

TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON SEPTEMBER 10, 2019
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	TOW TRUCK SOLICITATION AT ACCIDENT SCENES

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official:

- (a) This report **BE RECEIVED** for information purposes; and
- (b) Civic Administration prepare an amendment to the Business Licensing By-law to include Motor Vehicle Towing as a Class of Licence and hold a Public Participation Meeting before the Community and Protective Services Committee (CPSC).

BACKGROUND

On January 29, 2019, Civic Administration was requested to consult with the industry as well as with law enforcement agencies, including the London Police Service and Ontario Provincial Police, and report back to the Community and Protective Services Committee as to whether a by-law is required.

There has been an increased concern with tow truck solicitation at motor vehicle accident occurrences. The purpose of this report is to provide an overview of provincial legislation, summary of consultation with first responders and a scan of municipal anti-solicitation towing by-laws. These by-laws generally aim to serve and protect the public at motor vehicle accident scenes from aggressive solicitation by tow truck services and associated auto body repair shop operators.

PROVINCIAL LEGISLATION

Introduced: January 1, 2017

Bill 15: *Fighting Fraud and Reducing Automobile Insurance Rates Act.*

Purpose: Focuses on reducing insurance fraud and enhancing tow and storage services.

The regulations include:

- Requiring permission from the consumer or someone acting on their behalf before towing or storing a vehicle
- Publicly disclosing rates and other information such as the provider's name and telephone number on tow trucks as well as in places of business
- Accepting credit card payments from consumers (and not insist on cash only)
- Notifying consumers where their vehicle will be towed
- Allowing consumers to access their towed vehicles to remove personal property
- Providing consumers an itemized invoice listing the services provided
- Disclosing if they are getting a financial incentive for towing a vehicle to a particular vehicle storage facility or repair shop.

CONSULTATION

Civic Administration consulted with first responders and the towing industry.

- **London Police Services (LPS):** While LPS recognizes that towing solicitation at accident scenes is a problem, they do not track these types of incidents. Recently, in July 2019 a tow truck driver was charged with mischief, attempt fraud, personation to gain advantage and possession of property obtained by crime for towing a vehicle from a traffic accident scene without the owner's permission.
- **Middlesex London Paramedics:** Over the last few years, London Middlesex EMS have witnessed aggressive behavior from tow truck drivers at the scene of vehicular accidents. EMS staff have witnessed firsthand numerous trucks arriving at the scene of an accident and in some cases extremely aggressive behavior from the tow truck drivers. This places unnecessary stress on the driver and passengers at the accident scene.
- **Ontario Provincial Police (OPP):** Initial discussions with the OPP confirm that this is an issue on the 400 series highway and that in many cases specialized tows are required due to the nature of the accidents (involving transport trucks). Additional discussions are pending.
- **Local tow truck industry:** Some of the feedback suggested that the City should to create a by-law amendment to keep tow trucks at a minimum distance from accidents. Others in the industry do not think that a by-law will fix the chasing and trolling issues. Some of the industry comments suggested that the City implement new guidelines/regulations on the towing industry including regulations on chasing, scanners, methods on how to process an accident, and quality of trucks. Many comments were made about the LPS contract with one towing operator for accident scenes. This is not within the purview of Council's direction for this review.
- **Canadian Automobile Association (CAA):** CAA Government and Relations Specialists have assisted various municipalities in Ontario in reviewing tow truck by-laws. Ideally, CAA would like to see the Province set tow truck industry standards for anti-solicitation. CAA indicated that anti-solicitation by-laws have assisted with consumer protection.

DISCUSSION

In Ontario, numerous municipalities have licensing by-laws addressing the towing industry. Several of these municipalities have also enacted anti-solicitation regulations using minimum distances from accident scenes. The anti-solicitation regulations help protect the public and all first responders involved in accidents, where tow truck services are required. Some of these municipalities include: Waterloo, Hamilton, Mississauga and Brampton.

Based on the industry consultation and discussions with first responders, Civic Administration is of the opinion that an amendment to the Business Licensing By-law to introduce motor vehicle towing as a class of business would address towing solicitation at accident scenes. The municipal purpose of adding this class of business is consumer protection and public safety.

Adding a new business class category would not have a financial impact on the administration and enforcement of the Business Licensing By-law. The By-law is enforced by Municipal Law Enforcement Officers and the London Police Service.

PREPARED BY:	RECOMMENDED BY:
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