

**30 GAR - REVENUE AND TAXATION  
DIV. 2 - LICENSE DIVISION  
CH. 12 - TOW TRUCK REGULATIONS**

**DIVISION 2  
LICENSE DIVISION**

**CHAPTER 12  
TOW TRUCK REGULATIONS**

**2011 COMPILER NOTE:** These rules and regulations were filed with the Legislative Secretary on October 1, 1998 and became effective January 1, 1999 pursuant to a letter dated January 7, 1999 from then Legislative Secretary Joanne M.S. Brown to then Compiler of Laws, Charles H. Troutman, stating these rules and regulations became effective pursuant to the affirmative legislative decision to not act upon them pursuant to 5 GCA, Ch. 9, the Administrative Adjudication Law.

Adopted as § 12100-1, *et seq.*, renumbered by the Compiler to fit the Title's numerical scheme. References to the original sections within chapter have also been changed.

The terms "wench" and "preform," as adopted are manifest errors which the Compiler has replaced with the terms "winch" and "perform."

- § 12101. Purpose.
- § 12102. Definitions.
- § 12103. Certificates of Inspection.
- § 12104. Classification of Tow Trucks.
- § 12105. Class-A Tow Truck.
- § 12106. Class-B Tow Truck.
- § 12107. Class-C Tow Truck.
- § 12108. Class-D Tow Truck.
- § 12109. Transition to New Requirements.
- § 12110. Tow Truck Standards.
- § 12111. Towing Damaged or Disabled Vehicles.
- § 12112. Use of a Dolly or Other Wheeled Auxiliary Device.
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- § 12116. Altered, Mutilated or Missing Vehicle Identification Numbers (VIN).
- § 12117. Storage Facilities.
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- § 12121. Disposal of Vehicles.
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- § 12123. Maximum Fees for Specified Tow Truck Services.
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- § 12125. Other Fees.
- § 12126. Enforcement.
- § 12127. Liability.
- § 12128. Penalties.

**§ 12101. Purpose.**

These regulations apply to tow truck businesses and tow truck drivers. They have been promulgated by the Department of Revenue and Taxation in order to implement and carry out the provisions of 16 GCA §§ 12101 through 12108 (Public Law 23-144:3). In addition to these regulations, tow trucks and tow truck businesses must comply with the Federal Motor Carrier Safety Regulations.

**§ 12102. Definitions.**

(a) The definitions found in 16 GCA § 12101 (Public Law 23-144:3) apply to these regulations.

(b) *Holiday* means those days designated as holidays or public holidays by the Guam Legislature.

(c) *Legal owner* has the same meaning as is stated in 16 GCA § 1102(pp).

(d) *Owner* has the same meaning as is stated in 16 GCA § 1102(w).

(e) *Registered owner* has the same meaning as is stated in 16 GCA § 1102(cc).

**§ 12103. Certificates of Inspection.**

A tow truck business must obtain a certificate of inspection from the Department of Revenue and Taxation for every tow truck used for tow truck services. The certificate of inspection must be carried in the tow truck at all times. The Department shall charge a fee of fourteen dollars for the inspection of each vehicle and for issuing the certificate of inspection.

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**§ 12104. Classification of Tow Trucks.**

Each tow truck used by a tow truck business shall be classified according to the amount of weight the tow truck is authorized to tow. The certificate of inspection shall state the classification for each tow truck. Tow trucks shall be classified according to the following weight limits:

Class-A: a tow truck authorized to tow a load weighing up to 8,000 pounds.

Class-B: a tow truck authorized to tow a load weighing over 8,000 pounds and up to 12,000 pounds.

Class-C: a tow truck authorized to tow a load weighing over 12,000 pounds and up to 25,000 pounds.

Class-D: a tow truck authorized to tow a load weighing over 25,000 pounds.

**§ 12105. Class-A Tow Truck.**

(a) A Class-A tow truck shall have equipment adequate to tow a load weighing up to 8,000 pounds.

(b) A wrecker-type Class-A tow truck shall have the following truck specifications:

(1) a gross vehicle weight rating of not less than 10,000 pounds;

(2) a minimum length of five feet from cab to rear axle;

(3) an automatic or manual transmission; and

(4) duo rear wheels.

(c) A wrecker-type Class-A tow truck shall have the following wrecker specifications:

(1) a lifting capacity of not less than four tons;

(2) a winching capacity of not less than four tons, single line pull;

(3) at least a 3/8 inch cable for the winch; and

(4) a tow bar, cradle, sling attachment, under-reach or rollback

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vehicle carrier.

(d) A carrier-type Class-A tow truck shall have the following truck specifications:

- (1) a gross vehicle weight rating of not less than 10,000 pounds;
- (2) a minimum length of 8 feet from cab to axle;
- (3) an automatic or manual transmission; and
- (4) duo rear wheels.

(e) A carrier-type Class-A tow truck shall have the following vehicle carrier specifications:

- (1) a minimum length of 17 feet;
- (2) a winching capacity of not less than four tons; and
- (3) at least a 3/8 inch cable for the winch.

**§ 12106. Class-B Tow Truck.**

(a) A Class-B tow truck shall have equipment adequate to tow a load weighing up to 12,000 pounds. If a Class-B tow truck renders services which a Class-A tow truck is authorized to perform, the Class-B tow truck must charge the same fee charged for tow truck services rendered by a Class-A tow truck.

(b) A wrecker-type Class-B tow truck shall have the following truck specifications:

- (1) a gross vehicle weight rating of not less than 11,000 pounds;
- (2) a minimum length of five feet from cab to rear axle;
- (3) an automatic or manual transmission; and
- (4) duo rear wheels.

(c) A wrecker-type Class-B tow truck shall have the following wrecker specifications:

- (1) a lifting capacity of not less than eight tons;
- (2) a winching capacity of not less than eight tons, single line

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pull;

(3) at least a 3/8 inch cable for the winch; and

(4) a tow bar, cradle, sling attachment, under-reach or rollback vehicle carrier.

(d) A carrier-type Class-B tow truck shall have the following truck specifications:

(1) a gross vehicle weight rating of not less than 14,000 pounds;

(2) a minimum length of 9 feet from cab to rear axle;

(3) an automatic or manual transmission; and

(4) duo rear wheels.

(e) A carrier-type Class-B tow truck shall have the following vehicle carrier specifications:

(1) a minimum length of 17 feet;

(2) a winching capacity of not less than four tons; and

(3) at least a 3/8 inch cable for the winch.

**§ 12107. Class-C Tow Truck.**

(a) A Class-C tow truck shall have equipment adequate to tow a load weighing up to 25,000 pounds. If a Class-C tow truck renders services which a Class-A tow truck is authorized to perform, the Class-C tow truck must use equipment which meets the Class-C specifications and the Class-C tow truck must charge the same fee charged for tow truck services rendered by a Class-A tow truck. If a Class-C tow truck renders services which a Class-B tow truck is authorized to perform, the Class-C tow truck must use equipment which meets the Class-C specifications and the Class-C tow truck must charge the same fee charged for tow truck services rendered by a Class-B tow truck.

(b) A Class-C tow truck shall have the following truck specifications:

(1) a gross vehicle weight rating of not less than 25,000 pounds;

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- (2) an automatic or manual transmission;
- (3) duo rear wheels; and
- (4) a minimum length of 10 feet from cab to rear axle; and

(5) full air brakes constructed so as to lock power wheels upon air failure.

(c) A Class-C tow truck shall have the following wrecker specifications:

- (1) a lifting capacity of not less than ten tons;
- (2) a combined winching capacity of not less than ten tons;
- (3) at least a 7/16 inch cable for the winch; and
- (4) a tow bar, cradle, sling attachment, under-reach or rollback vehicle carrier.

(d) A tractor operated by a tow truck business may be used in towing a trailer when the trailer is part of a damaged or disabled unit. A lowboy may be used when a tractor, trailer or other Class-C weight vehicle cannot be towed by a tractor. The contents of a damaged or disabled unit may be transported by means of a carrier or trailer when appropriate.

**§ 12108. Class-D Tow Truck.**

(a) A Class-D tow truck shall have equipment adequate to tow a load weighing more than 25,000 pounds. If a Class-D tow truck renders services which a Class-A tow truck is authorized to perform, the Class-D tow truck must use equipment which meets the Class-D specifications and the Class-D tow truck must charge the same fee charged for tow truck services rendered by a Class-A tow truck. If a Class-D tow truck renders services which a Class B tow truck is authorized to perform, the Class-D tow truck must use equipment which meets the Class-D specifications and the Class-D tow truck must charge the same fee charged for tow truck services rendered by a Class-B tow truck. If a Class-D tow truck renders services which a Class-C tow truck is authorized to perform, the Class-D tow truck must use equipment which meets the Class-D specifications and the Class-D tow truck must charge the same fee charged for tow truck services rendered by a Class-C tow

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truck.

(b) A Class-D tow truck shall have the following truck specifications:

- (1) a gross vehicle weight rating of not less than 49,000 pounds;
- (2) a manual transmission;
- (3) duo axle (tandem) rear wheels;
- (4) a minimum length of 10 feet from cab to rear axle; and
- (5) full air brakes constructed so as to lock power wheels upon air failure.

(c) A Class-D tow truck shall have the following wrecker specifications:

- (1) a lifting capacity of not less than twenty-five tons;
- (2) a combined winching capacity of not less than twenty-five tons;
- (3) at least a 5/8 inch cable for the winch; and
- (4) a tow bar, cradle or sling attachment, under-reach or rollback vehicle carrier.

(d) A tractor operated by a tow truck business may be used in towing a trailer when the trailer is part of a damaged or disabled unit. A lowboy may be used when a tractor, trailer or other Class-D weight vehicle cannot be towed by a tractor. The contents of a damaged or disabled unit may be transported by means of a carrier or trailer when appropriate.

**§ 12109. Transition to New Requirements.**

This section 12109 applies to sections 12105, 12106, 12107 and 12108. Any tow truck and tow truck equipment, which is already being used by a tow truck business on the date that these regulations go into effect and which met the previously accepted requirements, may be approved for continued use by the Director for a period of up to three years. The date on which such approval expires shall be noted on the certificate of inspection. The Director shall consider the safety of the

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tow truck and tow truck equipment in granting the approval to allow the continued use of a tow truck and tow truck equipment which does not meet all the requirements of the foregoing sections of these regulations. This approval may be withdrawn at any time, if the Director finds that a tow truck or any tow truck equipment is unsafe.

**§ 12110. Tow Truck Standards.**

(a) The standards for each class of tow truck shall be determined solely by the manufacturer's specifications for the capabilities of the tow truck and all tow truck equipment. The gross vehicle weight rating shall be painted on the doors of the tow truck cab in letters which are at least four inches tall.

(b) Except as provided in subsection (c) below, all tow trucks shall be equipped with winches and booms which have been produced and constructed by a manufacturer that regularly produces tow truck winches and booms of guaranteed quality.

(c) The use of winches and booms, which are of a quality which is not guaranteed, may be approved by the Director. The tow truck owner must submit an application to the Director for the use of a winch or a boom which is not guaranteed. The application must be accompanied by a verified statement from the Motor Carrier Division of the Department of Revenue and Taxation or from a reputable local testing laboratory which regularly engages in the testing of the same or similar equipment. The statement must certify that the capacity of the winch or boom is not less than that required for the class of tow truck on which it will be used. The Department may charge a fee for testing and certifying the capacity of a winch or a boom.

**§ 12111. Towing Damaged or Disabled Vehicles.**

The following requirements apply to the towing of damaged or disabled vehicles:

(a) Except as provided in subsection (c) below, either the front wheels or the rear wheels of the vehicle being towed shall be clear of the highway.

(b) There shall be a cradle or bar to provide a rigid space between the vehicle being towed and the tow truck.

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(c) If the gross weight of the vehicle being towed, including lading, exceeds 10,000 pounds, a cradle or bar may be used without lifting the front or rear wheels of the towed vehicle.

(d) No vehicle shall be transported by pushing.

**§ 12112. Use of a Dolly or Other Wheeled Auxiliary Device.**

(a) No vehicle shall be transported on a dolly or other wheeled auxiliary device, except when the dolly or other device is specifically designed for towing damaged or disabled vehicles.

(b) No dolly or other wheeled auxiliary device shall be used to tow a vehicle, unless it is necessary to prevent additional damage to the vehicle being towed or the nature of the existing damage to the vehicle prevents moving it another way; provided, however, if it is feasible to make the vehicle capable of being towed without the use of a dolly or other wheeled auxiliary device by changing one tire, the person performing the tow truck service must do so if a spare tire is readily available at the site.

(c) No dolly or other wheeled auxiliary device shall be used when its use could jeopardize the safety of the public.

(d) Class-A and Class-B tow trucks may use dollies or other wheeled auxiliary devices, unless otherwise prohibited by these regulations. Class-C and Class-D tow trucks may use converter dollies when necessary to transport vehicles which only Class-C or Class-D tow trucks are authorized to transport.

**§ 12113. Disconnecting the Drive Line.**

A person performing a tow truck service may disconnect or remove the drive line of a vehicle to be towed when it is necessary to prevent damage to the vehicle or the vehicle cannot be towed by lifting the rear end.

**§ 12114. Safety Considerations.**

(a) A tow truck business is not obligated to tow vehicles when in the reasonable judgment of the person who is to perform a tow truck service, the weather or road conditions make it unsafe to do so.

(b) No person, other than an employee of the tow truck business, shall ride in a vehicle which is being towed.

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(c) If in performing a tow truck service, it is necessary to block a highway or in any way impede traffic, flag men must be placed at least 100 feet from the obstruction in both directions along the highway to halt and/or warn approaching traffic. If visibility along the highway requires that flag man be placed at a greater distance from the obstruction, the flag man shall be placed at a reasonable distance for the circumstances. Flag men must be equipped with red flags during daylight hours and electric lanterns with red lights or flares during hours of darkness.

(d) Reflector vests must be worn after dark by each person involved in a tow truck service.

**§ 12115. Safety Equipment.**

All tow trucks must have the following equipment which must be in good working order:

(a) front and rear flashing amber lights which must be in operation whenever a tow truck is performing a tow truck service;

(b) a vehicle in tow must have flashing emergency lights operating or be equipped with stop and turn signals operated from the tow truck;

(c) spot lights which are capable of lighting the scene at which a tow truck is performing a tow truck service and capable of illuminating a vehicle being towed, and the lights must be used when a tow truck service is performed after dark;

(d) one hand axe and two snatch blocks;

(e) one wrecking bar at least four feet in length;

(f) at least one broom, one pan for sweeping up debris and one shovel which shall be used to remove broken glass and other debris from the highway;

(g) one ten-unit type first-aid kit,

(h) three triangle-type reflectors;

(i) six twenty minute flares;

(j) four red signal flags with minimum dimensions of two feet by two feet, and

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(k) one fire extinguisher with at least a ten-pound capacity of dry chemical capable of extinguishing class A, B and C fires.

**§ 12116. Altered, Mutilated or Missing Vehicle Identification Numbers (VIN).**

When any person employed by a tow truck business learns that a vehicle in the custody of the business has an altered, mutilated or missing VIN, an agent of the business must immediately notify the Guam Police Department of this fact in writing.

**§ 12117. Storage Facilities.**

(a) Every tow truck business must have a secure facility for the storage of vehicles which the tow truck business has taken into its custody. The facility may be either a fenced and lighted area or a completely enclosed structure.

(1) If the facility is a fenced area, the fence must be in good repair and at least six feet high. At night the area must be entirely illuminated. When no employee is present, the area must be locked and completely secured.

(2) If the facility is an enclosed structure, the structure must be locked and completely secured when no employee is present.

(b) An employee of the tow truck business must be present at the storage facility and available to release vehicles in the custody of the tow truck business from 8:00 a.m. to 5:00 p.m. Monday through Friday except on holidays and from 9:00 a.m. to noon on Saturdays.

(c) A tow truck business which has been in operation prior to the effective date of this section 12117 shall have 180 days from the effective date of this section to comply with the requirements of this section.

(d) All vehicles in the custody of a tow truck business must be kept in a storage facility required by this section 12117.

(e) The premises of a business which does any type of vehicle repairing do not qualify as a facility for the storage of vehicles under this section 12117.

(f) Every tow truck business shall notify the Director of the location

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of every facility it uses for the storage of vehicles. This notice must be given to the Director within ten days of the date that the facility is first used for the storage of vehicles.

**§ 12118. Impounded Vehicles.**

(a) If a vehicle has been impounded by a law enforcement agency and entrusted to the custody of a tow truck business, the tow truck business must obtain a written authorization from the law enforcement agency before releasing the vehicle to any person including the owner.

(b) If a vehicle has been impounded by a law enforcement agency and entrusted to the custody of a tow truck business, the tow truck business must obtain a written authorization from the law enforcement agency before allowing any person including the owner to inspect the vehicle or to remove proof of ownership or any other personal property from the vehicle.

(c) If a tow truck business has a vehicle in its possession which has been impounded as an abandoned vehicle pursuant to 16 GCA § 3606(a) and (b), and the owner or legal owner has not been given the notice provided in 16 GCA § 3606(c), the tow truck business shall notify the Director and request that the Director implement the provisions of 16 GCA § 3606(c) and (d).

**§ 12119. Owner Inspection.**

Except as provided in subsections 12118(a) and (b), the owner of a vehicle or the owner's agent shall have the right, without charge, to inspect the vehicle and to remove personal property from the vehicle, including proof of ownership of the vehicle, from 8:00 a.m. to 5:00 p.m. Monday through Friday except on holidays and from 9:00 a.m. to noon on Saturdays.

**§ 12120. Stolen Vehicles.**

A tow truck business shall release a stolen vehicle to the owner of the vehicle without charge to the owner (See 16 GCA § 12104(2)). A copy of a stolen vehicle report filed with the Guam Police Department shall be sufficient proof that the vehicle was stolen. This section is subject to the release requirements of subsections 12118(a) & (b).

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**§ 12121. Disposal of Vehicles.**

A tow truck business shall not dispose of an unclaimed vehicle or any parts from an unclaimed vehicle except as provided by law, including 18 GCA §§ 39105, 39106 & 39107; 16 GCA § 3606; 16 GCA § 12107 and any other applicable provision of law.

**§ 12122. Notice to Legal Owner.**

Whenever a tow truck business is required to provide notice to the owner or registered owner of a vehicle or to the Director, the tow truck business shall send a copy of such notice by certified mail to the legal owner of the vehicle within the same time limitation required for notice to the owner, registered owner or Director. The Division of Motor Vehicles shall, upon the presentation of official documents (Guam Police Report or Department of Revenue and Taxation Directive) provide tow truck businesses with the name and last known address of the legal owner of the vehicle. This section applies to the notice requirement found in 16 GCA § 12104(b) and any other applicable provisions of law.

**§ 12123. Maximum Fees for Specified Tow Truck Services.**

(a) This section states the maximum fees a tow truck business may charge for tow truck services performed in response to a peace officer dispatch call, a Motor Vehicle Division call and any other call when the owner of the vehicle has not consented to removal of his vehicle.

(b) The following definitions apply to this section.

(1) *regular business hour services* means tow truck services performed from 6:00 a.m. to 6:00 p.m. Monday through Friday, excluding holidays.

(2) *non-regular business hour services* means tow truck services performed between 6:00 p.m. and 6:00 a.m. Monday through Friday and all day Saturday, Sunday and holidays.

(3) *retrieve a vehicle* means move a vehicle which is off the roadway back on the roadway.

(4) *waiting time* is the time after a tow truck has arrived at the place where a vehicle is to be towed, but, due to circumstances at the scene, actual tow truck services cannot begin, provided, however, that waiting time does not begin until one-half hour after

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the tow truck has arrived at the scene and waiting time ends when the tow truck and/or the tow truck equipment are used at the scene.

(c) The maximum fees a tow truck business may charge for regular business hour services are:

(1) \$115.00 for tow truck services which a Class-A tow truck is authorized to perform,

(2) \$125.00 for tow truck services which a Class-B tow truck is authorized to perform;

(3) \$135.00 for tow truck services which a Class-C tow truck is authorized to perform; and

(4) \$145.00 for tow truck services which a Class-D tow truck is authorized to perform.

(d) The maximum fees a tow truck business may charge for non-regular business hour services are:

(1) \$125.00 for tow truck services which a Class-A tow truck is authorized to perform;

(2) \$135.00 for tow truck services which a Class-B tow truck is authorized to perform;

(3) \$145.00 for tow truck services which a Class-C tow truck is authorized to perform; and

(4) \$155.00 for tow truck services which a Class-D tow truck is authorized to perform.

(e) In addition to the maximum fees a tow truck business may charge under subsections (c) and (d) above, a tow truck business may charge:

(1) \$30.00 to disconnect the drive line of a vehicle;

(2) \$30.00 for the use of a dolly or other wheeled auxiliary device;

(3) \$15.00 per tire changed on the towed vehicle;

(4) \$35.00 for every one-half hour it takes to retrieve a vehicle;

(5) \$10.00 for every one-half hour of waiting time; and

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(6) \$20.00 per hour for extra labor which is necessary due to unusual circumstances.

**§ 12124. Maximum Fees for Storage of Specified Vehicles.**

(a) This section states the maximum fees a tow truck business may charge for the storage of vehicles stored as a result of a peace officer dispatch call, a Motor Vehicle Division call and any other call when the owner of the vehicle has not consented to removal of his vehicle.

(b) A tow truck business may charge \$10 per day for the storage of a vehicle in a fenced area and \$20.00 per day for the storage of a vehicle in an enclosed structure.

(c) If a vehicle is impounded, the tow truck business may not charge a storage fee for the first twenty-four hours the impounded vehicle is in the custody of the tow truck business at the storage facility. If any portion of this twenty-four-hour period occurs on a day when a person cannot retrieve the vehicle from the tow truck business during regular business hours (that is 9:00 a.m. to 5:00 p.m.), the portion of the twenty-four period during which the vehicle cannot be retrieved, shall carry over to the next day when the tow truck business is open during regular business hours. [Comment: The following is an example of the application of subsection 12124(c). A tow truck business is open from 9:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to noon on Saturday. A vehicle is towed at 4:00 p.m. on Friday. One hour of the twenty-four period runs on Friday and three hours run on Saturday. The remaining twenty hours begin to run on Monday at 9:00 a.m. and runs out twenty hours later at 5:00 a.m. on Tuesday.]

**§ 12125. Other Fees.**

(a) A tow truck business may charge a reasonable fee to prevent perishable goods contained in a towed vehicle from spoiling.

(b) If a tow truck business uses the services of the Motor Vehicle Division of the Department of Revenue and Taxation or a motor vehicle division of another jurisdiction to obtain information, the tow truck business may charge an amount equal to the fee paid to the Motor Vehicle Division plus 10%.

(c) A tow truck business may charge an amount equal to the postage paid for notices sent pursuant to these regulations and the statutes cited in

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these regulations.

**§ 12126. Enforcement.**

Officials from the Department of Revenue and Taxation shall, at any reasonable time, be allowed to inspect the tow trucks and the storage facilities of a tow truck business to insure compliance with the law and with these regulations.

**§ 12127. Liability.**

These regulations are not intended to limit the liability of a tow truck business for performing tow truck services and for storing vehicles.

**§ 12128. Penalties.**

(a) Any violation of these regulations shall be grounds for the suspension or termination of the business license of a tow truck business. In addition, the failure of a tow truck business to meet the requirements of section 12117, regarding storage facilities, shall be grounds for the denial of a business license or the refusal to renew a business license.

(b) The failure of a tow truck driver to comply with these regulations when engaged in a tow truck service, shall be grounds for the suspension or termination of the tow truck driver's motor vehicle operator's license and/or chauffeur's license.

(c) A tow truck business which fails to meet the notice requirements of 16 GCA § 12104 shall forfeit the right to a lien on the vehicle towed and the right to any fee for tow truck services and storage of the vehicle.

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