



Division of State Patrol  
Policy and Procedure

Number  
**4-8**

Subject <b>TOWING OF ABANDONED, DISABLED, ILLEGALLY PARKED VEHICLES AND VEHICLES OF PERSONS ARRESTED</b>	
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**I. POLICY**

It is the policy of the Division of State Patrol (DSP) to initiate appropriate enforcement action and the removal of abandoned, disabled, or illegally parked vehicles consistent with state statutes and this policy.

**II. BACKGROUND**

Abandoned, disabled, and illegally parked vehicles often provide a threat to the safety of others using the highways and may restrict the free flow of traffic. The guiding principle when taking action under this policy is to consider whether an abandoned, disabled, or illegally parked vehicle indeed jeopardizes public safety by either creating an unsafe condition or significantly hinders the efficient movement of traffic and creates the need to have the vehicle quickly cleared from the scene.

**III. DEFINITIONS**

- A. **Abandoned Vehicle** – any motor vehicle, trailer, semi-trailer, or mobile home on any public highway or publicly owned parking facility, for such time and under circumstances as to cause the vehicle to have been abandoned, or, whenever any vehicle has been left unattended for a period of 48 hours in a city of the first class or for a time designated by ordinance in other jurisdictions without the permission of the property owner, or, is in an obvious state of disrepair that would render it incapable of movement under its own power.
- B. **Call for Service (CFS)** – a record in MACH for a discrete contact that documents important facts, times, events, and details. Each call for service is identified by a unique number.

- C. **Illegally Parked Vehicle** – any vehicle, including an implement of husbandry, parked in violation of the provisions of Wisconsin State Statutes 346.04(2), 346.50 through 346.55, 347.27, or 347.29.
- D. **Disabled Vehicle** – any vehicle that becomes incapacitated to the extent that it is impossible to avoid stopping or temporarily leaving the vehicle on the highway.
- E. **Interstate/Controlled Access Highway** – any highway officially designated as part of the National Interstate Highway System; or any multi-lane divided through highway having limited access. Such highways will have appropriate signs in place serving notice of the prohibition, limitation, or restriction of stopping/parking.
- F. **Mobile Architecture for Communication Handling (MACH)** – a software program installed on DSP computers and utilized to document and track all contacts. It is also the primary program used by sworn officers and law enforcement dispatchers to run and document TIME system inquiries.
- G. **Other Highways** – any other highway not specifically defined as an Interstate highway or controlled access highway, including federal, state, county and local roads.
- H. **Transaction Information for Management of Enforcement (TIME)** – the law enforcement message switch and network that provides criminal justice employees with information on wants and warrants, driver license and vehicle registration information, criminal histories, protection order and injunction files, sex offender and corrections information, stolen property, missing persons, and more.
- I. **Traffic Management Center (TMC)** – the TMC monitors, operates, and maintains ITS field devices in support of traffic management, traveler information, and incident response for its stakeholders and dispatches State Patrol resources in response to incidents across the State of Wisconsin.

**IV. PROCEDURE**

- A. Trooper/Inspector – Whenever a trooper/inspector observes an abandoned, disabled, or illegally parked vehicle upon a highway or in a public parking facility, the trooper/inspector shall take reasonable steps necessary to ensure that the vehicle is removed to a place of safety.
  - 1. Attended Vehicles
    - a. Discuss the removal of the vehicle with the owner or operator and assist with making arrangements. Allow the owner or operator of the vehicle to decide which tow company they prefer. Notify the communication center of the owner or operator’s preferred company.
    - b. If no specific company is requested, advise the communication center to contact the closest available service to remove the vehicle.

- c. If appropriate, initiate enforcement action for observed violations of law.
  - d. If the vehicle is disabled so as to constitute a traffic hazard and the owner or operator of the vehicle is unable or unwilling to provide for its removal, the trooper/inspector may have the vehicle removed immediately by the most reasonable means available.
  - e. Record the contact in the manner prescribed by P&P 10-7.
2. Abandoned or Otherwise Unoccupied Vehicles
- a. Notify the communication center of the vehicle and provide the following:
    - i. Location
    - ii. Registration plate numbers and/or vehicle identification number (VIN).
    - iii. Color and description
    - iv. Amount of time entered on the Courtesy Check tag, (SP4042)
    - v. Provide the CFS created in MACH Computer-Aided Dispatch (CAD)
  - b. Conduct a registration check via state radio, web portal, or MACH through the TIME System. The information received from the registration check shall be added in the MACH CFS Resources fields, in accordance with P&P 5-4.
  - c. Request that the communication center contact the law enforcement agency of local jurisdiction (sheriff or police department) and ascertain whether that department has knowledge of the vehicle.
    - i. If the other agency has knowledge of the vehicle and has authorized the vehicle to remain for a specified amount of time, honor that authorization.
    - ii. If conditions change warranting immediate removal of the vehicle, such as weather or other emergency reasons, re-contact the initial authorizing agency and explain the circumstances requiring immediate removal. Request the closest available service to remove the vehicle through the DSP communication center.
    - iii. Record the contact in the manner prescribed by P&P 10-7.

- d. If the agency of local jurisdiction has no knowledge of the vehicle, the trooper/inspector should initiate steps to remove the vehicle.
  - i. If the vehicle is parked in a manner that would constitute a traffic hazard, the trooper/inspector may have the vehicle removed immediately from the highway to a place of safety by the most reasonable means available. Request the closest available service to remove the vehicle.
  - ii. If the vehicle is upon a CONTROLLED ACCESS HIGHWAY and does not present an immediate hazard:
    - A. Create a CFS in MACH. In addition to recording the information prescribed by P&P 5-4, document the vehicle location and description.
    - B. Place a Courtesy Check tag (SP4042) in a prominent place on the vehicle. A time limit should be indicated on the Courtesy Check tag, normally not to exceed two hours.
    - C. Record the contact in the manner prescribed by P&P 10-7.
    - D. Place a Disabled Vehicle/Motorist Assist marker at the location in MACH. Include the following information on the MACH Marker:
      - 1. CFS number
      - 2. Vehicle make
      - 3. Vehicle color
      - 4. Length of time the vehicle will be allowed to remain at the location before removal
      - 5. Owner's name and telephone number, if known
      - 6. Any other pertinent information.
  - iii. If the vehicle is upon any OTHER HIGHWAY or publicly owned parking facility and does not constitute an immediate hazard to the normal flow of traffic, and/or is parked legally, yet falls into the definition of abandoned vehicle:
    - A. Create a CFS in MACH. In addition to recording the information prescribed by P&P 5-4, document the vehicle location and description.

- B. Place a Courtesy Check tag (SP4042) in a prominent place on the vehicle. The time limit indicated should be in conformity with the time limits set forth by the definition of abandoned vehicle (III. A. of this policy).
- C. Place a Disabled Vehicle/Motorist Assist marker at the location in MACH. Include the following information on the MACH Marker:
  - 1. CFS number
  - 2. Vehicle make
  - 3. Vehicle color
  - 4. Length of time the vehicle will be allowed to remain at the location before removal
  - 5. Owner's name and telephone number, if known
  - 6. Any other pertinent information.
- D. If the vehicle has not been removed within the specified time limits:
  - 1. Recheck the vehicle and advise the communication center of the vehicle's status.
  - 2. Request that the communication center attempt telephone contact with the registered owner to arrange for the removal of the vehicle.
  - 3. If contact with the registered owner or person in charge of the operation of the vehicle cannot be made, the vehicle may be removed from the highway to a place of safety by the most reasonable means available. If the officer is on-scene while the vehicle is removed, they should provide the towing service operator with the name, last known address of the registered owner, and all lien holders of record for the vehicle, if such information is available.
- E. County and City governing bodies have the authority to designate the amount of time that a vehicle can remain upon a highway unattended within their jurisdiction, after which it is considered abandoned. Check with the respective counties for the allowed time limits. This generally does not apply to the

National Interstate Highway System or controlled  
access highways.

F. Record the initial contact, any recheck, and the final  
removal of the vehicle in the manner prescribed by  
P&P 10-7.

3. Towing the vehicle of a person who has been arrested.
  - a. The person arrested should be given a reasonable opportunity to have the vehicle removed by a method or means of his/her choice.
  - b. If the vehicle poses a traffic hazard or is in violation of existing traffic laws and the operator is unwilling or unable to arrange for the vehicle's removal, the trooper/inspector shall have the vehicle removed from the highway to a place of safety by the most reasonable means available. Request the communication center to contact the closest available towing company to remove the vehicle. If the officer is on-scene while the vehicle is removed, they should provide the towing service operator with the name, last known address of the registered owner, and all lien holders of record for the vehicle, if such information is available.
  - b. Document in the Notes section of the CFS the location of the keys and/or the towing service that removed the vehicle, where it is impounded, and whether the vehicle can be released immediately or is being held.
4. Inclement Weather - During adverse weather and road conditions, Regional Command Staff may determine conditions exist to suspend all towing and recovery operations. Regional Supervisory staff shall ensure the notification to the local law enforcement jurisdiction in the affected area.
  - a. The trooper/ inspector should advise the motorist of the suspended towing operations.
  - b. Place a Delayed Recovery marker in MACH at the location of the vehicle.
  - c. The marker shall include:
    - i. CFS number
    - ii. Vehicle description
    - iii. Owner name and contact phone number
    - iv. If requested, specific preference towing company for removal

- d. Place a Courtesy tag on the vehicle and place yellow “scene tape” around the vehicle to be conspicuously visible to other motorists
  - e. Provide transport to the nearest safe location.
5. Emergency Towing – As a general rule, DSP personnel shall not select specific towing services. Only in exigent circumstances, such as complete road blockage, or other justifiable needs will this be allowed. This request shall be made through the communication center.

**B. Communication Center**

- 1. Whenever a trooper or inspector requests a tow truck operator to remove an abandoned or disabled vehicle, the Law Enforcement Dispatcher (LED) shall:
  - a. Contact the law enforcement agency of local jurisdiction and advise them of the status of the vehicle. Ascertain whether the local department has any information regarding the vehicle. Information shall be relayed to the reporting officer and logged into the MACH CFS Notes field.
  - b. If no information is available, the LED shall attempt to contact the registered owner of the vehicle and request to have the vehicle removed from the highway.
  - c. If the registered owner or operator is contacted, the LED shall offer that person a choice of available towing services. The LED shall honor a reasonable request for a specified towing service and shall arrange for the removal of the vehicle.
  - d. If the registered owner or operator cannot be contacted, the LED shall dispatch a towing service to remove the vehicle from the highway to a place of safety.
  - e. Notify the towing service within 24 hours of ordering the removal with the name, last known address of the registered owner, and all lien holders of record for the vehicle, unless the officer already provided the information at the time of removal.
- 2. If the communication center receives information from the registered owner or operator of a vehicle that is disabled upon a highway, the LED accepting the information shall create a CFS and ascertain and record in the CFS:
  - a. The EXACT location of the vehicle.
  - b. A description of the vehicle, including make, model, and color.
  - c. The registration plate information (if known).

- d. When the person plans on having the vehicle removed from the highway.
  - e. The name and telephone number of the reporting person or registered owner who can be contacted in case of emergency.
  - f. If during hours of darkness, are there functioning lights on the vehicle?
  - g. A choice of towing service should the vehicle have to be removed from the highway.
  - h. Place a Disabled Vehicle/Motorist Assist marker in MACH containing the pertinent information per IV. A. 2. d. iii. c.1-6. of this policy.
3. The caller shall be notified that an officer will check the vehicle and if it is determined that it is a traffic hazard; the vehicle shall be removed immediately. If not an immediate hazard, the caller shall be advised that the vehicle is to be removed within the time limits as set forth in this policy.
  4. The LED shall notify the area trooper or inspector of the vehicle's location and status and have the trooper or inspector check the vehicle for actual or potential hazard.
  5. For any unattended vehicle removed from the highway, a LED shall notify the law enforcement agency of local jurisdiction of the following:
    - a. Description of the vehicle, including registration information.
    - b. The location from which the vehicle was removed.
    - c. The reason for the removal (abandoned, disabled, illegally parked, etc.).
    - d. The towing service that removed the vehicle.
    - e. If there is a hold on the vehicle. (A hold shall be placed upon the vehicle only when a trooper or inspector has an articulable reason to contact the owner or person in charge of operation of the vehicle for intended enforcement action). The decision to place a hold on a vehicle shall be discussed with a duty supervisor, if available, prior to placing the hold, otherwise notification should be made as soon as practical.
  6. A LED shall enter all pertinent information pertaining to a vehicle being removed from the highway for ALL vehicles towed onto a tow-away log.



7. If an abandoned vehicle is removed from the highway, the owner shall be notified of the vehicle's removal. If contact with the owner cannot be made via telephone at the time of removal, a notification letter shall be sent to the registered owner by U.S. mail within ten days.

**C. Law Enforcement Dispatch Supervisor (LEDS)**

1. The LEDS or designee shall review the tow-away log weekly and assure that proper procedure is being followed.
2. Forward all pertinent tow-away information to the designated LED or administrative staff and ensure that appropriate tow-away and Notice of Impending Removal letters are completed and mailed with a copy sent to the applicable towing service.

**D. Administrative Review**

1. For any vehicle that is legally parked (rest areas, commuter lots, etc.) that is classified as an abandoned vehicle and is to be removed from the highway; the registered owner shall be given the opportunity to have an administrative review to determine the reasonableness of such removal.
2. A letter of the impending removal of the vehicle shall be mailed via first class mail to the last known address of the registered owner. The person to whom the letter was sent shall have 10 days to respond and request a review as to the reasonableness of removal. If no response is received within 10 days, the vehicle may be removed consistent with the provisions of this policy.
3. The Region Commander or designee shall conduct the administrative review. The person conducting the review shall determine the location and time of a review.
4. The issues of the review shall be limited to the reasonableness of such removal. If the removal is found to be unreasonable or the owner of the vehicle can provide for an appropriate and expeditious removal of the vehicle, then DSP intervention shall cease. If the intended removal is found to be reasonable and/or the owner makes no attempt to remove the vehicle, the vehicle shall be removed from the highway by the most reasonable means, by order and authority of the person conducting the review, consistent with the provisions of this policy.
5. Abandoned vehicles that would otherwise be legally parked may not be towed until this section is complied with.

**E. Office Support Staff, Law Enforcement Dispatcher, or designee**

1. Receive information from the communication center pertaining to abandoned vehicles that were towed from the highway.

2. Complete Notice of Impending Removal of Vehicle letters for all vehicles that are reported abandoned yet are legally parked. The letters shall then be mailed via U.S. mail to the last registered owner.
3. Complete Tow-Away of Abandoned Vehicle letters addressed to the registered owners and mail within 10 working days.
4. Keep a record of current and prior years:
  - a. To whom the letters were mailed.
  - b. The date on which the letters were mailed.
  - c. To what address the letters were mailed.
  - d. Any letters returned because of no forwarding address, etc.
  - e. All information relevant to the vehicle is to be recorded in the CFS incident ticket.

**V. REFERENCES**

2003 Wisconsin Act 142

Wisconsin State Statutes 341.65, 342.40, 346.04, 346.50 through 346.55, 347.27, 347.29 and 349.13

DSP Policy & procedure 10-7, Processing Motorist Assists

DSP Policy & procedure 5-4, Time System Inquiries

United States Court of Appeals, Seventh Circuit Case 81-2518, James Sutton Jr. vs. the City of Milwaukee; State of Wisconsin v. Callaway, 106 Wis 2d 503 (1982).

Western Casualty & Surety Company v. Dairyland Mutual Insurance Company, 273 Wis 349 (1956)

SP4042, Courtesy Check

Contact Summary Form, TraCS