

**LOUISIANA PUBLIC SERVICE COMMISSION  
GENERAL ORDER  
LOUISIANA PUBLIC SERVICE COMMISSION  
EX PARTE.**

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**DOCKET R- 31907** - Louisiana Public Service Commission, ex parte. In re: Discussion on amending General Order dated March 26, 2010, to address the method of payment to carriers, the failure of carriers to provide change to the public, thereby creating overcharges, the creation of weight classifications for private property tows, proximity to the scene as a criteria on call lists and other definitional and rate issues.

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(Decided at the November 9, 2011 Business and Executive Meeting)

**PURPOSE**

This General Order was adopted by the Louisiana by the Louisiana Public Service Commission (the "Commission" or "LPSC") to amend General Order dated March 10, 2010 and provide a requirement that Towing and Recovery Professionals refund the change due consumers paying invoices in cash and to provide for rates and weight classification for private property tows.

**JURISDICTION**

This Rulemaking was established pursuant to the following Constitutional and legislative authority:

Article IV, Section 21 (B) of the Louisiana State Constitution provides that:

The [public service] commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

La. R.S. 45:180.1 C(1) provides that:

The [public service] commission has power and authority necessary to supervise, govern, regulate, and control the business of the operation and use of wreckers and towing services, to designate classes and categories of said vehicles, to fix reasonable and just rates, fares, tolls, charges for storage services, or charges for the commodities furnished or services rendered by persons engaging in the operation and use of said vehicles.

## **BACKGROUND**

In early 2011, the Commission received numerous complaints from consumers with regards to Towing and Recovery Professionals requiring only cash payments for invoices and failing to provide change. In addition, the Commission received complaints from consumers that they were unable to obtain tow trucks to perform private property tows of oversized vehicles because the carriers found the rates to be inadequate.

At the April 20, 2011 Business and Executive Session, Staff was directed to open a Rulemaking Docket to consider amendments to the Towing and Recovery General Order dated March 26, 2010, to address the method of payment to carriers, the failure of carriers to provide change to the public, thereby creating overcharges, the creation of weight classifications for private property tows and other definitional and rate issues. Notice of the Rulemaking was published in Bulletin 983, April 29, 2011 and provided for an intervention period of 15 days. Staff requested specific comments no later than May 16, 2011. No interventions or comments were filed.

A Technical Conference was held on May 25, 2011. Lt. Graphia appeared on behalf of Louisiana State Police Towing & Recovery Division, Larry Bankston, Jimmie Holden, Fran Tigner and Jennifer Wall appeared on behalf of Towing & Recovery Professionals of Louisiana ("TRPL") and offered comments on the proposed order. First, all parties agreed that it would be best if carriers would give change at the time of payment or accept forms of payment other than cash. However, the security risks in making change at the time of payment were discussed. It was agreed that the failure to make change constitutes an overcharge. TRPL suggested that since only a few carriers were failing to make change, the issue should be resolved with those carriers on an individual basis and that the General Order should not be amended. It was agreed that if the General Order is amended, carriers should be required to refund the amount owed by check within 10 days of payment of the invoice by the consumer. In connection with the General Order's failure to classify Private Property Tows according to vehicle weight and provide rates by classification, it was suggested that the General Order be amended to classify said tows by weight and that the following classifications and rates be establish:

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|-------------------------------------|----------|
| 1. Light Duty Private Property Tow  | \$102.00 |
| 2. Medium Duty Private Property Tow | \$224.00 |
| 3. Heavy Duty Private Property Tow  | \$288.00 |

**STAFF RECOMMENDATION**

Staff recommended that the Commission amend General Order dated March 26, 2010 to include the following:

**II TOWING, RECOVERY & EQUIPMENT CHARGES**

Private Property Tow	<i>\$ 102.00 flat rate - Light Duty</i> <i>\$ 224.00 flat rate - Medium Duty</i> <i>\$288.00 flat rate - Heavy Duty</i>
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**III MISCELLANEOUS PROVISIONS**

Item 16. All towing and recovery professionals are encouraged to accept other forms of payment besides cash. However, if a towing and recovery professional accepts only cash in payment of the invoice, they must either provide change at the time of payment or must state on the invoice the total amount of the invoice, the amount of cash received and the amount of change due to the consumer. The change due to the consumer SHALL be paid within 10 days of the payment of the invoice, by mailing a check to the consumer. It shall be the responsibility of the towing and recovery professional to retain evidence of said payment in the form of a cancelled check or certified mail receipt (green card).

**COMMISSION ACTION**

On motion of Commissioner Skrmetta, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff Recommendation as read into the record with the additional amendment that Towing and Recovery Professionals will post a sign stating that owners of vehicles will be sent change within 10 days.

**IT IS THEREFORE ORDERED**

That General Order dated March 10, 2010 is hereby amended to include the following additional charges and provisions:

**II TOWING, RECOVERY & EQUIPMENT CHARGES**

Private Property Tow	<i>\$ 102.00 flat rate - Light Duty</i> <i>\$ 224.00 flat rate - Medium Duty</i> <i>\$288.00 flat rate - Heavy Duty</i>
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**BY ORDER OF THE COMMISSION  
BATON ROUGE, LOUISIANA**

November 22, 2011

/S/ JAMES M. FIELD  
DISTRICT II  
CHAIRMAN JAMES M. FIELD

/S/ CLYDE C. HOLLOWAY  
DISTRICT IV  
VICE CHAIRMAN CLYDE C. HOLLOWAY

/S/ FOSTER L. CAMPBELL  
DISTRICT V  
COMMISSIONER FOSTER L. CAMPBELL

/S/ LAMBERT C. BOISSIERE, III  
DISTRICT III  
COMMISSIONER LAMBERT C. BOISSIERE, III

  
EVE KAHAO GONZALEZ  
SECRETARY

/S/ ERIC F. SKRMETTA  
DISTRICT I  
COMMISSIONER ERIC F. SKRMETTA