

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 532**

BY SENATOR MAYNARD

[Introduced February 5, 2019; Referred  
to the Committee on Transportation and Infrastructure; and  
then to the Committee on Government Organization]

1 A BILL to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring emergency service organizations to create districts whereby towing services  
 3 within a district may be dispatched or implement a policy whereby all available towing  
 4 services within an area currently served by an organization are dispatched on a rotating  
 5 basis; requiring the West Virginia State Police to create districts whereby towing services  
 6 within a district may be dispatched or implement a policy whereby all available towing  
 7 services are dispatched on a rotating basis; requiring a municipality, when handling towing  
 8 services, to create districts whereby towing services within a district may be dispatched or  
 9 implement a policy whereby all available towing services are dispatched on a rotating  
 10 basis; continuing the Public Service Commission’s jurisdiction over the towing service  
 11 providers themselves; prohibiting the State Police and municipalities from imposing their  
 12 own rules, policies, or ordinances; and defining a term.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.**

**§24-6-12. Dispatching of towing services for emergency towing of vehicles; districts;  
policy; exceptions; prohibitions.**

1 ~~(a) Every three years, the county commission of each county or the municipality operating~~  
 2 ~~an emergency telephone system or an enhanced emergency telephone system shall, in~~  
 3 ~~consultation with all public safety units, public agencies and all available towing services~~  
 4 ~~registered as common carriers pursuant to the provisions of chapter twenty four-a of this code,~~  
 5 ~~establish a policy that provides for the most prompt, fair, equitable and effective response to~~  
 6 ~~requests or dispatches for emergency towing services~~

(a) Emergency service organizations shall:

8 (1) Establish individual districts or zones that cover and include all emergency telephone  
 9 systems and enhanced emergency telephone systems within the state whereby all available  
 10 towing services located within the newly created districts or zones may be dispatched when the

11 need arises; or

12 (2) Establish a policy requiring eligible towing services within the area currently being  
13 served by an emergency service organization be dispatched on a rotating basis, where required.

14 (b) "Emergency service organization" means the organization established under §15-5-1  
15 et seq. of this code.

16 (c) The West Virginia State Police shall:

17 (1) Establish individual districts or zones that cover and include all emergency telephone  
18 systems and enhanced emergency telephone systems within the state whereby all available  
19 towing services located within the newly created districts or zones may be dispatched when the  
20 need arises; or

21 (2) Establish a policy requiring eligible towing services within the area be dispatched on a  
22 rotating basis, where required.

23 (d) When a municipality handles towing services it shall:

24 (1) Establish individual districts or zones that cover and include all emergency telephone  
25 systems and enhanced emergency telephone systems within the state whereby all available  
26 towing services located within the newly created districts or zones may be dispatched when the  
27 need arises; or

28 (2) Establish a policy requiring eligible towing services within the area be dispatched on a  
29 rotating basis, where required.

30 ~~(b)~~ (e) For each incident where towing services are required, the public agency procuring  
31 towing services shall maintain a public record of the name of the towing service utilized.

32 (f) The Public Service Commission continues to have the sole power, authority, and duty  
33 to supervise and regulate all available towing services registered as common carriers pursuant to  
34 §24A-1-1 et seq. of this code. Municipalities, counties and the State Police may not impose any  
35 rule, ordinance or policy in an attempt to regulate towing services in this regard.

NOTE: The purpose of this bill is to require emergency service organizations to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area currently served by an organization are dispatched on a rotating basis. The bill requires the State Police to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area are dispatched on a rotating basis. When a municipality handles towing services the bill requires it to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area are dispatched on a rotating basis. The bill continues the Public Service Commission's jurisdiction over the towing service providers themselves and prohibits the State Police and municipalities from imposing their own rules, policies or ordinances. The bill defines a term.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.