

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**REVISED ORDER CREATING RULES AND REGULATIONS FOR NONCONSENT
 TOWING AND STORAGE SERVICES IN THE UNINCORPORATED AREA OF
 FORT BEND COUNTY**

WHEREAS, the purpose of this Revised Order is to establish an efficient and orderly manner for removing motor vehicles involved in traffic accidents or incidents in the unincorporated area of Fort Bend County;

WHEREAS, on November 6, 2007, Fort Bend County approved this Revised Order and authorized non-consent towing as promulgated by then Chapter 643 of the TEXAS TRANSPORTATION CODE; and

WHEREAS, now, the authority to promulgate and enforce this Revised Order is granted to the Fort Bend County Commissioners Court by Chapter 2308 of the TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, BE IT RESOLVED that the Fort Bend County Commissioners Court does hereby adopt these Rules and Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County as set forth below:

I.
Definitions

- A. "Consent Tow" shall mean any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle in the unincorporated area of the County. The term does not include incident management tows or private property tows.
- B. "County" shall mean Fort Bend County, Texas.
- C. "Heavy Duty Wrecker" shall mean a wrecker with a GVWR greater than 26,000 lbs, equipped with rear tandem axles, air brakes, a retractable boom, at least two 30,000 lb winches, and capable of towing a loaded C.M.V. weighing 80,000 lbs.
- D. "Light Duty Wrecker" shall mean a wrecker with a GVWR less than 26,000 lbs.
- E. "Motor Vehicle" shall mean any vehicle as defined by §501.002 of the Texas Transportation Code.
- F. "Nonconsent Tow" shall mean any tow of a Motor Vehicle initiated by a Peace Officer investigating a traffic accident or a traffic incident in the unincorporated area of the County.
- G. "Peace Officer" shall mean any peace officer as defined by §2.12 of the Texas Code of Criminal Procedure.
- H. "Rules" shall mean these Rules and Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County.
- I. "Sheriff's Office" shall mean the Fort Bend County Sheriff's Office.
- J. "Towing Company" shall mean any individual, partnership, corporation, or other entity or association that is engaged in the business of towing Motor Vehicles on a public road for

- compensation, or with the expectation of compensation, or who owns or operates a Tow Truck. This term includes an owner, employee, or agent of the Towing Company.
- K. "Tow Rotation List" shall include the Light Duty Wrecker tow rotation list and the Heavy Duty Wrecker tow rotation list.
- L. "Tow Truck" shall mean a Motor Vehicle or other mechanical device adapted or used to tow, carry, push, winch or otherwise move any Motor Vehicle.
- M. "Tow Truck Operator" shall mean a person operating a Tow Truck.
- N. "Tow Truck Operator ID Permit" shall mean the permit issued to a Tow Truck Operator by the Sheriff's Office demonstrating the eligibility of that person to perform a Nonconsent Tow.
- O. "Tow Truck Permit" shall mean a current year tag issued by the Sheriff's Office authorizing a specific Tow Truck to be used to perform Nonconsent Tows in the unincorporated area of the County.
- P. "Vehicle Owner" shall mean a Motor Vehicle's legal or registered owner, or such owner's authorized representative.
- Q. "Vehicle Storage Facility" shall mean any vehicle storage facility as defined by §2303.002 of the Texas Occupations Code.
- R. "Zone" shall mean East side or West side towing zones as described in the Zone descriptions attached as Exhibit A.

II.

Tow Truck Permits

- A. General
1. A Tow Truck Permit authorizes the permitted Tow Truck to be used to perform Nonconsent Tows in the unincorporated area of the County.
 2. A separate Tow Truck Permit is required for each Tow Truck used for Nonconsent Tows originating in the unincorporated area of the County. Only one Tow Truck Permit may be issued per Tow Truck.
 3. Tow Truck Permits are not assignable or transferable.
 4. Tow Truck Permits are the property of Fort Bend County.
 5. It is a violation of these Rules to use a Tow Truck for a Nonconsent Tow originating in the unincorporated area of the County without a Tow Truck Permit.
 6. A violation of these Rules may result in the denial, suspension, or revocation of a Tow Truck Permit. Such action may result in temporary and/or permanent removal from the Tow Rotation List.
- B. Permit Applications
1. A Tow Truck Permit application is attached as Exhibit B. Additional applications may be obtained at the front desk of the Fort Bend County Sheriff's Office Patrol Division during normal business hours or downloaded from the Sheriff's Office website.
 2. A completed application must be filed for each Tow Truck used for Nonconsent Tows originating in the unincorporated areas of the County. Completed applications must be filed at the Sheriff's Office. A completed application must be accompanied by the following documentation:
 - a. A copy of the current vehicle registration;
 - b. A copy of the vehicle's MVI inspection report;
 - c. Proof of financial responsibility in accordance with §601.051 of the Texas Transportation Code;

- d. A copy of the certificate of insurance coverage in accordance with §643.101 of the Texas Transportation Code;
 - e. A blank copy of the most recent Tow Truck invoice;
 - f. The Towing Company's current business card;
 - g. A copy of the applicable tow truck certificate of vehicle registration issued by the Texas Department of Licensing and Regulation;
 - h. A letter of authorization for the use of each Vehicle Storage Facility identified in the Application;
 - i. A schedule of the Towing Company's schedule of Nonconsent Tow Fees;
 - j. The application fee set forth in Section V of these Rules.
- 3. Completed applications must be filed between November 1 and November 15. A completed application may be filed at any time if the application is to replace a Tow Truck Permit for a Tow Truck with a current Tow Truck Permit that is permanently removed from service due to inoperability or sale.
- 4. A Towing Company shall notify the Sheriff's Office in writing of any change to the information supplied in the completed application within twenty (20) days of such change.
- 5. Failure to notify the Sheriff's Office of any change to the information supplied in the completed application within twenty (20) days of such change is a violation of these Rules.
- C. Permit Issuance
 - 1. Upon satisfaction of the Tow Truck Permit application requirements of these Rules, the Sheriff's Office may issue the Towing Company a Tow Truck Permit. Such issuance is at the sole discretion of the Sheriff's Office.
 - 2. Upon issuance of a Tow Truck Permit, the Towing Company will be added to the Tow Rotation List. A Towing Company will only be placed on the Tow Rotation List once, no matter how many Tow Truck Permits the Towing Company obtains.
 - 3. The Sheriff's Office will notify each Vehicle Storage Facility identified in the Towing Company's application of the Tow Truck Permit issuance.
- D. Permit Display
 - 1. A Tow Truck Permit shall be prominently displayed on the lower left side of the front windshield of the Tow Truck, just above the registration and inspection stickers. The Tow Truck Permit must be clearly visible at all times.
 - 2. Failure to properly display the Tow Truck Permit is a violation of these Rules.
- E. Permit Expiration
 - 1. All Tow Truck Permits expire annually at midnight on the 31st day of December, regardless of the issuance date.
 - 2. It is a violation of these Rules to perform a Nonconsent Tow with an expired Tow Truck Permit.
- F. Permit Replacement
 - 1. Once obtained, the Towing Company is responsible for the Tow Truck Permit. If a Tow Truck Permit is lost or stolen, the Towing Company must replace the Tow Truck Permit at the Towing Company's own expense.
 - 2. No Nonconsent Tows may be performed with the Tow Truck until the Tow Truck Permit has been replaced.
- G. Required Identification Markings
 - 1. Each permitted Tow Truck shall display the following identification markings:

- a. The owner's legal business name or legal assumed name as specified on the tow truck certificate of registration issued by the Texas Department of Licensing and Regulation.
 - b. The full publicly listed telephone number for the Towing Company;
 - c. The full address of the Vehicle Storage Facility utilized by the Towing Company.
 - d. A permit plate and/or registration insignia issued by the Texas Department of Transportation pursuant to Chapter 502 of the Texas Transportation Code.
 - e. The Texas Department of Licensing and Regulation permit number assigned to each wrecker licensed to tow in the State of Texas.
2. The Towing Company name must be permanently inscribed or affixed in conspicuous places on both sides of the permitted Tow Truck in letters that are at least three (3) inches high and one-half (1/2) inch thick, in contrasting colors, and clearly visible at fifty (50) feet in normal daylight.
 3. All other markings, including the telephone number and address of the Vehicle Storage Facility, shall be at least two (2) inches high and one-half (1/2) inches wide.
 4. It is a violation of these Rules to perform a Nonconsent Tow with a Tow Truck that does not have the required identification markings.
- H. Records
1. Each Towing Company shall maintain records of all Nonconsent Tows for a minimum of three (3) years. The Sheriff's Office may inspect these records at any time during normal business hours.
 2. Failure to provide the Sheriff's Office access to these records is a violation of these Rules.

III. Tow Truck Operator ID Permits

- A. General
1. A Tow Truck Operator ID Permit authorizes the Tow Truck Operator to perform Nonconsent Tows.
 2. A Tow Truck Operator ID Permit is not required for a person assisting a Tow Truck Operator if that person is not in physical control of the Tow Truck.
 3. Tow Truck Operator ID Permits are not assignable or transferable.
 4. Tow Truck Operator ID Permits are the property of Fort Bend County.
 5. It is a violation of these rules for a Tow Truck Operator to perform Nonconsent Tows originating in the unincorporated area of Fort Bend County without a Tow Truck Operator ID Permit.
 6. A violation of these Rules may result in the denial, refusal to renew, suspension, or revocation of a Tow Truck Operator ID Permit.
- B. Permit Applications
1. A Tow Truck Operator ID Permit application is attached as Exhibit C. Additional applications may be obtained at the front desk of the Fort Bend County Sheriff's Office Patrol Division during normal business hours or downloaded from the Sheriff's Office website.
 2. Completed applications must be filed at the Sheriff's Office or other designated location. A completed application must be accompanied by the following documentation:

- a. A copy of the applicant's valid Texas commercial driving license;
 - b. A color passport photo;
 - c. A Texas Department of Public Safety fingerprint card obtained from any local law enforcement agency;
 - d. A check made payable to the Department of Public Safety in the amount necessary for DPS to perform a background check.
 - e. The application fee set forth in Section V of these Rules.
- 3. All applicants are subject to a criminal history check. A person is not eligible for a Tow Truck Operator ID Permit if the person commits and is convicted of a misdemeanor involving moral turpitude or a felony.
- 4. A Tow Truck Operator shall notify the Sheriff's Office in writing of any change to the information supplied in the completed application within twenty (20) days.
- 5. Failure to notify the Sheriff's Office of any change to the information supplied in the completed application in writing within twenty (20) days of such change is a violation of these Rules.
- C. ID Permit Issuance
 - 1. Upon satisfaction of the Tow Truck Operator ID Permit application requirements of these Rules, the Sheriff's Office may issue the Tow Truck Operator a Tow Truck Operator ID Permit. Such issuance is at the sole discretion of the Sheriff's Office.
- D. ID Permit Display
 - 1. The Tow Truck Operator ID Permit must be clearly visible at all times while the Tow Truck Operator is present at the scene of a traffic accident or traffic incident.
 - 2. Failure to properly display the Tow Truck Operator ID Permit is a violation of these Rules.
- E. Permit Expiration
 - 1. All Tow Truck Operator ID Permits expire annually at midnight on the 31st day of December, regardless of the issuance date.
 - 2. It is a violation of these Rules to perform a Nonconsent Tow with an expired Tow Truck Operator ID Permit.
- F. Permit Replacement
 - 1. Once obtained, the Tow Truck Operator is responsible for the Tow Truck Operator ID Permit. If a Tow Truck Operator ID Permit is lost or stolen, the Tow Truck Operator must replace the Tow Truck Operator ID Permit at the Tow Truck Operator's own expense.
 - 2. No Nonconsent Tows may be performed by the Tow Truck Operator until the Tow Truck Operator ID Permit has been replaced.

IV.

Permit Denial, Suspension, or Revocation

- A. A Tow Truck Permit or Tow Truck Operator ID Permit may be denied, suspended, or revoked at the discretion of the Sheriff's Office for the following reasons:
 - 1. Noncompliance with or violation of these Rules;
 - 2. Knowingly supplying false or incomplete information;
 - 3. Falsifying records; or
 - 4. Knowingly towing a Motor Vehicle that is reported stolen without first contacting a Peace Officer and receiving specific authority to tow said vehicle.

- B. Complaints regarding any permitted Tow Truck Operator, Tow Truck, or Towing Company may be filed in writing with the Sheriff's Office to the attention of Wrecker Enforcement. The Sheriff's Office will review written complaints to determine if adverse action is necessary.
- C. Notice to Tow Truck Operator or Towing Company of Adverse Action by the Sheriff's Office
 - 1. The Sheriff's Office shall provide written notice to a Tow Truck Operator or Towing Company following the denial, suspension, or revocation of a permit. The written notice shall state the specific grounds for the adverse action.
 - 2. Written notice shall be provided via First Class and Certified Mail.
- D. If a permit is suspended or revoked or a renewal is denied, the Tow Truck Operator or Towing Company shall surrender the permit to the Sheriff's Office.
- E. Hearing Process
 - 1. Appeal
 - a. A Tow Truck Operator or Towing Company may appeal adverse action of the Sheriff's Office by filing a written notice of appeal with the Patrol Division Captain. A written notice of appeal must be received or post marked within ten (10) business days of the date of the notice of adverse action.
 - b. A Disciplinary Hearing Committee shall hear each appeal. The Disciplinary Hearing Committee shall consist of: (1) a Lieutenant in the Patrol Division, (2) a Supervisor in the Patrol Division; and (3) a representative of a Towing Company operating in a different Zone than the Zone from which the appeal originated.
 - c. The Disciplinary Hearing Committee shall give the Tow Truck Operator or Towing Company making the appeal a written notice of the date, time, and place of the appeal hearing to be conducted by the Committee. Both the appealing party and the Sheriff's Office may offer evidence and argument at the appeal hearing. The Disciplinary Hearing Committee shall recommend a course of action to the Patrol Division Captain.
 - d. The Patrol Division Captain shall issue a written decision based upon a review of the Disciplinary Hearing Committee's recommendation and issue a written decision no later than ten (10) business days from the hearing date. The decision of the Patrol Division Captain shall be final if not appealed to the Sheriff or his/her designee within ten (10) business days of the Patrol Division Captain's decision.
 - 2. Second Appeal
 - a. The Tow Truck Operator or Towing Company may appeal the Patrol Division Captain's decision by filing a written appeal with the Sheriff within ten (10) business days of the date of the Patrol Division Captain's written decision.
 - b. The Sheriff or his/her designee shall issue a written decision based upon a review of the written information submitted to the Disciplinary Hearing Committee and the Patrol Division Captain. No additional information may be submitted. The Sheriff or his/her designee shall issue a written decision no later than ten (10) business days from the date the written notice of a second appeal is received.
 - c. The decision of the Sheriff or his/her designee shall be final.
 - d. A Tow Truck Operator or Towing Company forfeits any right to an appeal under these Rules by failing to timely file an appeal.

3. All appeals shall be mailed to:

Fort Bend County Sheriff's Office
Attn: Patrol Division Captain
1410 Williams Way
Richmond, Texas 77469

V.

Permit Fees

- A. General
1. All application and replacement fees must be paid by cash, cashier's check, money order, or business check made payable to Fort Bend County.
 2. All application and replacement fees are non-refundable.
 3. Insufficient/returned checks will be assessed the County's current NSF fee plus a \$50.00 administrative fee.
- B. Application Fees
1. A fee of \$250.00 will be paid, which includes one (1) Tow Truck Permit, one (1) Tow Truck Operator ID Permit, Inspection of Tow Truck, and Inspection of Vehicle Storage Facilities. An additional fee of \$25.00 will be charged for rescheduling Tow Truck Inspections and Vehicle Storage Facility Inspections, which failed during the initial inspection.
- C. Replacement Fees
1. Tow Truck Operator ID Permit- \$10.00

VI.

Tow Rotation List

- A. A Peace Officer initiating a Nonconsent Tow of a motor vehicle shall notify the Sheriff's Office that a Nonconsent Tow is needed.
- B. The Sheriff's Office shall contact successive Towing Companies on the Tow Rotation List until a Towing Company agrees to carry out the Nonconsent Tow. The Sheriff's Office will only contact Towing Companies on the Tow Rotation List. Separate Tow Rotation Lists will be maintained for Light Duty Wreckers and Heavy Duty Wreckers.
- C. If a Towing Company is unable to make the tow, or arrive within the allowable time frame, the Towing Company will be rotated.
- D. Towing Companies responding to a Light Duty Wrecker call shall be able to arrive within a 30 minute time frame. Heavy Duty Wrecker call outs shall arrive within a reasonable amount of time, as determined by the Peace Officer initiating the Nonconsent Tow.

VII.

Operation of Tow Truck at Scene

- A. General
1. The Tow Truck must be parked on the same side of the road as the Motor Vehicle to be towed and at least one hundred (100) feet from the Law Enforcement Scene, unless otherwise directed by a Peace Officer. No Tow Truck may be within one thousand

- (1000) feet of the Law Enforcement Scene unless requested by Fort Bend County Dispatch as a rotation wrecker.
2. Neither Tow Truck Operators nor their passengers shall enter the Law Enforcement Scene unless requested to remain on the scene by a Peace Officer or emergency personnel.
 3. The Tow Truck Operator shall ensure that all nonessential persons are a safe distance from the Tow Truck and Motor Vehicle before lifting a Motor Vehicle.
 4. The Tow Truck Operator shall not place or operate a Tow Truck cable across lanes of traffic unless the traffic is stopped or diverted by a Peace Officer.
 5. The Towing Company shall remove and properly dispose of all debris from the Law Enforcement Scene. Large volumes of cargo spilled from rigs or trailers may require separate removal.
 6. Once a Tow Truck has completely hooked up to a Motor Vehicle, the Towing Company may collect a Nonconsent Tow fee as authorized by these Rules.
 7. The Towing Company must transport the Motor Vehicle directly from the scene to an appropriate Vehicle Storage Facility or the location designated by the Vehicle Owner.
- B. Vehicle Inventory Wrecker Slips
1. In cases when the owner of the vehicle is no longer on scene, the Peace Officer shall perform an inventory of the vehicle and complete a Vehicle Inventory Wrecker Slip.
 2. The Peace Officer on the scene shall provide the Tow Truck Operator with duplicate copies of the Vehicle Inventory Wrecker Slip.
 3. The Tow Truck Operator signing the Vehicle Inventory Wrecker Slip shall be responsible for the Motor Vehicle

VIII.

Vehicle Storage Facilities

- A. General
1. A Towing Company that makes a Nonconsent Tow shall tow the motor vehicle to a Vehicle Storage Facility that is operated by a person who holds a license to operate the facility under Chapter 2303 of the Texas Occupations Code, unless the Towing Company agrees to take the motor vehicle to a location designated by the motor vehicle's owner.
 2. The Motor Vehicle must be towed to an appropriate Vehicle Storage Facility, or delivered to the location designated by the Vehicle Owner, within two (2) hours from the time the Motor Vehicle is loaded.
 3. The motor vehicle may not be transported from the original Vehicle Storage Facility to another Vehicle Storage Facility if such transfer will result in additional fees to the Vehicle Owner.
 4. The Vehicle Storage Facility to which a motor vehicle is towed must be located within the specific zone in which the Nonconsent Tow originated.
 5. All Vehicle Storage Facilities are required to be at least 2500 SQ. FT. in size.
 6. No VSF can share a fence with another VSF. It must be its own independent lot (cannot split lot to form two or more VSF's).
 7. VSF's must have their own address (no suite A,B,C, etc).
 8. VSF's must either be separated by a State or County maintained public roadway, or at least 100 feet away from another VSF.

9. All VSF's shall contain at least a 250 watt light per quarter acre, which is to remain lit during night time hours (30 minutes after sunset to 30 minutes before sunrise) while vehicles are parked in the storage facility.
10. Each VSF shall have a clearly visible and readable sign at its main entrance containing the following information: "Any complaints regarding Tow Company, Tow Truck, Tow Truck Operator, VSF, or Tow Fees, please contact the Fort Bend County Sheriff's Office, Commercial Vehicle Enforcement at (281) 341-8723." The sign shall have letters at least 2" in height, have a contrasting background, and be visible from at least 10 feet away.
10. VSF's must provide evidence of compliance with all other City and State requirements.

IX.

Maximum Fees for Nonconsent Tows

A. Light Duty Tow

1. The maximum allowable fees that may be collected in connection with a Nonconsent Tow with a Light Duty Wrecker are as follows:
 - a. Light Duty Wrecker \$175
 - b. Light Duty Wrecker (assist) \$105
 - c. Light Duty Winching Fee \$50
 - d. Labor \$50 per hour beginning after the first hour
2. Backup assistance shall only be used if determined necessary by the peace officer at the scene. The use of inferior equipment or inadequate vehicle ability by design (i.e., sneaker or repo-style truck) shall not justify backup assistance.
3. A Light Duty Winching fee may be added on a case-by-case basis in extreme situations if determined necessary by the peace officer at the scene. A Light Duty Winching fee shall not be assessed unless the vehicle is located off of the street's right of way.
4. The Labor fee may be added for each hour after the first hour the Tow Truck Operator is required to remain at the scene of the Nonconsent Tow. This fee shall be assessed in 30 minute increments.

B. Heavy Duty Tow

1. The maximum allowable fees that may be collected in connection with a Nonconsent Tow with a Heavy Duty Wrecker are as follows:
 - a. Heavy Duty Wrecker (per wrecker) \$225 per hour/ 2 hour minimum
 - b. Heavy Duty Winching Fee \$250 per cable
 - c. Light Duty Wrecker (assist) \$150 per hour/ per wrecker
 - d. Light Duty Winching Fee (assist) \$50
 - e. Labor (not including driver) \$50 per hour/ per person
2. In cases where two or more Heavy Duty Wreckers are needed, the responding Towing Company may elect to charge a recovery fee in place of the fees identified in Section IX.B.1. The allowable contained recovery fee is \$.035 per pound and the allowable non-contained recovery fee is \$.045 per pound. If a recovery fee is assessed, the Towing Company may not assess any additional fees including, but not limited to, those fees identified in Section IX.B.1.
3. In cases involving water submerged vehicles, the Towing Company will not be rotated on the Heavy Duty Wrecker Tow Rotation List if a Heavy Duty Wrecker is only utilized for winching at the scene. The Towing Company will be rotated on the appropriate Tow Rotation List for the wrecker that performs the Nonconsent Tow.

4. There will be no first available Heavy Duty Wrecker calls. It is a violation of these Rules to respond to a Law Enforcement Scene unless requested by the Fort Bend County Dispatch as a rotation wrecker.
 5. A Towing Company will be removed from the Heavy Duty Wrecker Tow Rotation List if it is unable to make a tow or arrive within the allowable time more than three times in a calendar year unless the Towing Company has provided advanced notice to the Commercial Vehicle Enforcement Unit that its Heavy Duty Wrecker is out of service.
 6. Towing Companies on the Heavy Duty Wrecker Tow Rotation List must submit to the Commercial Vehicle Enforcement Unit an itemized copy of a bill related to a Nonconsent Tow within five business days of the Nonconsent Tow. The bill must contain the customer's name, address, phone number, and email address if applicable. The bill must be submitted to the following address: Fort Bend County Sheriff's Office, Attn: Commercial Vehicle Enforcement Unit, 1410 Williams Way Boulevard, Richmond, Texas 77469.
- C. These maximum allowable fees do not include fees or charges for the removal of cargo spilled from large rigs or trailers. Fees for salvage services may be negotiated by and between the Tow Truck Operator recovering the cargo and the Motor Vehicle Owner.
- D. It is a violation of these rules for any Towing Company or Tow Truck Operator to collect fees in connection with a Nonconsent Tow in excess of the maximum fees set forth herein.

X.

Towing Fee Studies

- A. A person may file a written request for a Towing Fee Study at any time, but not more than once per year. The Sheriff's Office shall notify Commissioners Court upon receipt of a request.
- B. Commissioners Court shall determine whether a Towing Fee Study is warranted. Commissioners Court is not absolutely obligated to order a Towing Fee Study.
- C. If a Towing Fee Study is ordered, the Sheriff's Office shall collect relevant financial or accounting information regarding current maximum allowable fees to determine if such fees represent the fair value of the services provided. The Sheriff's Office shall present a recommendation to Commissioners Court based on this review.
- D. Commissioners Court shall determine if the maximum allowable fee should be amended. Commissioners Court is not obligated to amend the maximum allowable fee if it determines that the existing fee represents the fair value of the services provided.

XI.

Violations and Criminal Offenses

- A. Any violation of these Rules may result in temporary and/or permanent removal of a Towing Company from the Tow Rotation List. Such temporary and/or permanent removal is at the sole discretion of the Sheriff's Office.
- B. Criminal Offense
1. A person commits an offense if:
 - a. The person arrives at the scene of a traffic accident or traffic incident to perform a nonconsent tow of a motor vehicle without first being contacted by the Sheriff's Office;

- b. The person directly or indirectly solicits, on streets located in the County, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in an accident to the extent that it cannot be normally and safely driven; or
 - c. The person enters the scene of a traffic accident, traffic incident, or other area under the control of a Peace Officer without the permission of the Peace Officer.
2. An offense as described above is a misdemeanor punishable by a fine of not less than \$1.00 or more than \$200.00.

XII.
DISPOSITION OF ABANDONED VEHICLES

All abandoned vehicles must be disposed of in accordance with Section 683.031 of the Texas Transportation Code.

XIII.
LAW ENFORCEMENT NOTIFICATION

All notices to Law Enforcement required by Section 683.031 of the Texas Transportation Code shall be made to the following:

Fort Bend County Sheriff's Office
Commercial Vehicle Enforcement
1410 Williams Way
Richmond, Texas 77469
Telephone: 281-341-4600
Fax: 281-341-4792

Texas Auto Title & Registration Consultants, Inc.
P.O. Box 18717
Corpus Christi, Texas, 78480
Telephone: 1-800-448-2344
Fax: 361-939-7620

IX.
Effective Date

The effective date of these Rules shall be October 23, 2012.

PASSED AND APPROVED this the 23 day of October, 2012.

FORT BEND COUNTY, TEXAS

By: _____

Robert E. Hebert, County Judge

ATTEST:

Dianne Wilson

Dianne Wilson, County Clerk

Approved:

Milton Wright

Milton Wright, Fort Bend County Sheriff

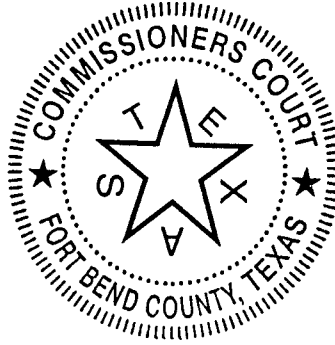


EXHIBIT A

**REVISED ORDER CREATING RULES AND REGULATIONS FOR NONCONSENT
TOWING AND STORAGE SERVICES OF FORT BEND COUNTY**

Exhibit A – Wrecker Zones

Descriptors of East Side Zone:

The East Side boundaries of the County will contain the roadway and everything East of FM 1464 at the Northern County Line. It will travel South down FM 1464 until it dead ends into Hwy. 99 (Grand Pkwy.). It will continue traveling South on Hwy. 99, until the intersection of Hwy. 59. It will travel North on Hwy. 59, until the intersection of the Brazos River Bridge. It will travel South along the Brazos River, until reaching the Southern County Line.

Descriptors of West Side Zone:

The West Side boundaries of the County will include everything West of FM 1464, West of Hwy. 99 (between Fm 1464 and Hwy. 59), and West of the Brazos River. The West Side boundary DOES NOT include any accident or incident, in which the initial point of impact, occurred on FM 1464, Hwy. 99 (between FM 1464 and Hwy. 59), or the Brazos River.

EXHIBIT B



**FORT BEND COUNTY SHERIFF'S OFFICE
NON-CONSENT TOW TRUCK PERMIT
APPLICATION**



Tow Truck Operator ID's are required to perform Non-Consent Tows and are not transferable. Rules and Regulations may be viewed online at www.co.fort-bend.tx.us

PERMIT ISSUE DATE:
(FBCSO Office Use Only)

TYPE OF APPLICATION

____ New Permit
____ Replacement

COMPANY
TDLR #: _____

*Please make Checks or Money Orders
payable to Fort Bend County.*

WRECKER COMPANY INFORMATION

Company Name: _____ Owner: _____

Contact Person: _____ E-Mail: _____

Phone Numbers: () _____ 24 Hour Primary Number () _____ 24 Hour Secondary Number

() _____ Business Office () _____ Business Fax

Business Address: _____ City _____ Zip Code _____

Mailing Address: _____ City _____ Zip Code _____
(If different from above)

AUTHORIZED VEHICLE STORAGE FACILITY

Vehicle Storage Facility (VSF) # _____ Zone: _____

Address: _____ City _____ Zip Code _____

Vehicle Storage Facility (VSF) # _____ Zone: _____

Address: _____ City _____ Zip Code _____

TOW TRUCK INFORMATION

(Note: Copies of form may be made if more than 2 trucks)

Yr: _____ Make: _____ Lic: _____ VIN: _____

TDLR # _____ Zone: _____

Yr: _____ Make: _____ Lic: _____ VIN: _____

TDLR # _____ Zone: _____

ALL TOW TRUCKS MUST HAVE THE FOLLOWING DOCUMENTS:

- ☐ VEHICLE REGISTRATION ☐ VEHICLE MVI INSPECTION REPORT ☐ PROOF OF FINANCIAL RESPONSIBILITY
☐ CERTIFICATE OF INSURANCE (ACORD) ☐ COPY OF RECENT TOW INVOICE ☐ COMPANY BUSINESS CARD
☐ AUTHORIZATION FOR USE OF VSF ☐ SCHEDULE OF NON-CONSENT TOWS FEES

APPLICANT SHALL HOLD FORT BEND COUNTY HARMLESS FROM AND AGAINST ALL CLAIMS, LIABILITY AND EXPENSE, INCLUDING REASONABLE ATTORNEY FEES THAT RESULT FROM NON-CONSENT TOWING SERVICES PROVIDED BY THE APPLICANT OR ANY OF ITS APPLICANT'S AGENTS OR EMPLOYEES.

APPLICANT'S SIGNATURE: _____

DATE: _____

EXHIBIT C



**FORT BEND COUNTY SHERIFF'S OFFICE
NON-CONSENT TOW TRUCK
OPERATOR ID PERMIT APPLICATION**



Tow Truck Operator ID's are required to perform Non-Consent Tows in the county and are not transferable. Rules and Regulations may be viewed online at www.co.fort-bend.tx.us

ID PERMIT ISSUE DATE:
(FBCSO Office Use Only)

TYPE OF ID

____ New Operator ID
____ Replacement ID

Company Name: _____

Each Tow Truck Permit includes
(1) Operator ID. Additional and
Replacement ID's are available at
\$10 each. Please make Checks or
Money Orders payable to Fort Bend County.



TOW TRUCK OPERATOR INFORMATION

Last Name: _____ First: _____ Middle: _____

Address: _____ City: _____ Zip Code: _____

Phone Numbers: () _____ Cell/Mobile () _____ Alternate Number

E-Mail: _____ (If Available) Company TDLR #: _____

PERSONAL INFORMATION (FOR DPS BACKGROUND CHECK)

☐ Male Social Security #: _____ Eye Color: _____ Hair Color: _____
☐ Female Date of Birth: ____/____/____ Height: _____ Weight: _____

APPLICANT'S STATEMENT

I, the Applicant, do solemnly swear that the following statement is true and correct:

- (1) Applicant has read, understands and agrees to abide by the Rules and Regulations For Non-Consent Towing and Storage Services in the Unincorporated Area of Fort Bend County;
- (2) Applicant was not convicted within the past three years of :
 - a. two or more serious traffic violations
 - b. driving a Motor Vehicle under the influence of alcohol or a controlled substance
 - c. driving a Motor Vehicle while the Applicant's driver's license was revoked, suspended, or cancelled or while otherwise disqualified from driving a Motor Vehicle;
- (3) Applicant has not committed and been convicted of a misdemeanor involving moral turpitude or a felony.
- (4) Applicant is not addicted to the use of alcohol, a controlled substance, or another drug that renders a person incapable of driving;
- (5) Analysis during the last year of Applicant's blood, breath, or urine under Texas Transportation Code Chapters 522, 524 or 724 would not disqualify Applicant from driving a commercial Motor Vehicle;
- (6) Applicant does not hold a driver's license by this State or another state or country that has been revoked, cancelled, or suspended;
- (7) Applicant has not been determined by a judgment of a court to be totally incapacitated or incapacitated of a Motor Vehicle, unless restored to capacity by judicial decree or released from a hospital that the person has regained capacity; and
- (8) Applicant does not have any mental or physical disability that prevents the person from exercising reasonable and ordinary control over the operation of a Tow Truck.

EACH APPLICATION MUST HAVE THE FOLLOWING DOCUMENTS:

- ☐ COPY OF VALID TEXAS COMMERCIAL DL ☐ COLOR PASSPORT PHOTO ☐ \$10 FEE FOR ADDITIONAL/REPLACEMENT
- ☐ TEXAS DPS FINGERPRINT CARD OBTAINED FROM ANY LOCAL LAW ENFORCEMENT AGENCY
- ☐ A CHECK MADE PAYABLE TO DEPARTMENT OF PUBLIC SAFETY IN THE CURRENT AMOUNT NECESSARY FOR DPS TO PERFORM A BACKGROUND CHECK

APPLICANT SHALL HOLD FORT BEND COUNTY HARMLESS FROM AND AGAINST ALL CLAIMS, LIABILITY AND EXPENSE, INCLUDING REASONABLE ATTORNEY FEES THAT RESULT FROM NON-CONSENT TOWING SERVICES PROVIDED BY THE APPLICANT OR ANY OF ITS APPLICANT'S AGENTS OR EMPLOYEES.

APPLICANT'S SIGNATURE: _____

DATE: _____

Rev 09/12