

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

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

WHEREAS, the purpose of this Order Revising The Rules and Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County (hereinafter sometimes referred to as “Regulations”) 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 (the “County”);

WHEREAS, the County approved these Regulations on November 6, 2007; and as amended on March 1, 2011; July 24, 2012; October 23, 2012; and November 26, 2013; and

WHEREAS, the County wishes to amend the Regulations to clarify certain rules and amend the title of these Regulations to be the Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County; and

WHEREAS, the authority to promulgate and enforce this Order is granted to the Fort Bend County Commissioners Court by Chapter 2308 of the Texas Occupations Code;

NOW, THEREFORE BE IT HEREBY ORDERED, ADJUDGED, AND DECREED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, THAT THE REGULATIONS ATTACHED HERETO, ENTITLED REGULATIONS FOR NONCONSENT TOWING AND STORAGE SERVICES IN THE UNINCORPORATED AREA OF FORT BEND COUNTY, ARE MADE A PART OF THIS ORDER AND ARE ADOPTED AS THE REGULATIONS OF FORT BEND COUNTY, EFFECTIVE _____, 2023 AND ALL OFFICIALS OF FORT BEND COUNTY HAVING DUTIES UNDER SAID REGULATIONS ARE ORDERED AND DIRECTED TO PERFORM SUCH DUTIES AS REQUIRED OF THEM UNDER SAID REGULATIONS.

PASSED, APPROVED AND ORDERED on this ___day of _____, 2023.

KP GEORGE, COUNTY JUDGE

ATTEST:

Laura Richard, County Clerk
(COMMISSIONERS COURT SEAL)

EXHIBIT A

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



ADOPTED BY

FORT BEND COUNTY COMMISSIONERS COURT

COUNTY JUDGE

KP GEORGE

COUNTY COMMISSIONERS

VINCENT MORALES, Precinct 1

JAMES "GRADY" PRESTAGE, Precinct 2

W. A. "ANDY" MEYERS, Precinct 3

DEXTER L. MCCOY, Precinct 4

Adopted: November 6, 2007

Amended: March 1, 2011

Amended: July 24, 2012

Amended: October 23, 2012

Amended: November 26, 2013

Amended on _____, 2023

Effective on _____, 2023

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

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

**Article I.
General Provisions**

- A. Authority. The authority to promulgate and enforce these Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County (also referred to hereinafter as “Regulations”) is granted to the Fort Bend County Commissioners Court by Chapter 2308 of the Texas Occupations Code. These Regulations amend and supersede the prior Fort Bend County towing regulations entitled the Rules and Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County, effective November 26, 2013.
- B. Purpose. The purpose of these Regulations 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.
- C. The Fort Bend County Commissioners Court has authorized and delegated to the Fort Bend County Sheriff’s Office (“Sheriff’s Office”) responsibility for the administration of these Regulations, issuance of permits required by these Regulations, enforcement of these Regulations, and maintenance of proper records. The Sheriff’s Office is further authorized to utilize all available resources, including but not limited to the use of an appropriate web-based or mobile platform or service furnished by a third-party provider or vendor (hereinafter “third-party provider”), as approved by the Commissioners Court, to facilitate accomplishing the Sheriff’s Office’s duties under these Regulations. Pursuant to Texas Occupations Code Section 2308.209, the Sheriff’s Office may assess an administrative fee to Towing Companies for inclusion on the Tow Rotation List and in an amount not to exceed an amount necessary to implement the Tow Rotation List System. The Sheriff’s Office may further establish, adjust, and utilize operational procedures, including monitoring and auditing procedures, to facilitate performing its duties under these Regulations.
- D. Except as otherwise stated, all Towing Companies and persons operating a Tow Truck to perform Nonconsent Towing services originating from unincorporated areas of Fort Bend County shall be subject to these Regulations as of the Effective Date as stated herein. Current permit holders at the time of the adoption of these Regulations shall continue to have active permits or licenses under the Preceding Regulations until those permits or licenses expire or are otherwise terminated, but will need to implement rules of operation consistent with the current Regulations as of the Effective Date of the Regulations.

Article II.
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, Nonconsent Tows, or Private Property Tows.
- B. “County” shall mean Fort Bend County, Texas.
- C. “Heavy Duty Wrecker” shall mean a tow truck with a gross vehicle weight rating (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 commercial Motor Vehicle weighing 80,000 lbs.
- D. “Incident Management Towing” means any tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from a traffic accident or traffic incident scene.
- E. “Law Enforcement Scene” means a location where a Peace Officer(s) is present and may be investigating an incident or working to control the location for the safety of others or to facilitate conducting an investigation.
- F. “Light Duty Wrecker” shall mean a tow truck with a GVWR at or less than 26,000 lbs.
- G. “Motor Vehicle” shall mean any vehicle as defined by Section 501.002 of the Texas Transportation Code.
- H. “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. For purposes of these Regulations, the term Nonconsent Tow shall not include Private Property Towing.
- I. “Peace Officer” shall mean any peace officer as defined by Art. 2.12 of the Texas Code of Criminal Procedure.
- J. “Permit” means the applicable, new, renewal or replacement, Tow Truck Permit(s) and Tow Truck Operator ID Permit(s), Vehicle Storage Facility Permit(s) issued by the Fort Bend County Sheriff’s Office or the Texas Department of Licensing and Regulations to an approved Towing Company, Tow Truck Operator, Vehicle Storage Facility and/or their individual owners, operators and Tow Assistants for operation in compliance with these Regulations.

1. "Permitted" refers to those entities and individuals whose applications for Permit(s) have been approved by the Fort Bend County Sheriff's Office or the Texas Department of Licensing and Regulations.
 2. "Permit Year" refers to the calendar year for which a Permit is active under these Regulations.
- K. "Private Property Towing" means any tow of a vehicle authorized by a Parking Facility owner without the consent of the owner or operator of the vehicle.
- L. "Regulations" shall mean these Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County.
- M. "Sheriff's Office" shall mean the Fort Bend County Sheriff's Office.
- N. "Towing Company" or "Tow Company" shall mean any individual, partnership, association, corporation, limited liability company, or other legal entity engaged in the business of towing Motor Vehicles with tow trucks, but does not include a political subdivision of the state. A Towing Company shall possess an active tow company license with the Texas Department of Licensing and Regulations.
- O. "Tow Rotation List" is a list maintained by the Sheriff's Office that consists of Towing Companies with Permitted Tow Trucks that cover the County's Tow Zones. However, Heavy Duty Wreckers shall be placed on a County-wide Tow Rotation List. The Sheriff's Office shall use the County's Tow Rotation Lists to select Towing Companies with Permitted Tow Trucks to perform Nonconsent Tows.
- P. "Tow Rotation List System" means a rotation selection system with Tow Rotation List(s) that are utilized by the Sheriff's Office to select and designate Towing Companies to provide Nonconsent Tows. The Tow Rotation List System shall provide for equal distribution of Nonconsent Tows among the Towing Companies with Permitted Tow Trucks.
- Q. "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. Except where otherwise stated or explained, the term "Tow Truck" includes a "Heavy Duty Wrecker" or a "Light Duty Wrecker." The term does not include the following:
1. A Motor Vehicle owned and operated by a governmental entity, including a public school district;
 2. A Motor Vehicle towing (1) a race car; (2) a Motor Vehicle for exhibition; or (3) 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: (1) that is owned or operated by an entity the primary business of which is the rental of Motor Vehicles; and (2) only tows vehicles rented by the entity;
 7. A truck-trailer combination that is owned or operated by a dealer licensed under Chapter 2301 of the Texas Occupations Code 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: (1) in the course of: (a) a prearranged shipping transaction; or (b) 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 of the Texas Occupations Code; or (2) for use in mining, drilling, or construction operations.
- R. “Tow Truck Operator” shall mean a person operating a Tow Truck.
- S. “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.
- T. “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.
- U. “Tow Zone” shall mean East side or West side areas of Fort Bend County as defined by the Sheriff’s Office in which a permitted Tow Truck may conduct Nonconsent Tows. The Tow Zones for Fort Bend County can be found at the Fort Bend County Sheriff’s Office website and are provided with the Tow Truck Permit Application.
- V. “Vehicle Owner” shall mean a Motor Vehicle’s legal or registered owner, or such owner’s authorized representative.
- W. “Vehicle Storage Facility” (VSF) shall mean any vehicle storage facility as defined by Section 2303.002 of the Texas Occupations Code. A Vehicle Storage Facility shall possess an active vehicle storage facility company license with the Texas Department of Licensing and Regulations.

Article III.
Tow Truck Permits

A. General

1. A Fort Bend County Tow Truck Permit authorizes the Permitted Tow Truck to be used to perform Nonconsent Tows in the unincorporated area of the County through the County's Tow Rotation List System.
2. A Towing Company may choose to file an Application for a Tow Truck Permit(s) for one or more of its owned or leased Tow Truck(s) within one or more Tow Zone(s) and said Permit(s), if approved, shall allow it to operate within the boundaries of those Tow Zone(s) for Nonconsent Towing. Heavy Duty Wreckers shall be operated on a County-wide basis without requiring a specific Tow Zone(s) assignment. Each Tow Truck must be associated with a Vehicle Storage Facility within each Tow Zone that the Tow Truck is operating to receive vehicles from Nonconsent Tows.
3. 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.
4. Tow Truck Permits are not assignable or transferable.
5. Tow Truck Permits are the property of Fort Bend County.
6. It is a violation of these Regulations for anyone to use a Tow Truck for a Nonconsent Tow originating in the unincorporated area of the County without a valid Tow Truck Permit.
7. A violation of these Regulations may result in the denial, suspension, or revocation of a Tow Truck Permit. Such action may result in temporary and/or permanent removal of a Towing Company from the Tow Rotation List System.

B. Permit Applications

1. In compliance with these Regulations, the Sheriff's Office shall determine and approve the form of the Tow Truck Permit application and the manner or process for delivering and filing such applications with the Sheriff's Office.
2. A completed application must be filed with the Sheriff's Office for each Tow Truck used for Nonconsent Tows originating in the unincorporated areas of the County. A completed application must be accompanied by the following documentation:
 - a. A copy of the current vehicle registration of the Tow Truck;
 - b. A copy of the Tow Truck's Motor Vehicle inspection report;
 - c. Proof of financial responsibility in accordance with Section 601.051 of the Texas Transportation Code;
 - d. A copy of the certificate of insurance coverage in accordance with Title 16 Texas Administrative Code Section 86.400;
 - 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 copy of the Towing Company's schedule of Nonconsent Tow Fees;
 - j. The Application Fee as set forth in Article VI and Appendix A of these Regulations.
- 3. Filing Deadlines. A Towing Company must file a completed Tow Truck Permit application between November 1 and November 15 of the current year to obtain an active permit for the upcoming calendar year, which would be the Permit Year for the Tow Truck Permit. However, additional Tow Truck Permit applications outside the November 1-15 period may be filed in the following circumstances:
 - a. A Towing Company may file a completed application at any time of the year if the application is to obtain a Tow Truck Permit for a Tow Truck that will replace a Tow Truck with a current Tow Truck Permit that has been permanently removed from service due to inoperability or sale.
 - b. A Towing Company which already has currently active Tow Truck Permit(s) for a Permit Year may file additional completed applications at any time for Tow Truck Permit(s) for Tow Truck(s) that the Towing Company seeks to add to its fleet of Tow Trucks for the same Permit Year.
- 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 the change occurring.
- 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 occurring is a violation of these Regulations.
- 6. Applications to annually renew Tow Truck Permits must be filed between November 1 and November 15 of the current year to be renewed and activated for the upcoming calendar year beginning January 1, which would be the new Permit Year for the Tow Truck Permit. A Towing Company may, only upon annual renewal Application and inspection, choose to change the Tow Zones selection.

C. Permit Issuance

- 1. Upon satisfaction of the Tow Truck Permit application requirements of these Regulations, 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 appropriate Tow Rotation List(s) for each Tow Zone in which the Tow Truck is permitted to operate. Heavy Duty Wreckers shall be added to a county-wide Tow Rotation List.
- 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 Regulations.

E. Permit Expiration

1. All Tow Truck Permits expire annually at midnight on the 31st day of December of the Permit Year, regardless of the issuance date.
2. It is a violation of these Regulations 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 with a lost or stolen Tow Truck Permit 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 Tow Truck 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 Regulations 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 Regulations.

Article IV. **Tow Truck Operator ID Permits**

A. General

1. A Tow Truck Operator ID Permit authorizes the Tow Truck Operator to perform Nonconsent Tows with Permitted Tow Trucks in the unincorporated area of the County through the County's Tow Rotation List System.
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 Regulations for a Tow Truck Operator to perform Nonconsent Tows originating in the unincorporated area of Fort Bend County without a valid Tow Truck Operator ID Permit.
6. A Tow Truck Operator holding a Tow Truck Operator ID Permit must be a covered driver under the insurance for the Permitted Tow Truck that the Tow Truck Operator is operating to perform Nonconsent Tows.
7. The holder of a Tow Truck Operator ID Permit providing Nonconsent Tow services must operate their Tow Truck in a safe and reasonable manner, and comply with these Regulations and applicable traffic laws.
8. A violation of these Regulations may result in the denial, refusal to renew, suspension, or revocation of a Tow Truck Operator ID Permit. Such action may result in temporary and/or permanent removal of a Towing Company from the Tow Rotation List System.

B. Permit Applications

1. In compliance with these Regulations, the Sheriff's Office shall determine and approve the form of the Tow Truck Operator ID Permit application and the manner or process for delivering and filing such applications with the Sheriff's Office.
2. Completed applications must be filed at the Sheriff's Office by November 15 of the current year to be active for the upcoming calendar year beginning January 1, which would be the Permit Year for the Tow Truck Operator ID Permit.
3. 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. Documentation that the Tow Truck Operator on the application for a Tow Truck Operator ID Permit is a covered driver under the Towing Company's insurance for its Tow Trucks;
 - d. The application fee set forth in Section VI and Appendix A of these Regulations.
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 of the change occurring.
 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 occurring is a violation of these Regulations.
 6. Applications to annually renew Tow Truck Operator ID Permits must be filed by November 15 of the current year to be renewed and activated for the upcoming calendar year beginning January 1, which shall be the new Permit Year for the Tow Truck Operator ID Permit.

C. ID Permit Issuance

1. Upon satisfaction of the Tow Truck Operator ID Permit application requirements of these Regulations, 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 Regulations.

E. Permit Expiration

1. All Tow Truck Operator ID Permits expire annually at midnight on the 31st day of December of the Permit Year, regardless of the issuance date.
2. It is a violation of these Regulations 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 lost or stolen Tow Truck Operator ID Permit has been replaced.

Article V.

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 if the applicant has a criminal conviction, or has pleaded guilty or nolo contendere to an offense for a felony or a misdemeanor punishable by confinement in jail or by a fine in an amount that exceeds \$500. A Tow Truck Permit or Tow Truck Operator ID Permit may also be denied, suspended, or revoked, or the Towing Company may be suspended from the County's Tow Rotation List System for a period of time or removed permanently, at the discretion of the Sheriff's Office for the following reasons:
 1. Noncompliance with or violation of these Regulations;
 2. Knowingly supplying false or incomplete information;
 3. Knowingly towing a Motor Vehicle that is reported stolen without first contacting a Peace Officer and receiving specific authority to tow said vehicle;
 4. Committing a violation of the Texas Transportation Code
- 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 Traffic Enforcement, or by another method if designated by the Sheriff's Office. The Sheriff's Office will review written complaints to determine if adverse action is necessary.
- C. The Sheriff's Office may inspect any Tow Truck, place of business of the Towing Company, or Vehicle Storage Facility that is permitted, or pending approval of Application to be permitted, pursuant to these Regulations, at any time, with or without notice, to ensure compliance with all aspects of these Regulations.
- D. Notice of Adverse Action to a Tow Truck Operator or Towing Company:
 1. If the Sheriff's Office decides to impose adverse action against a Tow Truck Operator or Towing Company, the Sheriff's Office shall provide a written Notice of Adverse Action to the Tow Truck Operator or Towing Company following the denial, suspension, or revocation of a permit, or a suspension from the County's Tow Rotation List System. The written notice shall state the specific grounds for the adverse action.
 2. Written notice shall be provided via First Class and Certified Mail.
- E. 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.

F. Hearing Process

Pursuant to, and in compliance with, these Regulations, the Sheriff's Office may establish the process for appealing a Sheriff's Office's written Notice of Adverse Action provided to a Tow Truck Operator or Towing Company.

1. Appeal

- a. A Tow Truck Operator or Towing Company may appeal the adverse action of the Sheriff's Office by filing a written Notice of Appeal with the Patrol Division Captain, whose address is provided below at subsection Article V.F.3. 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. The written Notice of Appeal should identify the adverse action being appealed, and the reasons why such adverse action is incorrect or should be reversed.
- 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 Tow Zone than the Tow 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. The written Notice of Appeal should identify the adverse action being appealed, and the reasons why such adverse action is incorrect or should be reversed.
- 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. A party may appeal the final decision by filing a petition in a court of competent

jurisdiction in Fort Bend County within thirty (30) days after the date of the decision.

- d. A Tow Truck Operator or Towing Company forfeits any right to an appeal under these Regulations by failing to timely file an appeal.
3. All appeals shall be mailed to the appropriate party below:

Fort Bend County Sheriff's Office
Attn: Patrol Division Captain
"Appeal of Notice of Adverse Action"
Traffic Enforcement
1840 Richmond Parkway
Richmond, Texas 77469

Fort Bend County Sheriff's Office
Attn: Fort Bend County Sheriff
"Appeal of Patrol Division Captain's Decision"
Traffic Enforcement
1840 Richmond Parkway
Richmond, Texas 77469

Article VI. **Permit Fees**

A. General

1. All application, replacement, and other fees must be paid by cash, cashier's check, money order, or business check made payable to Fort Bend County.
2. All application, replacement, and other fees are non-refundable.
3. Insufficient/returned checks will be assessed the County's current NSF (insufficient funds) fee as set forth in Appendix A of these Regulations.

B. Application Fees

1. All applicants shall pay an Application Fee, as set forth in Appendix A of these Regulations, and such fee shall include payment for one (1) Tow Truck Permit, one (1) Tow Truck Operator ID Permit, Inspection of Tow Truck, and Inspection of Vehicle Storage Facilities.
2. An additional fee, as set forth in Appendix A of these Regulations, will be charged for rescheduling Tow Truck Inspections and Vehicle Storage Facility Inspections, which failed during the initial inspection.

C. Replacement Fees

1. A replacement fee for a lost Tow Truck Operator ID Permit shall be assessed as set forth in Appendix A of these Regulations.

Article VII.
Tow Rotation List System

- A. Through a Tow Rotation List System, the Sheriff's Office shall maintain the Tow Rotation Lists of Towing Companies with permitted Tow Trucks to perform Nonconsent Tows of Motor Vehicles pursuant to these Regulations and Texas Occupations Code Section 2308.209. Separate Tow Rotation Lists will be maintained for Light Duty Wreckers serving each of the County's Tow Zones. Heavy Duty Wreckers shall be listed in a County-wide Tow Rotation List.
- B. For each Tow Rotation List, the Tow Rotation List System shall provide for the equal distribution of Nonconsent Tows among the Towing Companies that perform Nonconsent Tows in the County, and shall ensure consumer protection, including fair pricing, for owners or operators of Motor Vehicles towed by Towing Companies on the Tow Rotation Lists.
 - 1. Each Towing Company, regardless of the number of Permitted Tow Trucks owned, leased, or controlled by the Towing Company, shall be placed on a Tow Rotation List only once. In other words, a Towing Company will have only one rotation spot for any Tow Rotation List, and may not obtain additional rotation spots in a Tow Rotation List by owning or controlling more than one Permitted Tow Truck. At all times, there will only be one rotation spot per Permitted Towing Company per Tow Rotation List.
 - 2. Two or more Towing Companies sharing ownership of a Tow Truck or Towing Company, may not appear more than once on a Tow Rotation List in any single Tow Zone, or County-wide rotation list in the case of Heavy Duty Wreckers, within the County. Furthermore, an individual or business entity that has an ownership interest (in whole or in part) in more than one Permitted Towing Company, may have only one of its Permitted Towing Companies on a Tow Rotation List in any single Tow Zone or on a County-wide rotation list in the case of Heavy Duty Wrecker services.
- C. To initiate a Nonconsent Tow of a Motor Vehicle, a Peace Officer shall notify the Sheriff's Office that a Nonconsent Tow is needed and determine the appropriate need to summon either a Light Duty or Heavy Duty Wrecker to the scene.
- D. Upon notification from a Peace Officer that a Nonconsent Tow is needed at a scene, the Sheriff's Office shall contact successive Towing Companies on the Tow Rotation List appropriate for the circumstances 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 appropriate for the Tow Zone and characteristics of the Motor Vehicle that requires a Nonconsent Tow. The Sheriff's Office shall make the Tow Rotation Lists available to the public.
- E. If a Towing Company's Permitted Tow Truck is unable to make the tow, or arrive within the allowable time frame, the Towing Company will be rotated to the end of the Tow

Rotation List and the next Towing Company on the Tow Rotation List shall be contacted for availability to conduct the Nonconsent Tow.

- F. Under the authority of, and in accordance with, these Regulations, the Sheriff's Office may designate a third-party provider to receive calls from Peace Officers initiating a Nonconsent Tow, select Towing Companies on the Tow Rotation List appropriate for the Tow Zone and circumstances, and manage the dispatching of a Towing Company's Permitted Tow Truck to the scene to conduct a Nonconsent Tow.
- G. Towing Companies responding to a Light Duty Wrecker call shall be able to arrive at the scene to initiate a Nonconsent Tow 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.
- H. Pursuant to Texas Occupations Code Section 2308.209, the Sheriff's Office may assess an administrative fee to Towing Companies for inclusion on the Tow Rotation List and in an amount not to exceed an amount necessary to implement the Tow Rotation List System. If the Sheriff's Office assesses an administrative fee, such fee shall be approved by Commissioners Court and added to the fee schedule listed in Appendix A of these Regulations.

Article VIII.
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 five hundred (500) feet from the Law Enforcement Scene, unless otherwise directed by a Peace Officer or 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 Regulations.
 - 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.

8. It shall be a violation of these Regulations for a Towing Company conducting a Nonconsent Tow to fail to transport a Motor Vehicle to a Vehicle Storage Facility located in the same Tow Zone in which the Nonconsent Tow was initiated. Pursuant to Article V of these Regulations, a violation of these Regulations may result in the Permitted Tow Company or Tow Truck Operator to have their permits for Tow Trucks and Tow Truck Operator ID denied, suspended, or revoked at the discretion of the Sheriff's Office, or for the Towing Company to be suspended from the County's Tow Rotation List System for a period of time.

B. Vehicle Inventory Wrecker Slips

1. In cases when the Vehicle Owner 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

Article IX.
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 Vehicle 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 (VSF) to which a Motor Vehicle is towed must be located within the specific Tow Zone in which the Nonconsent Tow originated.
5. All Vehicle Storage Facilities are required to be at least 2500 sq. ft. in size.
6. VSFs must have their own street address. The address cannot be a suite, room number, or a Post Office Box.
7. All VSFs 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.
8. Each VSF shall have a clearly visible and readable sign at its main entrance containing the following information: "Any complaints regarding Towing Company, Tow Truck, Tow Truck Operator, VSF, or Tow Fees, please contact the

Fort Bend County Sheriff's Office, Traffic Enforcement at (281) 341-8723." The sign shall have letters at least 2 inches in height, have a contrasting background, and be visible from at least 10 feet away. Notwithstanding the above signage requirements, the Sheriff's Office has discretionary authority to amend the VSF signage requirements, as needed.

9. VSFs must provide evidence of compliance with all other applicable local City, County, and State requirements.

Article X.

Maximum Fees for Nonconsent Tows

- A. Pursuant to Section 2308.2065 of the Texas Occupations Code and 16 Texas Administrative Code Section 86.458, whenever a tow truck service is used pursuant to these Regulations and the Fort Bend County Tow Rotation List System, the maximum amount allowed to be charged by a permit holder for such services, including but not limited to tow, winch, clean-up and removal, shall not exceed the applicable and allowable fees as outlined in the current, County approved, rate schedule mentioned above and incorporated in these Regulations under Appendix A.
- B. Light Duty Tow
 1. The maximum allowable fees that may be collected in connection with a Nonconsent Tow with a Light Duty Wrecker shall be determined by the County in accordance with Texas law, and are set forth in Appendix A of these Regulations.
 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 as set forth in Appendix A of these Regulations may be added 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.
- C. Heavy Duty Tow
 1. The maximum allowable fees that may be collected in connection with a Nonconsent Tow with a Heavy Duty Wrecker shall be determined by the County in accordance with Texas law, and are set forth in Appendix A of these Regulations.
 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 Appendix A. The allowable contained "per pound" recovery fee and the allowable "per pound" non-contained recovery fee are set forth in Appendix A of these Regulations. If a recovery fee is assessed, the Towing Company may not

assess any additional fees including, but not limited to, those fees identified in Appendix A.

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 Regulations to respond to a Law Enforcement Scene unless requested by the Fort Bend County Dispatch as a rotation wrecker through the Tow Rotation List System.
 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 Traffic 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 Traffic Enforcement an itemized copy of a bill related to a Nonconsent Tow within five (5) 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: Traffic Enforcement, 1840 Richmond Parkway, Richmond, Texas 77469.
- D. 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.
- E. It is a violation of these Regulations 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 in Appendix A, as if fully set forth herein.

Article XI.
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 and may order a Towing Fee Study be conducted.
- 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.

Article XII.
Violations and Criminal Offenses

- A. Any violation of these Regulations 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. Pursuant to Texas Occupations Code Sec. 2308.209(h), 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. Pursuant to Texas Occupations Code Sec. 2308.209(i), an offense as described above is a misdemeanor punishable by a fine of not less than \$1.00 or more than \$200.00.

Article XIII.
Disposition of Abandoned Vehicles

All abandoned vehicles in a storage facility operated for commercial purposes must be disposed of in accordance with Section 683.031 of the Texas Transportation Code.

Article XIV.
Law Enforcement Notification

All notices to a “law enforcement agency” required by Section 683.031 of the Texas Transportation Code shall be made to the following:

Fort Bend County Sheriff's Office
Traffic Enforcement
1840 Richmond Parkway
Richmond, Texas 77469
Telephone: 281-341-8700
Fax: 281-341-4792

A copy of the above notice shall also be made to the following:

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

Article XV.
Severability, Construction and Other Provisions

- A. Severability. If a Section or Subsection of these Regulations, or certain applications of a Section or Subsection, is found invalid or unconstitutional, the remaining Sections or Subsections, or applications of those Sections or Subsections, will continue in force as law.
- B. Conflicting provisions. Where there is a conflict in these Regulations between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of these Regulations specify different requirements for the same purpose, the most restrictive shall govern.
- C. Forms: Forms to be used in the administration of these Regulations shall be promulgated by the Sheriff’s Office.

Article XVI.
Effective Date

The effective date of these Regulations shall be _____, 2023.

PASSED AND APPROVED this the ____ day of _____, 2023.

**APPENDIX A
Schedule of Fees**

Fort Bend County Schedule of Fees and Nonconsent Towing Maximum Capped Fees to Consumers	
Fort Bend County -Application Fees	
Application and Renewal Fee, which includes the cost of one (1) Tow Truck Permit, one (1) Tow Truck Operator ID Permit (\$15), one (1) Inspection of Tow Truck, and one (1) Inspection of Vehicle Storage Facilities. The Fee amount is nonadjustable.	\$250
Re-scheduling Inspection Charge for each Tow Truck or Vehicle Storage Facility Inspection that failed initial inspection or was unavailable for the initial inspection	\$25
Replacement Fee for Lost Tow Truck Operator ID Permit	\$10
Fee for NSF/Insufficient Funds/Returned Check Fee	\$50
Nonconsent Towing –Maximum Service Fees	
Light Duty Wrecker Item	Fees
Light Duty Wrecker	\$175
Light Duty Wrecker (assist)	\$105
Light Duty Winching Fee	\$50
Labor	\$50 per hour beginning after the first hour
Heavy Duty Wrecker Item	Fees
Heavy Duty Wrecker (per wrecker)	\$225 per hour/ 2 hour minimum
Heavy Duty Winching Fee	\$250 per cable
Heavy Duty Wrecker (assist)	\$150 per hour/ per wrecker
Heavy Duty Winching Fee (assist)	\$50
Labor (not including driver)	\$50 per hour/per person