Panel to review wrecker law proposals

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A set of consumer protection-oriented proposals for changing the city-parish’s wrecker ordinance is scheduled for review by the Metro Council’s Finance and Executive Committee on Wednesday.

The proposed amendments, drafted by Baton Rouge Police Department legal advisor Richard Redd and introduced to the council by Councilwoman Lynda Ikes, are scheduled for discussion at the committee’s regular meeting at 3:30 p.m. Wednesday. From there, the amendments will be considered by the full council after a final public hearing on Dec. 9.

Redd said one key feature of the proposals is that they prevent “stacking” — the practice of adding unnecessary services and charges to a wrecker bill. The current ordinance allows for wrecker operators to charge a basic rate for towing and tack on extra fees for additional services and use of special equipment. Some people have complained that the existing ordinance gives unscrupulous wrecker operators a “license to steal.”

Customers complain frequently about being overcharged by wrecker operators, Redd said. As long as the service charges billed to a customer are within the limits of the law, there is little the Police Department can do about such complaints, he said. The department often cannot determine whether the additional services were necessary to complete the repair work that the customer approved.

Redd’s proposed amendment would allow only for towing charges. That amendment, if enacted, would make it difficult for unscrupulous operators to overcharge and get away with it. If they charge more than the law allows, they would be subject not only to loss of their license but to criminal prosecution.

The proposed amendments would require all wrecker operators to have a permit and make them subject to Police Department regulations, even if towing is only incidental to their business or if they are not towing for pay. The amendments would also empower the chief of police to suspend a wrecker franchise for non-compliance with the law.

Redd proposed amendments would also require wrecker operators to obtain Police Department identification, which would help police identify wrecker drivers accused of abusing emergency responders. Another Redd proposal would take existing restrictions on competition out of the wrecker ordinance. Current law says that auto wrecker franchises cannot work accident scenes.

Emergency wrecker franchises can. To obtain an emergency franchise, an owner must hold an auto wrecker franchise for at least one year and be able to prove “public convenience and necessity” for the emergency franchise.

Redd would change that so the ordinance no longer distinguishes between auto wrecker franchises and emergency wrecker franchises and eliminates the “public convenience and necessity” requirement. When the council now decides on whether to issue an emergency franchise to a wrecker operator, it is placed in a role similar to that of the Public Service Commission, Redd said.

The proposed amendments also would put some teeth into the regulation of wrecker storage facilities, and call for more specific lighting and fencing requirements than those in the current law, he said.