

Fort Bend County Sheriff's Office

Non-Consent Towing Fee Study

Introduction

On Tuesday, July 11, 2023, Fort Bend County Commissioners Court reviewed an agenda item requesting a non-consent wrecker tow fee study made by A & M Wrecker Service, LLC. The Court approved the Sheriff's Office to conduct the study.

Background

On Wednesday, May 17, 2023, Mr. Abraham Mejorado, representing A & M Wrecker Service, LLC, requested a tow fee study via an email sent to the Fort Bend County Sheriff's Office. Specifically, the email from amwreckerservice@outlook.com was sent to Deputy Adam Futch, who manages the towing program policies and procedures for the Sheriff's Office. This request was made pursuant to Fort Bend County Revised Order Creating Rules and Regulations for Non-consent Towing, Sec. X. 1.

The Nonconsent Towing Ordinance was approved by Commissioners Court and its effective date is November 26, 2013. Requests for fee studies have been made twice since 2013, and no revisions or adjustments have been made.

Sec. X. Towing Fee Studies states,

- 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.
- C. If a Towing Fee Study is ordered, the Sheriffs' 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 procedures remain the same.

Data Collection and Analysis

The methodology for this fee study included efforts by Enforcement and Administrative personnel to gather non-consent tow fee schedules from each municipality within Fort Bend County that provides public safety services through a police department and each county Sheriff's Office for the counties appurtenant to Fort Bend County. Since the Montgomery County Sheriff's Office manages a resident population and a rural area close to that of Fort Bend County, a request for non-consent tow fee information was also made to this agency.

The agencies contacted for this study include the following:

Municipal Agency	County Agency
Fulshear Police	Austin County
Houston Police	Brazoria County
Missouri City Police	Harris County
Richmond Police	Montgomery County
Rosenberg Police	Waller County
Stafford Police	Wharton County
Sugarland Police	

In addition to the tow fee schedules for each agency, the Fort Bend County Sheriff's Office obtained information from the Texas Department of Licensing and Regulation (TDLR). TDLR publishes maximum towing fees on its website, <https://www.tdlr.texas.gov/towing/compliance/vsf/fees.htm>. The regulation of non-consent wrecker tows is reflected in Chapter 2308 of the Texas Occupations Code, Title 16 TAC Chapter 86.

The state limitations for non-consent tows are included in the attached spreadsheet.

Analysis

Of the responding agencies (n=13), the fee range for light-duty wrecker tows ranged from \$145.50 (Harris County) to a high of \$255.00 (Waller County/Wharton County). The median non-consent tow fee is \$201.58.

The Fort Bend County median (\$201.58) is less than the Texas state maximum rate of \$255.00 for light-duty non-consent tows.

Since only four responding agencies assess a medium-duty wrecker fee, it is unusual to assess this fee. A medium-duty tow involves vehicles weighing between 10,001 and 24,999 pounds. This fee ranges from \$300.00 (Brazoria County) to \$357.00 (Waller County). The median medium-duty wrecker tow fee is \$322.25, which is less than the State limit of \$357.00.

The Texas Department of Licensing and Regulation Department establishes maximum fees for light-duty wreckers at \$255.00 and heavy duty tows at \$459.00 with a maximum fee of \$918.00.

The Fort Bend County area heavy-duty wrecker fees range from \$400.00 (Sugarland PD) to 1,000.00 (Fulshear PD). The median fee is \$645.17. The following jurisdictions allow a heavy-duty wrecker to respond to a scene and assess at least a one-hour fee (Missouri City Police, Richmond Police, Brazoria County SO, Montgomery County SO, Waller County, and Wharton County). The maximum hourly fee allowed by TDLR is \$459.00, with a maximum amount of \$918.00 (2-hour maximum fee).

Heavy-duty towing fees apply to vehicles weighing 25,000 pounds or more.

When compared to the State heavy-duty maximum non-consent wrecker tow fee of \$918.00 over a 2-hour period, the Fort Bend County median rate (\$645.17) is \$272.83 less, while the Fort Bend County

Sheriff's Office is \$195.17 less than the County median rate and \$468.00 less than the maximum State rate.

The TDLR does not establish fees for winching, labor, light or heavy-duty assist, or any other labor cost. Conversely, Fulshear, Missouri City, Richmond, Rosenberg, Sugarland, Montgomery County, and Fort Bend County assess fees for these added costs.

Fulshear, Richmond, Rosenberg, and Fort Bend County allow a wrecker assist fee ranging from \$100.00 (Fulshear, Rosenberg, and Richmond) to \$105.00 (Fort Bend County). Fulshear and Fort Bend County allow a \$50.00 labor rate, while no other respondent assess such a fee. This fee is assessed after the first hour of assistance.

Only Fort Bend County includes a fee for light duty winching assist (\$50.00), labor (not including the driver, \$50/hour), and an optional recovery ranging from contained (.035/lb) to non-contained (.045/lb). These fees are atypical compared to other responding agencies.

The towing fee for a light-duty non-consent tow in Fort Bend County increases to between \$50.00 (winching fee) and \$155.00 (wrecker, assist, and winching fee) when the following additional fees are aggregated:

1. Tow fee, \$175.00
2. Wrecker assist fee, \$105.00
3. Winching fee, \$50.00

A non-consent tow fee of \$175.00 - \$330.00 is less than the median of all respondent fees considered in this study (\$345.00). From Attachment A (Tow Fee Matrix) the aggregate of seven agencies with extra fees amounts to \$2,415.00. The median amount is \$345.00.

While any assessment of administrative fees allowable by the TDLR was not conducted, it is worth mentioning that individuals whose vehicles are towed as nonconsensual may be assessed the following additional related fees:

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|---|------------------------------|
| 1. Storage fee (vehicle storage facility) | \$21.03 - \$36.80 (TDLR) |
| 2. Vehicle owner notification fee | \$50.00 (one-time fee; TDLR) |
| 3. Impound fee | \$21.03 (TDLR) |
| 4. Law enforcement fee | \$10.00 (TDLR) |

When compared to all other respondents, Fort Bend County authorized fees include the following of which none are mentioned in all other respondent policies:

- | | |
|---------------------------------|--|
| 1. Light-duty winching assist | \$50.00 |
| 2. Labor (not including driver) | \$50.00/hour |
| 3. Optional recovery fee | .035/lb for contained material
.045/lb non-contained material |

Finally, the Montgomery County Sheriff's Office fee schedule includes the following additional fees:

1. Labor fee \$150.00
2. Recovery fee \$ 50.00

The table below provides most of the details reported in this section:

Tow Fee Study Matrix								
Police Agency	Light duty wrecker fee	Medium duty wrecker fee	Wrecker assist fee	Winching fee	Labor rate	Heavy duty wrecker (rate/max.)	Minimum hours charged	Light duty assist
Municipal Agency								
Fulshear PD	200.00		100.00	100.00	50/hr	500.00	2.00	500/hr
Houston Police	207.50					316/hr	2.00	
Missouri City PD	175.00			75.00		575.00		175.00
Richmond PD	150.00		100.00					
Rosenberg PD	200.00		100.00	50.00		400.00	2.00	400/hr
Stafford PD	207.50					316/hr	2.00	
Sugarland PD	175.00			60/hr		200.00	2.00	
County Agency								
Brazoria County Sheriff	200.00	300.00				450.00		450 (HD)
Fort Bend County Sheriff	175.00		105.00	50.00	50/hr	225/hr	2.00	150/hr
Harris County Sheriff	145.50					221/hr	2.00	
Montgomery County Sheriff	275.00	375.00		100.00		525.00		
Waller County Sheriff ¹	255.00	357.00				459/918		
Wharton County Sheriff ¹	255.00	257.00				459/918		
State Regulatory Agency								
State of Texas Lic & Reg	255.00	357.00				459/918		

Discussion

Between January 1, 2023, through July 31, 2023, employees of the Sheriff's Office requested 68 non-consent tows and 26 heavy-duty tows. Thus, an estimated 10 light-duty non-consent and 4 heavy-duty tows are requested each month.

Of the permitted wrecker companies, 34 are part of the “east side Fort Bend County rotation, and 49 companies are part of the “west side” Fort Bend County rotation.

The Fort Bend County non-consent towing ordinance has been in effect without fee adjustment since 2013.

Given the average fees below, a slight increase in the non-consent tow fees may be supported by this analysis:

	Average Fee	Fort Bend County Fee
1. Light duty fee	\$201.58	\$175.00
2. Heavy-duty fee	\$645.17	\$450.00

Conversely, Fort Bend County assesses the following potential fees that are assessed by Fulshear, Sugarland, Missouri City, Rosenberg, and Montgomery County

1. Light duty assist	\$150.00 - \$500.00	\$150.00
2. Winching fee	\$100.00	\$105.00
3. Labor fee	\$50.00/hr	\$50.00/hr
4. Containment		.035 - .045/ lb.

Case Illustration:

Assume there is a 2-car crash at Hwy 99 and Hwy 90 with one vehicle in a ditch, and an intoxicated driver on scene. A responding deputy will conduct a field sobriety test and place the intoxicated driver in custody. He will then call for a wrecker for a non-consent tow.

Since the vehicle is in a ditch, it may be necessary to request a wrecker, assistance of a winch, an added person to which a labor cost may be assessed. A fee may also be assessed for wrecker assistance. In Fort Bend County, the total cost for this non-consent tow may be detailed as follows:

1. Light-duty wrecker	\$175.00
2. Wrecker assist fee	\$105.00
3. Winching fee	\$ 50.00
4. Labor rate	\$ 50.00
TOTAL	\$380.00

The total cost in this case would be \$380.00, and additional costs are attributed to storage lot fees and administrative costs. The \$50.00 labor rate commences after the first hour, so if the non-consent tow can be completed prior to the hour, the fee would be \$330.00.

In terms of State authorized fees, law enforcement may assess a \$10.00 fee. There is debate on the issue of assessing this fee. Some managers believe this fee will not appreciably affect the Sheriff’s budget and citizens, most likely lower income families who may already be fiscally strapped, would be significantly impacted.

However, the TDLR authorizes the law enforcement fee provided that the funds are used by the law enforcement agency.

In the case illustration above, TDLR authorizes a storage fee of \$21.03 - \$36.80 per day, a one-time administrative fee of \$50.00, and a \$10.00 law enforcement fee, for an additional cost of between \$21.03 - \$81.03 and \$21.03 for each additional day the vehicle is retained in an authorized vehicle storage facility.

Recommendations

The enumerated items below may be supported by the fees analyzed in the previous section:

1. Consider raising the light-duty tow fee to \$201.00 (a reasonable increase of \$26.00)
2. Maintain the wrecker assist fee of \$105.00
3. Consider maintaining the winching fee of \$50.00
4. Remove labor rates. These are difficult to evaluate and audit and include services to which a fee is already assessed (e.g. wrecker assist, winching, and recovery (cleanup) fees).
5. Retain the minimum 2.0 hours for assignment of a heavy-duty wrecker
6. Assess a lawfully authorized Law Enforcement Fee of \$10.00 (a reasonable increase)
7. Raise the heavy-duty wrecker fee to \$250.00/ hour (a reasonable increase of \$25.00/hr)

Conclusion

The schedules of non-consent tow fees for 13 law enforcement agencies near Fort Bend County reveal that the average light-duty wrecker fee is \$201.58 compared to the Fort Bend County fee of \$175.00. In terms of heavy-duty wrecker fees, the average assessed fee in this region is \$645.17, much higher than the Fort Bend County fee of \$450.00. The Texas State Department of Licensing and Regulation limits light-duty non-consent fees to no more than \$255.00, and the heavy-duty fee to no more than \$918.00. A slight increase in light-duty and heavy-duty wrecker fees in Fort Bend County would not exceed these limits.

Concomitantly, many agencies do not assess extra fees for work such as winching, wrecker assist, and labor fees. These additional fees increase the cost of a non-consent light-duty tow in Fort Bend County by as much as \$205.00 (\$380.00 light duty fee, illustration #1 above - \$175.00 (FBC light-duty non-consent tow fee)). The added costs increase the fees collected by wreckers in Fort Bend County compared to other counties and municipalities for non-consent tows that may involve complex scenarios where there may be spilled cargo, winching fees, labor costs, wrecker assist fees, and other costs associated with storage and administration.