winches and booms that have been produced and constructed by a manufacturer of such equipment that regularly produces winches and tow equipment of guaranteed quality and be used with the size tow truck for the class for which the equipment is designed. All related equipment shall be commensurate with the total rating of booms or other towing devices. A winch or boom will not be prohibited by this chapter if the owner submits to the Bingham County Sheriff a verified statement from a reputable testing laboratory regularly engaged in the testing of such equipment or similar equipment certifying that the capacity of the winch or boom is not less than that mandated for the class for which the equipment will be used. All costs of such testing and certification shall be at the expense of the emergency tow company.

1. Each tow truck and all of its equipment shall be maintained in a safe and good working order at all times.

2. Each tow truck shall be permanently painted and lettered with company name and telephone number, on both sides of the tow truck, within a reasonable time after purchase. No magnetic signs may be used in lieu of the company name and phone number.

C. Requirements To Receive Dispatch Calls: Those emergency tow companies wishing to receive dispatch calls for a heavy duty tow truck must do so through other avenues. Bingham County does not maintain a heavy duty tow truck rotation list. (Ord. 2015-02, 5-26-2015)

5-3-12: FEES FOR LAW ENFORCEMENT TOWING:

Fees for services provided by emergency tow companies pursuant to this chapter shall be set by resolution of the Board of Bingham County Commissioners. (Ord. 2015-02, 5-26-2015)

5-3-13: TOW COMPANY REQUIREMENTS AND OPERATING PROCEDURES:

Tow companies approved to perform law enforcement tows must:

A. Maintain twenty four (24) hour towing services, be available seven (7) days per week. A maximum of two (2) phone numbers will be called. In the event a tow company is out of service for any reason, a phone call to dispatch advising of the no call out status is required. A second phone call is also required advising of back in service status. This will avoid the consequences outlined in subsection 5-3-10C1 of this chapter.

B. Not refuse to provide a law enforcement tow more than two (2) times in any calendar month.

C. Arrive at the accident within a reasonable time after having been notified to do so by dispatch. Such response time shall not exceed Forty-five (45) minutes. To the extent the tow company is unable to respond within Forty-five (45) minutes, the tow company must notify dispatch of its estimated arrival time. This response time does not apply to the Atomic City or Backcountry areas, where extended response time is inevitable.

D. Maintain its own separate locked, lighted and secured impound lot, bordered by a fence not less than six feet (6') in height; provided, further that said lot shall be insured for fire, theft, and vandalism of the vehicles stored therein and further, shall be open for business not less than from nine o'clock (9:00) A.M. to five o'clock (5:00) P.M. during business days. An agent of the tow company must be contactable during the above mentioned days and hours.

E. The Bingham County Sheriff's Office shall conduct an inventory of all items contained in or on an impounded vehicle to be towed. The form will be provided by the Bingham County Sheriff's Office and completed by a Bingham County Deputy. Upon completion of the inventory, the Deputy will have the on scene tow company driver/operator sign the inventory sheet and provide the driver/operator with his copy. All items inventoried, which are not taken to Sheriff's property, shall remain in the custody and control of the tow company until released to the owner.

F. When authorized by the law enforcement agency, the wrecked or disabled vehicle shall be delivered to the impound listed on the application for acceptance to the tow rotation, unless directed by Law Enforcement, the titled owner, or designee. An itemized statement of charges shall be provided to the vehicle owner upon request.

G. Report to the Bingham County Sheriff's Office immediately all changes in tow trucks and equipment used in the tow company's law enforcement towing service and make all additional vehicles and equipment available for inspection by a Sheriff's Office designee. A tow truck which has not been approved by the inspection process shall not be used in any law enforcement tows.

H. Before leaving the site of an accident, the tow company will completely remove all resulting wreckage or debris, including all broken glass.

I. Maintain communications on a twenty four (24) hour basis with the company's tow trucks.

J. Meet the following insurance requirements:

1. At their sole expense, tow companies shall procure and maintain in full force and effect, insurance written by an insurance company or companies with Best's rating(s), of A VIII or better. All insurance companies must be authorized to do business in the State of Idaho. By requiring insurance herein, Bingham County does not represent that coverage and/or limits are necessarily adequate to protect the tow company, and such coverage and/or limits shall not be deemed as a limitation on the tow company's liability under the indemnities granted to Bingham County.

2. Certificates of insurance evidencing the coverages required herein shall be provided to Bingham County prior to performing any towing services for Bingham County. All certificates must be signed by an authorized representative of the tow company's insurance carrier and must state that the issuing company, its agents, or representatives will provide Bingham County thirty

(30) days' written notice prior to any policies being canceled. Renewal certificates must be provided to Bingham County within thirty (30) days after the effective date of the renewal.

3. Certificates shall be mailed to:

Bingham County Risk Management

501 N. Maple

Blackfoot, ID 83221

4. Certificates must evidence the following minimum coverages:

a. Workers' compensation insurance meeting the statutory requirements of the State of Idaho.

b. Employers' liability insurance providing limits of liability in the following amount: seven hundred fifty thousand dollar (\$750,000.00) minimum vehicle liability, and on hook.

c. Garage liability insurance providing limits of liability in the following amounts:

(1) Fifty thousand dollar (\$50,000.00) minimum garage keeper's coverage per incident.

(2) The garage liability policy shall be written on a standard ISO policy form, or an equivalent form, providing coverage for liability arising from garage operations including premises, operations, completed operations, personal injury, advertising injury, and liability assumed under an insured contract (including tort liability of another assumed in a contract). Auto coverage must show Symbols 27, 28, and 29 or a separate business automobile liability policy must be purchased.

(3) Alternatively, tow companies may produce a certificate of insurance evidencing commercial general liability insurance providing limits of liability in the following amounts:

General aggregate	\$2,000,000.00
Product/completed operations aggregate	\$2,000,000.00 aggregate
Personal and advertising injury liability	\$1,000,000.00 injury liability
Per occurrence	\$1,000,000.00
Fire legal liability	\$50,000.00

(4) The commercial general liability (CGL) insurance policy shall be written on an "occurrence" form and shall cover liability arising from premises, operations, independent contractors, products, completed operations, personal injury, advertising injury, and liability assumed under an insured contract (including tort liability of another assumed in a contract).

d. Business automobile liability insurance (required only if Symbols 27, 28, and 29 are not shown for garage liability) providing bodily injury and property damage liability coverage for not less than seven hundred fifty thousand dollars (\$750,000.00) each accident limit. Business automobile liability insurance shall be written on a standard ISO policy form, or an equivalent

form, providing coverage for liability arising out of owned, hired, or non-owned vehicles in connection with this agreement.

e. Garage keeper's liability insurance providing legal liability coverage, including comprehensive and collision, of not less than fifty thousand dollars (\$50,000.00) per location for customers' autos or auto equipment while the tow company is attending, servicing, repairing, parking or storing the customer's auto or auto equipment.

f. On hook/cargo insurance providing coverage for customers' autos while being towed or transported by the tow company with limits in the following amount: light or medium duty trucks, fifty thousand dollars (\$50,000.00).

5. Bingham County and its elected officials, agents, employees, successors and assigns shall be named as additional insureds under all policies except workers' compensation and employers' liability.

K. Nothing in this chapter shall be construed as obligating the emergency tow company to transport a disabled or wrecked vehicle when weather or road conditions make it impractical, impossible or dangerous to the operator. (Ord. 2015-02, 5-26-2015)

5-3-14: USE AS EMERGENCY VEHICLE PROHIBITED:

Nothing in this chapter shall be construed to permit operation of a tow truck as an authorized emergency vehicle. (Ord. 2015-02, 5-26-2015)

PASSED AND APPROVED on this 8 day of April, 2026.


BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO


Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner



Attest: 
Pamela W. Eckhardt
County Clerk