

HAYS COUNTY SHERIFF'S OFFICE

VEHICLE IMPOUNDMENT

POLICIES AND PROCEDURES



HAYS COUNTY SHERIFF'S OFFICE
1307 Umland Road
San Marcos, Texas 78666

TABLE OF CONTENTS

VEHICLE IMPOUND UNIT POLICIES AND PROCEDURES

I. POLICY

II. PURPOSE

III. PROCEDURES---GENERAL

- ACCIDENT
- EMERGENCY TRAFFIC HAZARD
- STATE/COUNTY/MUNICIPAL/EMERGENCY VEHICLES
- BLOCKING DRIVEWAY OR PARKING AREA
- VIOLATION OF LAW
- UNATTENDED OR RED TAGGED VEHICLES
- ABANDONED VEHICLES
- REMOVAL FROM PRIVATE PROPERTY
- EVIDENC/CRIME INVOLEMENT
- ARREST SITUATIONS
- TOWING PROCEDURES

IV. VEHICLE INVENTORY

- AUTHORIZATION AND PURPOSE
- INVENTORY vs SEARCH
- INVENTORY PROCEDURES
- SAFEKEEPING
- TRAFFIC ACCIDENTS
- RED TAGGED/ABANDONED
- IMPOUNDED AS EVIDENCE
- IMPOUNDED LEAVING THE SCENE

V. IMPOUNDED VEHICLES AT THE VEHICLE STORAGE FACILITY

- NOTIFICATION LETTERS
- RELEASE OFIMPOUNDED VEHICLE
- TOWING
- TOWING OF VEHICLES FROM ACCIDENT SCENE
- TOWING OF VEHICLES FROM PUBLIC ANDPRIVATGE PROPERTY
- RECORDS MAINTENANCE
- WRECKER CONTRACTS [see exhibit "A"]
- TOW TRUCK INPSECTIONS
- INSPECTION STICKER FOR INDIVIDUAL TRUCKS

COMPANY AND VEHICLE STORAGE FACILITY FILE

VI. VEHICLE STORAGE FACILITY

VEHICLE STORAGE FACILITY ACT
AUTHORITY
SANCTIONS
VALIDITY OF LICENSE
VEHICLE STORAGE FACILITY REQUIREMENTS
NOTIFICATION OF OWNER OR LEINHOLDER
RIGHTS OF OWNER OR AUTHORIZED REPRESENTATIVE
FEES, CHARGES
PAYMENT BY LEINHOLDER OR INSURANCE COMPANY
DISPOSAL OF CERTAIN ABANDONED VEHICLES
PENALTY FOR NO LICENSE OF STORAGE FACILITY
DOCUMENTATION AND RECORDS
VEHICLE STORAGE FACILITY INSURANCE REQUIREMENTS

VII. ABANDONED VEHICLE PROCEDURES

OVERVIEW
REVIEWING THE PAPERWORK
RUNNING 1028/1029
ENTERING INFORMATION INTO RACKER 2000
CONDUCTING THE AUCTIONS
DELIVERING FUNDS TO FISCAL
ASSETS, FORFEITURES, AND SEIZED VEHICLE FUNDS
VEHICLES TOWED TO EAST COMMAND-FEES
TRACKING IMPOUNDED VEHICLES BOATS, AND MOTORS

EXHIBITS:

- A. WRECKER CONTRACT
- B. WRECKER APPLICATION FOR ROTATION LIST

I. POLICY

Officers must understand when the towing and storage of vehicles is appropriate and legal. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and citizens view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. In any case, a motor vehicle is an important piece of personal property that must be managed and supervised if it enters police custody. Whenever possible, owners or operators of vehicles for which towing is required will be encouraged to specify a towing service of their own choice, otherwise the on-scene deputy will use the normal Hays County Sheriff's Office ("HCSO") procedure for towing and impoundment herein referred to as HCSO rotation system.

II. PURPOSE

It is the purpose of the HCSO to provide quality service to the citizens. It is with this goal in mind that the following procedures were developed. When appropriate, these laws, code and procedures directly follow the authority and protocols set forth in the Texas Department of Licensing and regulation herein referred to as "TDLR" and/or other statutory authorities set forth in the State of Texas. In the case that this policy or agreement set forth within conflicts with TDLR code or other statutory authorities' state code and authority will prevail.

III. PROCEDURES – GENERAL

A. ACCIDENT:

1. Any vehicle involved in an accident will be removed to the shoulder of the road or elsewhere as soon as possible after officers have obtained the necessary investigative information. Vehicles will be removed from the shoulder without necessary delay.
2. A Vehicle may be removed to the shoulder of the road or other legal parking area, as long as placement of the vehicle does not impede vehicle travel on the roadway.
3. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense. The officer shall:
 - a. Ask driver or owner of vehicle if he/she has a wrecker preference. If no preference is stated, the officer shall have dispatch notify the next wrecker on the rotation list for the area/zone in which the vehicle is located.
 - b. Notify dispatch of vehicle registration, vehicle color, vehicle condition, and vehicle's tire condition.

B. EMERGENCY [TRC 545.305(a)(9)]

Any vehicle found illegally parked in the vicinity of a fire, traffic, or airplane accident or area of emergency, which creates a traffic hazard or interferes with the necessary work of police, fire, or

other rescue workers may be towed on an officer's orders at the owner's expense. The officer shall use the protocol set forth in III (A)(3), above, when having the vehicle towed.

C. TRAFFIC HAZARD: [TRC 545.302, 305]

1. No vehicle shall be stopped or left unattended in such a manner as to impede or render dangerous the use of a public highway or roadway by others, except in the case of mechanical breakdown or accident. If a disabled vehicle constitutes a traffic hazard and cannot be promptly removed, the officer may order the vehicle towed at the owner's expense. The officer shall use the protocol set forth in III (A)(3), above, when having the vehicle towed.
2. Where a traffic hazard requires immediate action and the officer is unable to correct it without special assistance the officer will:
 - a. Advise communications to notify proper authorities of the situation
 - b. Summon appropriate assistance or special equipment
 - c. Protect the scene; and/or
 - d. Direct traffic as necessary

D. STATE/COUNTY/MUNICIPAL/EMERGENCY VEHICLES

1. Paragraphs A, B & C shall not apply to any vehicle owned or controlled by the State, County, Municipality, or an Emergency vehicle while engaged in construction or highway maintenance.
2. Paragraphs A, B & C shall not apply to any vehicle owned or controlled by a Voluntary Fire Department, First Responder or Emergency Medical Technician while performing the duties thereof.

E. BLOCKING DRIVEWAY OR PARKING AREA [TRC 545.302, 305]

Any officer discovering or having report of any motor vehicle, trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the land owner's permission, may order the vehicle towed at the vehicle owner's expense. The officer shall use the protocol set forth in III (A)(3), above, when having the vehicle towed.

F. VIOLATION OF LAW [TRC 545.302, 305]

Officers may tow any unattended motor vehicle found on a public street or grounds where such vehicle constitutes a traffic hazard or is parked in such a manner as to be in violation of the law. The officer shall use the protocol set forth in III(A)(3), above, when having the vehicle towed.

G. UNATTENDED/RED TAGGED VEHICLE [TRC 545.305]

Unattended/red tagged vehicles may be towed in accordance with Transportation Code 683.002 and 683.011 after notice of intention to impound (red tag) has been affixed to the vehicle for the required 48 hours. Officers ordering the towing of vehicles under this section shall have dispatch

notify the next wrecker on the rotation list for the area/zone in which the vehicle is located, and shall notify dispatch of vehicle registration, vehicle color, vehicle condition, and vehicle's tire condition.

H. ABANDONED VEHICLES [TRC 683.002]

Whenever any motor vehicle is left abandoned upon public or privately owned property without the permission of the owner, lessee, or occupant thereof, the officer may order it towed at the owner's expense. TRC 683.011 establishes the authority to take abandoned vehicles into custody. Officers ordering the towing of vehicles under this Section shall have dispatch notify the next wrecker on the rotation list for the area/zone in which the vehicle is located, and shall notify dispatch of vehicle registration, vehicle color, vehicle condition, and vehicle's tire condition. Any vehicle may be presumed to be abandoned if it:

- a. Is inoperable, is more than five years old and has been left unattended on public property for more than 48 hours;
- b. Has remained illegally parked on public property for more than 48 hours;
- c. Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
- d. Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours; or
- e. Has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the Texas Turnpike Authority or a controlled access highway.

I. REMOVAL BY PRIVATE PROPERTY OWNERS

These vehicle Impoundment Policies and Procedures shall not be construed to authorize or prohibit a private property owner's right to actively tow or remove vehicles from his/her property without the assistance of law enforcement. The legality of such actions shall be the concern of that private property owner. If accusations of criminal violations arise out of such actions, those accusations shall be handled by Hays county authorities on a case-by case basis.

J. EVIDENCE/CRIME INVOLVEMENT

Vehicles that are of an evidentiary value or vehicles that are involved in the commission of a crime shall be towed at the request of the officer or supervisor to the wrecker service impound yard or specific location, or to an enclosed storage facility at department expense. Officers ordering the towing of vehicles under this section shall have dispatch notify the next wrecker on the rotation list for the area/zone in which the vehicle is located, and shall notify dispatch of vehicle registration, vehicle color, vehicle condition, and vehicle's tire condition.

K. ARREST SITUATIONS

1. When a person is arrested while they are exercising control over a vehicle the arresting officer shall take action necessary to move the vehicle to a protected place if:
 - a. The vehicle is in a location where it would normally not be left unattended overnight.

- b. The vehicle is where it is likely to be damaged.
 - c. The vehicle is where the custodian believes the vehicle cannot be safely left.
2. An officer may have the custodian of the vehicle release the vehicle to another person of his choosing. This option is used only if custodian's permission is granted and the selected driver is readily available and is one who can legally drive the vehicle.
 3. Officers ordering the towing of vehicles under this Section shall have dispatch notify the next wrecker on the rotation list for the area/zone in which the vehicle is located, and shall notify dispatch of vehicle registration, vehicle color, vehicle condition, and vehicle's tire condition.
 4. Officers ordering the towing of vehicles under this Section shall complete a vehicle inventory form and have it signed by the wrecker driver upon his/her arrival.

L. TOWING PROCEDURES

1. Before ordering the towing and impoundment of any vehicle, Officers must identify which provisions of these Vehicle Impoundment Policies and Procedures (sub-paragraphs A-K above) and which state laws grant authority to have the vehicle towed.
2. When ordering the towing and impoundment of any vehicle, it is preferred that Officers use the vehicle owner's or operator's choice of towing company.
3. If the owner or operator of a vehicle is unable or unwilling to specify a preferred towing company or is not available to make a choice, the officer shall ask dispatch to contact the next wrecker on the rotation list.
4. In situations involving major traffic congestion caused by a disabled vehicle, the officer may notify dispatch and may request a wrecker from the rotation list. At his or her discretion, the officer may bypass the rotation list process and use a wrecker that is on the scene, in which case he or she is not required to request action by dispatch.
5. If a vehicle subject to towing under these Vehicle Impoundment Policies and Procedures is larger than a normal passenger vehicle or pickup, the officer on-scene shall so advise dispatch who has a separate list of specially equipped wrecker services.
6. Officers shall notify a dispatcher of ALL requests to tow vehicles by officers or owners, regardless of whether the officer or owner requested a wrecker from the rotation list. Dispatchers shall request and record the following information in the towed vehicle log: Date; Time; Location to and from which vehicle is being towed; Vehicle license number; Vehicle Identification Number; Vehicle make and model; Color of vehicle; Condition of vehicle, and condition of vehicle's tires.
7. Dispatchers shall log the time and basis for each call made to a towing service.

8. When the wrecker arrives on the scene the on-scene officer shall notify the dispatcher of the time of the wrecker's arrival and any subsequent problems that occur while towing the vehicle. the officer shall complete an Impound form and shall indicate onn the form the charges that apply to the tow.
9. Towing records are maintained by HCSO. These records are maintained in the Communications Division. They include:
 - a. Impound Sheets
 - b. Wrecker Contracts
 - c. Wrecker Rotation List
 - d. Impound/repossession Vehicle Log; and
 - e. Wrecker Callout Cards
10. Wrecker contracts: The Hays County sheriff's Office requires wrecker companies to sign a contractual agreement to provide towing services based on established office standards that have received approval of the Hays County Commissioners Court. The contract regulates price, responses times, storage yard security standards, hours of availability, and requires that all wreck companies who contract with Hays County remain in compliance with Chapter 2308 of the Texas Occupations Code. By contract, only wrecker companies meeting the above standards will be kept on the HCSO rotation list.
11. Vehicle Storage Facility inspections may be conducted gy the HCSO deputies prior to execution of a Wrecker Contract under Section III (L)(10), above. By contract, Vehicle Storage Facilities may also be subject to inspection during the pendency of a Wrecker Contract. All Vehicle Storage Facilities must meet the standards established by the Wrecker Contract with Hays County, as well as state and federal law.

IV. VEHICLE INVENTORY

A. AUTHORIZATION AND PURPOSE

A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody. Any motor vehicle inventory must strictly observe the provisions of these Behicle Impoundment Policies and Procedures. The purpose of inventory is to protect the owner's property and to protect the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:

- a. The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver and the officer has not allowed the vehicle to be released above; or
- b. The vehicle has been towed for violations, safety reasons, or other purposes as defined by law.

B. INVENTORY vs SEARCH

1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory of the vehicle. It is a "vehicle search" that is subject to the limitations of state and federal constitutional safeguards.
2. An examination of the general area of a motor vehicle to verify ownership, (in regard to abandoned vehicles) and to check for personal property, hazardous materials or damage as a safeguard qualifies as an inventory of the vehicle.

C. VEHICLE INVENTORY

1. Vehicles that are towed at the request of the owner/operator, vehicles that are left in the custody of another person under Section III(K)(2), or vehicles that are left legally parked shall not be inventoried.
2. Any time an Officer assumes responsibility for towing a vehicle, a vehicle inventory form shall be completed by that officer at the location where the vehicle was seized/towed, unless reasons of safety or practicality require the inventory to take place at a later time. The completed form shall be turned in with the officer's reports, unless otherwise specified in these orders.
3. Before any vehicle is removed by a wrecker service, officers shall obtain the signature of the wrecker driver on the inventory report and provide the driver with a copy of the report.

D. INVENTORY PROCEDURES

1. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has access to a key. Locked and sealed items shall not be accessed forcibly if doing so would damage them. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may be found.
2. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents.
3. Any evidence, contraband, fruits or instrumentality of a crime discovered during an inventory shall be handled according to current HCSO evidence collection procedures.

E. SAFEKEEPING

1. When any property other than a vehicle is seized for safekeeping to be returned to the owner at a later date, such as weapons, jewelry or other valuable, a property form shall be completed and the items placed in evidence or property lockers.
2. The rule set forth in Section IV(E)(1), above, shall be followed even when the owner of the seized property is not known.

F. TRAFFIC ACCIDENTS

1. If the driver of a vehicle that has been involved in a traffic accident remains at the scene while the vehicle is being picked up and towed, an officer shall not have cause to inventory that vehicle. However, if the driver of a vehicle is not at the scene at the time the vehicle is towed, it shall be inventoried and the inventory form completed.

2. Vehicles involved in a traffic accident shall not be left at the scene.

G. RED TAGGED/ABANDONED

When impounding a red-tagged or abandoned vehicle, the vehicle shall be inventoried whenever possible and the inventory form completed. If the vehicle is deemed abandoned, it shall be processed in accordance with TRC Section 683.002, and TRC Section 683.011.

H. IMPOUNDED AS EVIDENCE

1. When a vehicle has been impounded for evidence, an inventory form shall be completed. The extent of the inventory or intrusion into the vehicle shall be determined by the reason for impounding the vehicle (offense, etc.) or by the supervisor or detective assigned to the case.
2. When a vehicle has been impounded for evidence the officer shall complete the inventory form and accompany (escort) the wrecker and towed vehicle to the Vehicle Storage Facility or designated location.
 - a. The officer shall direct the wrecker driver to put the impounded vehicle in a designated location for Forensics or Investigative follow-up, and place an Investigative Hold on the vehicle.
 - b. The officer shall collect the wrecker ticket from the wrecker driver. The officer shall process the keys as evidence (with evidence tag attached) and submit the wrecker form and keys with the original report.

V. IMPOUNDED VEHICLES AT THE STORAGE FACILITY

A. NOTIFICATION LETTERS Occupation Code 23.08 subchapter J

As provided by law, when an Abandoned Vehicle is impounded the last known registered owner and all lien holders shall be notified by the Towing Company within Twenty-Four (24) hours.

B. RELEASE OF IMPOUNDED VEHICLES

1. Impounded vehicles shall be released to their owner's legal agent as soon as practical unless a hold of some type is placed on the vehicle. If no hold is placed on the vehicle, the owner or the owner's legal agent shall be allowed to inspect the vehicle and sign the vehicle impound form. The towing company releasing the vehicle shall complete the necessary information pertaining to the release and forward all paperwork to the Sheriff's Office.
2. If a vehicle has an Investigative Hold, the owner shall be notified and directed to contact the Sheriff's Office with any inquiries.
3. Vehicles towed to a Vehicle Storage Facility due to abandonment, accident, or involvement in a crime that are not placed under Investigative Hold shall be released to the owner or the

owner's legal agent as soon as practicable. The towing company releasing the vehicle shall complete the necessary information pertaining to the release and forward all paperwork to the Sheriff's Office.

C. TOWING OF EVIDENTIARY VEHICLES

1. Vehicles abandoned or vehicles involved in accidents or crimes may require towing and storage for an indefinite period of time. Once a vehicle has been towed at the request of HCSO it becomes fiduciary property or evidence and shall be treated as such. The officer shall indicate on the Impound Form any criminal charges or investigative holds that apply to a towed vehicle.
2. Vehicles that require safeguarding and/or forensic processing that cannot be processed in the field by an officer or at a crime lab, will be impounded or towed to a Vehicle Storage Facility or to a specific location, with an Investigative Hold placed on the vehicle.
 - a. Prior to a vehicle being impounded and towed to a specific location for forensic processing or safeguarding the supervisor or detective will need to contact the CID Commander or the on-call Detective. It will then be determined if the vehicle can be transported to the Vehicle Storage Facility (wrecking yard) or to a specific location to be processed for evidence. It will also be determined if the officer should escort the vehicle to the Vehicle Storage Facility. When towed to a Vehicle Storage Facility the officer having the vehicle towed shall inform the wrecker driver that the vehicle has an Investigative Hold, and shall also note it on the vehicle inventory form.
 - b. When towed to the HCSO impound yard for forensic processing and/or safeguarding the officer must escort the vehicle being towed and shall direct the wrecker driver to place the vehicle in a designated location, as determined by HCSO personnel. The driver will collect the wrecker ticket from the driver and place it, the keys to the vehicle and process the same as a report and evidence.

D. TOWING OF VEHICLES FROM ACCIDENT SCENE

Any HCSO Officer arriving on the scene of an accident must first determine the hazards of the scene, the safety of the scene, and the extent of injuries to accident victims.

Upon arrival at the scene of an accident, an officer shall:

- a. Notify dispatch of the exact location of the accident of any visible hazards, and whether additional officers are needed.
- b. Determine the best way to secure the safety of the accident scene.
- c. Check for the extent of injuries and notify dispatch if Emergency Medical Services or other rescue units are required.
- d. Check with the owner/operator of each vehicle involved in the accident that may need towing, inquire if they have a wrecker preference, and, if not, notify dispatch that a wrecker is required.

- e. Notify dispatch of vehicle registration, vehicle color, vehicle condition, and vehicle's tire condition, and, if any vehicle involved is larger than a standard passenger vehicle or pick-up, notify dispatch of special equipment that may be required.

E. RECORDS MAINTENANCE [TRC Chapter 730]

1. Towing records shall be maintained in the Communications Office. These records shall include:

- a. Impound Sheets (Form)
 - A three-part form in which the white copy is turned in with the officer's report, and the yellow copy which is left with the wrecker driver.
 - The pink copy should be forwarded to the Impound office within forty-eight hours after the vehicle is released or disposed of.
- b. Abandoned Vehicle Sales Receipt.
 - Sales reports shall be filed in the HCSO Dispatch Office for two years and then forwarded to the property warehouse.
 - The sales report consists of a 10-28 and 10-29 from TCIC and NCIC showing the registered owner, lien holder and wanted report of the motor vehicle, watercraft, or outboard motor.
- c. A copy of all receipts for certified mail that is sent to owners and/or lien holders under TRC 683.0012
- d. A copy of any newspaper publication made pursuant to TRC 683.012
- e. Computer entry of information on date of tow, impound Vehicle Storage Facility, and date of sale.
- f. the impound/repossession vehicle log shall be kept and maintained at the Communications Office.
- g. Wrecker Call-Out Cards shall be kept and maintained at the Communications Office.

2. Wrecker Contracts Procedures

A copy of each wrecker service contract will be kept on file in the Communications Office. The wrecker rotation list will be maintained at the Communications Office with each Wrecker Service given an assigned number in rotation. The series of rotation will be kept at the Communications Office and utilized by dispatch. A separate Rotation List of companies that have Class "B" wreckers will be maintained, with the Class "B" wreckers responding to all areas of the County, as needed. In emergency situations requiring a Class "B" wrecker, HCSO shall notify the nearest wrecker company to expedite the incident and ensure safety. A record of which companies have been used under this Subsection shall be kept in the Communications Office.

F. WRECKER CONTRACTS [SEE EXHIBIT "A"]

1. A rotation list ("The List") of tow truck companies that desire to perform tows shall be created and maintained by the HCSO. the list will be utilized by the HCSO in selecting towing companies to perform tows under these policies.
 - a. A permitted towing company may be given a place on the list if it:
 - 1) Maintains a twenty-four (24) hour towing service;
 - 2) Is a State permit holder;
 - 3) Has a place of business in Hays County and owns, or has a contract to use, a State-permitted vehicle storage facility;
 - 4) Agrees to charge only the fees set forth in "Exhibit A, " as applicable and when performing services under these Policies and Procedures;
 - 5) Has the ability to contact a responding tow truck by radio or other voice communications system and have that tow truck available dispatched to the police scene within 30 minutes;
 - 6) Agrees to comply with the rules, terms, and conditions of these Policies and Procedures; and
 - 7) Agrees to comply with the procedures promulgated by the HCSO for the execution of these Policies and Procedures.
 - b. If a towing company that is called to service determines that an additional tow truck is needed, the towing company will either provide the additional truck or request the deputy in charge to call another towing company to the scene. If the determination of need for an additional tow truck is based on the lack of equipment normally required to be present on the tow truck at the scene, the towing company will not be compensated for such additional tow truck.
 - c. If a towing company that is called to service fails to appear at the collision scene, under normal conditions, within thirty (30) minutes of a call, the deputy making the request for a tow truck may continue waiting for the dispatched tow truck or cancel that tow truck and request that the next towing company on the List be called. The deputy should consider such factors as the estimated delay in the arrival of the initial towing company, any unusual conditions or equipment needs, and which option will best serve the interests of public safety. If a deputy perceives that any tow truck is in violation of safety standards or any tow company has repeated violations, that deputy shall report such violation(s) to the Communications Office. Towing Companies that accrue reports of violations in their file may face suspension or termination from their contractual relationship with Hays County and their placement on the rotation list, by the sole determination of HCSO.

G. TOW TRUCK INSPECTIONS:

1. The wrecker companies agree that all of the company's tow trucks are subject to and may be inspected by HCSO prior to the Company being provided a place on the Rotation List and thereafter on an annual basis. The inspection is not an assumption by the County of any responsibility of the Company's duty to provide the required safety equipment, licenses, and insurance for all of its tow trucks. In addition any HCSO Deputy who suspects that a tow truck is in violation of safety standards may conduct a tow truck safety inspection of any tow truck on

the scene at any time. Repeated safety violations may result in suspension or removal from the Rotation List.

2. All tow trucks may be inspected for the following minimum operable equipment:
 - a. Permanent signs minimum of 2 inches, displaying the following information:
 - 1) Company Name
 - 2) City in which business is located
 - 3) Phone Number w/area code
 - b. Radio, telephone or other means of communication
 - c. Overhead lights, Amber preferred, can have red, white or blue, but can only be operated while stationary at accident or tow scene or by Officer's discretion.
 - d. Booster brakes
 - e. Power Winch
 - f. Dollies
 - g. Fire extinguisher
 - h. Safety Chains
 - i. Tow Bar/Sling
 - j. Wrecking Bar
 - k. Broom/Shovel
 - l. Wheel Lift/Under reach
 - m. Tow Lights
 - n. Flares or Reflective lights
 - o. Insurance
 - p. Current registration
 - q. Current motor vehicle Inspection

H. INSPECTION STICKERS FOR INDIVIDUAL TOW TRUCKS

1. All tow trucks must be inspected and have the required equipment, current registration, current Motor Vehicle Inspection certificate, and Proof of Insurance displayed at all times.
2. Each of the Company's Class "B" tow trucks, (1.5 tons or larger), may be inspected by an HCSO Deputy for the same minimum equipment qualifications at any time on a police scene or during the normal hours of operation at the impound yard of the service provider.

I. WRECKER INSPECTION SHEET

HCSO may utilize an inspection sheet for any Tow Truck inspection or inspect for any partial minimum equipment required.

J. COMPANY AND VEHICLE STORAGE FACILITY FILE

1. The Company and Vehicle Storage Facility information sheet must be completed and filed with the Non-Consent Towing Contract.
2. The Company has a duty to notify HCSO in writing within twenty-four hours of any change in the information provided on the Company and Vehicle Storage Facility information sheet.

VI. VEHICLE STORAGE FACILITY

A. VEHICLE STORAGE FACILITY

1. A Vehicle Storage Facility (VSF) is defined by Chapter 2303 of the Texas Occupations Code, as a garage, parking lot, or other facility that is owned by a person (or entity) other than a governmental entity and used to store at least ten (10) vehicles each year.
2. A person may not own or operate a vehicle storage facility unless the person holds a current vehicle storage facility (VSF)s license issued by the Texas Department of Licensing and Regulation. Chapter 2303 of the Texas Occupations Code regulates the operations of a VSF.
3. HCSO Deputies may inspect each Vehicle Storage Facility (VSF) that is under contract with HCSO at any time. Inspections shall focus on the following factors:
 - a. Current License
 - b. Fencing
 - c. Security of vehicles
 - d. Preservation of vehicles
 - e. Surface and conditions
 - f. Lighting
 - g. Signs posted in compliance with TDLR

h. Documents and Records

4. Any towing company that operates or contracts with a Vehicle Storage Facility that fails to meet the minimum inspection requirements will be subject to suspension or removal from the Rotation List.

B. VEHICLE STORAGE FACILITY REQUIREMENTS

1. Enclosure and security of stored vehicles.

- a. Fencing: If not enclosed by a five foot high fence on or before September 1, 1985, all vehicle storage facilities shall be completely enclosed by a fence at least six feet high with a gate which is locked at all times when the licensee or an agent or employee is not at the storage lot. No two-vehicle storage facilities shall operate within the same fenced area.
- b. Security of vehicles: No vehicle shall be stored or kept at any licensed vehicle storage facility unless it is kept inside the fenced enclosed area at all times.
- c. A vehicle accepted for storage in a vehicle storage facility must 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.
- d. Surface: All vehicle storage facilities shall have an all-weather surface such as concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, shell or caliche, that enables the safe and effective movement of stored vehicles upon all portions of the lot, both under their own power and under the tow, at all times, regardless of prevailing weather conditions.
- e. Illumination: All vehicles storage facilities shall maintain illumination levels adequate for nighttime release of vehicles. The term "adequate" means sufficient to allow inspection of vehicle for damage at the time of release. At a minimum, there must be one lighting fixture containing at least a 250 Watt element for each ¼ acre of storage area.
- f. Signs/Facility information: All vehicle storage facilities shall have a clearly visible and readable sign at its main entrance. Such sign shall have letters at least two inches in height, with contrasting background, and must be visible at 10 feet, and must contain the following information:
 - The registered name of the storage lot, as it appears on the Vehicle storage facility license;
 - Street address;
 - Telephone number for the owner to contact in order to obtain release of the vehicle;
 - The facility's hours, within one hour of which vehicles will be released to vehicle owners; and,
 - The storage lot's state license number preceded by the phrase "VSF License Number".
- g. Per diem charges: All vehicle storage facilities shall have a sign setting out the per diem charge for storage and all other fees which may be charged by the storage lot, including notification and impoundment fees. The sign must be located so it is clearly visible to a vehicle owner prior to paying the fees and must have letters at least one inch in height with a contrasting background.
- h. Instruments accepted for release of vehicle: All vehicle storage facilities shall have a sign describing the instruments that may be presented by the vehicle owner or authorized representative to obtain possession of the vehicle. The sign must be located so it is clearly

visible to a vehicle owner at the place of payment, and have letters at least one inch in height with a contrasting background.

C. NOTIFICATION OF OWNER OR LIEN HOLDER

1. The operator of a VSF who receives a vehicle that has been towed to the facility for storage must, not later than the fifth day but not before 24 hours after the date the operator receives the vehicle, send a written notice to the registered owner and the primary lien holder of the vehicle.* This sub-section does not apply to notice for a vehicle that is removed by the owner before the fifth day after the date the operator receive the vehicle.
2. The operator of a VSF who receive a vehicle that is registered outside this state or the United States will send a written notice to the last registered owner and all recorded lien holders not later than the 14th day but not before twenty-four hours after the date the operator receives the vehicle.*
*Notices under Section 1 and 2, above, must be sent by certified mail, return receipt requested, and must contain:
 - a. The date the vehicle was accepted for storage;
 - b. The first day;
 - 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 facility license number preceded by "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number".
3. Notice by publication in a newspaper of general circulation in the county in which the vehicle is stored may be used if:
 - a. The vehicle is registered in another state;
 - b. The operator of the VSF submits a written request that is correctly addressed, with sufficient postage, and is sent by certified mail, return receipt requested, to the governmental entity in which the vehicle is registered requesting information relating to the identity of the last known registered owner and any lien holder on record;
 - c. The identity of the last known registered owner cannot be determined.
 - d. The registration does not contain an address for the last known registered owner; and
 - e. The operator of the VSF cannot reasonably determine the identity and address of each lien holder.
4. Notice by publication under Subsection (2) of the Section is not required if all correctly addressed notices sent with sufficient postage under Subsection (a) or (b) of this section is returned because:
 - a. The notices were unclaimed or refused; or,
 - b. The addressee moved without leaving a forwarding address.
5. Notice by publication must contain all the information required by this Section. The publication may contain a list of more than one vehicle, watercraft or outboard motor.

6. The operator of the VSF may charge the owner of the vehicle a reasonable fee for giving the notice required by this section.
7. If the vehicle for which notice was given under this section has not, before the 41st day after the date notice was mailed or published, been claimed by a person permitted to claim the vehicle or been taken into custody by a law enforcement agency under Chapter 683, transportation Code, the operator of the VSF must send a second notice to the registered owner and primary lien holder. The second notice must contain:
 - a. the information required under Subsection (2a) of this section;
 - b. A statement of the right of the facility to dispose of the vehicle;
 - c. A statement that the failure of the owner or lien holder to claim the vehicle before the 30th day after the date the second notice was mailed is:
 - 1) A waiver by that person of all right, title, and interest in the vehicle; and
 - 2) A consent to the sale of the vehicle at a public sale.

D. RIGHTS OF OWNER OR AUTHORIZED REPRESENTATIVE

1. When a person demonstrates ownership or right of possession of a motor vehicle stored at a VSF, the person or authorized representative shall:
2. Be entitled to inspect a copy of the wrecker tow ticket for the motor vehicle and will not be required to pay fees or charges before doing so; (placing the tow slip or ticket behind a glass enclosure for the person to inspect satisfies this requirement).
3. Be given access to and be allowed to remove, any personal belongings in the vehicle, unless otherwise indicated by a certified law enforcement officer, (the VSF must require a receipt from the person to whom this personal belongings are released for any property removed from the stored vehicle by the vehicle owner or authorized representative); and
4. Have access during normal business hours to the vehicle for the purposes of insurance and/or repair estimates.

E. FEES; CHARGES

1. The operator of a VSF shall charge owners of impounded vehicles no more than the fees outlined in section 2303.155 of the Texas Occupations Code.

F. PAYMENT BY LIEN HOLDER OR INSURANCE COMPANY [OC 2303.156]

A lien holder who repossesses a vehicle, or an insurance company that pays a claim of total loss involving an owner of a vehicle in a VSF, is liable to the operator of a VSF for all unpaid amounts owed the operator in relation to the delivery of the vehicle to or storage of the vehicle in the VSF, regardless of whether an amount accrued before the lien holder repossessed the vehicle or the insurance company paid the claim.

G. DISPOSAL OF CERTAIN ABANDONED VEHICLES [OC 2303.1545]

1. The operator of a VSF may dispose of an abandoned vehicle for which notice was given under section 2303.1545, of the Texas Occupations Code if, before the 30th day after the date the notice was mailed, the vehicle has not been:
 - a. Claimed by a person entitled to claim the vehicle; or, be taken into custody by a law enforcement agency under Section 683.034 of the Texas Transportation code.

An Operator entitled to dispose of a vehicle under this section may sell the vehicle at a public sale without being required to obtain a release or discharge of any lien on the vehicle. The proceeds from the sale of the vehicle will be applied to the charges incurred for the vehicle. The operator will pay excess proceeds, if any, to the person entitled to them.

1. 85.706. Responsibilities of Rotation Company—Documentation and Records.
(New section adopted effective April 15, 2008, 33 TexReg 2931)
2. (a) Retention of written documentation. Vehicle storage facility licensees must maintain a copy of the original written documentation regarding their operations for a period of two years from the date of the release or disposal of the vehicle. Written documentation shall be in the form of:
3. (1) motor vehicle registration checks;
4. (2) notification letters;
5. (3) certified return receipts;
6. (4) tow tickets (if applicable);
7. (5) bills for service;
8. (6) auction sales receipts;
9. (7) inventory (if applicable);
10. (8) certificates of authority to demolish; and
11. (9) any authorized document used to release a vehicle, including but not limited to a title, affidavit of right of possession and control, or court order.
12. (b) Minimum information. Each license shall keep written records on each vehicle kept or stored at the VSF. These records shall contain:
13. (1) the year, make, model, color, correct license plate number, state issuing the license, and correct vehicle identification number of the vehicle;
14. (2) the date, time and location from which the vehicle was towed, and name of person or company who authorized the tow.
15. (3) the name of the tow truck driver, driver TDLR license number, the name of the company that towed the vehicle, and the license plate numbers of plates issued to the tow truck under transportation Code, §502.180, and §504.508;
16. (4) the date the vehicle was released, the name of the individual to whom the vehicle was released, and the type of identification (Texas drivers license or other state or federally issued photo identification) and identification number provided by the individual to whom the vehicle was released;
17. (5) the date of any vehicle transfer, and the address of the location to which the vehicle was transferred along with the name of the towing company and tow truck driver, with TDLR license number, who made the transfer;
18. (6) a copy of any certificate of title issued after the vehicle came into the possession of the VSF, any certificate of authority to demolish, any law enforcement auction sales receipt, or any transfer document issued by the State of Texas for the vehicle if vehicle ownership has been transferred due to any action of the VSF or is the vehicle has been disposed of or demolished; and

19. (7) all amounts received at the time the vehicle was released, including the specific nature of each charge.
20. (c) Nonconsent tow tickets. The VSF shall ensure that nonconsent tow tickets (if applicable) contain the registered name of the towing company, the towing company certificate of registration number, and the full printed name and TDLR license number of the towing operator on file with the department.
21. (d) Regulatory documents. A VSF may not accept a vehicle for storage unless the VSF makes and maintains a copy of the towing operator's valid TSLR operator's license and tow truck cab card for the driver and truck delivering the vehicle for storage. The copies required by this subsection must be current and valid on the date a vehicle is delivered to the VSF for storage.
22. (e) Availability of documentation. All documents required by this chapter shall be made available by the licensee, the licensee's agent, or the licensee's employee for inspection and copying upon request by department personnel, or a law enforcement officer, during the same hours the VSF must ensure that vehicles are available for release to the vehicle owner.
23. (f) Care and custody of records. Required records shall be kept under the care and custody of the licensee for at least two years from the date the vehicle was released or disposed of.

H. NOTICE OF COMPLAINT PROCEDURE [TDLR Administrative Code 85.707]

1. (a) Each VSF shall notify the vehicle owner of the department's website and email address, mailing address, and telephone number, for purpose of directing complaints regarding the vehicle storage to the department.
2. (b) The licensee may use a legible sticker or rubber stamp to convey the required information required by subsection (a). The notice shall be included on:
 3. (1) a sign prominently displayed to the public at the place of payment, with letters at least one inch in height, and a contrasting background; and
 4. (2) the front page of any bill for service.

I. VEHICLE STORAGE FACILITY INSURANCE REQUIREMENTS per TDLR Administrative Code 85.400

1. (a) An applicant or VSF licensee is responsible for ensuring the electronic submission of a certificate of insurance when applying for an initial license, submitting a license renewal, changing a business name or affiliation, and upon request of the department.
2. (b) The certificate of insurance must be obtained from and submitted by an insurance company licensed to do business in Texas Pursuant to the Texas Insurance Code
3. (c) The facility name and address shown on the proof of insurance form must be the same as the name and address on the license. The VSF licensee is responsible for ensuring that the insurance information on file with the department reflects the correct name and address of the insured facility.
4. (d) The VSF licensee must obtain insurance for the insured facility that meets the following requirements:
 5. (1) Insurance coverage shall be in an amount of not less than:
 6. (A) \$9,000 per claim if the VSF has space to store not more than 50 vehicles;
 7. (B) \$18,000 per claim if the facility has space to store 51 to 99 motor vehicles; and
 8. (C) \$25,000 per claim if the facility has space to store 100 or more motor vehicles.

9. (2) The VSF licensee's insurance policy must be kept in full force and effect so long as the facility is operating.
10. (3) The certificate of insurance must contain a provision obligating the insurer to give the department thirty-day notice before the effective date of a policy cancellation date. Notice must be in a form acceptable to the department.
11. (e) The department may revoke a VSF license if the insurance has been canceled and a replacement policy has not been filed prior to the cancellation date.

VI. ABANDONED VEHICLE PROCEDURES

A. REVIEWING THE PAPERWORK

The paperwork received from a Vehicle Storage Facility in preparation for an auction will consist of:

1. The Vehicle Impoundment For, (if HCSO), or a wrecker tow ticket, (if another agency or agencies).
2. Copy of each return receipt for certified mail sent to owner (and lien holder, if any) if letter is undelivered, copy of front of letter.
3. Wrecker ticket or bill if vehicle was an impound, or work order if the vehicle was left for service, or contract, if the vehicle was left for storage.
4. The statutory notification fee of \$50.00 per vehicle.

B. RUNNING 1028/1029

1. A 1028 is the registration/title information for a vehicle, and a 1029 is a TCIC/NCIC check to see if the vehicle has been reported stolen. The 1028/1029 must be run on a terminal connected to the NCR computer system.
2. Access to the NCR computer system requires that a password be assigned. The password must be used in signing on.
3. The operator will have to log on the Tiburon system, open on TIBURON ICON, double click on Utilities, double click on system tools, double click on RMS message window, then quit, double click on RMS display window, then enter 2829 and send to bring up 1028/1029 window. To run out-of-state vehicles go back to Tiburon main menu and double click on RMS display window then enter RQ and send to enter Out of State. To check for other information go to the Tiburon main menu and double click on RMS display window then enter "want" and send; this will bring up a screen where you can check for vehicle information under names.
4. To run a 1028/1029 on the Tiburon screen displayed, enter the license number or vehicle identification number where requested and enter send. Then, open message display window and check for next message. Print TCIC/NCIC returns and MVD returns, if return shows on TCIC a "Stored/Abandoned" notation print twice. (To be explained later). If return shows no record in MVD by VIN#, or an error message is returned, showing that the VIN# does not conform to standards, run the 1028/1029 by license number. Then verify the correct VIN#.
5. Run 1028/1029 by VIN #, and by license plate only if not reported or no return is received. Run by license plate only to verify VIN#.
6. If the vehicle bears an out-of-state license plate, run the 1028/1029 by VIN # as usual, then also run an out-of-state 1028 by VIN 3 on the out-of-state screen, and by license plate if the VIN # does not get a return.

7. Make sure to print each of the returns showing 1028, Registered owner, (and lien holder, if any) and 1029 from TCIC/NCIC.

C. ASSESTS, FORFEITURES AND SEIVZED VEHICLE FUNDS

1. Evidentiary investigation holds will be processed by the involved section as listed below:
 - a. Auto Theft Vehicles:
Vehicles seized by the Auto Theft Task Force, or seized by other officers will be referred to the Auto Theft Task Force.
 - b. Narcotics Vehicles:
Vehicles seized by the Narcotics Unit or seized by other officers, and considered narcotics related, will be referred to the Narcotics Unit.
 - c. Major Crimes Vehicles:
Vehicles seized in relationship to involvement in a major crime will be processed by investigators with the Hays County Criminal Investigations Division.
 - d. Traffic Vehicles:
Vehicles impounded by a Traffic unit; such as leaving-the-scene (LTS), Fleeing or Evading Arrest will be processed by the Leaving-The-Scene investigator
 - e. Other Seized Vehicles:
 - 1)Vehicles seized by the Detectives or Investigators within the CID Section, and vehicles seized by other officers will be processed by Crime Scene Investigators.
 - 2)Abandoned or other vehicles that are requested by Patrol, CID, Auto Theft, Narcotics, Traffic, will be processed for evidentiary value by the crime scene technician or the investigating officer.

D.TRACKING IMPOUNDED VEHICLES, BOATS AND MOTORS

1. All vehicles, boats and boat motors impounded by the Hays County Sheriff's Office must be entered into TCIC by dispatch as "Stored Abandoned", "Stored due to LTS Collision", "Stored Previously red Tagged", "Stored Traffic hazard" or "Stored Evidence".
2. It is the responsibility of the Vehicle Storage Facility to verify that all impounded vehicles, boats and boat motors are released to the owner, lien holder, insurance company, or declared stored abandoned and sold at auction.
3. All vehicles, boats, and boat motors that have been impounded by the HCSO must have a vehicle inventory form completed and on file with HCSO.
4. The vehicle inventory form will be signed by the wrecker driver, verifying the inventory, and the (yellow) copy given to the driver.
5. The vehicle Storage Facility owner, agent or employee, will have the owner, lien holder, insurance agent or representative sign the appropriate form showing date and time released.
6. If a vehicle, boat or boat motor, is impounded and stored at the Hays County Sheriff's Office yard for Major Crimes, Criminal Investigation Division or Traffic LTS as evidentiary, the impound form will be forwarded to the Communications Division of HCSO.

THE FOLLOWING ARE EXHIBITS:

EXHIBIT "A"

HAYS COUNTY SHERIFF'S OFFICE
NON-CONSENT TOWING
ROTATION LIST AGREEMENT 2009/2010 effective April 1, 2009

STATE OF TEXAS

COUNTY OF HAYS

THIS AGREEMENT is made and entered into by and between the HAYS County Sheriff's Office (HCSO), acting by and through the Hays County Sheriff or designee, under authority duly delegated by the Hays County Commissioners Court, and the undersigned Towing Company (the "company").

1. HCSO will create and maintain a non-consent rotation list (the "list") of tow truck companies, which desire to perform non-consent tows or tows incident to arrest in designated Response Areas of the County. The List will be utilized by the HCSO in selecting towing companies to perform non-consent tows or tows incident to arrest from the public roadways in such Response Areas. All tow trucks and tow company personnel on a police scene must be "Incident Management" certified and insured in order to be eligible for and maintain rotation status.
2. HCSO will divide Hays County into geographical Response Areas for the rotation of towing assignments. The rotation of assignments within each Response Area will be handled independently of the other Response Areas. Each Company may select up to three specific Response Areas in which they desire to receive towing assignments. Any Company which requests to be called in more than one response Area must be capable of responding to towing assignments in all selected Response Areas simultaneously with more than one truck in operation. Any company that wishes to be approved for more than one response area must be able to travel on the roadways from the company's yard to the furthest point upon a roadway in the other requested response area within the required response time listed within this agreement. Approval of requested response area for each rotation towing company will be approved or denied by the Sheriff or his designee with the interest in serving public safety expeditiously being first and foremost.
3. The rotation list of tow companies is an annual agreement effective April 1st of each year. The number of towing companies allowed on the list for each respective response area will be limited and determined by the sheriff or his designee on an annual basis leading up to April 1st of each year. At towing company may be considered to be placed on the list if it: (i) maintains a twenty four (24) hour towing service, (ii) has a place of business in hays County and owns or has a contract to use a state licensed vehicle storage facility, (iii) agrees to charge no more than the fees set forth in this agreement, (iv) has the ability to contact a responding tow truck by radio or other voice communications system, and (v) agrees to comply with all the terms and conditions of this Agreement.
4. When a deputy determines that the owner or operator of a vehicle requiring towing has no preference or is unable to select a towing company for any reason, the deputy will request that a towing company be selected from the List and called to execute the tow. The companies will be selected in rotating order on the basis of their positions on the List.

5. The Company shall respond to any and all calls from the HCSO requesting the towing of a vehicle within the response area, including call to tow abandoned vehicles or portions of vehicles. The Company agrees to arrive at the scene, under normal conditions, within thirty (30) minutes after receiving the call.
6. HCSO will only attempt to contact the Company two (2) times before calling the next company on the List. If the Company cannot respond to a call promptly, it shall notify HCSO which will call the next Company on the List.
7. If the Company determines that an additional tow truck is needed, the Company will either provide the additional truck or request the deputy in charge to call another towing company to the scene. If the determination of need for an additional tow truck is based on the lack of equipment normally required to be present on the tow truck at the scene, the Company will be in violation of the agreement and not be compensated for such additional tow truck. When a rotation company is called for a primary or secondary vehicle to effect a tow the responding truck(s) must have:
 - (a) A tow truck permit holder must display on each permitted tow truck:
 - (1) The permit holder's name;
 - (2) The permit holder's publicly listed telephone number
 - (3) The city and state where the permit holder is located; and
 - (4) The permit number for the tow truck.
 - (b) The information required to be displayed must be:
 - (1) Printed in letters and numbers that are at least two inches high and in a color that contrasts with the color of the background surface; and
 - (2) Permanently affixed in conspicuous places on both sides of the tow truck.
8. If the company fails to appear at the scene, under normal conditions, within thirty (30) minutes of a call, the deputy making the request for a tow truck may continue waiting for the dispatched tow truck or cancel the tow truck and request the next Company on the List be called. The exception to the 30 minute response rule will be a "Heavy Class B Rotation" which will be allowed a reasonable short period of time beyond the 30 minutes, but left to the discretion of the investigating officer. The deputy will consider such factors as the estimated delay in the arrival of the Company tow truck, any unusual conditions or equipment needs, and which option will best serve the interests of public safety.
9. An impound form will be completed by the deputy at the scene for each vehicle towed on rotation. When the Company's driver has verified the inventory and signed the impound form acknowledging receipt of the vehicle, the company will receive a duplicate copy of the impound form.
10. The Company assumes full responsibility and liability for the vehicle once the Impound form has been signed by the Company's driver. No vehicle may be released unless the person claiming the vehicle and the Company's representative releasing the vehicle has signed the impound duplicate form in the space provided. The company must return the said duplicate form to the HSCSO within forty-eight (48) hours after release of the vehicle. The company must be available to release the vehicles, on which there are no holds, seven (7) days a week 24 hours a day with one (1) hour notice. When a vehicle has an investigative hold the Company shall obtain the name and employee number of the deputy authorizing the release of any vehicle which had been impounded under the direction of the HSCSO and to hold the vehicle until its release is authorized.
11. The Company is solely responsible for towing vehicles in a professional manner and in full compliance with all relevant local, state, or federal laws and regulations and the non-consent agreement including, but not limited to the Texas Vehicle Storage Facility Act. The HCSO assumes no responsibility or liability for the manner and means chosen by the Company to perform its duties.

12. The deputy in charge at a collision scene or at the location of a disabled vehicle on a public roadway may, if the safety of the public requires it or if otherwise authorized under §545.305 of the Transportation code, take any steps needed to insure public safety, including, but not limited to:
 - (a) Directing that any vehicle be taken to impound lots owned or used by Hays County;
 - (b) Directing that any vehicle be delivered to a specific location;
 - (c) Excluding any person from the investigation area who in the opinion of the deputy may hinder an investigation.
13. The Company shall remove all wreckage and debris from a collision scene, except for vehicle cargo or hazardous waste. The Company shall use the utmost care and all due caution to avoid destruction or contamination of anything which may be of evidentiary value, if the deputy hasso informed the tow truck operator.
14. The Company may charge up to, but not more than the following fees for the following basic services rendered by the Company utilizing Class A (1 ton and 1.5 ton) tow trucks under this Agreement:
 - Light Vehicle Towing – Vehicles <10,000 lbs \$185
(includes tow incident to arrest and cost to remove driveshaft if needed)

Additional Light Vehicle Tow if needed

(\$100 and must be approved by lead investigating officer or supervisor to effect tow and must be dispatched by HCSO)

Storage

\$20.00 per day if vehicle < 25'

\$35.00 per day if vehicle > 35'

Dollies

There will be no dolly fee allowed on any light, medium or heavy tow

Excessive Winching

Excessive Winching is defined as those instances in which a tow vehicle that is actually going to perform the tow is on the scene and ready to work and has done so in the winching process in excess of one hour or fractions thereof greater than one hour. Winching will be allowed in those circumstances only when authorized by the lead investigating peace officer on scene and must be stipulated so and signed by his/her signature with his/her HCSO employee number on the impound sheet associated with that investigation. In the instance of an outside agency such as the Department of Public Safety Trooper utilizing the HCSO rotation, it is up to the towing company to secure the signature and radio number of the investigating Trooper on the impound sheet approving and stipulating excessive winching. Winching will not be allowed the first hour on scene. In those instances where excessive winching is allowed it will be charged at a rate after the first hour of:

Class A light Wrecker towing vehicles < 10,000 lbs	\$35/hour
Class B Medium towing vehicles < 10,000 lbs	\$35/hour
Class B Medium towing vehicles > 10,000 lbs but < 25,999	\$65/hour
Class B Heavy towing vehicles > 25,999 lbs	\$75/hour

Wasting time at scene \$35/hour, allowed for rotation driver after being on scene the first hour and not being allowed to initiate tow services and each hour thereafter.

15. Utilizing Class B Tow Trucks (larger than 1.5 tons) and for the following special services rendered in connection with heavy hauling under this Agreement:

Medium Towing Rotation – vehicles >10,000 lbs - <25,999 lbs Fee for Medium Tow rotation includes cost to remove driveshaft.	\$400.00
Heavy Towing Rotation – vehicles heavier than 25,999 Fee for Heavy Tow rotation includes cost to remove driveshaft.	\$600.00
Additional Class B Medium Tow Truck If needed to effect tow >10,000 lbs - <25,999 lbs	\$100/hour after arrival on scene
Additional Class B Large Tow Truck If Needed to effect tow >25,999 lbs	\$300/hour for the 1 st hour and \$100 allowed for each hour thereafter.
Air bags	\$75/hour
Large Trailer Dollies	There will be no light, medium or large tow dolly fees allowed.
Haul Trailer or Off-Load Cargo/Pay-Load	\$75/hour per event if a governmental agency does not complete this work. This fee shall cover any personnel required by the rotation towing company in addition to the tow truck driver and must be agreed upon by the HCSO supervisor and/or the lead investigating Deputy or Trooper/Officer on the scene.
Additional Manpower (for Exceptional Circumstances)	\$35/hour per additional employee may be allowed after the 1 st hour on the scene to effect tow if approved or directed by the lead investigating officer or supervisor.
Impoundment fee per TDLR	\$20 (fee for any action that is taken by or at the discretion of the owner or operator of the facility and is necessary to preserve, protect, or service a vehicle stored or parked at the facility. Updated 3/08
Wrecker Cancellation	If a rotation company is cancelled due to owner or operator of the vehicle to be towed after 15 minutes has lapsed after the requesting officer notifies dispatch for a rotation, the rotation company may seek a fee of ½ the towing rate from the owner /operator. The HCSO assumes no liability for investigation or collection of this fee.

Rotation out of Response Area

In the event a rotation company is requested to provide services beyond their assigned Response Area, the towing company may not charge additional fee's to the owner/operator of the vehicle to be towed. For providing that service out of the normal Response Area the HCSO will place the towing company back on top of the rotation list at the conclusion of that original tow out of their normal Response Area. The responding rotation company will be allowed a reasonable time beyond the expected 30 minutes response time when traveling to a response area other than that company's approved and assigned response areas. Refusing a tow "outside" of a company's normal assigned response area will not subject that company to penalties of policy for "refusing" a tow.

Mileage (updated 4/17/09)

Mileage will not be allowed from the towing company yard to the tow scene or from the tow scene back to the tow company's impound yard. Mileage will only be allowed when a vehicle is transported to a secondary location other than the rotation tow company yard in Hays County. In this instance mileage will be allowed when the secondary location is requested by the registered owner/operator of the vehicle. The total mileage allowed to be charged will be the additional return route mileage incurred by the towing company to the secondary location minus the distance from the original tow scene back to their impound yard. In the instance that mileage is allowed it will be charged at the rate of:

Class A Light Wrecker	\$3.00/mile
Class B Medium Wrecker	\$3.50/mile
Class B Heavy Wrecker	\$4.00/mile

MOTORIST ASSIST ROTATION FEES

In the event a motorist request a Deputy to call for a motorist assist services, Companies participating in

In the Sheriff's Office Motorist Assist rotation will provide the below services for the corresponding fee In their respective rotation district:

Jump Starts	\$55
Lockouts	\$55
Tire Change/Break Lug Nuts	\$55
Fuel Delivery	\$55 plus the cost of fuel delivered as evidenced by a receipt.
Winch-Outs	\$55 for the first ½ hour and \$55 for every partial hour beyond the time wrecker began work on the winched vehicle.

Tow Companies answering a rotation call for a motorist assist will not be penalized on a wrecker rotation call for service while attending the motorist assist call. Those companies will be placed back on top of the list for a rotation wrecker and like-wise if attending a rotation wrecker call and a motorist assist call for service is up for the same company. In the case of simultaneous wrecker and motorist assist calls no single company will enjoy more than one motorist and wrecker rotation call for service in the event a company has multiple vehicles to respond to both types of rotation. Conversely they will not be penalized, ie., "skipped" if a company is attending both types of rotation calls simultaneously.

All other Fee's must be approved by the Sheriff or his designee on a case by case basis except in the Case of fee's mandated and allowed by TDLR or other statutory authority.

16. If calls are unanswered, refused, or answered late, the Company will be skipped on the next two rotation assignments and the HCSO may suspend the Company from the rotation list after the third such incident within a (3) month period. The HCSO decision to "skip" a company for two rotation assignments due to unanswered refused or late answered calls for service does not require notification by HCSO to the company. A suspension will be for a period of not less than (3) days or more than (3) months. After a company has been served two suspensions the company may be reviewed for violation of section #17(c) of this agreement and at the discretion of the Sheriff or his designee removed from the rotation for the balance of the application year. A rotation company may voluntarily request to be removed from rotation for exigent reasons such as illness, two vehicle mechanical problems or vacation "if" advance notice is called into Dispatch. This request should be utilized sparingly and for just cause. Abuse will be reviewed for suspension.
17. The company may be denied from the rotation list or may be removed from the list for any of the following reasons:
 - (a) The conviction within the last ten years of the Company or the owner, principal or operator of the Company of fraud or theft defined in the Texas Penal Code as a class B misdemeanor or higher offense, any penal code felony, or any penal code violation that the Sheriff or his designee determines may be unsafe or a threat to persons or property involved in a towing company business transaction. This will include any adjudication by probation or parole authorities to extend sentencing beyond the ten year condition if that extension goes beyond the ten year stipulation.
 - (b) The failure to maintain a license and or insurance for a tow truck or a licensed vehicle storage facility or a contract to use such a facility.

- (c) The failure to comply with any of the requirements of this Agreement and or the Texas Department of Transportation regulations.
 - (d) Arrival on a scene prior to being called for rotation service.
 - (e) The final determination of any towing company, principal of, or employee of any towing company by any governmental agency of or for any unethical business practices related to providing services as a towing company.
18. Any complaints received by or against the Company will be forwarded in writing to the HCSO Communications Supervisor and subsequently to the Company. The failure to comply with this requirement may result in a suspension of not less than one month to removal from the rotation list.
 19. The HCSO will investigate any written complaint against the Company. All suspensions or removals from the rotation list will be reviewed by the Sheriff or his designee. The HCSO may notify the rotation company of suspension or removal by telephone, email or by certified mail at the company's last known address.
 20. The Hays County Sheriff's decision in any administrative action against the Company is final.
 21. The Company will provide the HCSO with two (2) current telephone numbers where it can be reached 24 hours a day, seven (7) days per week. Pagers and paging systems are not considered a means of notification by the HCSO to the Company. If no confirmation of the assignment is received from the Company within five (5) minutes, the call will be regarded as unanswered.
 22. The Company will supply the HCSO with current copies of proof of insurance, for all trucks and storage facility, current registration and tow truck vehicle registration listings for each vehicle to be used for rotation towing, relevant documentation from any applicable agencies, the certification from TxDOT of each lot used for storage, and any other applicable documentation requested by the HCSO. If the Company intends to use another company's storage lot, the Company must provide HCSO with a copy of the relevant contract, insurance, and state license.
 23. Any changes made to the towing Policy and Procedures will be posted on the county website and may be verified there by the rotation towing company. The Towing Company has a duty to notify the HCSO in writing within 24 hours of any change in the information provided in Attachment "A" to this Agreement.
 24. This Agreement does not limit in any manner the authority of Hays County or the HCSO to remove a vehicle from a public roadway in accordance with State Law and the discretion of the deputy at the scene. In addition, this Agreement does not prohibit a towing company from towing a vehicle with the consent of the owner or operator.
 25. The Company will provide the information and documentation required in Attachment "A", which is attached hereto and made a part thereof. The individual providing the information and executing this Agreement on behalf of the company is duly authorized by the Company to contract on behalf of the Company.
 26. The Company agrees that all of the Company's tow trucks are subject to and may be inspected by HCSO Deputies. The inspection is not an assumption by the County of any responsibility of the Company's duty to provide the required safety equipment, licenses, and insurance for all of its tow trucks. In addition, any HCSO deputy may conduct a tow truck safety inspection of any tow truck on the scene at any time if the deputy suspects the tow truck is in violation of safety standards. Repeated safety violations may result in suspension or removal from the List.

EXECUTED this _____ day of _____, 20____

THIS AGREEMENT EXPIRES ON March 31st OF THE FOLLOWING YEAR, AFTER DATE OF EXECUTION.

HAYS COUNTY, TEXAS

Acting by and through the Hays County Sheriff's Office
Under the authority delegated by the Commissioners' Court of Hays County, Texas, and by an
authorized representative of the Hays County Sheriff.

THE COMPANY _____

BY: _____ BY: _____

NAME: _____ NAME: _____

TITLE: _____ TITLE: _____
HCSO Authorized Representative COMPANY Authorized Representative

Exhibit "B"

HAYS COUNTY TOWING ROTATION APPLICATION-Please complete the following and mail or deliver to:
Hays County Sheriff's Office, Traffic Division, 1307 East Umland Road, San Marcos, Texas 78666.

This application and policy will be renewed prior to and effective each year on April 1st of each year.

Company Name: _____

Company Address: _____

Company Phone: ____-____-____ Alt.phone: ____-____-____ Cell Phone: ____-____-____

Fax: ____-____-____ Pager: ____-____-____ Email: _____

Company principals full name: First _____ Middle _____ Last _____

Company principals Date of Birth: __/__/____ Texas Drivers License # _____

Company drivers full name: First _____ Middle _____ Last _____

Date of Birth: __/__/____ Texas Drivers License # _____

Company drivers full name: First _____ Middle _____ Last _____

Date of Birth: __/__/____ Texas Drivers License # _____

(space provided at bottom of attachment if required for more drivers or principals)

Type of business: Sole Owner, Partnership, Corporation _____

Proof of Type of Business: Clerk's Office, DBA, Articles of Incorporation: _____

Number of trucks available: _____

Class of trucks applying: Class A or Class B: _____

Proof of Current Insurance on yard, trucks and personnel: _____

Service District applying for (circle those making application for):

A. SAN MARCOS

IH 25 NORTH TO YARRINGTON RD. – HCR 159
EAST HWY 21 TO HCR 159
NORTH POST RD TO BLANCO RIVER
RR 12 TO HCR 214
HCR 213 TO HILLIARD RD

B. KYLE/BUDA

IH 35 NORTH OF YARRINGTON RD TO COUNTY LINE
NORTH ON FM 150 TO ONION CREEK
WEST ON 3237 TO RR 12
WEST ON HCR 183 TO HCR 221
WEST ON 967 TO 1826

C. DRIPPING SPRINGS

FM 150 TO ONION CREEK
1826 TO COUNTY LINE
RR 12 TO HCR 170

D. WIMBERLEY

RR 12 TO RR 32
RR 32 TO COUNTY LINE
RR 12 TO HCR 170
FM 3237 TO FM 150
MT. SHARP TO E. MT GAYNOR

I hereby authorize the Hays County Sheriff's Office to conduct a criminal background check through TCIC/NCIC:

Printed Name of Principal: _____

Signature of Principal: _____

Printed Name of Principal: _____

Signature of Principal: _____

Printed Name of Principal: _____

Signature of Principal: _____

Printed Name of Principal: _____

Signature of Principal: _____

I hereby authorize the Hays County Sheriff's Office to conduct a criminal background check through TCIC/NCIC:

Printed Name of Driver: _____

Signature of Driver: _____

Printed Name of Driver: _____

Signature of Driver: _____

Printed Name of Driver: _____

Signature of Driver: _____

Printed Name of Driver: _____

Signature of Driver: _____

Printed Name of Driver: _____

Signature of Driver: _____

