

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; and

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.
- 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. "Motor Vehicle" shall mean any vehicle as defined by §501.002 of the Texas Transportation Code.
- E. "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 are of the County.
- F. "Peace Officer" shall mean any peace officer as defined by §2.12 of the Texas Code of Criminal Procedure.
- G. "Rules" shall mean these Rules and Regulations for Nonconsent Towing and Storage Services in the Unincorporated Area of Fort Bend County.
- H. "Sheriff's Office" shall mean the Fort Bend County Sheriff's Office.
- I. "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.
- J. "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.
- K. "Tow Truck Operator" shall mean a person operating a Tow Truck.

- L. "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.
- M. "Tow Truck Permit" shall mean a numbered 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.
- N. "Vehicle Owner" shall mean a Motor Vehicle's legal or registered owner, or such owner's authorized representative.
- O. "Vehicle Storage Facility" shall mean any vehicle storage facility as defined by §2303.002 of the Texas Occupations Code.
- P. "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.
 - 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, refusal to renew, 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 applicable Vehicle Registration Listing issued by the Texas Department of Transportation;
 - b. A copy of the current vehicle registration;
 - c. Proof of passage of vehicle inspection;
 - d. Evidence of financial responsibility in accordance with §601.051 of the Texas Transportation Code;
 - e. Evidence of insurance coverage in accordance with §643.101 of the Texas Transportation Code;
 - f. A copy of the most recent Tow Truck invoice;
 - g. A schedule of the Towing Company's Nonconsent Tow fees posted on the Texas Department of Licensing and Regulation website.
 - h. Towing Company's current business card;

- i. A letter of authorization for the use of each Vehicle Storage Facility identified in the Application;
 - j. The application fee set forth in Section V of these Rules.
- 3. Completed applications may be filed for a period of 30 days following adoption of this Revised Order. Thereafter, completed applications must be filed between December 1 and December 31. A completed application may be filed at any time if the application is for a replacement 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 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 and Renewal
 - 1. All Tow Truck Permits expire annually at midnight on the 31st day of December, regardless of the issuance date.
 - 2. To renew a Tow Truck Permit, the Towing Company must file a renewal application.
 - 3. Renewal applications must be filed between December 1 and December 31.
 - 4. The applicable fee must be included with the renewal application.
 - 4. A Towing Company that fails to renew a Tow Truck Permit before it expires shall return the Tow Truck Permit to the Sheriff's Office immediately upon expiration.
 - 5. 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 "Vehicle Registration Listing" issued by the Texas Department of Licensing and Regulation.
 - b. The full address at which the owner's business office is located;

- c. The full telephone number for the owner's business office;
 - 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 storage lot, shall be at least two (2) inches high and one-half (1/2) inches thick.
 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. A completed application must be accompanied by the following documentation:
 - a. A copy of the applicant's Texas commercial driving license;
 - b. A color photograph of the entire face of the applicant obtained from the Sheriff's Office at the time the application is filed;
 - c. A Texas Department of Public Safety fingerprint card obtained from the Sheriff's Office crime lab at the time the application is filed;

- 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. A Tow Truck Operator shall notify the Sheriff's Office of any change to the information supplied in the completed application within twenty (20) days.
- 4. 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. 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 and Renewal
 - 1. All Tow Truck Operator ID Permits expire annually at midnight on the 31st day of December, regardless of the issuance date.
 - 2. To renew a Tow Truck Operator ID Permit, the Tow Truck Operator must file a renewal application.
 - 3. Renewal applications must be filed between December 1 and December 31.
 - 4. The applicable fee must be included with the renewal application.
 - 5. A Tow Truck Operator that fails to renew a Tow Truck Operator ID Permit before it expires shall return the Tow Truck Operator ID Permit to the Sheriff's Office immediately upon expiration.
 - 6. 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. A written complaint regarding any permitted Tow Truck Operator, Tow Truck, or Towing Company may be filed with the Sheriff's Office. 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 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 Sheriff's Office. A written notice of appeal must be received or post marked within seven (7) 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) the Lieutenant of Administration, (2) the Lieutenant of the Sheriff's Office Patrol District or the district of the law enforcement agency in which the violation occurred; and (3) another Patrol Supervising Officer designated by the Sheriff's Office.
 - 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 issue a written decision no later than fifteen (15) business days from the hearing date. The Disciplinary Hearing Committee decision shall become final within seven (7) business days of the written decision if not appealed to the Patrol Division Captain.
 - 2. Second Appeal
 - a. The Tow Truck Operator or Towing Company may appeal the Disciplinary Hearing Committee's decision by filing a written appeal with the Patrol Division Captain within seven (7) business days of the date of the Disciplinary Hearing Committee's written decision.
 - b. The Patrol Division Captain shall issue a written decision based upon a review of the Disciplinary Hearing Committee's decision, written materials submitted at the original hearing, and any additional written information (limited to five (5) pages, double-spaced) that either party submits. The Patrol Division Captain shall issue a written decision no later than fifteen (15) business days from the date the written notice of a second appeal is received. A decision of the Patrol Division Captain shall be final if not appealed to the Sheriff or his/her designee within seven (7) business days of the Patrol Division Captain's Decision.
 - 3. Third 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 seven (7) 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 fifteen (15) business days from the date the written notice of a third 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.
- e. All notices shall be sent to:

Fort Bend County Sheriff's Office
Attn: Chief Deputy
1410 Williams Way
Richmond, Texas 77469

V. **Permit Fees**

- A. General
 1. All application, renewal, and replacement fees must be paid by cash, cashier's check, or money order made payable to the Fort Bend County Treasurers Office.
 2. All application, renewal, and replacement fees are non-refundable.
- B. Application Fees
 1. A fee of \$200.00 will be paid, which includes Tow Truck Permit, Tow Truck Operator ID Permit, Inspection of Tow Trucks, 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. Renewal Fees
 1. Tow Truck Permit- \$200.00
 2. Tow Truck Operator ID Permit- \$5.00
- D. Replacement Fees
 1. Tow Truck Permit- \$200.00
 2. Tow Truck Operator ID Permit- \$5.00

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.
- 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.
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.

B. Tow Truck 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 Tow Truck Slip.
2. The Peace Officer on the scene will provide the Tow Truck Operator with duplicate copies of a Tow Truck Slip.
3. The Tow Truck Operator signing the Tow Truck 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. VSF's must meet all other State requirements.

IX.

Maximum Fees for Nonconsent Tows

- A. The maximum allowable fee that may be collected in connection with a Nonconsent Tow is \$250.00.
- B. The maximum allowable fee that may be collected for backup assistance in connection with a Nonconsent Tow is \$150.00.
- C. A Winching fee may be added on a case-by-case basis, in extreme situations. The Winching fee shall not exceed \$100.00.
- D. A fee of \$50.00 per hour 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, for a maximum of 4 hours. This fee shall be assessed in 30 minute increments.
- E. 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.
- F. 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

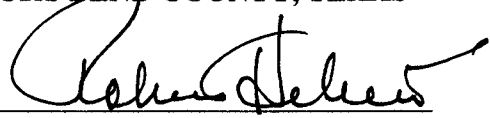
Effective Date

The effective date of these Rules shall be March 1, 2011.


PASSED AND APPROVED this the 1 day of March, 2011.

FORT BEND COUNTY, TEXAS

By:


Robert E. Hebert, County Judge

ATTEST:


Dianne Wilson, County Clerk

Approved:

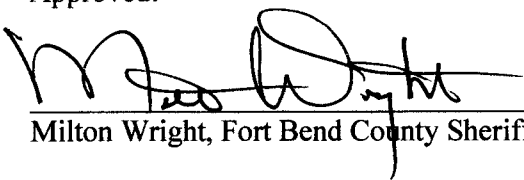

Milton Wright, Fort Bend County Sheriff



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 NON-CONSENT TOW
TOW TRUCK PERMIT APPLICATION**

☐ New ☐ Renewal ☐ Replacement ☐ Substitute ☐ Denied TDLR no.: _____

Company Name: _____ ☐ Sole ☐ Partner ☐ Corp.

Name of each partner or corporate officer: _____

_____ TDLR# _____

Business Address: _____ City: _____ Zip: _____

Mailing Address _____ City: _____ Zip: _____

Business Phone: _____ Business Fax: _____

Contact Person: _____ E-Mail: _____

Mobile Ph.: _____ **24 hr. contact no.:** _____

Authorized Vehicle Storage Facility: State Permit No.: _____

Zone: _____ Storage Facility Name: _____

Address: _____ City: _____ Zip: _____

Contact Person: _____ Phone No.: _____

Authorized Vehicle Storage Facility: State Permit No.: _____

Zone: _____ Storage Facility Name: _____

Address: _____ City: _____ Zip: _____

Contact Person: _____ Phone No.: _____

Authorized Vehicle Storage Facility: State Permit No.: _____

Zone: _____ Storage Facility Name: _____

Address: _____ City: _____ Zip: _____

Contact Person: _____ Phone No.: _____

If you have more trucks than the space provided, you may copy the second page as many times as needed.

Tow Truck Information: State Permit No.: _____

Year: _____ Make: _____ Lic.: _____ Vin #: _____

Ft. Bend Permit No.: _____ Zone: _____

Tow Truck Information: State Permit No.: _____

Year: _____ Make: _____ Lic.: _____ Vin #: _____

Ft. Bend Permit No.: _____ Zone: _____

Tow Truck Information: State Permit No.: _____

Year: _____ Make: _____ Lic.: _____ Vin #: _____

Ft. Bend Permit No.: _____ Zone: _____

Tow Truck Information: State Permit No.: _____

Year: _____ Make: _____ Lic.: _____ Vin #: _____

Ft. Bend Permit No.: _____ Zone: _____

Tow Truck Information: State Permit No.: _____

Year: _____ Make: _____ Lic.: _____ Vin #: _____

Ft. Bend Permit No.: _____ Zone: _____

All Tow Trucks must have the following documents: ☐ Vehicle Registration

☐ Vehicle MVI Inspection ☐ Evidence of Insurance coverage ☐ Recent Tow Slip

☐ Schedule of Non-consent Tows as posted on website ☐ Business Card

☐ Authorization for use of VSF.

Applicant shall save harmless Fort Bend County 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 agent, servants or employees.

Applicant's Printed Name

Date

Applicant's Signature

Date

EXHIBIT C

**FORT BEND COUNTY NON-CONSENT TOW
TOW TRUCK OPERATOR I.D. PERMIT APPLICATION**

☐ **NEW** ☐ **REPLACEMENT** ☐ **CHANGES** Date: _____ TDL# _____

Last Name: _____ First: _____ Middle: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Mobile Phone: _____

Date of Birth: ____/____/____ ☐ Male ☐ Female HT: _____ WT: _____ EYES _____ HAIR: _____

Towing Company: _____ TDLR# _____

Issue Date: _____ Expiration Date: _____

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. a violation of law that regulates the operation of a Motor Vehicle at a railroad grade crossing
 - c. driving a Motor Vehicle under the influence of alcohol or a controlled substance
 - d. leaving the scene of an accident
 - e. using a Motor Vehicle in the commission of a felony;
 - f. causing the death of another person through the negligent or criminal operation of a Motor Vehicle;
 - g. 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 is not addicted to the use of alcohol, a controlled substance, or another drug that renders a person incapable of driving;
- (4) 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;
- (5) Applicant does not hold a driver's license by this State or another state or country that has been revoked, cancelled, or suspended;
- (6) 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
- (7) 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.

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

Applicant will be fingerprinted and photographed prior to issuance of a Tow Truck Operator I.D. Permit. Failure to notify the Fort Bend County Sheriff's Office of any change to the information supplied in this Application within twenty (20) days of such change is a violation of the Rules and Regulations For Non-Consent Towing and Storage Services in the Unincorporated Area of Fort Bend County.

Applicant

Date