

Waller County, Texas

Ordinance Regulating Law Enforcement Towing of Motor Vehicles

RESOLUTION AND ORDER

WHEREAS, Section 2308.08 of the Texas Occupations Code generally allows counties, acting by and through their commissioners courts, to adopt an ordinance that is identical to Chapter 2308 of the Texas Occupations Code, or that imposes additional requirements that exceed the minimum standards of said Chapter, but may not adopt an ordinance conflicting with said Chapter; and

WHEREAS, Waller County, Texas (“County”) is authorized, under Section 2308.08 of the Texas Occupations Code, to regulate unauthorized vehicles and towing of motor vehicles; and

WHEREAS, the County desires to regulate Law Enforcement Tows to improve public safety, and in order to provide ease and convenience to the citizens of Waller County; and

WHEREAS, implementation of these rules is necessary in order to protect the public, to protect the rights of persons whose vehicles may be towed, to maintain safe and efficient operations, and to preserve the peace of the community; and

WHEREAS, County desires that this Ordinance, effective the [] day of [MONTH], [YEAR], repeal and replace the “Waller County Towing Ordinance,” in its entirety as previously adopted.

NOW THEREFORE, Waller County, Texas, pursuant to Chapter 2308 of the Texas Occupations Code, hereby establishes the Waller County Ordinance Regulating the Towing of Motor Vehicles (“Ordinance”) applicable primarily to individuals and business enterprises engaged in Law Enforcement Towing services, and/or the storage of vehicles, from incident scenes in the unincorporated areas of Waller County, when such services are initiated by law enforcement officers in the performance of their official duties.

The Waller County Commissioners Court (“Commissioners Court”) hereby delegates to the Sheriff of Waller County or his or her designee (“Sheriff”) the authority to administer and enforce the registration, permitting, and operational requirements promulgated by this Ordinance.

Accordingly, except as otherwise indicated under this Ordinance, no person shall operate a tow truck, in the performance of Law Enforcement Tows, as defined by this Ordinance, in the unincorporated areas of Waller County, unless said tow truck has been properly licensed and permitted by the Texas Department of Licensing and Regulation (“TDLR”) and the Sheriff pursuant to this Ordinance. This Ordinance does not apply to consent tows, as defined in this Ordinance, or where government owned and operated tow trucks or vehicle storage facilities are employed for removal and storage of motor vehicles.

On this, the [DAY] day of [MONTH], 2025, at a Regular Session meeting of the Commissioners Court, there came on for consideration and approval a motion to approve the Ordinance, repeal the “Waller County Towing Ordinance,” and approve the latter’s replacement

with the “Waller County Ordinance Regulating the Towing of Motor Vehicles,” attached herewith, effective the [DAY] of [MONTH], 2025.

The Motion was made by Commissioner _____ and seconded by Commissioner _____ to hereby approve the Ordinance, repeal the “Waller County Towing Ordinance,” and approve the latter’s replacement with the “Waller County Ordinance on Regulating the Towing of Motor Vehicles,” attached herewith, effective the [DAY] of [MONTH], 2024.

Said Motion being put to a vote, it carried by a vote of _____ “aye” votes to _____ “nay” votes as follows:

	Yes	No	Abstain	Absent
Judge Carbett “Trey” Duhon, III	☐	☐	☐	☐
Comm. John A. Amsler	☐	☐	☐	☐
Comm. Walter Smith	☐	☐	☐	☐
Comm. Kendric D. Jones	☐	☐	☐	☐
Comm. Justin Beckendorff	☐	☐	☐	☐

THEREFORE, IT IS HEREBY RESOLVED, APPROVED, AND ORDERED that this Commissioners Court approves the Ordinance, repeals the “Waller County Towing Ordinance” and approves the latter’s replacement with the “Waller County Ordinance Regulating the Towing of Motor Vehicles,” as attached to this Resolution and Order and presented to Commissioners Court, effective [DAY] of [MONTH], 2025.

PASSED AND APPROVED this [NUMBER] day of [MONTH], 2025.

WALLER COUNTY, TEXAS

Carbett “Trey” Duhon, III, County Judge

John A. Amsler, Commissioner Pct. 1

Walter Smith, Commissioner Pct. 2

Kendric D. Jones, Commissioner Pct. 3

Justin Beckendorff, Commissioner Pct. 4

Attest:

Debbie Hollan, County Clerk

WALLER COUNTY, TEXAS
ORDINANCE REGULATING LAW ENFORCEMENT
TOWING OF MOTOR VEHICLES

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PART 1. ADMINISTRATIVE AND GENERAL PROVISIONS

1.1 AUTHORITY: Waller County, pursuant to the authority granted by state law, in order to protect the public, to protect the rights of persons whose vehicles may be towed by law enforcement, to maintain safe and efficient operating rules, and to preserve the peace of the community, hereby enact this Ordinance to regulate Law Enforcement Tows, and the associated storing of Motor Vehicles in the unincorporated areas of Waller County.

1.2 JURISDICTION: This Ordinance applies to the unincorporated areas of Waller County, Texas.

1.3 PERMIT REQUIRED: No person or company shall perform a Law Enforcement Tow in the unincorporated areas of Waller County, Texas unless the Tow Truck has been permitted with the County and has an accompanying Chip.

No person shall perform a Law Enforcement Tow unless he or she has been issued an ID Card by the Waller County Sheriff's Office ("WCSO").

1.4 ENFORCEMENT: The WCSO is authorized to enforce this Ordinance.

1.5 SEVERABILITY: The provisions of this Ordinance are severable. If any word, phrase, clause, sentence, section, provision, or part of these Ordinance provisions are held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Commissioner's Court that these Ordinance provisions would have been adopted as to the remaining portions, regardless of the invalidity of any part.

1.6 ADDITIONAL REQUIREMENTS: The requirements of this Ordinance are additional to state and federal laws and regulations.

1.7 DEFINITIONS: the following words and terms shall have the following meanings when used in this Ordinance.

- A. Application – The written form approved and supplied by the WCSO.
- B. Assumed Name Certificate – official documentation filed with the Waller County Clerk
- C. Chip – A numbered metal tag that is issued by the WCSO to each permitted Tow Truck to be used in a Match at a Law Enforcement Scene.
- D. Consent Tow - any tow of a motor vehicle in which the tow truck is summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include a Law Enforcement Tow.
- E. Heavy Duty Tow Truck – A Tow Truck with a chassis rated at twenty-five or more tons by the vehicle manufacturer, and a winch rated for lifting a minimum of 30,000 pounds by the winch manufacturer. Except where a distinction is made, the term "Tow Truck" includes "Heavy Duty Tow Truck."

- F. ID Card – Issued to each Tow Truck Operator by the WCSO, and is required for a Tow Truck Operator to be present at a Law Enforcement Scene, or to perform a Law Enforcement Tow.
- G. Law Enforcement Scene – The area surrounding a law enforcement action, including the scene of a crime, accident (traffic or otherwise), or arrest, or the area surrounding the location of a vehicle that is a traffic hazard, a recovered stolen vehicle, or an abandoned vehicle, and which is located within the unincorporated areas of Waller County, Texas.
- H. Law Enforcement Tow – a vehicle tow conducted at the direction of a law enforcement officer at a Law Enforcement Scene. The term does not include the tow of a vehicle held by law enforcement for law enforcement investigations or other law enforcement purposes.
- I. Match – The selection process utilized by a law enforcement officer to determine which Tow Truck Operator will perform a Law Enforcement Tow at a Law Enforcement Scene.
- J. Storage Facility – has the meaning of a “vehicle storage facility” under Occupations Code Section 2308.002.
- K. TDLR – Texas Department of Licensing & Regulation.
- L. Towing Company - an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more tow trucks over a public roadway in this state but does not include a political subdivision of the state.
- M. Tow Truck - a motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle. The term does not include:
 - 1. a motor vehicle owned and operated by a governmental entity, including a public school district;
 - 2. a motor vehicle towing:
 - a. a race car;
 - b. a motor vehicle for exhibition; or
 - c. an antique motor vehicle;
 - 3. a recreational vehicle towing another vehicle;
 - 4. a motor vehicle used in combination with a tow bar, tow dolly, or other mechanical device if the vehicle is not operated in the furtherance of a commercial enterprise;
 - 5. a motor vehicle that is controlled or operated by a farmer or rancher and used for towing a farm vehicle;
 - 6. a motor vehicle that:

- a. is owned or operated by an entity the primary business of which is the rental of motor vehicles; and
 - b. only tows vehicles rented by the entity;
- 7. a truck-trailer combination that is owned or operated by a dealer licensed under Chapter 2301 and used to transport new vehicles during the normal course of a documented transaction in which the dealer is a party and ownership or the right of possession of the transported vehicle is conveyed or transferred; or
- 8. a car hauler that is used solely to transport, other than in a consent or nonconsent tow, motor vehicles as cargo:
 - a. in the course of:
 - i. a prearranged shipping transaction; or
 - ii. a commercial transaction for transport of a damaged vehicle arranged or authorized by an insurance company and delivered to a salvage pool operator as defined by Section 2302.001; or
 - b. for use in mining, drilling, or construction operations.
- N. Tow Truck Permit – A numbered tag issued by the WCSO authorizing a specific Tow Truck to perform Law Enforcement Tows.
- O. Towing Operator – Any person operating, driving, or otherwise using a tow truck, regardless of whether the person owns the truck.
- P. Vehicle (whether or not capitalized)– a device in, on, or by which a person or property may be transported on a public roadway. The terms includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer, but does not include a device moved by human power or used exclusively on a stationary rail or track.
- Q. WCSO – The Sheriff’s Office of Waller County, Texas.

PART 2. TOWING COMPANIES

2.1 TOW TRUCK PERMIT AND CHIP REQUIRED

- A. A Tow Truck must have a current and valid Tow Truck Permit and a Towing Operator must have a Chip issued by the WCSO in order to perform Law Enforcement Tows in the unincorporated areas of Waller County.
- B. A Towing Company must apply for a Tow Truck Permit and Chip for each Tow Truck that performs Law Enforcement Tows.
- C. The Tow Truck Permit shall be affixed to the rear of the Tow Truck, and be clearly visible at all times.

- D. A Towing Operator may not possess more than one Chip with the same number.
- E. Towing Companies are responsible for the Tow Truck Permit(s) issued to their Tow Trucks, and the accompanying Chip(s). If a Tow Truck Permit or Chip is lost or stolen, the responsible Towing Company shall notify the WCSO. If the responsible Towing Company believes a Tow Truck Permit or Chip is stolen, it must file a police report with the appropriate law enforcement agency. The responsible Towing Company shall pay for any Tow Truck Permit or Chip replacement.
- F. An altered or mutilated Chip shall not be used to perform a Match. If, while conducting a Match, the law enforcement officer determines that the Chip is altered or mutilated beyond normal wear and tear, the officer may require that the Chip be immediately surrendered to the WCSO. The Towing Company shall be responsible for obtaining a replacement Chip.
- G. All Chips and Permits are the property of the WCSO. Any altered or mutilated Tow Truck Permit or Chip must be immediately surrendered to the WCSO.

2.2 ADDITIONAL REQUIREMENTS

- A. A Towing Company that performs Law Enforcement Tows must:
 - 1. Have a place of business in Waller County, Texas.
 - 2. Be operating in Waller County for a minimum of two years.
 - 3. If using an assumed name, maintain and file an Assumed Name Certificate as required by Texas Business and Commerce Code Chapter 71.
 - 4. Be current on all Waller County tax obligations and payments.
 - 5. Comply with this ordinance, as well as all state and federal requirements.
- B. Towing Company business cards must contain the name of the Towing Company, the Towing Company's business address, a 24-hour telephone number, and the location of the Storage Lot used for storing vehicles subject to Law Enforcement Tows.
- C. The Towing Company must ensure its Tow Truck's safety mechanisms are operable and in a good state of repair at all times. A Tow Truck's safety mechanism is anything that contributes to the safe operation of the Tow Truck, and include, but are not limited to: headlights, tail lights, turn signals, brakes, brake lights, hazard lights, flashing warning lights, windshield wipers, wiper blades, handles that open doors and windows, and tires.
- D. The Towing Company must ensure that each of their Tow Trucks meet the safety requirements of all other applicable state and federal laws and regulations, in addition to this Ordinance's safety requirements.
- E. A Towing Company shall not charge fees that exceed the limit established by applicable state or federal law or regulation. A Towing Company shall immediately refund any fee that was paid to it in excess of the applicable limits.

2.3 PERMIT APPLICATION AND RENEWAL PROCESS

- A. A Towing Company that desires to perform Law Enforcement Tows in the unincorporated area of Waller County shall file a written application for a Tow Truck Permit with the WCSO annually. Applications for Tow Truck Permits will be accepted throughout the year. The Applicant shall attach to the written application form a certificate of insurance, a copy of its Assumed Name Certificate (if any), the required fees, and a copy of the Tow Truck's state registration. The application must be signed by the Towing Company's owner or authorized agent.
- B. The Application for a Tow Truck Permit may be hand delivered to the WCSO during regular business hours; via United States Postal Service, certified mail, return receipt requested; or by a private courier service that provides mail tracking.
- C. A Towing Company must submit an Application for each Tow Truck that will perform a Law Enforcement Tow. Each application must include the following information:
 - 1. The Tow Truck's year, make, and model,
 - 2. The Tow Truck's vehicle identification number,
 - 3. The Tow Truck's current Texas license plate number,
 - 4. The Tow Truck's current certificate of registration issued by TDLR,
 - 5. The Tow Truck's current Texas towing license issued by TDLR,
 - 6. The Storage Lot certificates issued by TDLR for the Storage Lot that will store vehicles subject to a Law Enforcement Tow, and
 - 7. The Towing Company's address and telephone number.
- D. A Tow Truck must pass a safety inspection performed by the WCSO in order to receive a Tow Truck Permit.
- E. The WCSO shall issue a Tow Truck Permit and Chip to all applicants that meet and satisfy all provisions of this Ordinance.
- F. The applicant will pay all fees, if any, for Tow Truck Permit(s) at the time of application.
- G. Tow Truck Permits are valid from the date of issuance, and expire on December 31st of each year.
- H. Tow Truck Permits must be renewed annually, and the renewal application must be submitted prior to the Tow Truck Permit's expiration. Annual renewal applications must may be submitted by December 1st. Renewal applications will be processed by the WCSO during December of each year. It is solely the responsibility of the Towing Company to ensure that a renewal application is timely submitted. WCSO will not accept renewal applications that are submitted late. If a Tow Truck Permit

is not renewed prior to the Tow Truck Permit's expiration, the Towing Company must submit a new Tow Truck Permit application.

- I. A Tow Truck must pass a safety inspection performed by the WCSO before a Tow Truck Permit will be renewed.
- J. Upon submitting an initial application under this Ordinance, the WCSO will provide a copy of this Ordinance to the applicant.

2.4 REQUIRED IDENTIFICATION

- A. Each Tow Truck must display a Tow Truck license plate issued by the Texas Department of Motor Vehicles.
- B. The TDLR issued permit number must be on each side of the front fenders in letters at least 2 inches high and ½ inch wide.
- C. Each Tow Truck shall have the Towing Company's business name and telephone number permanently inscribed on each side of the Tow Truck. The inscription shall be in letters no less than 2 inches high and ½ inch wide, and in a color that contrasts with the color of the background surface. No magnetic or removable signs are allowed.
- D. Each Tow Truck shall have the address of the Storage Lot used to store vehicles subject to a Law Enforcement Tow displayed on each side of the Tow Truck and on the bed, in letters at least 2 inches high and ½ inch wide. If there is not sufficient room on the bed to display the storage lot address, then the storage lot address must be displayed on both doors of the Tow Truck.

2.5 INSURANCE REQUIREMENTS

- A. A Towing Company shall procure for each of its Tow Trucks a policy of motor vehicle liability and property damage insurance that meets at least the minimums of both state and federal law and regulation. The insurance policy must be maintained and current if the applicable Tow Truck is being operated. At the time of initial application and at any subsequent renewal application, the applicant must submit a copy of a valid and applicable certificate of insurance as part of the application. The certificate must identify the type and amount of insurance coverage and require a notification to the WCSO within 10 calendar days of a cancellation or material change in the policy, including a reduction in coverage below minimum requirements.
- B. The certificate of insurance shall also identify the covered Tow Truck by the make, model, and vehicle identification number, and reference the Tow Truck's TDLR license or permit number; and indicate that the policy complies with the minimum liability requirements established by applicable law.
- C. A Tow Truck must be fully covered by insurance in order to participate in a Law Enforcement Tow or Match.

- D. The insurance requirements of this Ordinance are additional to the requirement of any other applicable statute or regulation.

PART 3. TOW TRUCK OPERATORS

3.1 ID CARD REQUIRED

- A. All Tow Truck Operators must have a valid Texas driver's license, a TDLR towing operator license, and an ID Card issued by the WCSO in order to perform a Law Enforcement Tow.
- B. Tow Truck Operators are responsible for the ID cards issued to them.

3.2 ADDITIONAL REQUIREMENTS

- A. A Tow Truck Operator authorized to perform Law Enforcement Tows must contact the appropriate law enforcement agency before towing a vehicle that is reported stolen, or appears to be stolen. Failure to do so may result in an adverse administrative action.
- B. A Tow Truck Operator shall store Law Enforcement Towed vehicles only at the Storage Lot designated to store vehicles subject to a Law Enforcement Tow, unless the vehicle's owner is present at the time of the tow, and consents to the vehicle's storage at another location.
- C. A Tow Truck Operator shall ensure that while he is lifting a vehicle in preparation for towing, that only the Tow Truck Operator and his or her helper is within a safe distance of the Tow Truck and the vehicle to be towed. A safe distance is at least twice the distance measured from the end of the boom to the point of attachment to the vehicle being loaded; or twice the length of the vehicle that is being lifted, whichever is greater. If a hydraulic lift is used, a safe distance is twice the length of the extended arm. Once calculated, the safe distance is to be measured from the point of the towed vehicle's attachment to the Tow Truck, and continuing in any direction.
- D. A Tow Truck Operator shall not lift or tow more than the Tow Truck's factory-rated lifting capacity.
- E. A Tow Truck Operator may not connect to or winch a vehicle when either the Tow Truck or vehicle to be towed is in a lane of traffic, unless a law enforcement officer has stopped or diverted the flow of traffic to permit safe connecting or winching, and the officer has authorized the Tow Truck Operator to proceed with the tow.
- F. All Tow Truck Operators are required to be appropriately dressed while at Law Enforcement Scenes, and while performing a Law Enforcement Tow. For safety reasons, a Tow Truck Operator shall not wear muscle shirts, tank tops, or sleeveless shirts. Tow Truck Operators shall wear enclosed shoes or boots. If a Tow Truck Operator chooses to wear shorts, the shorts must be no shorter than 2 inches above the knee when the top of the shorts are worn at the waist.

- G. A Tow Truck Operator shall not possess, or knowingly permit any person to possess a weapon prohibited by state or federal law or regulation; shall not possess without an appropriate license or knowingly permit a person without an appropriate license to possess a weapon; or possess or knowingly permit a person to possess an alcoholic beverage in or around a Tow Truck while operating the Tow Truck, or when present at a Law Enforcement Scene.
- H. A Tow Truck Operator must operate a Tow Truck in compliance with the applicable manufacturer's recommended safety policies and procedures for towing vehicles.
- I. Tow Truck Operators shall obey all federal, state and county laws and ordinances. Violators are subject to any applicable criminal and regulatory penalties, as well as adverse administrative penalties under this Ordinance, including suspension or revocation of any Tow Truck Permit, ID Card, and/or Chip.
- J. A Tow Truck Operator shall not charge fees that exceed the limit established by applicable state or federal law or regulation. A Tow Truck Operator shall immediately refund any fee that was paid to it in excess of the applicable limits.
- K. A Tow Truck Operator must immediately surrender to the WCSO any altered, damaged, or mutilated ID Card.

3.3 APPLICATION AND RENEWAL PROCESS

- A. To obtain an ID card, the applicant must have a valid driver's license issued by a state in the United States, hold an appropriate towing operator license issued by TDLR, and submit an application on a form furnished by the WCSO. The applicant shall provide the following information:
 - 1. The applicant's name and address,
 - 2. The applicant's date of birth,
 - 3. The applicant's height, weight, hair color, eye color, gender, and race,
 - 4. The applicant's employer,
 - 5. Whether the applicant was convicted of a felony offense in the past 5 years preceding the date of the application, including whether he or she received probation or deferred adjudication,
 - 6. Whether the applicant was convicted of a crime involving moral turpitude within the last 10 years, and
 - 7. The applicant's signature.
- B. A Tow Truck Operator may file an application for an ID card with the WCSO at any time.
- C. An applicant for an ID card shall pay the applicable permit fee at the time the application is submitted.
- D. Once issued, an ID card shall expire on December 31st of each year.

- E. ID cards must be renewed annually, and the renewal application must be submitted prior to the ID card's expiration. Annual renewal applications must be submitted no later than December 1st. Renewal applications will be processed by the WCSO during December of each year. It is solely the responsibility of the Towing Company to ensure that a renewal application is timely submitted. WCSO will not accept renewal applications that are submitted late. If an ID card is not renewed prior to the ID card's expiration, the Towing Operator must submit a new ID card application.

PART 4. STORAGE FACILITIES

4.1 PERMIT REQUIRED

- A. Each Storage Facility that is located in the unincorporated area of Waller County, that stores motor vehicles that are subject to Law Enforcement Tows, shall complete and file a certificate with the WCSO that certifies:
 - 1. The Storage Facility is licensed by TDLR,
 - 2. The Storage Facility will not charge fees that exceed the maximum set by TDLR,
 - 3. Storage Facility personnel will notify the WCSO of towed vehicles the Storage Facility accepts for storage in accordance with applicable laws and regulations, and keep all records as required by TDLR,
 - 4. The Storage Facility will comply with this Ordinance,
 - 5. The Storage Facility will only allow vehicle storage for a single, identified Towing Company,
 - 6. The Storage Facility is owned by the Towing Company that will store vehicles subject to Law Enforcement Tows, and
 - 7. The Storage Facility is able to store a minimum of 25 vehicles.

4.2 ADDITIONAL REQUIREMENTS

- A. Each Storage Facility must be licensed by TDLR, and meet and abide by all current TDLR rules and regulations.
- B. The Storage Facility shall not dispose of a vehicle that was subject to a Law Enforcement Tow without first providing the WCSO written notice at least 10 business days prior to the disposition.
- C. The fees charged by a Storage Facility may not exceed the maximum limit set by TDLR regulations.
- D. The Storage Facility must have one or more signs that have the following information:

1. The registered name of the Vehicle Storage Facility (VSF) as it appears on the VSF license,
2. Street address,
3. The telephone number for the owner to contact in order to obtain release of the vehicle,
4. The facility's hours, within one hour of which vehicles will be released to vehicle owners,
5. The Storage Facility's TDLR license number, preceded by the phrase "VSF License Number," and
6. A fee schedule setting out the charge for storage and all other fees.

The sign(s) must be posted in a prominent location plainly visible to the public.

- E. The Storage Facility's daily storage fee shall not exceed the maximum established by TDLR regulations.
- F. Storage Lot personnel shall allow persons who demonstrate ownership or the right to possession of stored vehicles to remove personal property from stored vehicles prior to requiring payment of any Storage Facility or towing fees. The Storage Facility must keep an itemized receipt that identifies all personal items that are released from the vehicle, and the receipt must have the signature of the person to whom the items are released.

PART 5. ADDITIONAL REGULATIONS

5.1 SAFETY EQUIPMENT

- A. Each Tow Truck that performs Law Enforcement Tows shall have brakes that meet braking performance requirements under all loading conditions.
- B. Each Tow Truck shall be equipped with a power winch that has a factory single line pulling capacity of not less than 8,000 pounds, and a hydraulic or mechanical wheel lift that has a lifting capacity of not less than 2,500 pounds.
- C. Each Tow Truck shall carry the following standard equipment:
 1. A tow sling or hydraulic lift that is sufficient to prevent from swinging any equipment and/or vehicle that is towed.
 2. Tow Trucks having a gross vehicle weight of 10,000 pounds or less shall have a minimum 5/16 inch steel safety chains, and Tow Trucks having a gross vehicle weight of more than 10,000 pounds shall have a minimum 3/8 inch steel safety chains. The steel chains must be at least Grade 70 regardless of the gross weight of the Tow Truck.
 3. Fire extinguishers:

- a. Tow Trucks having a gross vehicle weight of 26,000 pounds or less shall carry at least one five-pound type fire extinguisher
- b. Tow Trucks having a gross vehicle weight of 26,001 pounds or more shall carry at least one ten-pound type fire extinguisher, OR at least two five-pound type fire extinguishers.

Each fire extinguisher shall be class BC or ABC. The fire extinguisher(s) shall be properly filled and located so they are readily accessible for use. All fire extinguishers shall, at a minimum, meet the requirements of the most recent edition of NFPA 10, the Standard for Portable Fire Extinguishers established by the National Fire Protection Association (NFPA), and shall be labeled by a recognized, national testing laboratory.

- 4. One crowbar or wrecking bar of not less than 36 inches in length with a wedge head.
- 5. One broom designed for pushing with an 18 inch head, and a handle not less than 36 inches.
- 6. One shovel with a flat edge of at least 9 inches, with a handle of not less than 36 inches.
- 7. A box or bucket to safely carry glass and/or debris removed from accident scenes.
- 8. Rope, webbing, or wire suitable for securing vehicle doors, hoods, trunks, etc.
- 9. A functioning spotlight or flashlight.
- 10. Exterior side view mirrors on each side of the Tow Truck.
- 11. Emergency rotation or strobe type lights that are visible from all directions. The lights shall comply with Texas Transportation Code Chapter 547.
- 12. Three portable red emergency reflectors, orange cones, or flares.
- 13. Functional tail lights, including ones for use in the event that the Tow Truck tows a vehicle that does not have functioning tail lights. If the towed vehicle does not have functioning tail lights, the Tow Truck Operator must supply it with tail lights that provide safe lighting of the towed vehicle.
- 14. A reliable method for communication.
- 15. Safety chains or straps, which must be used on all tows.

5.2 MATCHING

- A. When two or more Tow Trucks arrive at a location where a Law Enforcement Tow is required, a law enforcement officer or the officer's designee will conduct a Match.

- B. A Tow Truck must have a valid Tow Truck Permit, and a Tow Truck Operator must have a valid Chip and ID Card to participate in a Match, or otherwise load a vehicle for a Law Enforcement Tow. Each Tow Truck Operator must also be able to show proof that he or she is authorized to tow a vehicle to a Storage Facility that is permitted by WCSO. This requirement does not apply to a government owned Tow Truck.
- C. The Tow Truck Operator must give his or her Chip and a valid ID Card to the officer or his designee in order to participate in the Match. The officer or his designee will then place each Chip in a container. The law enforcement officer or his designee will then draw a Chip randomly from the container. If a Tow Truck Operator's Chip is drawn, he may then load the vehicle.
- D. If a Tow Truck Operator is selected but refuses, or cannot perform the Tow, the Tow Truck Operator shall inform the officer or his designee that the Tow Truck Operator is unable or unwilling to perform the Law Enforcement Tow and the officer or his designee will perform another Match with the remaining Tow Truck Operators present at the Law Enforcement Scene.
- E. If more than one Law Enforcement Tow is required, the law enforcement officer or his designee will continue to conduct a Match until each vehicle requiring a Law Enforcement Tow is provided for.
- F. A Tow Operator that has been Matched may not assign the Tow to another Tow Operator or Towing Company. In the event of an assignment violation of this section, both the Tow Operator who attempted to assign the tow and the Tow Operator who attempted to receive the tow shall be subject to an adverse administrative action pursuant to this Ordinance.

5.3 LAW ENFORCEMENT SCENES

- A. A Tow Truck Operator shall park at least 100 feet from a Law Enforcement Scene unless directed to do otherwise by a law enforcement officer.
- B. The Tow Truck Operator shall park the Tow Truck on the same side of the road as the vehicle to be towed.
- C. A Tow Truck Operator may only use beacon lights as directed by state law or a law enforcement officer.
- D. The Tow Truck Operator(s) selected during the Match(es) to perform the Law Enforcement Tow shall remove all debris, if any, from the Law Enforcement Scene.
- E. Any Tow Truck Operator(s) soliciting a driver at a Law Enforcement Scene after law enforcement personnel arrive, or soliciting any injured party at any time, shall not be allowed to participate in a Match. An injured party is defined as a person who has visible injuries or who claims injuries.
- F. A law enforcement officer may afford a vehicle owner or operator who is present at a Law Enforcement Scene the ability to make a Consent Tow of the affected

vehicle if the owner or operator is willing and able to do so within a reasonable time. The decision is within the law enforcement officer's discretion, and the officer may consider any factor in making his or her decision, including whether the vehicle owner or operator is under arrest, the vehicle's location, whether the vehicle is obstructing traffic, whether the vehicle is creating an immediate traffic hazard, general traffic conditions, or any other factor related to traffic management and public safety. However, if the owner or operator of the vehicle is incapable of making or unwilling to make arrangements for a Consent Tow to remove the vehicle within a reasonable time, the investigating law enforcement officer may proceed with a Law Enforcement Tow. A vehicle owner that is not present at the Law Enforcement Scene may make a request to the law enforcement officer managing the Law Enforcement scene to allow the owner to make a Consent Tow of the affected vehicle. The decision concerning the tow is at the law enforcement officer's discretion, but in any event, will only be honored if the law enforcement officer can verify that the person making the request is the vehicle's owner.

- G. No person shall operate a Tow Truck at a Law Enforcement Scene unless the Tow Truck possesses a valid Tow Truck Permit, and the Tow Truck Operator possesses a valid ID Card and Chip, unless specifically requested by the affected vehicle's owner or operator. For the request to be valid, the vehicle owner or operator must be physically present at the Law Enforcement Scene at the time of the request.
- H. Tow Trucks present at Law Enforcement Scenes are subject to inspection by the WCSO.
- I. Once a vehicle has been fully loaded on a Tow Truck for a Law Enforcement Tow, the fees charged by the Towing Company may not exceed the amounts set by TDLR.
- J. When performing a Law Enforcement Tow, a Towing Company may not upcharge for the use of cables or winches, dollied wheels, or any other equipment needed to safely tow the vehicle from the Law Enforcement Scene to the Storage Facility.
- K. The towing fee charged by a Towing Company or Towing Operator may not exceed the maximum limit set by TDLR regulations. If the vehicle owner or owner's representative directs the vehicle to be towed to a place other than a Storage Facility, the Tow Truck Operator must negotiate a fee with the owner or owner's representative.
- L. A Tow Truck Operator must present an ID card, Tow Truck Permit and Chip when required by a law enforcement officer at a Law Enforcement Scene.
- M. A Tow Truck Operator may not remove or attach his or her Tow Truck to any affected vehicle at a Law Enforcement Scene until a law enforcement officer responsible for the Law Enforcement Scene authorizes the vehicle to be moved.
- N. If no law enforcement officer is present at a Law Enforcement Scene when a Tow Truck arrives, the Tow Truck Operator shall notify the WCSO of the incident, and

wait for a law enforcement officer to arrive. A vehicle may not be removed from a Law Enforcement Scene until a law enforcement officer authorizes its removal.

- O. All Tow Truck Operators at a Law Enforcement Scene shall obey all lawful orders given them by any law enforcement officer, and shall not in any manner interfere with such law enforcement officer in the performance of his or her duty.
- P. The WCSO may require Tow Truck Operators to provide vehicle operators documentation including but not limited to a Driver's Bill of Rights.
- Q. The provisions of this section shall not apply to vehicles held by a law enforcement officer for a law enforcement investigation or for other law enforcement purposes authorized by state and federal law.

5.4 VEHICLES HELD BY LAW ENFORCEMENT

- A. Vehicles held by law enforcement for law enforcement investigations or other law enforcement purposes shall be towed by a government owned tow truck, a Contract Tow Company, or as otherwise directed by the law enforcement officer in charge of the Law Enforcement Scene.
- B. The selected Tow Truck Operator shall tow the vehicle held by law enforcement for law enforcement investigations or other law enforcement purposes to the location specified by the law enforcement officer. The law enforcement officer must specify a location in Waller County, Texas.
- C. A Contract Towing Company must possess a valid Tow Truck Permit for each Tow Truck that performs tows of vehicles held by law enforcement for law enforcement investigations or other law enforcement purposes, and the Tow Truck Operator performing the tow must possess an ID Card issued by the WCSO under this Ordinance.
- D. A Contract Towing Company shall not charge a fee to tow a vehicle held by law enforcement for law enforcement investigations or other law enforcement purposes that exceeds the contracted for towing or storage rates, or those established by state or federal law or regulation, if applicable.
- E. This section prevails over all other sections of this Ordinance and Matching regulations.

5.5 HEAVY DUTY TOW TRUCKS

- A. Heavy Duty Tow Trucks will be dispatched for Law Enforcement Tows utilizing an alphabetical rotation. A Towing Company will be alphabetized based on their business name. If a Towing Company uses an assumed name, the assumed name will be used as the business name. If a Heavy Duty Tow Truck passes on their rotation, they will lose their place in the rotation, and the next Heavy Duty Tow Truck on the alphabetical list will be called.

- B. A Heavy Duty Tow Truck must have a Tow Truck Permit issued under this Ordinance, and be operated by a Tow Truck Operator with an ID Card issued under this Ordinance.
- C. A Heavy Duty Tow Truck must be equipped with air brakes and tandem axles.
- D. A Heavy Duty Tow Truck must have a minimum of \$1,000,000.00 of liability coverage that is combined single limit liability for bodily injury to, or death of, an individual per occurrence, and loss or damage to property (excluding cargo) per occurrence.
- E. Heavy Duty Tow Trucks must be equipped with a dependable form of communication with a 24-hour dispatch service.
- F. Heavy Duty Tow Trucks must be equipped with air brakes and tandem axles.
- G. A law enforcement officer may skip a Heavy Duty Tow Truck in the rotation if he or she determines that its distance from the scene is too far, its response time will be too long, or there are similar traffic and safety concerns. In such a case, the skipped Heavy Duty Tow Truck will maintain their spot in the rotation.

PART 6. VIOLATIONS AND ENFORCEMENT

6.1 DENIAL, SUSPENSION, REVOCATION

- A. Any violation of this Ordinance may result in an adverse administrative action, or a criminal action as applicable. Any one or more violation(s) of this Ordinance may result in an applicable Tow Truck Permit(s)'s, Chip(s)'s, or ID Card(s)'s denial, suspension, non-renewal, and/or revocation, and consequent temporary or permanent removal of the violator(s) from the Matching process, or from the Heavy Duty Tow Truck rotation. The adverse administrative action shall take place in accordance with the procedures stated in this Ordinance, and shall be subject to the due process rights of appeal and hearing stated under this Section. Notification of an adverse administrative action by the WCSO to a Tow Truck Permit, Chip, or ID Card holder shall be in writing, regardless of whether a verbal notification is also provided, and must be responded to in writing.
- B. The WCSO, after notice of a hearing, may deny, suspend, revoke, or refuse to renew a Tow Truck Permit issued under this Ordinance for any violation of this Ordinance, including:
 - 1. The applicant knowingly supplied false or incomplete information on their initial application or renewal application.
 - 2. A Towing Company or Tow Truck Operator violates this Ordinance.
 - 3. A Towing Company or Tow Truck Operator commits a violation of state or local law that is a class B misdemeanor or higher, or a violation of federal law that is class C misdemeanor or higher.

4. A Towing Company or its representative falsifies records, including an application submitted under this Ordinance, or records that are required to be kept under law or regulation.
 5. A Towing Company or Tow Truck loses insurance coverage.
 6. A Towing Company or Tow Truck loses its TDLR Tow Truck license.
 7. A Towing Company's Storage Facility loses its TDLR license, its insurance coverage, or allows the storage of towed vehicles by more than one Towing Company.
- C. The WCSO, after notice of a hearing, may deny, suspend, revoke, or refuse to renew an ID Card issued under this Ordinance for any violation of this Ordinance, including:
1. The Tow Truck Operator's drivers' license is suspended.
 2. The Tow Truck Operator falsifies records, including an application submitted under this Ordinance, or records that are required to be kept under law or regulation.
 3. The Tow Truck Operator has a felony conviction, or has received probation or deferred adjudication for a felony offense in the last 3 years.
 4. The Tow Truck Operator was convicted of a crime involving moral turpitude or a crime of violence within the last 10 years.
 5. The Tow Truck Operator is arrested for a state offense that is a class B misdemeanor or higher, or a federal offense that is a class C misdemeanor or higher.

6.2 ADVERSE ADMINISTRATIVE ACTIONS

- A. A deputy designated by the WCSO, or a WCSO Tow Truck inspector shall have the authority to suspend an ID card for any violation of this Ordinance for a period not to exceed 7 days.
- B. A disciplinary committee shall have the authority to indefinitely suspend or revoke any Tow Truck Permit and/or ID Card for just cause.
- C. Any Towing Company or Tow Truck Operator that requests, demands, or accepts a fee that exceeds the limits set by state or federal law or regulation will have his or her Tow Truck Permit(s) and/or ID Card(s) suspended for period of not less than 7 days, and not more than 30 days.
- D. Notices to Towing Company, Storage Lots, and/or Tow Truck Operators of adverse administrative actions shall be as follows:
 1. The WCSO shall provide written notice immediately following a denial, suspension, denial of renewal, or revocation of a Tow Truck Permit or ID Card; and

2. Written notice must be delivered via hand delivery to the concerned Tow Truck Permit or ID Card holder, or delivered via United States Postal Service Certified Mail, Return Receipt Requested to the most recent address of the Tow Truck Permit or ID Card holder as provided on the Application. Copies may be sent electronically, or by First Class Mail. Hand delivered notices shall be marked by the WCSO with the date of delivery. Hand delivered notices are deemed received on the date of delivery; mailed notices are deemed delivered on the third day after the notice is placed in the mail with proper, paid postage.
- E. If a Tow Truck Permit or ID Card is denied, suspended, revoked, or a renewal application is denied as a result of an adverse administrative action, such action shall take effect immediately, unless otherwise indicated in the written notice. The affected entity or individual shall surrender all affected Tow Truck Permits and ID Cards to the WCSO within 3 business days after the receipt of written notice, regardless of whether an appeal is filed. The surrender shall be made by hand delivery, or by a verifiable delivery method.
 - F. Failure to timely surrender a Tow Truck Permit or ID Card is an additional violation of this Ordinance. The failure shall result in the continuation of the suspension, revocation, or non-reinstatement of the Tow Truck Permit or ID Card for the same number of calendar days that the Tow Truck Permit or ID Card remain unreturned to the WCSO.
 - G. The WCSO's denial, suspension, revocation, or renewal refusal of a Tow Truck Permit or ID Card disqualifies the affected Towing Company, Tow Truck, or Towing Operator from participating in a Match until such time as the Tow Truck Permit or ID Card is reinstated or reissued, and all other requirements of this Ordinance are met.
 - H. The WCSO reserves the right at all times, prior to initiating any adverse administrative action, to issue a verbal and/or written warning or notice of violation to a violator for a violation of this Ordinance. In no event is the WCSO obligated to issue such a warning or notice prior to initiating any adverse administrative action.

6.3 ADVERSE ADMINISTRATIVE ACTION APPEALS

- A. An affected Tow Truck Permit or ID Card holder may appeal a suspension of 7 days or less by delivering a written request to the WCSO in the same manner prescribed for delivery of notices of adverse administrative actions. The Tow Truck Permit or ID Card holder may include any documentary evidence with their appeal.
 1. All notices of appeal shall be delivered in writing to:

Waller County Sheriff's Office
Attn: Towing Ordinance Enforcement

400 Sheriff R. Glenn Smith Dr.

Hempstead, Texas 77445

2. Upon receipt of a written notice of appeal, the WCSO shall assign an officer to review the documentation for the adverse administrative action, and render a decision within 2 business days from the WCSO's receipt of the written notice of appeal. The decision shall be written, and delivered to the appellant in the same manner prescribed for delivery of notices of adverse administrative actions.
 3. The assigned officer's decision may be appealed to the Sheriff by delivering a written notice of appeal in the same manner prescribed for delivery of notices of adverse administrative actions. No additional documents may be submitted as evidence. The Sheriff shall review the assigned representative's decision and any documentary evidence included in the appeal to the assigned officer, and render a decision within 3 business days of receipt of the written notice. His decision shall be written, and delivered to the appellant in the same manner prescribed for delivery of notices of adverse administrative actions.
- B. An affected Tow Truck Permit or ID Card holder may appeal an adverse administrative action that lasts for 8 days or more may appeal using the following procedure:
1. The appellant shall deliver a written notice of appeal to the WCSO in the same manner prescribed for delivery of notices of adverse administrative actions. The Sheriff will appoint a Disciplinary Hearing Committee (DHC) that shall be composed of members who did not participate in the appealed adverse administrative action.
 2. The DHC shall give the appellant written notice of an appeal hearing to be conducted by the DHC. The hearing notice shall be delivered in the same manner prescribed for delivery of notices of adverse administrative actions, and shall state the date, time, and place of the hearing. Both the appellant and the WCSO are entitled to offer evidence and argument at the appeal hearing. Following the hearing, the DHC shall render a decision and provide written notice of their decision no later than 5 business days from the hearing date. A decision of the DHC shall be final if not appealed to the Sheriff within 10 business days of the appellant's receipt of the written decision.
- C. An adverse decision of the DHC may be appealed by delivering to the WCSO a written notice of appeal within 10 business days of the appellant's receipt of the DHC's written decision. The Sheriff will appoint a Disciplinary Review Committee (DRC) consisting of members who did not participate in the DHC or the disciplinary committee. The DRC's decision shall be based upon a review of the Disciplinary Hearing Committee's decision, written materials submitted at the

hearing, and any additional written information (limited to 5 double-spaced pages) that the appellant or DHC submits. The DRC will render a written decision within 5 business days from the date of receipt of the properly delivered written notice of appeal. Notification of the decision will be made in the same manner prescribed for delivery of notices of adverse administrative actions.

- D. An adverse decision of the Disciplinary Review Committee may be appealed within 10 business days of the Disciplinary Review Committee's decision by delivering a written notice of final appeal to the Sheriff. Additional information may not be submitted in a final appeal to the Sheriff. The Sheriff's decision will be based only on a review of the written information previously submitted to the Disciplinary Hearing Committee and the Disciplinary Review Committee.
 - 1. The Sheriff shall review all written evidence and information, and render a written decision within 15 business days of the receipt of the written notice of final appeal. The Sheriff's decision shall be final.
- E. In the event the initial adverse administrative action is a denial, revocation, or refusal to renew a Tow Truck Permit or ID Card, an affected Towing Company or Tow Truck Operator may submit a new application to the WCSO, together with payment of the applicable fees and submission of required documents as follows:
 - 1. No earlier than 180 calendar days from the date of the final decision of the DHC's decision if no appeal was made to the DRC or Sheriff; or
 - 2. In the event of an appeal, no earlier than 90 calendar days from the date of final decision by the DRC or the Sheriff, whichever rendered the decision that is last in time.
- F. As a further condition of application approval or reinstatement, following a denial, suspension, revocation, or refusal to renew resulting from an adverse administrative action, the Sheriff may require the submission of an application and/or payment of the applicable fees, regardless of any fees previously paid in connection with a prior application, in order to perform a subsequent Law Enforcement Tow and/or to participate in a Match.

FEE SCHEDULE	
Application Fees	
Tow Truck and Heavy Duty Tow Truck	No Fee
Storage Lot	No Fee
Permit, ID Card, and Chip Fees	
Tow Truck Permit (Includes inspection and Tow Truck Permit)	\$80.00
Heavy Duty Tow Truck Permit (Includes inspection and Tow Truck Permit)	\$80.00
ID Card and Chip Fee	\$35.00
Replacement Fees	
ID Card Replacement	\$25.00
Chip Replacement	\$25.00
Permit Replacement	\$30.00

