

**HARRIS COUNTY TOW TRUCK ORDINANCE
FOR LAW ENFORCEMENT
TOWING AND STORAGE SERVICES**

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THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the ____ day of _____, 2007, with the following members present, to-wit:

Ed Emmett	County Judge
El Franco Lee	Commissioner, Precinct No. 1
Sylvia R. Garcia	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
Jerry Eversole	Commissioner, Precinct No. 4

and the following members absent, to-wit: _____, constituting a quorum, when among other business, the following was transacted:

ORDER REGULATING FEE FOR NONCONSENT TOWS IN THE UNINCORPORATED AREA OF HARRIS COUNTY AND ESTABLISHING PROCEDURES FOR REQUEST OF TOW STUDY IN REGARD TO SUCH RATES

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Emmett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and law-fully adopted. The order thus adopted follows:

RECITALS

1. The County currently regulates the fee to be charged by a towing company for tows made at the request of a law enforcement officer
2. The County has authority under Texas Occupations Code 2308.202 to regulate the fee to be charged for nonconsent tows, including not only tows initiated by a law enforcement officer, but also non-consent tows from private property.
3. Texas Occupations Code 2308.204 provides that in an area in which no political subdivision regulates the fees that may be charged for nonconsent tows from private property, a towing company may charge and collect a fee for the tow of a motor vehicle from private property in an amount not to exceed an amount equal to 150% of the ordinary law enforcement tow fee and 125% of the heavy duty law enforcement tow fee.

4. In order to avoid having a rate increase for law enforcement tows under Texas Transportation Code §545.306 result in owners whose vehicles are subject to such private property nonconsent tows from being charged an amount equal to 150% or 125% of the increased rate for law enforcement tows, depending upon the gross vehicle weight rating, the Commissioners Court desires to exercise its authority to regulate the rates for all nonconsent tows.

5. Texas Occupations Code 2308.203 requires the Commissioners Court, if it exercises the authority to regulate all nonconsent tows, to establish procedures by which a towing company may request that a towing fee study be performed and to establish or amend the allowable fees for nonconsent tows at amounts that represent the fair value of the services of a towing company and are reasonably related to any financial or accounting information provided to the governing body.

NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS, THAT:

Section 1. The recitals set forth in this order are true and correct.

Section 2. IT IS ORDERED that the rate for a tow of a vehicle originating in the unincorporated area of Harris County, when such tow is not initiated by the owner of the vehicle, or by a person who has possession, custody, or control of the vehicle, shall be \$134.50 regardless of time used to tow a vehicle, provided that the tow is not subject to the tow rate provided for in Section 3 of this order.

Section 3. IT IS FURTHER ORDERED that the rate for a tow of a vehicle originating in the unincorporated area of Harris County, when such tow is not initiated by the owner of the vehicle, or by a person who has possession, custody, or control of the vehicle, shall be \$408.00 for up to two hours of such tow, plus \$204.00 for each additional hour or part thereof, if such tow requires and is performed by a tow truck having a chassis rated as 5 tons or greater by the vehicle manufacturer and a winch capable of lifting a minimum of 30,000 pounds as rated by the winch manufacturer.

Section 4. IT IS FURTHER ORDERED that the rates for nonconsent tows set by this order shall apply to tows initiated by law enforcement officers originating in the unincorporated areas of the County.

Section 5. IT IS FURTHER ORDERED that towing rate studies are to be conducted no more than once every four years in response to a request by the industry representatives of businesses that have performed nonconsent tows within the unincorporated areas of the County within the previous year, which may include individuals, partnerships, corporations, or any other association that is engaged in the business of towing motor vehicles from locations in the unincorporated areas of the County without the consent of their owners or operators for compensation or with the expectation of compensation. The industry's written request must be co-signed by at least 5% of the Towing Companies that are registered with the Sheriff's Office for law enforcement tows and who collectively own and operate at least 10% of the total number of tow trucks permitted or authorized to perform law enforcement tows at the direction of County law enforcement officers. Notwithstanding the above, the County can decide to undertake a rate study at any time it deems necessary, without an industry request.

As part of future rate studies, the County's Office of Budget Management (OBM) will send out survey forms to towing businesses from whom OBM has received written requests to receive such forms and to

other industry representatives as OBM determines might have useful information. In order for the County to perform a rate study that accurately reflects the competitive marketplace and complete the rate study in a timely manner, towing companies should provide to OBM, within 30 days of request, copies of their actual financial statements (Income Statement, Balance Sheet, etc.) for the most recent three years along with detailed operating statistics that would support the financial information. The respondents' submitted data should reflect information for their towing business as well as non-towing businesses, if any.

The data requested above would permit OBM to synthesize local industry operating cost trends such that allocation of costs to police authorized tows can be adequately analyzed. In order to develop appropriate towing cost averages in Harris County, sufficient number of companies should be willing to provide their data. Therefore, if the responses with good quality data (as determined by the County in its sole discretion) are not timely received from at least 15% of the total number of surveys sent by OBM, and if the responses represent less than 20% of the actual number of operating tow trucks registered with the Sheriff to perform Law Enforcement tows, the County, at its sole discretion, may decide not to undertake the study and/or update the tow rates and/or related fees. The County shall not be required to consider a subsequent rate adjustment request made within one year from the date the County makes such decision to not undertake the rate study.

Employees and officials of Harris County are cognizant that the data required for assessing and changing tow rate schedules are sensitive in both operational and competitive ways. County employees are to take prudent steps necessary and practical to ensure that all analyses completed and included in reports will utilize only combined figures (such as average or median numbers) and that none of the provided figures will be linked to a single company or division of a company.

At such times as the City of Houston modifies maximum tow rates applicable in its jurisdiction based upon tow studies or based upon consumer price indices, OBM is directed at such times to review, to the extent available, the information that the City of Houston used to make its determination along with such other relevant information as OBM may wish to consider, and then present an analysis of such information to this Court for a determination by this Court whether such information justifies a modification to the rates applicable to the unincorporated area of the County.

Section 6. It is not intended, and no provision of this order should be so construed, to contravene any applicable law or to pre-empt any federal statute. Notwithstanding the use of terminology that might be construed to include matters not within the legal scope of this Order, it is intended that such terms be construed as limited to such legal scope. To the extent that any part or any provision in this Order might otherwise be construed as invalid, illegal, or unenforceable in any respect, it should be construed as being limited in its scope and application to only those circumstances to which it can legally apply. To the extent that any provision or part of this order is still found to be invalid, illegal or unenforceable in any respect, it shall not affect any other provision.

Section 7. IT IS FURTHER ORDERED THAT this order shall be effective on December 4, 2007.

I. GENERAL PROVISIONS

A. Purpose and Scope

1. Harris County, pursuant to the authority granted by state law, in order to protect the public, to protect the rights of persons whose vehicles may be towed, to maintain safe and efficient operating rules, and to preserve the peace of the community, hereby engage in the licensing and regulation of business enterprises engaged in the Law Enforcement Towing, removing, and storing of Motor Vehicles in the unincorporated areas of Harris County at the request of a Law Enforcement Officer.
2. This Ordinance shall be deemed to be an “Ordinance” as that word is used in TEX. TRANS. CODE §545.306 and as hereafter amended.
3. The Harris County Sheriff’s Office (hereafter “Office”) is authorized to enforce these rules.
4. Accordingly, no person shall operate a Tow Truck or Heavy Duty Tow Truck at the request of a Law Enforcement Officer in the unincorporated areas of Harris County on Law Enforcement towed vehicles unless the Tow Truck has been registered with the Office. This Ordinance does not apply to a tow conducted pursuant to a contract with the County for such services, in which case services will be pursuant to the contract rather than this regulation.
5. Furthermore, no person or business entity shall operate a Vehicle Storage Facility for the storage of Motor Vehicles that have been subjected to Law Enforcement Tows under this Ordinance unless the facility is registered with the Office, provided that this prohibition shall not apply if the vehicle is instead taken to a location designated by the vehicle’s owner.

B. Jurisdiction

These rules apply to all removals or storage of Motor Vehicles authorized by TEX. TRANS. CODE §545.305 and as hereafter amended, in the unincorporated areas of Harris County.

C. Construction

The Code Construction Act of Texas (TEX. GOV’T CODE CHAP. 311, ET SEQ.) applies for the purpose of construing these rules unless an alternative instruction, definition, or application is contained herein.

1. The word “shall” is mandatory and not discretionary as used in this Ordinance.
2. The word “rule” includes “regulation” “ordinance” or “order” and all have the same meaning as applied in this Ordinance.
3. This Ordinance must be liberally construed to give affect to its purpose and intent.

D. Definitions

The following words and terms, when used in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

1. **APPLICATION** – The written application form approved by the Office and all required documentation and all applicable fees.
2. **AUXILIARY TOW LIGHTS** – A set of red lamps, connected to the Tow Truck or operated wirelessly, which are attached to the rear of the towed vehicle, and when lit, will signal stops and turn movements of the towed vehicle.

3. CHIP – A numbered metal tag that is issued to each Tow Truck by the Office to be used to Match at a Law Enforcement Scene and which Chip number corresponds with the Tow Truck Permit number.
4. CONTRACT TOW TRUCK – A Tow Truck or Towing Company that is under contract with a Law Enforcement Agency to perform towing services, including Law Enforcement Tows from Evidentiary Crime Scenes, and which also possesses a valid Permit under this Ordinance (whether or not contractually required to be Permitted under this Ordinance). This does not include a Tow Truck that is owned and operated by a Law Enforcement Agency or its sponsoring government unit.
5. CONVICTION – A finding of guilt by a judge or jury, or any plea of guilty or *nolo contendere* unless such conviction has been held invalid by the courts, or the proceedings against the defendant have been dismissed and the defendant discharged by the court.
6. EMERGENCY LIGHTS – Flashing, rotating or strobe lights that are mounted above the roof of the Tow Truck. The lights shall be mounted as high and as wide as possible and visible in all directions when activated.
7. EVIDENTIARY CRIME SCENE – A crime scene in unincorporated Harris County that requires the response of a Law Enforcement Agency’s specialized investigative unit(s). Examples include, but are not limited to: a homicide scene or an auto theft “chop shop.”
8. HEAVY DUTY TOW TRUCK – A Tow Truck having a chassis rated at 5 tons or greater by the vehicle manufacturer and a winch capable of lifting a minimum of 30,000 pounds as rated by the winch manufacturer. Except where a distinction is made, the term “Tow Truck” includes “Heavy Duty Tow Truck.”
9. HIGH MOUNTED STOP LAMP – A lamp conforming with 49 CFR §571.108.
10. ID CARD – Identification Card issued to a Tow Truck Operator upon approval by the Office. Contains the applicant’s physical description and including, but not limited to the following: picture, height and weight, date of birth, hair and eye color, Texas drivers’ license number, date ID Card is issued, and date of expiration.
11. LAW ENFORCEMENT OFFICER – A Harris County Sheriff, the Harris County Fire Marshal, a Harris County Constable or their deputies and other Peace Officers (See TEX. CODE OF CRIM. PROC. CHAPTER 2, ART. 2.12) commissioned by officers of Harris County.
12. LAW ENFORCEMENT SCENE – The scene of a crime, accident, or custodial arrest, or the location of a vehicle which is a traffic hazard, a recovered stolen vehicle, or an abandoned vehicle.
13. LAW ENFORCEMENT TOW – Any tow conducted at a Law Enforcement Scene or Evidentiary Crime Scene initiated by a Law Enforcement Officer.
14. MATCH – The selection process used by a Law Enforcement Officer to determine which Tow Truck Operator will perform a Law Enforcement Tow at a Law Enforcement Scene or when applicable at an Evidentiary Crime Scene.
15. MOTOR VEHICLE – A vehicle subject to TEX. TRANS. CODE §501.002 ET. SEQ., and as hereafter amended, or any other device designed to be self-propelled or transported on any public highway, road, or street.

16. OFFICE – The Harris County Sheriff’s Office.
17. OPERATE – To drive or otherwise use a Tow Truck.
18. OPERATOR – Any person operating a Tow Truck, regardless of whether the person owns the truck.
19. PUBLIC ROAD – A road, street, or a highway that has not been discontinued and that has been established by law, and includes each publicly maintained road or highway opened to and used by the public.
20. STORAGE COMPANY – An individual, partnership, corporation, or any other association that is engaged in the business of storing motor vehicles for compensation or the expectation of compensation. The term includes the owner, operator, employee, and/or agent of the Storage Company.
21. TEXAS VEHICLE STORAGE FACILITY ACT – Tex. Occupations Code, chapter 2303, as amended, and successor statutes thereto.
22. TOW – The movement of a Motor Vehicle by a Tow Truck.
23. TOWING COMPANY – An individual, partnership, corporation, or any other 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 for which a Permit has been issued under this Ordinance. This term includes the owner, operator, employee, and/or agent of the Towing Company.
24. TOW TRUCK – A Motor Vehicle adapted or used to tow, carry, push, winch or otherwise move any Motor Vehicle.
25. TOW TRUCK INSPECTOR – A person designated by the Office to enforce this Ordinance and authorized to seize any Office property including but not limited to ID Cards, Chips, and Permits.
26. TOW TRUCK PERMIT – A numbered tag issued by the Office authorizing a specific Tow Truck to perform Law Enforcement Tows and that includes a Tow Truck Permit number.
27. VEHICLE OWNER – The Motor Vehicle’s legal or registered owner, or such owner’s authorized representative who is physically present at the Law Enforcement Scene.
28. VEHICLE STORAGE FACILITY – An individual, partnership, corporation, or any other association (other than a governmental entity) that is engaged in the business of operating a garage, parking lot, storage lot, or any type of facility to store Motor Vehicles subject to Law Enforcement Tows under this Ordinance.
29. VEHICLE STORAGE FACILITY PERMIT – A document issued by the Office that grants the holder the right to store motor vehicles that were the subject of Law Enforcement Tows under this Ordinance.
30. WORKING DAY – Any day that the Office conducts normal business, excluding Harris County holidays and weekends.

E. Surrender of Department Property

1. All ID Cards, Chips and Permits are the property of the Office.
2. Any Office supervisor with rank of Sergeant or above, or other personnel designated as Tow Truck Inspector is authorized to require any person in possession of Office property to immediately surrender such property. The Office shall hold such property pending any appeal under Article VII.
3. A person, Storage Company or Towing Company required to surrender an ID Card, Chip, or Permit may appeal to the Office pursuant to Article VII of this ordinance.
4. It is a violation of this Ordinance to refuse to surrender any Office property when required.

F. Fees and Charges

1. All fees and charges relating to the Law Enforcement Towing and storage of Motor Vehicles, the issuance of any Permits, Chips, ID Cards, and all other applicable fees and charges are set forth in Article VIII.
2. The fees and charges set forth in Article VIII may be approved or amended by Commissioners Court in the manner authorized by law for taking official action. The fee or charge shall be in an amount that will offset the entire cost of implementing and enforcing this Ordinance as permitted by State law.
3. Any Permit that is for less than 12 months will be paid on a pro rata basis. Any portion of a month shall be deemed an entire month.
4. Unless otherwise indicated, all fees are non-refundable.

G. Effect of Other Laws.

It is not intended, and no term of this ordinance should be so construed, to contravene any applicable law or to pre-empt any federal statute. Notwithstanding the use of terminology that might be construed to include matters not within the legal scope of this Ordinance, it is intended that such terms be construed as limited to such legal scope. To the extent that any part or any provision in this Ordinance might otherwise be construed as invalid, illegal, or unenforceable in any respect, it should be construed as being limited in its scope and application to only those circumstances to which it can legally apply. To the extent that any provision or part thereof is still found to be invalid, illegal or unenforceable in any respect, it shall not affect any other provision.

II. TOWING COMPANIES

A. Permit and Chip Required

1. It is a violation of this Ordinance for a Towing Company to perform Law Enforcement Tows in the unincorporated areas of Harris County without a current and valid Permit and Chip.
2. The Permit shall be affixed to the rear of the Tow Truck and be clearly visible at all times.
3. Towing Companies are responsible for the Permits issued to them. If a Permit or Chip is lost or stolen, the Towing Company shall pay for its replacement.
4. It is a violation of this ordinance to possess more than one Chip with the same number or to possess a Chip that does not match a Tow Truck's Permit number.
5. Except as to Heavy Duty Tow Trucks, a numbered metal Chip issued by the Office that corresponds with the Tow Truck Permit number must be carried by the Operator of each Tow

Truck at all times when operating Tow Truck and is required for any Tow Truck to participate in a Law Enforcement Tow at any Law Enforcement or Evidentiary Crime Scene.

6. The Office shall only issue one (1) metal Chip per Tow Truck.
7. An altered or mutilated Chip shall not be used in the Matching process. If while conducting a Match the Law Enforcement Officer determines that the Chip is altered or mutilated beyond normal wear and tear, the Officer may require that the Chip be immediately surrendered to a Office supervisor with the rank of Sergeant or above, or personnel designated as a Tow Truck Inspector. It shall be the responsibility of the Towing Company to obtain a replacement Chip.

B. Application Process

1. To obtain a Permit and Chip for any Tow Truck, a Towing Company shall file a written Application with the Office:
 - a. Year and make of the Tow Truck to which the Permit will apply;
 - b. Vehicle Identification Number (VIN) of the Tow Truck;
 - c. Current Texas permit plate number for the Tow Truck;
 - d. Name, address and telephone number of the Tow Truck owner;
 - e. The Operator's Texas Operators License number;
 - f. The name of the insurance company, the policy number and the insurance agent's name and telephone number;
 - g. A list of the storage lots the Operator uses and that are listed on the Tow Truck; and
 - h. The applicant's original signature.
2. The written application form shall be accompanied by:
 - a. Copy of "Vehicle Registration Listing" issued by the Texas Department of Transportation (TXDOT);
 - b. Receipt from the Harris County Tax Office showing current registration, or if the Tow Truck is registered outside Harris County, the current registration from the county where the Tow Truck is located;
 - c. Proof of passage of designated inspection;
 - d. Copy of the Towing Company's most recent Tow Truck invoice;
 - e. Current original business card for the Towing Company which shall include the business name, business phone number and all addresses and phone numbers of storage lots to be used by the Towing Company; and
 - f. Original "CERTIFICATE OF INSURANCE" for the Tow Truck being Permitted and the certificate holder named as follows:

HARRIS COUNTY SHERIFF
ATTN: T.E.S./Towing and Storage Unit
1200 Baker Street
Houston, Texas 77002

3. The Application must be submitted to the Office by hand delivery or by delivery through the United States Postal Service or any private courier service. No Application, or supporting documentation, may be submitted by facsimile or electronic mail.

C. Application Fee

An applicant for a Tow Truck Permit and Chip shall not be required to pay a fee to submit an application, but no permit shall go into effect until a Permit Fee as provided in Article VIII is paid.

D. Issuance

1. If the Office determines that the applicant has satisfied all requirements under this Ordinance it shall issue a Permit and Chip.
2. The Office shall not approve an Application for a replacement Chip unless the applicant already possesses a valid Tow Truck Permit.

E. Expiration of Permit/Chip

1. All Tow Truck Permits expire annually at midnight on the 31st day of January, regardless of the issue date. To renew a Permit, the applicant shall file a renewal Application.
2. A Chip is valid only with its corresponding Permit and expires only when its corresponding Permit expires. It is the responsibility of a Chip holder to have the Chip replaced if it is torn or mutilated beyond normal wear and tear.

F. Permit Renewal

1. Annual renewal Applications may be submitted to the Office between December 1, and January 31, of each year.
2. A Tow Truck owner that fails to renew the Permit before it expires shall return the Permit and Chip to the Office no later than February 1, or he will be in violation of this Ordinance.
3. Operating a Tow Truck with an expired Permit constitutes a violation of this Ordinance.

G. Permits/Chips Are Nontransferable

1. Permits and/or Chips are not assignable or transferable, except that a Permit and/or Chip may be transferred to a replacement truck if:
 - a. It belongs to the same Towing Company;
 - b. The Towing Company obtains the Office's written permission;
 - c. The replacement truck passes inspection; and
 - d. Proof of insurance is submitted to the Office.
2. Failure to follow these procedures is a violation of this Ordinance.

H. Insurance Requirements

1. Prior to the issuance of any Tow Truck Permit, the applicant shall file with the Office proof of motor vehicle liability insurance coverage issued by an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance list of authorized insurance companies. Such insurance shall meet all requirements set forth below.
2. Proof of insurance shall be carried in the Tow Truck at all times.
3. An applicant shall procure, and keep in full force and effect, a policy of liability and property damage insurance. At the time of initial registration, and upon renewal, the registrant shall file a certificate of insurance with the Office. The certificate shall clarify the type and amount of insurance coverage and provide for thirty (30) days notice to the Office of cancellation of, or material change in the policy.
4. Each policy shall be issued by a casualty insurance company authorized to do business in this state and that complies with all applicable rules and regulations of the State Board of Insurance.
5. The minimum insurance requirements for each Tow Truck are as follows:
 - a. \$100,000.00 per person and \$300,000.00 per incident for personal injuries and \$100,000.00 property damage per incident.
 - b. Heavy Tow Trucks and any other Tow Truck with gross weight, registered weight or gross weight rating over 26,000 pounds shall carry \$100,000.00 per person, \$500,000.00 per incident for personal injuries and \$100,000.00 property damage coverage per incident combined single limit coverage.
 - c. Each Tow Truck shall have a cargo insurance policy of at least \$50,000.00 coverage.
6. The certificate of insurance shall also specifically state:
 - a. That the policy covers the vehicle subject to the Permit;
 - b. Identify the vehicle by year, make and vehicle identification number; and
 - c. Indicate that the policy complies with the minimum liability limits established by these rules.
7. A Towing Company shall maintain insurance for each Tow Truck it owns or operates which meets the requirements of all other applicable statutes in addition to meeting the insurance requirements set forth in this Ordinance. A Law Enforcement Officer may inspect the Tow Truck for the insurance coverage.
8. A Towing Company shall not participate in any Law Enforcement Tows if it fails to provide the required insurance limits.

I. Required Identification On Tow Trucks

1. Each Towing Company that has been issued a towing Permit shall maintain the following identification markings on each Tow Truck it owns or operates:
 - a. The owner's legal business name or legal assumed name as specified on the "Vehicle Registration Listing" issued by TXDOT;
 - b. The city and state in which the owner's business office is located;

- c. The Towing Company name and phone number, including area code, shall be permanently inscribed or affixed on the front doors on each side of each Permitted Tow Truck in letters that are at least 3 inches high and ½ inch wide, in contrasting colors, and clearly visible at 50 feet during normal daylight. All other required markings shall be at least 2 inches high and ½ inch wide;
 - d. Display a permit plate issued by TXDOT pursuant to TEX. TRANS. CODE §502.281 and as hereafter amended or its successor statute;
 - e. Display the letters “**HCW**” followed by the Tow Truck Permit number on each side of the front fenders of each Tow Truck it owns or operates; and
 - f. Display on the bed of the Tow Truck the address of the Vehicle Storage Facility in letters at least 2 inches high and ½ inch wide. Alternatively, this information can be affixed to both sides of the rollback itself or on the storage box as long as it is visible from the side of the vehicle
2. It is a violation of this Ordinance if a Permitted Towing Company:
- a. Fails to satisfy any requirements listed in this section; or
 - b. Uses magnetic or removable signs.

J. Required Records

- 1. Each Towing Company that has been issued a Permit shall maintain a record of Law Enforcement Tows for a minimum period of three (3) years. The Office may inspect all records including, but not limited to, Tow Truck slips from Law Enforcement Officers and charges to customers relating to vehicles authorized to be towed by any Law Enforcement Agency.
- 2. A Towing Company’s failure to provide the Office with access to records or failure to provide requested records is a violation of this Ordinance.

K. Denial, Refusal to Renew, Suspension, or Revocation

The Office shall deny, refuse to renew, suspend, or revoke a Permit or Chip issued under this Ordinance in accordance with Article VII.

III. TOW TRUCK OPERATORS

A. Identification Card Required (ID Card)

- 1. The Operator must have a current ID Card issued by the Office to participate in Law Enforcement Tows within the unincorporated areas of Harris County.
- 2. No person shall allow, permit, or cause any person to drive or operate any Permitted Tow Truck at a Law Enforcement Scene or Evidentiary Crime Scene unless the Operator also has a current ID Card issued by the Office.
- 3. The Operator of a Permitted Tow Truck shall carry the ID Card at all times.

B. Application Process

To obtain an ID Card, the applicant shall submit an application on a form furnished by the Office. The application shall provide the following:

- a. The name and address of the applicant;

- b. The applicant's date of birth;
- c. The height, weight, hair color, eye color, gender, race;
- d. The applicant's employer;
- e. Whether the applicant was convicted of a felony offense in the past 3 years proceeding the date of the application (including probation and or deferred adjudication); and
- f. The applicant's signature.

C. Application Fee

An applicant for an ID Card shall not be required to pay a fee to submit an application, but no ID Card shall be issued until the applicable ID Card Fee as provided in Article VIII is paid.

D. Issuance

The Office shall issue an ID Card after the applicant satisfies the requirements of this Article.

E. Expiration; Renewal /Replacement of Lost or Destroyed ID Card

1. Each ID Card shall expire one (1) year from the date the ID Card was issued.
2. To renew the ID Card, the Operator shall file an Application and pay the fees provided in Article VIII.
3. If the ID Card is lost or destroyed, the Operator may obtain a replacement ID Card by:
 - a. Filing with the Office a sworn affidavit stating that the ID Card was lost or stolen and describing in detail how the ID Card was lost or stolen; and
 - b. Paying a Replacement Fee as provided in Article VIII.

F. Denial, Refusal to Renew, Suspension, or Revocation

The Office shall deny, refuse to renew, suspend, or revoke an ID Card issued under this Ordinance in accordance with Article VII.

IV. TOW TRUCK OPERATORS RULES AND REGULATIONS

A. Safety Requirements

1. No person shall participate in a Law Enforcement Tow unless the Tow Truck being used is equipped with the following equipment:
 - a. Brakes that meet braking performance requirements under all loading conditions;
 - b. A power winch, winch line, and boom, with factory-rated lifted capacity of not less than eight thousand (8,000) pounds, single line capacity or a hydraulic wheel lift with a lifting capacity of not less than 2,500 pounds;
 - c. A hydraulic lift sufficient to prevent swinging of any equipment and/or vehicle being transported and/or towed. Sling trucks cannot be used. This subsection does not apply to a vehicle carrier or rollback unless the wheels of a vehicle being towed are in contact with the ground. In the event that a self-contained non-propelled towing device, or some other form of auxiliary device is used, the vehicle to which that device is attached and

which is providing the motive and braking forces, does not need to provide this equipment;

- d. 5/16-inch link steel safety chains for Tow Trucks with a gross vehicle weight of 10,000 pounds or less and 3/8-inch highest steel chains or their equivalent for Tow Trucks with a gross vehicle weight over 10,000 pounds. These link sizes are minimums;
 - e. A 10 pound BC fire extinguisher or two five pound BC fire extinguishers. All fire extinguishers shall be properly filled, operable, and located so as to be readily accessible for use. Fire extinguishers shall meet the minimum requirements of the National Fire Protection Handbook, 14th edition (1976), and shall be labeled by a national testing laboratory;
 - f. One crowbar or wrecking bar that is not less than thirty-six (36) inches in length with a wedge head;
 - g. One broom of a type designed for pushing with an eighteen (18) inch head, and a handle of not less than thirty-six (36) inches;
 - h. One flat-edged shovel of at least nine (9) inches, with a handle of not less than thirty-six (36) inches;
 - i. A box or bucket to carry glass and/or debris removed from accident scenes;
 - j. Rope or wire suitable for securing doors, hoods, trunks, etc;
 - k. A functioning spotlight or flashlight;
 - l. Outside rearview mirrors on both sides of the truck;
 - m. Emergency lights;
 - n. Three portable red emergency triangle reflectors, orange cones at least 18" tall, or flares;
 - o. Auxiliary Tow Lights;
 - p. A High Mounted Stop Lamp shall be mounted on any Tow Truck if its overall width is less than 80 inches, or its GVWR is 10,000 pounds or less and is manufactured on or after September 1, 1993; and
 - q. Work Lights shall be wired to a separate switch and shall not be illuminated when the Tow Truck is in motion. These lights must be steady burning white lights that project light to the rear of the Tow Truck.
2. No person shall use or operate a Tow Truck to Tow a Motor Vehicle without using Auxiliary Tow Lights unless the towed vehicle is loaded on a rollback Tow Truck.
 3. No person shall equip a Permitted Tow Truck with a two-way radio or scanner or with any two-way radio that can transmit on any law enforcement frequency or Tow using a Tow Truck equipped with any such devices. Any Operator or Towing Company found transmitting on any law enforcement frequency shall be subject to suspension or revocation in accordance with Article VII.

4. No person shall equip a Permitted Tow Truck with any device designed to detect or monitor radar, laser, or any other speed-measuring instrument or perform a Law Enforcement Tow using a Tow Truck so equipped.
5. No person shall perform a Law Enforcement Tow without using safety chains.
6. No person shall use a Permitted Tow Truck to lift more than its factory-rated lifting capacity allows.
7. No Operator having an ID Card shall possess nor allow any prohibited weapon, firearm or alcoholic beverage in or around a Tow Truck when operating the Tow Truck. This provision does not prohibit a Peace Officer as defined by TEX. CODE OF CRIM. PROC. CHAPTER 2, ART. 2.12, or a person possessing a valid concealed handgun permit issued by the Texas Department of Public Safety from carrying a firearm while operating or riding in a Tow Truck.
8. An Operator shall ensure that while lifting a Motor Vehicle in preparation for a Law Enforcement Tow, all nonessential persons are a safe distance from the Tow Truck and Motor Vehicle. A safe distance is at least twice the distance between the end of the boom and the point of hook-up on the Motor Vehicle being winched or twice the distance the Motor Vehicle is being lifted, whichever is greater. If a hydraulic lift is being used, a safe distance is twice the distance to which the lift arm is extended. An Operator is responsible for maintaining safe conditions around the Tow Truck during any preparation for towing and winching of the Motor Vehicle.
9. If a Tow Truck or Motor Vehicle to be towed is in a lane of traffic, the Operator shall insure that the flow of traffic is diverted. An Operator shall not place or operate a Tow Truck cable across a lane or lanes of traffic, unless the traffic is stopped or diverted by a Law Enforcement Officer to permit safe winching or lifting of the Motor Vehicle to be towed.
10. A Towing Company operating Permitted Tow Trucks and Operators of such Tow Trucks shall maintain and keep in good working order all safety mechanisms of the Tow Truck, including, but not limited to, all headlights, tail lights, turn signals, brakes, brake lights, hazard lights, flashing warning lights, windshield wipers, wiper blades, handles opening doors and windows, and tires.
11. All Permitted Tow Trucks shall operate within the applicable recommended towed vehicle manufacturer's safety policies and procedures.
12. Each Permitted Tow Truck shall meet the safety requirements of all other applicable statutes in addition to meeting the safety requirements of this Ordinance.
13. Vehicles being towed subject to a Law Enforcement Tow from any Law Enforcement Scene shall be taken to an approved Vehicle Storage Facility or to a location designated by the vehicle's owner prior to participating in another Match or loading any other vehicle.

B. Law Enforcement Scenes

The following rules apply to Law Enforcement Scenes:

1. Except in an emergency or at the direction of a Law Enforcement Officer, an Operator shall park the Tow Truck at least 100 feet from a Law Enforcement Scene. An Operator may only use beacon lights as directed by state law.
2. The Operator shall park the Tow Truck on the same side of the road as the damaged Motor Vehicle.
3. The Operator(s) selected to tow shall remove all debris from the Law Enforcement Scene.

4. Any operator soliciting a driver at the scene after law enforcement personnel arrive or soliciting any injured driver at any time, shall not be allowed to perform a law enforcement tow. An injured party will be defined as a person who has visible injuries or who claims injuries.
5. The owner of a Motor Vehicle or his representative will be allowed to determine who will remove the Motor Vehicle and, if any, the trailer connected to same and the load thereon and therein to safety from a Law Enforcement Scene, except if the owner is under arrest or the vehicle is an immediate traffic hazard. Telephone requests are not acceptable, except when an owner or representative calls the Law Enforcement Agency involved. If this can be verified, then the owner's request by telephone will be honored.
6. Each Operator must be able to show proof that the Operator is authorized to store Motor Vehicle subject to the Law Enforcement Tow in a Vehicle Storage Facility issued a Permit under this Ordinance.
7. No person shall operate a Tow Truck at a Law Enforcement Scene if not in possession of a valid Permit and Chip unless specifically requested to do so by the owner of a Motor Vehicle to be towed. For consent to be valid, the owner must be physically present at the time of the authorization.
8. All Tow Truck Operators are required to conform to appropriate dress while at Law Enforcement Scenes. For safety reasons, Tow Truck Operators shall not wear muscle shirts, tank tops, or sleeveless shirts. Tow Truck operators shall wear enclosed shoes or boots.
9. All Tow Trucks are subject to an inspection by a Office supervisor with the rank of Sergeant or above, or by Office personnel designated as Tow Truck Inspectors.
10. Operators shall obey all federal, state, and county laws and ordinances. Violators are subject to arrest, as well as the suspension or revocation of any Permit and/or ID Card.
11. Once a Motor Vehicle has been fully hooked up and a Law Enforcement Tow has been initiated, the Towing Company may charge only as authorized by this Ordinance for the Tow.
12. No Tow Truck Operator without a Permit, Chip and ID Card shall be allowed to Match or otherwise load a vehicle for a Law Enforcement Tow. This section does not apply to a government owned Tow Truck.
13. When required by a Law Enforcement Officer at a Law Enforcement Scene, an Operator shall present an ID Card, Tow Truck Permit and Chip. Law Enforcement Officers may inspect the Chip and ID Card of any Operator or Tow Truck for violations of this Ordinance at any Law Enforcement Scene.

C. Evidentiary Crime Scenes

Law Enforcement Tows from Evidentiary Crime Scenes shall be subject to the following provisions which shall prevail over all other conflicting Law Enforcement Scene and Matching regulations:

1. A Law Enforcement Officer assigned to a specialized investigative division within a Law Enforcement Agency is authorized to make a determination that its Contract Tow Truck or a Tow Truck selected through a Match, Tow a Motor Vehicle to a specific location for additional evidentiary processing.
2. Once the additional evidentiary processing has been completed, the vehicle shall be removed by the Tow Truck that conducted the initial tow to the Vehicle Storage Facility named in the written

directive for the Law Enforcement Tow, if selected through a Match. Otherwise, the Law Enforcement Agency that authorized the tow is required to use its Contract Tow Truck

3. A Towing Company that performs Law Enforcement Tows under this section, whether selected through a Match under this Ordinance or by contract with a Law Enforcement Agency must possess a valid Permit under this Ordinance.
4. A Law Enforcement Tow under this section shall not be subject to a fee that exceeds those authorized under this Ordinance.

D. Matching

The following rules apply to the selection of a Permitted Tow Truck at Law Enforcement and Evidentiary Crime Scenes:

1. When the Office, Constables, or any other Law Enforcement Agency, investigates an accident in any unincorporated area of Harris County, the Officer shall allow each authorized Operator, to participate in a Match as described below.
2. If only one Tow Truck is present at a Law Enforcement Scene when a Law Enforcement Officer arrives, a Match as described above is not required and the Law Enforcement Officer shall authorize that Tow Truck to load the vehicle.
3. If two (2) or more Tow Trucks are present at the time a Law Enforcement Officer arrives, then a Match is required. If a Tow Truck calls in a vehicle to be checked that appears to be stolen or abandoned and the motor vehicle is to be loaded at the Law Enforcement Officer's request, then that Tow Truck will Tow the Motor Vehicle. If no Tow Truck is present at the Law Enforcement Scene, then the Law Enforcement Officer will broadcast for a Tow Truck. Upon the arrival of the first Tow Truck, all other Tow Trucks will be disregarded.
4. Only Tow Trucks possessing a Office issued Permit and Chip will be allowed to participate in the Match.
5. Any Tow Truck Operator or Towing Company that interferes with the loading of a Motor Vehicle by another Operator or Towing Company commits a violation of this Ordinance.
6. When conducting a Match, the Law Enforcement Officer will collect from each Operator present at the scene his metal numbered Chip and deposit it in a hat or other similar container. After doing so, the Law Enforcement Officer or other person designated by the Law Enforcement Officer will draw a Chip. If a Tow Truck Operator's Chip is drawn, he may then load the Motor Vehicle upon presentation of a valid ID Card. If a Tow Truck Operator is selected but refuses, or cannot perform the Tow, the Law Enforcement Officer may repeat the procedure to select another Tow Truck.

E. Denial, Refusal to Renew, Suspension, or Revocation

The Office shall deny, refuse to renew, suspend, or revoke an ID Card or Permit for violations under this article in accordance with Article VII.

V. HEAVY DUTY TOW TRUCKS

A. Permit Required

No person shall operate a Heavy-Duty Tow Truck to perform a Law Enforcement Tow without a Heavy Duty Tow Truck Permit issued under this Ordinance unless that person is operating pursuant to a contract with the County for such services, in which case services will be pursuant to the contract rather than this regulation.

B. Application Process

1. Each person or Towing Company that desires authorization to operate a Heavy Duty Tow Truck to perform Law Enforcement Tows shall file an Application. The Application shall state the following:
 - a. Year and make of the Tow Truck to which Permit will apply;
 - b. Vehicle identification number of the Tow Truck;
 - c. Current Texas permit plate number for the Tow Truck; and
 - d. Name, address and telephone number of the Tow Truck owner.
2. The written application form shall be accompanied by:
 - a. Copy of "Vehicle Registration Listing" issued by TXDOT for the Tow Truck to be Permitted;
 - b. Receipt from the Harris County Tax Office showing current registration, or if registered outside Harris County, the current registration from the county where the Tow Truck is located;
 - c. Proof of passage of designated inspection;
 - d. Copy of the Towing Company's most recent Tow Truck invoice;
 - e. Current original business card for the Towing Company which shall include the business name, business phone number and all addresses and phone numbers of storage lots to be used by the Towing Company; and
 - f. Original "CERTIFICATE OF INSURANCE" for the Tow Truck being permitted with the certificate holder named as follows:

HARRIS COUNTY SHERIFF
ATTN: T.E.S./ Towing and Storage Unit
1200 Baker Street
Houston, Texas 77002

C. Application Fee

An applicant for a Tow Truck Permit and Chip shall not be required to pay a fee to submit an application, but no permit shall go into effect until a Permit Fee as provided in Article VIII is paid.

D. Office Dispatch of Heavy Duty Tow Trucks

1. Heavy Duty Tow Trucks will be dispatched by the Office's Communications Division from a list provided them by the Tow Truck Inspector.
2. If a Law Enforcement Officer determines at the Law Enforcement Scene that the owner/Operator does not have a Heavy Duty Tow Truck that can arrive within 45 minutes, the Officer may request that the Office dispatch another Heavy Duty Tow Truck.
3. The Office may only utilize those Heavy Duty Tow Trucks on its official list. Once the approved Heavy Duty Tow Truck has notified the Office's Communications Division that it is en route, no

other Heavy Duty Tow Trucks will be allowed to load at the Law Enforcement or Evidentiary Crime Scene.

4. Failure to arrive within 45 minutes of notifying the Office's Communications Division is a violation of this Ordinance.
5. This Ordinance does not regulate any separate fee for cargo salvage that is negotiated between the Operator and Motor Vehicle Owner.

E. Requirements

No person shall operate a Heavy Duty Tow Truck to perform Law Enforcement Tows unless it meets the following requirements:

1. A Heavy Duty Tow Truck shall be at least a five-ton vehicle or more and shall be equipped with air brakes and tandem axles.
2. Heavy Duty Tow Trucks shall have a 24-hour telephone service and be equipped with two-way radio communication with a 24-hour dispatch service.

F. Denial, Refusal to Renew, Suspension, or Revocation

The Office shall deny, refuse to renew, suspend or revoke a Heavy Duty Tow Truck Permit issued under this Ordinance according to Article VII.

VI. VEHICLE STORAGE FACILITIES

A. Permit Required

1. Except pursuant to agreement with the vehicle's owner or when otherwise specifically allowed by this Ordinance and subject to the affirmative defenses under this Ordinance, no person shall store or permit a motor vehicle subject to a Law Enforcement Tow to be stored on his property without a valid Vehicle Storage Facility Permit issued by the Office and by the applicable state agency under the Texas Vehicle Storage Facility Act.
2. A Permit to operate a Vehicle Storage Facility issued by the Office is valid only for the physical location indicated on the Permit.
3. A Permit to operate a Vehicle Storage Facility is nontransferable and not assignable.
4. No person shall transport a Motor Vehicle from a Law Enforcement Scene to a Vehicle Storage Facility without a valid Permit issued under this Ordinance, unless authorized to do so by the owner of the Motor Vehicle towed and otherwise allowed by this Ordinance.

B. Application Process

1. Each Storage Company shall operate its Vehicle Storage Facility to meet all requirements of the Texas Vehicle Storage Facility Act and be licensed pursuant to that statute to store towed Motor Vehicles. Each Storage Company shall file a certificate with the Office stating it has met the following requirements:
 - a. The Storage Company is currently licensed under the Texas Vehicle Storage Facility Act.
 - b. The Storage Company agrees not to charge fees in excess of the maximum charges set in accordance with the Texas Vehicle Storage Act and Article VIII of this Ordinance.
 - c. A corporation's Application shall be signed and sworn to by its president and secretary.

2. To obtain a Permit under this Ordinance to operate a private Vehicle Storage Facility, a person or Storage Company shall file an Application.
3. An Application shall be made under oath and shall include the following information:
 - a. A list of all felony convictions and misdemeanor convictions for which the maximum punishment is confinement in jail or a fine exceeding \$200 dollars obtained against the applicant, a partner, a principal, or the general manager or corporate officer of the applicant during the three (3) years immediately preceding the date of the application;
 - b. If the applicant is a partnership, the name and address of each partner;
 - c. If the applicant is a corporation, the name and address of each corporate officer;
 - d. The names of all owners and the percentage of ownership interest each holds in the facility;
 - e. The name of the facility operator/manager if not one of the owners;
 - f. The facility's physical address, mailing address, and all telephone numbers;
 - g. The facility's storage capacity;
 - h. Whether or not the facility is fenced and if so the height of the fence and the date it was installed;
 - i. Whether or not the facility has an all weather surface;
 - j. Whether or not the facility has signs posted in the proper locations; and
 - k. Whether or not the facility has the required lighting.
4. The Office shall inspect each facility for which an initial Application is filed and which inspection is included in the Application fee. The Office may further deny or refuse to renew the Application for any facility that upon a physical inspection does not satisfy the requirements of this section.
5. If an Application is denied or its renewal refused or if a Permit is suspended or revoked and the Office must conduct a subsequent inspection to verify that there are no existing violations, the Office may charge an additional inspection fee as provided in Article VIII.

C. Application Fee

An applicant for a Vehicle Storage Facility Permit shall not be required to pay a fee to submit an application, but no permit shall go into effect until a Permit Fee as provided in Article VIII is paid.

D. Expiration

1. Each Vehicle Storage Facility Permit issued by the Office expires annually on December 1.
2. The owner of a Vehicle Storage Facility may renew its Permit by filing a renewal Application.
3. If a renewal Application is submitted after the date of expiration, the Permit shall not be renewed. However, a new Application may be filed.

4. If the Permit of an individual, partnership, or corporation expires, they shall apply for a new Permit if the Vehicle Storage Facility is still in business.

E. Insurance

1. Each applicant shall obtain a certificate of insurance that shall be given to the Office. The certificate must be for legal liability insurance for the Vehicle Storage Facility in the amounts specified in this Ordinance.
2. No insurance policy or certificate of insurance will be accepted unless issued by an insurance company licensed and authorized to do business in this state in the form prescribed or approved by the State Board of Insurance and signed and countersigned by an authorized agent of the insurance company.
3. A Vehicle Storage Facility shall have insurance coverage in one the following amounts:
 - a. If it has space to store not more than 50 Motor Vehicles, then not less than \$9,000 coverage for injury to or destruction of property of others;
 - b. If it has space to store 51 to 99 Motor Vehicles, then not less than \$18,000 coverage; or
 - c. If it has space to store 100 or more Motor Vehicles, then not less than \$25,000 coverage.
4. The Vehicle Storage Facility's insurance policy shall provide that the insurance company will give the Office 30 calendar days' written notice prior to the cancellation or expiration of any policy.
5. The Storage Company shall keep its insurance policy in full force and effect so long as the facility maintains a Permit under this Ordinance.

F. Notice To Registered Owner By Storage Lot Operator Pursuant To A Law Enforcement Tow.

1. The Storage Facility operator shall send written notice to the towed vehicle's registered owner and primary lienholder, not earlier than 24 hours but not later than five calendar (5) days after the date the vehicle is received. The Storage Facility operator may charge for sending the required notice in an amount authorized by Article VIII.
2. The notice shall be sent by certified mail, return receipt requested, and shall contain:
 - a. The date the vehicle was accepted for storage;
 - b. The first day for which a daily storage fee is assessed;
 - c. The daily storage rate;
 - d. The type and amount of all other charges to be paid when the vehicle is claimed;
 - e. The full name, street address, and telephone number of the facility;
 - f. The hours during which the owner may claim the vehicle; and
 - g. The Vehicle Facility Storage Permit number.

G. Storage Lot Operational Rules And Regulations

1. Each Storage Company shall have an attendant on duty at the Vehicle Storage Facility between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday (holidays excluded) and be available to release vehicles at other times within one hour after notification.

2. A Storage Company that accepts a private property tow shall notify the Office within two hours of accepting the vehicle. The Tow Truck ticket shall indicate the time of notice and the name of the person at the Office that it notified (See 43 TEX. ADMIN. CODE § 18.87(e)).
3. At a Law Enforcement Officer's request, a Vehicle Storage Facility shall accept any Motor Vehicle that was towed from within the unincorporated areas of Harris County.
4. A Towing Company and/or Storage Company shall not dispose of any Motor Vehicle towed at the request of a Law Enforcement Officer and subsequently abandoned at the storage facility unless it is sold through a Office Public Auction (See TEX. TRANS. CODE CHAPTER 683).
5. No person shall allow a Motor Vehicle subject to a Law Enforcement Tow to be stored at a Vehicle Storage Facility other than at the Vehicle Storage Facility identified in writing on the Tow Truck that conducted the Tow.
6. Each Storage Company shall post at each Vehicle Storage Facility it owns or operates a sign that is plainly visible to the public at all times. The sign shall clearly display the Vehicle Storage Facility Permit number, hours of operation, maximum charges allowed and who to contact about complaints.
7. A Storage Company shall not charge an Impoundment Fee to secure a stored Motor Vehicle subject to a Law Enforcement Tow unless it does the following:
 - a. The Storage Company conducts a written inventory of any unsecured personal property contained in the vehicle;
 - b. The Storage Company removes and stores all property for which safekeeping is necessary and specifies such removal and storage on the written inventory;
 - c. The Storage Company obtains from a state or county agency the motor vehicle's registration information;
 - d. If doors or windows of a stored vehicle are broken or inoperative, the Storage Company uses materials such as plastic or canvas tarpaulins to properly protect the vehicle; and
 - e. The Storage Company provides a written bill for services describing with specificity the exact conduct and date(s) when the services were performed for which the Impoundment Fee is assessed.
8. A Storage Company shall allow owners of stored Motor Vehicles to remove personal property prior to payment of any fees. The Vehicle Storage Facility shall keep a signed receipt for all personal items released.

H. Duties And Responsibilities

1. All vehicles stored after a Law Enforcement Tow shall at all times be kept inside the fenced or enclosed area of a Vehicle Storage Facility. For purposes of this subsection, enclosed area shall include the inside of a building. A vehicle accepted for storage shall be secured to prevent theft of the vehicle or its contents, including but not limited to locking doors, closing windows and hatchbacks, and raising or covering convertible tops.
2. Except as otherwise provide in this Ordinance, no person shall remove or allow the removal of any parts from any vehicle, and no vehicle shall be dismantled or demolished within the storage area of a Vehicle Storage Facility. Vehicles may be dismantled or demolished only if the storage

lot has a certificate of title, certificate of authority to demolish, police auction sales receipt, or transfer document issued by the State of Texas for the vehicle being dismantled or demolished.

3. No person other than the owner of a Motor Vehicle shall use or allow others to use any stored Motor Vehicle for any purpose.
4. No person shall repair, alter, or have parts removed from or replaced in a stored Motor Vehicle without the written consent of the owner or the owner's authorized representative.
5. Vehicle Storage Facility operators shall follow and maintain lots in accordance with Texas Vehicle Storage Facility Act and regulations issued thereunder.
6. The Storage Company shall keep and maintain records of all Motor Vehicles received by Law Enforcement Tows in a manner and form approved by the Office.
7. Storage Lots shall enter all vehicles stored on their facility into the database mentioned in G.9. above.

I. Allowable Fees

A Vehicle Storage Facilities issued a Permit under this Ordinance may charge only fees authorized under the Texas Vehicle Storage Facility Act and regulations issued thereunder.

J. Denial, Refusal to Renew, Suspension, or Revocation

The Office, shall deny, refuse to renew, suspend or revoke a Vehicle Storage Facility Permit issued under this Ordinance according to Article VII.

VII. DENIAL, REFUSAL TO RENEW, SUSPENSION, OR REVOCATION OF PERMITS AND ID CARDS

A. Denial, Refusal To Renew, Suspension, or Revocation of Permit and I. D. Card

1. The Office, shall deny, refuse to renew, suspend or revoke any Permit or I. D. Card issued under this Ordinance for any of the following reasons:
 - a. The applicant knowingly supplied false or incomplete information on the application;
 - b. The applicant has a felony conviction within the last three (3) years from the date of the Application. This includes probation and deferred adjudication;
 - c. The applicant has been convicted of a crime involving moral turpitude within the last ten (10) years from the date of the last Application; or
 - d. The applicant has violated this Ordinance.
2. The Office may also revoke or suspend an ID Card or Permit for any of the following reasons:
 - a. Violation of this Ordinance;
 - b. Violation of Federal, State or County laws classified as Class B Misdemeanors or higher;
 - c. Suspension of applicant's Texas Operators license;
 - d. Falsifying records;
 - e. Felony conviction(s);

- f. Charging an amount that exceeds the amounts authorized under Article VIII;
 - g. Performs or attempts to perform a Law Enforcement Tow without authorization; or
 - h. Towing a Motor Vehicle that is reported stolen without first contacting a Law Enforcement Agency.
3. An Operator complaining of another Operator, Permit holder or Law Enforcement Officer may file a written complaint with the Office's Traffic Enforcement Section. Complaints against Law Enforcement Officers will be referred to the appropriate Law Enforcement Agency for their disposition, otherwise the Office shall investigate the complaint and take any action it deems appropriate and authorized under this Ordinance.
 4. A Office supervisor with the rank of Sergeant or above, or personnel designated as Tow Truck Inspectors shall have the authority to deny, refuse to renew, suspend or revoke any ID Card or Permit issued under this Ordinance.

B. Notice to Applicant of Adverse Action by The Office.

1. If the Office denies or refuses to renew any Application or revokes or suspends any ID Card or Permit issued under this Ordinance, it shall send the applicant a written notice that sets forth the following:
 - a. The specific grounds for the Office's adverse action; and/or
 - b. Any specific violations of this Ordinance and/or any federal or state laws that the Office relied on in its adverse action.
2. The Office shall send notice by First Class Mail and through the United States Postal Service.
3. If the Office refuses to renew, suspends or revokes any ID Card or Permit under this Ordinance, it may do so by collecting or removing Office property, and otherwise disregarding the person or company at a Match.
4. Upon a refusal to renew, suspension or revocation a Office supervisor with the rank of Sergeant or above, or personnel designated as Tow Truck Inspector, shall take possession of a Permit, Chip and/or ID Card, pending any investigation or appeal. The person or company possessing the Chip, Permit and/or ID Card shall deliver them to the Office Tow Truck Inspector the NEXT working day along with a "Report of Circumstances." Law Enforcement Officers from other agencies, upon determination of a violation of this Ordinance, shall have the authority to order a Tow Truck Operator not to load a vehicle.

C. Hearing Process

1. A person or company may appeal the Office's adverse action by using the following procedures:
2. If an Application is denied or its renewal refused, by delivering a written notice of appeal within five (5) working days from the date the Office informs an applicant or permit holder.
3. If an ID Card or Permit is suspended or revoked, by delivering a written notice of appeal within five (5) working days from the date of the Office's adverse action.
4. Delivery of a notice of appeal to the Office is effective if hand delivered, or by United States, First Class Mail, Return Receipt Requested, to the Traffic Enforcement Section (T.E.S.) Commander.

5. Upon receipt of a notice of appeal, the T.E.S. Commander shall convene a Disciplinary Hearing Committee, comprised of the following individuals:
 - a. Lieutenant of Traffic Enforcement or his designee;
 - b. Lieutenant of the district in which the violation occurred; and
 - c. Any other Patrol Supervisor designated by the T.E.S. Commander.
6. The Disciplinary Hearing Committee shall give the person or company making the appeal a written notice stating the date, time and place of the appeal hearing. The person or company that requested the appeal and the Committee is entitled to offer evidence and argument on its behalf. The Committee shall hold a hearing and render a decision no later than fifteen (15) working days from receipt of the written notice of appeal. The decisions of the Committee shall be final if not appealed to the Patrol Support Services Bureau Commander within five (5) working days.
7. An adverse decision of the Disciplinary Hearing Committee may be appealed to the Patrol Support Services Bureau Commander by delivering a written notice of second appeal within five (5) working days of the Disciplinary Hearing Committee's decision. The Patrol Support Services Bureau Commander's decision shall be based upon a review of the committee's decision, written materials submitted at the hearing and any additional written information (limited to five (5) pages, double spaced) that either party submits. The Patrol Support Services Bureau Commander may render a written decision within fifteen (15) working days. The decisions of the Patrol Support Services Bureau Commander shall be final if not appealed to the Sheriff within five (5) working days.
8. Finally, an adverse decision of the Patrol Support Services Bureau Commander may be appealed to the Sheriff of Harris County by delivering a written notice of final appeal within five (5) working days of the Patrol Support Services Bureau Commander's decision. Additional information may not be submitted in an appeal to the Sheriff. Rather, the Sheriff's decision shall be based only on a review of the written information previously submitted to the Disciplinary Hearing Committee and to the Patrol Support Services Bureau Commander. The Sheriff may render a written decision within fifteen (15) working days. The decisions of the Sheriff shall be final.
9. A person or company forfeits an appeal by failing to file a timely appeal under this article and the Office is not required to hold a hearing or render any further decisions.
10. All notices of appeal shall be sent to:

HARRIS COUNTY SHERIFF
ATTN: T.E.S./Towing and Storage Unit
1200 Baker Street
Houston, Texas 77002

D. Sanctions; Reinstatement

1. The Disciplinary Hearing Committee, Patrol Support Services Bureau Commander or the Sheriff may continue the suspension of an ID Card or any Permit for an additional period not less than seven (7) working days nor more than 90 working days from the date the decision on an appeal is rendered and require the payment of a Reinstatement Fee as provided in Article VIII.A person or company subject to a denial or refusal to renew an application or revocation of a ID Card or Permit issued under this Ordinance may submit a new application with the Office together with the fees as provided in Article VIII as follows:

- a. 180 working days from the date of the Disciplinary Hearing Committee's final decision if no appeal was made to the Patrol Support Services Bureau Commander or the Sheriff; or
 - b. 90 working days from the date of a final decision by either the Disciplinary Hearing Committee, Patrol Support Services Bureau Commander or the Sheriff, whichever rendered the decision that is latest in time and the additional payment of a Reinstatement Fee as provided in Article VIII.
2. As a further condition of renewal or the cancellation of a suspension or revocation the Disciplinary Hearing Committee, Patrol Support Services Bureau Commander or the Sheriff may require the submission of a new application and payment of the appropriate fees under Article VIII.
 3. Suspension of an ID Card or Permit shall be for a period not less than 7 calendar days nor more than 30 calendar days.

E. Affirmative Defenses to Suspension or Revocation

It is an affirmative defense to Suspension or Revocation that:

1. The Tow Truck used to tow the vehicle was owned by the owner of the vehicle being towed, carried or otherwise transported by the Tow Truck;
2. The vehicle towed, carried, or otherwise transported was originally picked up or loaded onto the Tow Truck at a specific location not within the unincorporated areas of Harris County, that was not a Law Enforcement Scene, or that was not a Public Road;
3. The Motor Vehicle was not being Towed pursuant to a Law Enforcement Tow;
4. The Towing was incidental to a lawful repossession of the towed Motor Vehicle;
5. The Tow Truck Operator complied with all the requirements of this Ordinance that would be applicable if the lienholder were the owner of the vehicle being towed;
6. In the instance of a Vehicle Storage Facility, that the Motor Vehicle being stored was not Towed to the location; or
7. The Operator, Towing Company, or Vehicle Storage Facility involved was not at the time of the offense required to be Permitted under this Ordinance.

VIII. FEES AND CHARGES

TOW TRUCK FEES AND TOWED VEHICLE CHARGES

A	APPLICATION FEES (1)	
	1. Tow Truck and Heavy Duty Truck	NC
	2. Storage Lot - Per Lot (Includes 1 Inspection)	NC
B	NEW LICENSE FEES (1)	
	ID Card	\$ 30.00
C	NEW PERMIT FEES (1)	
	Tow Truck	\$ 580.00
	Heavy Duty Tow Truck	\$ 580.00
	Storage Lot Permit	\$ 230.00
D	RENEWAL, REPLACEMENT AND REINSTATEMENT FEES (1)	
	1. ID Card	
	Replacement	\$ 30.00
	Renewal	\$ 30.00
	Reinstatement	\$ 60.00
	2. Tow Truck Permit	
	Replacement	\$ 60.00
	Renewal	\$ 580.00
	Reinstatement	\$ 580.00
	3. Heavy Duty Tow Truck Permit	
	Replacement	\$ 60.00
	Renewal	\$ 580.00
	Reinstatement	\$ 580.00
	4. Vehicle Storage Facility Permit	
	Replacement	\$ 30.00
	Renewal - Per Lot (Includes 1 Inspection)	\$ 230.00
	Reinstatement - Per Lot (Includes 1 Inspection)	\$ 580.00
	5. Chip	
	Initial	NC
	Replacement	\$ 60.00
E	LAW ENFORCEMENT TOW MAXIMUM CHARGES (2)	
	Tow Truck	(3)
	Heavy Duty Truck	
	1. First Two Hours	(3)
	2. Each Additional Hour	(3)
F	VEHICLE STORAGE FACILITY MAXIMUM CHARGES (3)	
	1. Storage Fee	
	a. Vehicle Length no more than 25 feet	(4)
	b. Vehicle Length more than 25 feet	(4)
	2. Impoundment Fee	(4)
	3. Notification Charges (After 24 hours)	(4)

Notes:

- (1) Unless otherwise indicated, all fees are nonrefundable. If any permit is for less than 12 months, the Permit fee must be paid on a pro-rata basis. Any portion of a month shall be deemed an entire month.
 - (2) Permit holders, operators, owners, and companies shall not charge any additional charges other than those provided under this article.
 - (3) See separate Commissioners Court order regarding nonconsent tow charges.
 - (4) The amounts set by the Texas Vehicle Storage Facility Act and regulations issued thereunder.
- NC No charge. Included in cost of permit.

No Additional Fees

Permit holders, operators, owners, and companies shall not charge any fees for Law Enforcement tows and storage of vehicles towed without consent and subject to this Ordinance other than those fees provided under this Ordinance.

IX. REVISION OF TOW RATES

The County has provided separately for tow rate studies in regard to revising the rates for non-consent tows. Towing Companies holding permits under this Ordinance shall cooperate in all tow studies conducted by the County. Willful failure to cooperate with tow rate studies shall be grounds for possible suspension or revocation of a permit under this Ordinance or for failure to grant an application for a Permit.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the ____ day of _____, 2007, with the following members present, to-wit:

Ed Emmett	County Judge
El Franco Lee	Commissioner, Precinct No. 1
Sylvia R. Garcia	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
Jerry Eversole	Commissioner, Precinct No. 4

and the following members absent, to-wit: _____, constituting a quorum, when among other business, the following was transacted:

**ORDER APPROVING AMENDED HARRIS COUNTY TOW TRUCK
ORDINANCE FOR LAW ENFORCEMENT TOWING AND STORAGE
SERVICES**

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Emmett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and law-fully adopted. The order thus adopted follows:

A. IT IS ORDERED that, pursuant to Texas Transportation Code § 545.306, the Harris County Wrecker Ordinance For Law Enforcement Non-Consent Towing and Storage Services shall now be called the Harris County Tow Truck Ordinance For Law Enforcement Towing and Storage Services and is amended to read in accordance with that document attached hereto and incorporated herein for all purposes.

B. IT IS FURTHER ORDERED THAT The amended ordinance shall be effective on December 4, 2007, provided that new property insurance and cargo insurance requirements found in Article II.H5. shall apply to tow trucks with existing permits on December 4, 2007 only upon renewal of such permits or issuance of new permits for such tow trucks, and until such time, the previous insurance requirements shall remain in effect as to those tow trucks.