

**STATE OF RHODE ISLAND  
DIVISION OF PUBLIC UTILITIES AND CARRIERS  
89 JEFFERSON BOULEVARD  
WARWICK, RHODE ISLAND 02888**

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In re: Rate Relief For Light and Medium )  
Duty Non-Consensual Tows And )  
Related Matters Pursuant To )  
R.I.G.L. § 39-12-12 )

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Docket No. 18 MC 94

**ATTACHMENT A**

TO

**DIVISION REPORT AND ORDER NUMBER 24243**  
**APPROVED RATES FOR NON-CONSENSUAL TOWING AND STORAGE**  
**WITHIN THE STATE OF RHODE ISLAND**  
**AND RELATED MATTERS**  
**AS AMENDED BY THE REPORT AND ORDER**

STATE OF RHODE ISLAND  
DIVISION OF PUBLIC UTILITIES AND CARRIERS  
89 JEFFERSON BOULEVARD  
WARWICK, RHODE ISLAND 02888

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IN RE: TARIFF AFFIXING RATES AND TERMS	)	
FOR NON-CONSENSUAL TOWING	)	
AND OTHER RELATED MATTERS	)	
	)	

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Docket No. 18 MC 94

**TRAVEL:**

On May 2, 2018, the Division of Public Utilities and Carriers (“Division”) issued Report and Order number 23146 in Docket 18 MC 94, which adopted a settlement agreement (“Settlement Agreement”) between the Division and all certificated towing companies and approved an *interim* set of rates, terms and conditions for intrastate non-consensual towing of small-sized and medium-sized vehicles (“Interim Tariff”). The temporary nature of rates contained in the Interim Tariff was approved to allow a transportation consultant, Stone Gables Engineering, LLC (“Stone Gables”) engaged by the Division to complete a study of the state’s towing industry and to produce a report for the Division.

According to Report and Order 23146, the Interim Tariff was to be in effect only until three (3) months after the delivery of the Towing Study by Stone Gables to the Division<sup>1</sup>. The signatories to the Settlement Agreement agreed that the parties would attempt to draft a suitable new tariff (“New Tariff”) based on the recommendations of Stone Gables within three (3) months from the delivery of the Tow Study, and, moreover, that each certificated towing operation in the state would adopt the New Tariff or revert to the tariff it had on file before the Interim Tariff was approved.

Shortly after the delivery of the Tow Study, and before the parties could engage in meaningful discussion about the study itself and the development of the New Tariff, the State of Rhode Island was forced to address the global COVID-19 pandemic, and the Administrator of the Division exercised the discretion afforded in Report and Order 23146 to extend the Interim Tariff “for good cause” (*see footnote No. 1*).

The parties have now developed a satisfactory New Tariff that both the Division and members of the towing industry agree is reasonable.

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<sup>1</sup> Order No. 23146: “That three (3) months following the filing of the Division’s completed study of towing rates, the interim rates approved by this Order shall become null and void. Within that three (3) month period, each tower which has signed on to these interim rates shall either: (1) revert back to the tariff terms that were in effect for that tower prior to its adoption of the interim rates, or (2) file new tariff rates consistent with those developed by the Division’s study of tow rates for consideration and approval by the Administrator, or (3) file its own proposed tariff rates with the Division for consideration by the Division in a rate proceeding. The three (3) month period may be extended for good cause shown by the Administrator of the Division at the discretion of the Administrator.”

## **2021 NON-CONSENSUAL TOW TARIFF FOR LIGHT-DUTY and MEDIUM-DUTY VEHICLES**

This document sets rates for non-consensual tows of light-duty (8,000 lbs. and less gross vehicle weight) and medium-duty (8,001 lbs. – 15,000 lbs. gross vehicle weight) vehicles, incidental charges, and storage in connection with those tows conducted by any towing company licensed by the Division of Public Utilities and Carriers (“Division”) that chooses to adopt this tariff, in accordance with Rhode Island General Laws §§39-12-11 through 39-12-14.

The approved rates for non-consensual towing services in the State of Rhode Island for all light-duty and medium-duty vehicles performed by this tower are as follows:

### **A. LIGHT-DUTY – Up to 8,000 lbs. Gross Vehicle Weight**

#### **1. Police-Ordered Tows:**

- (a) Vehicle towed back to the company’s lot:** One hundred twenty-five dollars (\$125.00) flat fee per tow inclusive of all incidental charges, the first five (5) miles of on-hook mileage, the first hour of site work, and the first 24 hours of storage when the vehicle is towed to the company’s storage lot. For each on-hook mile encountered after the first five (5) such miles contemplated in the preceding sentence from the scene of the tow to the tower’s storage lot, the tower shall be authorized to charge three dollars and fifty cents (\$3.50). If such a tow requires additional time (beyond the first hour contemplated in this section) on the scene, the tow company may assess an additional fee of one hundred (\$100.00) per additional hour, billed in 15-minute increments. Storage rates after the first 24 hours shall be calculated in accordance with Section C.
- (b) Vehicle towed to a site directed by owner/driver:** One hundred dollars (\$100.00) flat fee per tow inclusive of all incidental charges, the first hour of site work, plus seven dollars (\$7.00) per on-hook mile from the scene of the tow when a vehicle is towed and delivered to a site other than the tower’s storage lot as directed by the vehicle owner (or the person in control of the vehicle at the time of the tow) in accordance with §39-12.1-3(d) (see Consumer Information Card Section D-3). If such a tow requires additional time on the scene, the tow company may assess an additional fee of one hundred dollars (\$100.00) per additional hour beyond the first hour on scene, billed in 15-minute increments.
- (c) Extra Laborer Required:** When an extra laborer is required at an accident scene for recovery of a vehicle in this weight category, the tower is authorized to charge a rate of sixty-five dollars (\$65.00) per hour in addition to the charges identified in Subsection A-1(a) above.

- (d) **On-Hook Mileage charges:** In instances regarding on-hook mileage charges outlined in Subsection A-1(a) and A-1(b) above, the tow slip must list both the tow truck's beginning odometer reading when the towed vehicle is secured (on-hook or on the back of a flatbed) and the ending odometer reading when the vehicle is delivered to the tower's lot (when mileage charges are authorized) or delivered to the destination directed by the vehicle owner (or person in control of the vehicle at the time of the tow).
- (e) **Towing of Motorcycles:** An additional charge of twenty-five dollars (\$25.00) shall apply when the tow company must tow and relocate a motorcycle in either of the services outlined in Subsections A-1(a) and A-1(b).
- (f) **After-Hours Release of Vehicles Subjected to Police-Ordered Tows:**
- (i) Towers are required to release vehicles towed at the direction of a police officer to the owner or lien holder, or their designee, upon demand and upon presentation of the appropriately accrued towing charges, regardless of the type of vehicle towed (See exception in subsection (v) below).
  - (ii) However, a patron who chooses to retrieve his/her vehicle (or personal belongings) outside the tower's normal business hours may be charged an additional after-hours release fee of thirty dollars (\$30.00).
  - (iii) This "after-hours release" charge applies ***only*** if the tower's normal business hours are, for the purposes of this charge, ***at a minimum*** from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. through 12:00 p.m. (noon) on Saturday. The after-hours release fee may properly be assessed for vehicle retrieval at any time on Sundays and all legal holidays; provided, however, that any delay in the retrieval of the vehicle that necessitated the "after-hours" nature of the release was not caused by the tow company.
  - (iv) This charge is intended to compensate the tower for the expense of requiring an employee of the tower to return to the storage facility after normal business hours to release a vehicle. Accordingly, ***if this tower has employees on site for extended hours, it shall not impose this charge, nor shall it impose this charge if it has an employee already at the tow yard when the customer first appears to request the release of a vehicle.***
  - (v) *Exception – If a vehicle owner or lienholder (or designee) wishes after-hours to retrieve an **inoperable** vehicle that **cannot be driven from the storage lot**, the tower may decline to release the vehicle until it reopens in accordance with its normal business hours; in that instance, the tower shall not charge any after-hours fees, nor shall it apply any additional storage fees associated with the delay.*

## 2. PRIVATE-PROPERTY-TRESSPASS TOWS:

- (a) **Vehicle towed back to the company's lot:** One hundred twenty-five dollars (\$125.00) flat fee per tow inclusive of all incidental charges, all on-hook mileage, the first hour of site work, and the first 24 hours of storage when the vehicle is towed to the company's storage lot. In the event a tower is asked to tow a "trespassing" motorcycle, the tower may assess an additional twenty-five dollars (\$25.00) beyond the fee outlined in the previous sentence. Storage rates after the first 24 hours shall be calculated in accordance with Section C below.
- (b) **Release of vehicle at the scene of a requested private-property-trespass tow:** In the event the vehicle owner (or person in control of the vehicle at the time in question) arrives on the scene and agrees to remove the vehicle in question from the parcel of private property, the tow company shall be authorized and required to charge the vehicle owner (or person in control of the vehicle at the time in question) a flat fee of sixty dollars (\$60.00), provided, however, that the tow company has already secured the vehicle (on-hook or on the back of a flatbed) for a properly requested trespass tow.
- (c) **Adherence to R.I.G.L. §39-12.1-12:** The Rhode Island General Assembly established a clear distinction between police-ordered non-consensual tows and private-property-trespass non-consensual tows. Specifically, R.I.G.L. §39-12.1-12(a) provides that when an owner (or person in control of) a parcel of private property wishes to have a "trespassing" vehicle removed from the parcel of property, that property owner (or person in control of the parcel) shall retain "in writing, a certificated tower to remove *the trespassing vehicle (emphasis added)* and relocate *the vehicle (emphasis added)* to its private impoundment lot. Clearly, through the use of the word "the," the legislature intended for the written request to remove a "trespassing" vehicle to be ascribed to a specific vehicle identified by the requesting party. Moreover, R.I.G.L. §39-12.1-12 further states that towers who conduct private-property-trespass tows must ensure that the storage lot "shall be open for business to release the vehicle the same hours it is open to receive the vehicle." Accordingly, the following requirements shall apply to private-property-trespass tows:
- (i) The request from a property owner (or person in control of a parcel of property) must be made in writing and must identify the specific vehicle (make, model, plate number...) to be towed. Such written request may be made on the scene or be transmitted electronically through an email message from the property owner to the tow company.
  - (ii) After-Hours Release fees as identified in Subsection A-1(f) above shall not apply for Private-Property-Trespass tows.

## **B. MEDIUM-DUTY – 8,001 lbs. to 15,000 lbs. Gross Vehicle Weight**

*NOTE: Tariff rates are built on the assumption that the tower uses vehicles and equipment that are appropriate for the tow and/or recovery being performed – that is, vehicles and equipment that can perform the tow safely. Using light-duty tow trucks or equipment for a medium-duty tow presents public safety issues and, accordingly, shall not be sanctioned by the Division. Therefore, no tower may charge (no matter the rate) for a medium-duty tow unless that tower uses a tow truck rated for towing at least the Gross Vehicle Rate of the vehicle actually being towed.*

*Conversely, the Division acknowledges that some vehicles assigned a GVW between 8,001 and 15,000 pounds by the vehicle's manufacturer are frequently modified after purchase in a way to increase their overall weight and/or length (example: adding a snowplow and/or sanding equipment), and that such modifications make it unsafe for such a vehicle to be towed by a "medium-duty-rated" tow truck. Accordingly, in the event a tower must tow such a vehicle using a heavier-rated tow truck, the tower may charge the appropriate rate listed in its Division-approved "heavy-duty" towing tariff. In order to do so, the tower must have in place a Division-approved "heavy-duty" tariff and must create and retain documentation (i.e.: photograph(s), written narrative, police report...) of the vehicle to be towed to justify the decision.*

### **1. Police-Ordered Tows:**

- (a) Vehicle towed back to the company's lot:** One hundred forty-five dollars (\$145.00) flat fee per tow inclusive of all incidental charges, the first five (5) miles of on-hook mileage, the first hour of site work, and the first 24 hours of storage when the vehicle is towed to the company's storage lot. For each on-hook mile encountered after the first five (5) such miles contemplated in the preceding sentence from the scene of the tow to the tower's storage lot, the tower shall be authorized to charge three dollars and fifty cents (\$3.50). If such a tow requires additional time (beyond the first hour contemplated in this section) on the scene, the tow company may assess an additional fee of one hundred dollars (\$100.00) per additional hour, billed in 15-minute increments. Storage rates after the first 24 hours shall be calculated in accordance with Section C.
- (b) Vehicle towed to a site directed by owner/driver:** One hundred twenty dollars (\$120.00) flat fee per tow inclusive of all incidental charges, the first hour of site work, plus eight dollars (\$8.00) per on-hook mile from the scene of the tow when a vehicle is towed and delivered to a site other than the tower's storage lot as directed by the vehicle owner (or the person in control of the vehicle at the time of the tow) in accordance with §39-12.1-3(d) (see Consumer Information Card Section D-3). If such a tow requires additional time on the scene, the tow company may assess an additional fee of one hundred dollars (\$100.00) per additional hour beyond the first hour on scene, billed in 15-minute increments.
- (c) Extra Laborer Required:** When an extra laborer is required at an accident scene or recovery of a vehicle in this weight category, the tower is authorized to charge a rate of sixty-five dollars (\$65.00) per hour in addition to the charges identified in Subsection B-1(a) above.

(d) **On-Hook Mileage charges:** In instances regarding on-hook mileage charges outlined in Subsection B-1(a) and B-1(b) above, the tow slip must list both the tow truck's beginning odometer reading when the towed vehicle is secured (on-hook or on the back of a flatbed) and the ending odometer reading when the vehicle is delivered to the tower's lot (when mileage charges are authorized) or delivered to the destination directed by the vehicle owner (or person in control of the vehicle at the time of the tow).

(e) **After-Hours Release of Vehicles Subjected to Police-Ordered Tows:**

- (i) Towers are required to release vehicles towed at the direction of a police officer to the owner or lien holder, or their designee, upon demand and upon presentation of the appropriately accrued towing charges, regardless of the type of vehicle towed (See exception in subsection (v) below).
- (ii) However, a patron who chooses to retrieve his/her vehicle (or personal belongings) outside the tower's normal business hours may be charged an additional after-hours release fee of thirty dollars (\$30.00).
- (iii) This "after-hours release" charge applies only if the tower's normal business hours are, for the purposes of this charge, at a minimum from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. through 12:00 p.m. (noon) on Saturday. The after-hours release fee may properly be assessed for vehicle retrieval at any time on Sundays and all legal holidays; provided, however, that any delay in the retrieval of the vehicle that necessitated the "after-hours" nature of the release was not caused by the tow company.
- (iv) This charge is intended to compensate the tower for the expense of requiring an employee of the tower to return to the storage facility after normal business hours to release a vehicle. Accordingly, ***if this tower has employees on site for extended hours, it shall not impose this charge, nor shall it impose this charge if it has an employee already at the tow yard when the customer first appears to request the release of a vehicle.***
- (v) *Exception – If a vehicle owner or lien holder (or designee) wishes after-hours to retrieve an inoperable vehicle that **cannot be driven from the storage lot**, the tower may decline to release the vehicle until it reopens in accordance with its normal business hours; in that instance, the tower shall not charge any after-hours fees, nor shall it apply any additional storage fees associated with the delay.*

## 2. PRIVATE-PROPERTY-TRESSPASS TOWS:

- (a) **Vehicle towed back to the company's lot:** One hundred forty-five dollars (\$145.00) flat fee per tow inclusive of all incidental charges, all on-hook mileage, the first hour of site work, and the first 24 hours of storage when the vehicle is towed to the company's storage lot. Storage rates after the first 24 hours shall be calculated in accordance with Section C below. In the event a tower is asked to tow a "trespassing" motorcycle, the tower may assess an additional twenty-five dollars (\$25.00) beyond the fee outlined in the previous sentence.
- (b) **Release of vehicle at the scene of a requested private-property-trespass tow:** In the event the vehicle owner (or person in control of the vehicle at the time in question) arrives on the scene and agrees to remove the vehicle in question from the parcel of private property, the tow company shall be authorized and required to charge the vehicle owner (or person in control of the vehicle at the time in question) a flat fee of sixty dollars (\$60.00), provided, however, that the tow company has already secured the vehicle (on-hook or on the back of a flatbed) for a properly requested trespass tow.
- (c) **Adherence to R.I.G.L. §39-12.1-12:** The Rhode Island General Assembly established a clear distinction between police-ordered non-consensual tows and private-property-trespass non-consensual tows. Specifically, R.I.G.L. §39-12.1-12(a) provides that when an owner (or personal in control of) a parcel of private property wishes to have a "trespassing" vehicle removed from the parcel of property, that property owner (or person in control of the parcel) shall retain "in writing, a certificated tower to remove the trespassing vehicle (emphasis added) and relocate the vehicle (emphasis added) to its private impoundment lot. Clearly, through the use of the word "the" the legislature intended for the written request to remove a "trespassing" vehicle to be ascribed to a specific vehicle identified by the requesting party. Moreover, R.I.G.L. §39-12.1-12 further states that towers who conduct private-property-trespass tows must ensure that the storage lot "shall be open for business to release the vehicle the same hours it is open to receive the vehicle."

Accordingly, the following requirements shall apply to private-property-trespass tows:

- (i) The request from a property owner (or person in control of a parcel of property) must be made in writing and must identify the specific vehicle (make, model, plate number...) to be towed. Such written request may be made on the scene or be transmitted electronically through an email message from the property owner to the tow company.
- (ii) After-Hours Release fees as identified in Subsection A-1(f) above shall not apply for Private-Property-Trespass tows.

### C. STORAGE CHARGES

1. **Vehicles up to 20 feet in length**: Storage fees shall be calculated in the following manner with the word "day" meaning 24-hour period from the time the vehicle is delivered to the company's lot:
  - (a) **Storage beyond "Day 1"**: The all-inclusive fee outlined in sections A-1(a), A-2(a), B-1(a), and B-2(a) provides for the first 24 hours of storage at no charge. Accordingly, storage fees of thirty-five dollars (\$35.00) shall accrue for each 24-hour period after the initial 24-hour period.
  
2. **Vehicles More than 20 feet in length**: Storage fees shall be calculated in the following manner with the word "day" meaning 24-hour period from the time the vehicle is delivered to the company's lot:
  - (a) **Storage beyond "Day 1"**: The all-inclusive fee outlined in sections A-1(a), A-2(a), B-1(a), and B-2(a) provides for the first 24 hours of storage at no charge. Accordingly, storage fees of forty-five dollars (\$45.00) shall accrue for each 24-hour period after the initial 24-hour period.

**NOTE 1:** Storage fees will not accrue after the seventh (7<sup>th</sup>) calendar day with respect to the owner of a vehicle unless the tower has notified the vehicle owner as required by State law and the Division's regulations. Storage fees will not accrue after the fourteenth (14<sup>th</sup>) calendar day with respect to the lienholder of a vehicle unless the tower has notified the lienholder as required by State law and the Division's regulations.

**NOTE 2:** Storage charges may only be imposed if the tower has appropriate storage facilities. *Thus, a tower may not charge storage fees in any manner or for any amount for any vehicle unless that vehicle is secured in a locked, adequately fenced and adequately lighted lot, or inside a locked building. The Division reserves the right to determine the "adequacy" of both fencing and lighting relative to this provision.*

### D. **ADDITIONAL CONDITIONS / REQUIREMENTS:**

#### 1. **Acceptable Forms of Payment for Towing Services:**

- (a) The tower shall accept cash as payment for towing and storage services as well as at least one other form of payment, such as credit cards/debit cards, or personal check. *For this purpose, the Division considers Money Orders, Travelers Checks and Certified Bank Checks to be the equivalent of "cash" and, thus, does not consider acceptance of Money Orders, Travelers Checks and Certified Bank Checks to satisfy the requirement for accepting a "second" form of payment in addition to "cash."* Moreover, *if the tower chooses to accept credit cards/debit cards as a form of payment, the tower shall ensure that a vehicle owner is able to complete such a transaction regardless of the ultimate delivery site of the vehicle.*

**2. Ancillary fees associated with non-consensual tows:**

- (a) **Toll Charges:** Tow companies may collect all actual road and/or bridge toll charges incurred by the tow company on the way to the scene, while transporting the vehicle to its ultimate delivery site, and returning to the tow yard from any alternate delivery site chosen by the vehicle owner or personal in control of the vehicle at the time of the tow.
- (b) **Consumer Convenience Fee:** Section D-1(a) above requires tow companies to accept multiple forms of payment. Accordingly, if a tower accepts payment by credit card or debit card, the tower may pass-through the credit card processing fee to the consumer, not to exceed three percent (3%) of the total tariff charges.

**3. Consumer Information Card:**

- (a) The tower shall present to the driver (or, in the alternative, an adult passenger if the driver is unavailable) of a vehicle about to be towed by order of the police (not required for private-property-trespass tows) an informational card explaining the rights of the vehicle owner/driver relative to his/her selection of a site to where the vehicle may be towed, and an explanation of the mileage charges and storage rate calculation method. (Provided, however, that the tower shall not be required to provide such a card to a driver who is not safely and readily able to accept same [i.e.: injured or in police custody], and no adult passenger is on the scene to accept delivery of such card and make a selection on the driver's behalf.) The Division shall produce a prototype for such a card and the tower shall have said cards reproduced unchanged (in sufficient quantities) at its own expense. Such cards must be updated whenever there is an approved change to a tower's tow and/or storage rates. *Note: The tower may print its business name, address, telephone number and MC number atop such cards for identifying purposes.*

**E. EMERGENCY FUEL SURCHARGE:**

- 1. Rhode Island Gen. Laws §39-12-13(b) authorizes the Administrator to implement a gasoline price emergency surcharge program whereby a person licensed under The Towing Storage Act to perform "driveaway-towaway operations" shall be permitted to impose and collect a surcharge, during such times and under such conditions wherein the Administrator determines that the average price of gasoline in this state exceeds one dollar and fifty cents (\$1.50) per gallon. Provided, that the Administrator shall have discretion as to when to permit such surcharge to be imposed, except that the administrator shall not impose the surcharge at any time when the average price of gasoline, as determined by the administrator, does not exceed the price of one dollar and fifty cents (\$1.50) per gallon.
- 2. According to Section 2.2.2 of the Study Report delivered by Stone Gables, the fuel costs built into the rate recommendation therein were calculated assuming \$3.00 per gallon of diesel fuel. Further, Table 3-2 of the Study Report delivered by Stone Gables, assumed an average fuel consumption per tow, calculated at \$3.00 per gallon, of about three (3) miles. Accordingly, tow companies utilizing this tariff shall be authorized to collect an additional surcharge of \$1.50 (calculated at a per gallon surcharge of \$0.50 per gallon for an average tow consuming three (3) gallons) for each tow conducted in a month following a month where it is determined that the average

fuel costs exceeded \$3.50; an additional \$1.50 surcharge (above the initial surcharge) shall be authorized for each 50-cent per gallon benchmark surpassed thereafter (i.e.: \$3.00 total when the average price exceeds \$4.00, \$4.50 total when the average price exceeds \$4.50 per gallon, and so on...).

3. The Division, for the purposes of this program, shall continue to track the price of diesel fuel in accordance with the provisions of Report & Order Number 18059. However, tow companies shall be allowed to assess any authorized fuel surcharge regardless of what fuel type is used in the company's tow trucks. The Division shall post the average monthly price of diesel fuel it has calculated, and the amount of emergency fuel surcharge authorized to be collected under this tariff for the month, on its website.