POLK COUNTY WRECKER REGULATIONS FOR LAW ENFORCEMENT CONSENT AND NON-CONSENT TOWING AND STORAGE SERVICES

A. DEFINITIONS

1. "APPLICATION" - The written application form, proof of insurance and any and all application fees.

2. "CONSENT TOW" - Any tow conducted with the permission of, or at the direction of, the towed vehicle's legal or registered owner, or such owner's authorized representative. Except as set forth in the definition of "non-consent tow" below, a tow will be considered a consent tow where the owner is able to give consent.

3. "LAW ENFORCEMENT SCENE" - The scene of an accident or custodial arrest. "Scene" will also be used as minimum distance from spilled substance(s) caused by or from an accident. Minimum distance shall be no less than what is defined in the most current issue of North American Emergency Response Guide Book for the most serious substance involved.

4. "MOTOR VEHICLE" - A vehicle subject to registration under the Certificate of Title Act (Chapter 501, Transportation Code) or any other device designed to be self-propelled or transported on a public highway.

5. "NON-CONSENT TOW" - Any tow conducted without the permission of, or not at the direction of, the towed vehicle's legal or registered owner, or such owners authorized representative. Regardless of this definition, certified law enforcement officials may control the scene of an accident in the manner they deem appropriate and order a non-consent tow.

6. "OPERATE" - Driving a tow truck on public roadway.

7. "OPERATOR" - Any person operating a tow truck, regardless of whether the person owns the truck.

8. "PERSON" - An individual or any other legal entity.

9. "STORAGE COMPANY" - An individual, corporation, partnership, or other association that is engaged in the business of storing or repairing motor vehicles. The term includes the owner, operator, employee, and/or agent of the storage company that is compliant with current TCEQ regulations within and maintaining no violations which adversely affects the health, well being of the public and surrounding areas.

10. "TOW TRUCK" - A motor vehicle or mechanical device adapted or used to tow,

winch, or otherwise move motor vehicles. Specifically, wheeled vehicles with a mechanical, electrical or hydraulic winch, hydraulic wheel lift, or mechanical wheel lift, that are adapted or used to tow, winch or otherwise move vehicles are considered tow trucks. Rollbacks and flat bed trucks with slings, winches or wheel lifts are considered tow trucks.

11. "TOW TRUCK OWNER" - A person owning, leasing or otherwise using, either directly or indirectly, a tow truck on a public roadway.

12. "LEASE-OWNER" - Vehicle in owner's name with physical address in Polk County, phone number, and wrecker number permanently attached on truck with separate permit and all associated requirements met.

13: "LEASE OPERATOR" - Same as owner

B. SCOPE

No person shall operate a tow truck at the request of a law enforcement officer in the unincorporated areas of Polk County on non-consent towed vehicles unless the tow truck has been registered with the Sheriffs Department. Any vehicle not equipped with a power winch, hydraulic wheel lift, or mechanical wheel lift, will not be considered a tow truck. These regulations apply to a tow truck being operated in compensation, whether direct or indirect.

C. PERMIT

1. Each tow truck must have its own permit **and each operator/driver of a tow truck must have his/her own permit** (1) ; the permit is not assignable or transferable

2. Each permit expires at midnight on the 31st day of January of each year.

3. A permit allows a tow truck to tow non-consent vehicles from law enforcement scenes in the unincorporated areas of Polk County.

4. The permit shall be kept on the tow truck at all times, visible from the rear.

5. There shall be a limited number if permits issued as to:

   a. Not create an atmosphere of a business monopoly.

   b. Ensure equal rights of business infrastructure upon proper business ethics and practices that will encourage a long-term resource for public safety.

6. The Commissioners Court, after considering the recommendation of the Sheriff, and Emergency Management Coordinator, will determine number of permits.

D. APPLICATION PROCESS

1. A person desiring a permit to operate a tow truck within Polk County shall file a written application with the Sheriffs Department annually. A certificate of insurance and a copy of the registration shall accompany the written application form. The tow truck's owner must sign the application.

2. The following information is required in the initial application:

   a. Year and make of the tow truck;

   b. Vehicle identification number of the tow truck;

   c. Current Texas license plate number;

   d. Name, address and telephone number of the tow truck owner;

   e. Gross weight;

   f. Current Texas tow tag;

   g. Two photographs of the tow truck, one of each side, showing the name, address and telephone number of the business operating the tow truck permanently inscribed or affixed to each side.

3. Annual renewal applications may be submitted between November 1 and December 31st of each year. A certificate of insurance and fees shall be submitted with the written renewal application.

4. The Sheriffs Department shall issue a permit to all applicants who comply with all provisions of the rules and regulations set forth by these Regulations. A copy of all permits shall be on file with the Office of Emergency Management for resource purposes during emergency situations.

E. INSURANCE REQUIREMENTS

1. A registrant shall procure, and keep in full force and effect at all times when the registration is in effect, all insurance required by this section. At the time of original registration, and upon renewal, the insurance carrier or its authorized agent must file a certificate of insurance with the Sheriffs Department. The certificate must certify the type and amount of insurance coverage and provide for 30 days written notice to the Sheriffs Department of cancellation of or material change in the policy.

2. The policies and certificates shall be issued by a casualty insurance company which is authorized to do business in the state and shall comply with all applicable State Board of Insurance regulations.

3. The coverage provisions insuring the public from loss or damage that may arise to any person or property by reason of the operation of a tow truck shall set minimum limits for each tow truck as follows:

   a. Each tow must have liability insurance coverage. It is the intent of this subsection to provide for insurance covering damage, except that to the towed vehicle, for which the tow truck owner is liable.

      1. Each tow truck with a gross vehicle weight of 26,000 pounds or less must carry $300,000 combined single limit coverage.

      2. Each tow truck with a gross vehicle weight over 26,000 pounds must carry $500,000 combined single limit coverage.

4. Each tow truck must have tow truck cargo, on-hook or similar type insurance. It is the intent of this subsection to require insurance covering damage to the towed vehicle while it is in the care, custody or control of the tow truck owner and for which said owner is liable. The term "damage" shall include, but is not limited to damage to the towed vehicle that is the direct or indirect result of an improper hookup or improper towing.

   a. Each tow truck with a gross vehicle weight of 26,000 pounds or less and must carry cargo on-hook or similar type insurance in the amount not less than $10,000. In lieu of this coverage, each truck may have garage keeper's legal liability insurance with direct primary coverage options in an amount not less then $20,000 to cover damage to the towed vehicle. This provision does not apply to an owner whose tow truck tows only property he owns. For this exemption to apply, the owner must certify, in his application for registration, that his truck is used to tow only property he owns. In addition, any owner claiming this exemption must permanently affix on each side of the truck, in letters at least 2 inches high, the phrases "Not For Hire".

   b. Each tow truck with a gross vehicle weight over 26,000 pounds and a tandem axle must have tow truck cargo or on-hook insurance for the coverage of a towed vehicle in an amount not less than ~~$25,000.00~~ **$50,000** (1). In lieu of this coverage, each truck may have garage keeper's legal liability insurance with direct primary coverage options in an amount not less than ~~$25,000.00~~ **$50,000.00** (1) to cover damage to the towed vehicle. This provision does not apply to an owner whose tow truck tows only property he owns. For this exemption to apply, the owner must certify, in his application for registration, that his truck is used to tow only property he owns. In addition, any owner claiming this exemption must permanently affix on each side of the truck, in letters at least 2 inches high, the phrases "Not For Hire".

c. The certificate of insurance shall also:

1. Specify that the policy covers the vehicle subject to the certificate of registration;

2. List the Department of Licensing and Regulation tow truck registration number, unless the truck is being registered for the first time and does not yet have a registration number;

3. Identify the vehicle by make, model, and vehicle identification number; and

4. Indicate that the policy complies with the intent of and minimum coverage limits established by these rules.

d. Each tow truck must be insured so as to meet the requirements in addition to meeting the insurance requirements set forth in this chapter.

e. A tow truck permit issued under these regulations shall be suspended upon cancellation or expiration, for whatever reason, of any insurance required by this section.

f. If the applicant's tow truck is self-insured under a fleet policy, the application must state this, and the policy number must be indicated on the application form.

g. If the applicant's tow truck is self-insured under the Texas Insurance Code a copy of the self-insured certificate issued by the Insurance Board must be attached to the application.

F. TECHINCAL REQUIREMENTS - All Tow Trucks

1. Each tow truck must display a tow truck license plate issued by the Department of Motor Vehicles under Chapter 502, Transportation Code. The plate must be permanently attached and must face toward the rear of the vehicle. Additionally, the plate shall be placed as high up on the vehicle as possible behind the driver.

2. Each tow truck shall have the tow truck owner's business name, address and telephone number, along with the Texas Department of Transportation number permanently inscribed or affixed on each side of the truck in letters no less than two inches high. The lettering should be of a color sufficiently different from the color of the truck to make it clearly and readily visible. For purposes of this requirement, the address need not include the street address or post office box number but must include the city within Polk County where the business is based. If the business is based in an unincorporated area, the Polk County name must appear on the sides of the truck. If federal law prohibits identification of the name or nature of the business, substitute identification approved by the department will

be allowed. In the event a self-contained non-self-propelled towing device, or some other form of auxiliary device, is used, the device need not meet this requirement; however, the vehicle to which that device is attached and which is providing the motive and/or braking forces, must meet this requirement.

3. If the tow truck owner is claiming the cargo insurance exemption, he must permanently affix on each side of the truck, in letters at least two inches high, the phrase "Not For Hire.

4. Each truck shall have brakes that meet reasonable braking performance requirements under all loading conditions. In the event that a self-contained non-propelled towing device, or some other form of auxiliary device, is used, that device need not meet this requirement; however, the vehicle to which that device is attached, and which is providing the braking force, must meet this requirement.

5. No tow truck shall tow more than its actual weight unless it has a 35,000-pound winch capacity (single or dual line), a 5/8-inch cable or its equivalent, and air brakes. In the event that a self-contained non-self-propelled towing device, or some other form of auxiliary device is used, the term "actual weight" as used in this subsection shall mean the actual weight of said device plus the actual weight of the vehicle to which that device is attached and which is providing the motive and/or braking forces. If a certified law enforcement officer at the scene of an accident determines that the scene must be cleared immediately, and a heavy-duty tow truck is not available, the officer may waive this requirement at the scene.

6. If a tow truck is pulling two or more vehicles, the tow truck must be able to tie into and operate the service brakes on the rearmost towed vehicle. This provision does not apply if the rearmost towed vehicle has only vacuum brakes. In the event that a self contained non-self-propelled towing device, or some other form of auxiliary device is used, that device need not meet this requirement; however, the vehicle to which that device is attached, and which is providing the motive and braking forces, must meet this requirement.

7. Each tow truck shall be equipped with a winch and a winch line and boom with a lifting capacity of not less than 8,000 pounds, single line capacity or a hydraulic or mechanical wheel lift with a lifting capacity of not less than 2,500 pounds. In the event that a self-contained non-self-propelled towing device, or some other form of auxiliary device is used, that device must have a lifting capacity of not less then 5,000 pounds and a towing capacity of not less than 7,000 pounds.

8. Each tow truck shall have the following standard equipment:

   a. Tow sling, mechanical lift, or hydraulic lift, which is sufficient to prevent the swinging of any equipment being transported. This subsection does not apply to vehicle carriers and rollbacks unless the wheels of a vehicle they are towing are in contact with the ground. In the event that a self-contained non-self-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;

b. *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 steel safety chains or their equivalent for tow trucks with a gross vehicle weight over 10,000 pounds. These link sizes are minimums. These chains are in addition to the normal J-hook-up chains;

c. Rope, wire or straps suitable for securing doors, hoods, trunks, etc.; and Outside rearview mirrors on both sides of the truck. In the event that a self-contained non-self-propelled towing device, or some other form of auxiliary device is used, that device need not meet this requirement, however, the vehicle to which that device is attached and to which is providing the motive and/or braking forces, must meet this requirement.

d. If a tow truck is pulling a vehicle and the towed vehicle does not have functioning taillights or turn signals, the tow truck operator must supply the towed vehicle with functioning taillights and turn signals. The taillights and turn signals must provide safe lighting of the towed vehicle.

9. If a tow truck uses a winch, a safety wrap must be performed.

10. Safety chains must be used on all tows, regardless of whether a sling style or wheel lift style apparatus is used.

11. All tow trucks with a slip-in bed must have the bed properly secured to the frame of the truck by a minimum of eight one-half inch diameter bolts. At least four of these bolts must be at the front of the slip-in-bed.

12. No tow truck shall lift or tow more than its safe lifting and stopping capacities permit.

13. All tow truck operators **/ (drivers)** must have a valid driver's license of the proper class **and a current Drivers' Permit issued by the Polk County Sheriff's Department on their person when operating/driving said tow truck** (1).

14. All required 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 and tires, shall operate and be in good repair.

15. All tow trucks shall operate within the applicable recommended towed vehicle manufacturer's safety policies and procedures regarding the hook up and towing of the towed vehicle.

16. All tow truck owners shall notify consumers and service recipients of the name,

mailing address, and telephone number of the Polk County Judge's Office for purposes of directing complaints to the Sheriffs Department, County Commissioners, and the Office of Emergency Management. The licensee may use a sticker or rubber stamp to convey the required information. The required information shall be contained upon at least one of the following:

a. Any written tow truck slip or ticket;

b. A sign prominently displayed at the place of payment; or

c. Any bill for service.

17. Wrecker drivers have no authority to direct dispatch, law enforcement, EMS or other agencies via the radio, phone, or in person of whom is to be on scene or equipment needed and/or required.

18. Tow truck drivers must have a copy of the current Wrecker Regulations with insurance papers in each wrecker at all times.

G. TECHNICAL REQUIREMENTS-ACCIDENT SCENE TOW TRUCKS

1. Any tow truck towing from the scene of an accident must be equipped with the following in the event that a self-contained non-propelled towing device or some other form of auxiliary device is used, that device need not meet this requirement; however, the vehicle to which that device is attached and which is providing the motive and/or braking forces, must meet this requirement:

a. One 10 pound BC fire extinguisher or two five pound BC fire extinguishers. The fire extinguisher or extinguishers shall be properly filled, operable, and located so they are readily accessible for use. All fire extinguishers shall meet no less than the requirements of the National Fire Protection Handbook, 14~ edition (1976), and shall be so labeled by a national testing laboratory;

b. One crowbar or wrecking bar;

c. A broom and pick up pan;

d. Three portable red emergency reflectors, orange safety cones or flares and an orange reflective vest to be worn by personnel while working on or around roadways with moving vehicles for personal protection;

e. A container to carry glass and debris cleaned from streets when picking up a damaged or disabled vehicle;

f. A spotlight or flashlight;

g. Flashing warning lights that comply with the Uniform Act Regulating Traffic on Highways (Texas Transportation Code). That Act allows the use of red and/or amber lenses only. However, the red lenses may be used only under the direction of a law enforcement officer or while hooking up to a disabled vehicle in the roadway.

2. A tow truck operator shall ensure that while he is lifting a vehicle in preparation for towing, no one but he and certified law enforcement officers shall be within a safe distance of the tow truck and vehicle to be towed. A safe distance is at least twice the distance between the end of the boom and the point of hook-up on the vehicle being winched or twice the distance the car is being lifted, which ever is greater. If a hydraulic or mechanical lift is being used, a safe distance is twice the distance to which the lift arm is extended.

3. The operator of each tow truck called to the scene of an accident shall remove from the roadway all resulting wreckage or debris, including all broken glass, unless otherwise directed by a representative of the Office of Emergency Management, a certified Law Enforcement officer, or a representative of either the Texas Department of Transportation or, in the case of hazardous materials, the Texas Commission on Environmental Quality. The removal of the debris will be at no additional charge. The "resulting" wreckage or debris does not include the towed vehicles load or cargo.

4. The Office of Emergency Management or a certified Law Enforcement official may do whatever is necessary to control the scene of an accident when an emergency situation exists, provided the law enforcement officer is certified for Hazmat by the State of Texas or operates under the Basic Plan adopted by the incorporated and unincorporated area and on file with the State.

5. Wrecker drivers have no authority to direct dispatch, law enforcement, EMS or other agencies via the radio, phone, or in person of whom is to be on scene or equipment needed and/or required.

6. Tow truck drivers must have **a valid Driver's Permit with them and** (1) a copy of the current Wrecker Regulations with insurance papers in each wrecker at all times.

H. TECHNICAL REQUIREMENTS – OTHER STATUES AND ADMINISTRATIVE RULES

1. Each tow truck must meet the requirements of all other applicable statutes and administrative rules promulgated thereunder in addition to meeting the requirements of these rules.

2. Only tow trucks or wreckers with storage lots and/or offices located within Polk County perimeters will be issued permits.

I. DENIAL: SUPENSION: REVOCATION

1. The Sheriffs Department or the Office of Emergency Management, after notice of a hearing, may deny, suspend, or revoke a permit issued under these regulations if the Department determines that:

   a. The applicant or the driver knowingly supplied false or incomplete information on the application.

   b. The applicant or driver has a felony conviction within the last five (5) years; this will include probation and deferred adjudication.

   c. The applicant or driver has been convicted of a crime involving moral turpitude within the last ten-(10) years.

2. Permits may be suspended for the following reasons:

   a. Violation of County Wrecker Regulations.

   b. Upon a tow truck operator being arrested for a misdemeanor, Class B or above, the Driver's **permit and** (1) Identification Card may be temporarily suspended, pending investigation.

   c. Violation of Federal. State and County Laws, Class B Misdemeanor or above.

   d. Suspension of driver's license.

   e. Falsifying records.

   f. Felony conviction(s).

   g. Loss of insurance coverage.

   h. Excessive charges.

   i. Loss of State Tow Truck License.

3. Storage lots may be suspended from storing non-consent-towed vehicles for:

   a. Loss of insurance coverage.

   b. Excessive charges.

   c. Loss of State Storage Lot License.

   d. Violation of Texas Litter Abatement Act, Texas Civil Statutes 4477-9a

and for infestation and mosquito control or health hazards to the public.

J. SCENES

1. Tow trucks cannot arrive at a scene until requested by on scene law enforcement officers through the Polk County Sheriff's office dispatch and /or DPS dispatch out of Lufkin.

2. The owner of a motor vehicle or his representative will be allowed to say who will remove the motor vehicle and the trailer connected to it, and the load thereon and therein to safety, provided there is not any solicitation whether implied or intended. Any operator soliciting an injured party at any time shall not be allowed to load and subject to disciplinary action up to and including permits suspension and or revoking of permit. Solicitation includes use of mobile phones, promises of courtesy transports, or refreshments. Out of state, or out of country vehicle are automatic rotation pulls. 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. Any violation will at a minimum revert tow truck to last on rotation list.

3. Tow trucks must park at least 300 feet from the scene or at a minimum specified distance set forth in the North American Emergency Response guide book, whichever is greater, except in an emergency. Beacon lights will be utilized only as directed by State Law or at the request of a law enforcement officer.

4. Tow truck operators shall park on the side of the road with the damaged motor vehicle with warning lights on and remaining clear of the scene by vehicles or body until such time as directed by DPS, Law Enforcement or Emergency Management.

5. Operators who load will be responsible for removal of debris from the accident scene after Law Enforcement has completed their investigation, except for any hazardous materials or contaminated materials under 40 CFR.

6. Operators shall not solicit drivers or passengers at a scene before during or after law enforcement arrives. Violators will at a minimum revert to last on rotation list. An injured party will be defined as a person who has visible injuries or who claim, injuries and an ambulance is dispatched to the scene to administer first aid.

7. If an operator has a complaint involving another operator, or law enforcement officer, he/she must make the complaint in writing to the Polk County Judges office. Any complaint against an officer will be referred to the appropriate agency for their disposition, including review by the County Commissioners.

8. Each operator must be able to show proof that the motor vehicle loaded at the

request of the county law enforcement agency or D.P.S. will be stored in approved storage lots only.

9. Only tow trucks possessing a permit will be allowed to go to scenes of accidents, stolen vehicles, abandoned vehicles, or prisoner's vehicles without the owner's consent.

10. All tow trucks shall be subject to inspection by the Polk County Office of Emergency Management or Sheriffs Department designated deputies.

11. All State and County laws shall be obeyed. Violators will be subject to suspension of the permit.

12. The call for a wrecker from the Sheriffs Department and/or DPS Lufkin will be directed to a tow truck from the area where the tow truck is needed. Tow trucks shall be awarded tows by the Sheriffs Department on a per call rotation basis. Reasonable notice shall be given for the tow truck operator to respond. If no response is made within 10 minutes, then the tow shall be awarded to the next on the rotation.

13. A non-consent vehicle shall not be towed from any law enforcement scene located in the unincorporated areas of Polk County by any tow truck not possessing a Polk County Wrecker permit. This does not apply to a government owned tow truck.

14. Tow trucks must park at a minimum of 300 feet from custodial arrest scenes and stand by until the law enforcement officer request a tow.

15. All wreckers shall be required to carry a current copy and be knowledgeable in understanding the N.A.E.R.G.B. (North American Emergency Response Guide Book).

16. Officers on scene have discretionary authority of additional or other resources required to safely maintain public safety and is not part of a rotation if the equipment is available by separate wrecker or other means. The DPS on-site coordinator is authorized to make emergency rules when normal operating procedures prove inadequate (37 TAC 3.101 (d).

K. RATES, PERMITS

1. There will be only one permit issued by the Polk County Sheriffs Department per tow truck. **A permit and** (1) ID cards (1) will be issued to ~~the~~ **each** (1) tow truck operator.

2. Law enforcement or Emergency Management officers may check the permit of any operator or tow truck for violations of this regulation at any law enforcement scene.

3. Any Emergency Management or Law Enforcement officer in charge of a scene may deny any wrecker in violation of this regulation to load a vehicle.

4. If an operator's permit is lost, misplaced or stolen, it will be the responsibility of the operator to pay all replacement costs.

5. Only a supervisor of the Polk County Sheriffs Department, Emergency Management, or deputies assigned as Wrecker Inspectors, may take possession of a permit, pending investigation. The person taking possession of the permit card must have the permit, along with a Report of Circumstances, taken to the Sheriffs Department the next working day. Law enforcement officers from other agencies, upon determination of a violation of the Wrecker Regulations, shall have the authority to deny a wrecker operator to load a vehicle.

6. All permits are the property of the Polk County Sheriffs Department and will be surrendered upon request of any supervisor in the department or deputies designated as Wrecker Inspectors or Emergency Management personnel to include the County Judge and/or precinct commissioners where operating violation occurred.

7. A supervisor and/or a Wrecker Inspector shall have the authority to suspend a permit, not to exceed seven (7) days. A disciplinary committee consisting of three officers, County Commissioner of precinct where operating violation occurred, and County Judge shall have the authority to suspend indefinitely any wrecker permit for just cause.

   a. Appeal Process:

      1 The person named on the permit may appeal a suspension of 7 days or less by delivering a written request to the Polk County Judges Office. The Judge's Office shall notify the person requesting the Appeal of the date, time and place of such hearing. The County Sheriff shall hear the appeal and render a decision within two working days from receipt of the appeal.

      2 The decision of the County Sheriff may be appealed to the County Judge by delivering a written notice of appeal to the County Judge. The County Judge shall review the decision of the Sheriff and render a decision within three working days. His decision shall be final.

8. Any tow truck owner/operator found requesting, demanding or receiving a charge in excess of the maximum set forth by the Polk County Commissioner's Court will have his/her permit suspended for not less than seven (7) days and not more than thirty (30) days and will return all overcharges.

9. The tow truck owner and/or operator will pay all costs for Polk County permits.

Tow trucks will be inspected bi-annually by the Sheriffs Department during normal business hours.

10. The maximum towing rate allowable under these regulations will be ~~$150.00~~ **175.00** [1] (Except tows which require a heavy duty wrecker)

11. The fees for permits and inspections shall be as follows:

a. Permit

Tow-Truck (per truck)	$15.00
Drivers Permit [1]	**$10.00**

(IF THIS TRUCK PULLS FOR OTHER BUSINESSES WHO REQUEST TO BE ON ROTATION IT WILL REQUIRE A PERMIT FOR EACH COMPANY, AND THE COMPANY'S NAME WILL BE DISPLAYED ON THE TOW TRUCK)

L STORAGE LOTS

1. Storage lots must meet all requirements of the Texas Vehicle Storage Facility Act, TEX.REV.CIV.STAT.ANN. Art. 6687-9 (Vernon Supp. 1988-89) or the most current repealed, revised, or modified statue and be licensed by the State of Texas in order to store towed vehicles. Storage lots also must be approved by the Polk Sheriff's County Office or Emergency Management, by filing a certificate with the Department stating it has met the following requirements.

   a. The State of Texas storage lot license.

   b. The storage lot agrees not to charge fees in excess of the maximum fees set out herein.

   c. The storage lot will maintain an office in Polk County with a 24-hour emergency number and contact person.

   d. The storage lot will notify the Sheriffs Department of towed vehicles and keep all records as required herein.

2. Any storage lot accepting a private motor vehicle must notify the Polk County Sheriffs Department within one hour and indicate the time and name of the person at the Sheriffs Department on the wrecker ticket.

3. Any vehicle picked up at a law enforcement officer's request must be stored within the boundaries of Polk County.

4. No vehicle picked up at the request of a law enforcement officer will be disposed of by the tow company and/or storage company without first notifying the Polk County Sheriffs Department in writing.

5. A tow truck shall only be allowed to tow non-consent towed vehicles to the storage lot displayed on the tow truck. Exception: A wrecked vehicle may be towed to a body shop with the owner's consent.

6. No additional charge will be allowed for vehicles going directly from the scene to the tow truck storage lot. If the owner or representative desires the vehicle to be towed to some other place other than the storage lot, then the owner and tow truck operator must negotiate their own fees.

7. Any tow truck owner/operator, who tows a motor vehicle that is reported stolen, or appears to be stolen, without first contacting a law enforcement agency will be subject to disciplinary action.

8. Business cards may contain any information, but must contain the name of the business, address and 24-hour telephone number and storage lot location.

9. Records of non-consent towed vehicles shall be maintained at the towing company's office located in Polk County for a period of three years. A representative of the Polk County Sheriffs Department may inspect all records including, but not limited to, wrecker slips from deputies and charges to customers during normal working hours relating to vehicles authorized to be towed by a law enforcement agency.

10. A sign with the state storage license number, hours of operation, maximum charge allowed and who to contact about complaints must be posted in a location to be plainly visible to the public.

11. The maximum daily storage for a storage lot shall be $15.00 per day and will be computed by using the first day the vehicle is in storage and including the day the vehicle is released. A storage lot will be allowed ~~$25.00~~ **$32.50** [1] after the vehicle has been there for three (3) days, to cover the cost of sending certified letters. Storage lots must have proof that the certified letters were mailed. This includes private property tows.

12. Owners of stored vehicles may remove personal property from vehicles prior to payment of any fees to the storage lot. The storage lot must keep a signed receipt for all personal items released.

13. A secured fence around the perimeter of the lot will be constructed not to be used as a billboard or for advertising purposes, but to prohibit ingress of unauthorized persons/children.

14. Rodent and insect control will be maintained as to prohibit health hazards to surrounding persons and the community.

15. MSDS sheets for all chemicals whether used or stored, including fuels, oils, etc, along with a plot of the facility and building will be filed with the Office of Emergency Management within 90 days for emergency response purposes. This will be updated as conditions or inventories change, but no less than yearly.

M. PENALTIES

Any person who shall violate any regulation established by this Order of the Commissioners Court of Polk County shall be punishable by a civil penalty of not less than one ($1.00) dollar nor more than two hundred ($200.00) dollars as determined by the Commissioners Court. Each day in which a violation occurs shall constitute a separate penalty. All penalties shall be paid prior to re-instatement of a permit

O. SEVERABILITY

1. The provisions of these Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Regulations should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Commissioners Court that these Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.

2. At anytime if law enforcement should suspect or determine that a tow truck operator who is on scene is under the influence of alcohol and/or drugs, regardless of whether or not the tow truck is on rotation or not, all applicable laws for such do apply and upon proof that said owner/operator has violated the public law, the tow truck permit will be suspended pending court outcome and a new application will have to be applied for. If convicted, the permit will not be reissued to the owner, operator, or lessor under it or other DBA or given name.

3. At no time is the owner, operator, lessee, driver, employee, or others with a wrecker vehicle and or company to disturb, open, inspect, move, or disturb the contents of any vehicle that has a potential for creating a hazardous environment of emergency response event. This includes not entering a confined space as defined by 29 CFR, or opening the doors on a placarded trailer or vehicle of any type.

(1) **Amendments approved by the Polk County Commissioners Court on 02-10-04.**

The following is a list of current maximum charges in which the wrecker services may charge on non-consent:

1.	Towing on non-consent	$175.00
2.	Waiting time on non-consent after the first half hour per ½ hr.	$25.00
3.	Off Road winching fee's Per hour	$50.00
4.	Change tire on request of Sheriff's Office	$30.00
5.	Dollies	$50.00
6.	Storage (per day)	$15.00
7.	Drop drive shaft	$25.00
8.	Pick locks	$30.00
9.	Jumper cables	$30.00

THERE SHALL NOT BE ANY ADDITIONAL CHARGE'S FOR EXTRA MAN, SCOTCH BLOCKS, SNATCH BLOCKS, HOOK-UP FEE'S, WINCH FEE OR FUEL CHARGES, OTHER THAN CHARGES LISTED ABOVE.

IF ADDITIONAL WRECKER(S) ARE NEEDED THEY WILL REQUESTED BY LAW ENFORCEMENT ONLY.

The following is a list of current charges (I understand that your office must be notified in writing prior to any changes in these charges):

1. Towing (up to ____ miles)	$_____	10. Storage (per day)	$_____
2. Extended Towing (per nil)	$_____	11. Drop drive shaft	$_____
3. Waiting at scene (per '/2 hr)	$_____	12. Prying (per hr)	$_____
4. Labor (per '/2 hr)	$_____	13. Pick locks	$_____
5. Winching (per hr)	$_____	14. Jumper cables	$_____
6. Change tire	$_____	15.	$_____
7. Gasoline delivery	$_____	16	$_____
8. Transport owner/driver	$_____	17.	$_____
9. Dollies	$_____	18.	$_____

Remarks:_____

_____

TOWING COMPANY:

_____

BY: _____
OWNER/MANAGER SIGNATURE

(ALL INFORMATION MUST BE TYPED OR PRINTED)

POLK COUNTY SHERIFF'S DEPARTMENT
1733 N. WASHINGTON
LIVINGSTON, TEXAS 77351

DATE: _____

THE FOLLOWING IS THE INFORMATION REQUESTED BY YOUR DEPARTMENT AND I UNDERSTAND THAT WHENEVER THERE ARE ANY CHANGES I WILL NOTIFY YOU IN WRITING.

_____

NAME OF WRECKER SERVICE

OWNER'S NAME (PRINTED)_____

MANAGER'S NAME (PRINTED)_____

PHONE NUMBER PHONE NUMBER_____

WRECKER INFORMATION:

YEAR	MAKE	SIZE	LIC PLATE	TOW TRUCK TAG

WRECKER DRIVER DATA:

FULL NAME	BIRTH DATE	DL NUMBER AND DL TYPE

Each contractor and/or storage lot must submit a list on Polk County form (which will be furnished) of call's made on Monday of each week. The list is of all vehicles pulled for the Sheriff's Department during the week, still on your lot at the end of the week, vehicles released and/or sold during the week. This list must be mailed each week to:

Polk County Sheriffs Department
1733 N. Washington
Livingston, Texas 77351

Please sign and return one copy to this office. Keep the other copy for your information and file.

I have read and acknowledge compliance with this document.

TOWING COMPANY:

_____

BY: _____ _____
Name Date

ORIGINAL

COUNTY OF POLK

STATE OF TEXAS

ORDER

Pursuant to Section 643.201, Texas Transportation Code, the attached Polk County Wrecker Regulations for Law Enforcement Consent and Non-Consent Towing and Storage Services are hereby amended effective February 10, 2004.

Read and Adopted this 10th day of February, 2004.

Polk County Judge

Attest:

Polk County Clerk

COMMISSIONERS COURT POLK COUNTY, TEXAS

Subject	**Amended Wrecker Regulations**
From	jan.shandley@co.polk.tx.us
Date	Tuesday, January 9, 2007 1:18 pm
To	pwaller@polkcountyso.net

Phillip, let me know if you have a problem opening the 2 attachements - Commissioners Court Order and Amended Wrecker Regulations - approved on February 10, 2004.

In that any changes must be approved by Commissioners Court, keep in mind that meetings are held the 2nd and 4th Tuesday of each month and we post the agenda 72 hours prior to the scheduled meeting.

Just let me know if you need a copy on diskette or need anything else.

Jan Shandley
County Judge's Office
Polk County, Texas
936.327.6813

POLK COUNTY, TEXAS

FAX MEMORANDUM

JOHN P. THOMPSON, COUNTY JUDGE
POLK COUNTY COURTHOUSE
101 W. CHURCH, STE. 300 - LIVINGSTON, TEXAS 77351

To: THE HONORABLE EVAN GONZALES

Company: Lee County Judge

Fax: 979-542-2988

# of Pages (incl. cover): 22, including cover sheet

From: Jan Shandley

John P. Thompson, County Judge

Phone: (936)327-6813

Fax: (936)327-6891

March 30, 2006

Judge Gonzales,

Per our conversation, I'm forwarding a copy of "Wrecker Regulations for Law Enforcement" approved by Polk County Commissioners Court.

Judge Thompson will be glad to visit with you and will call upon his return to the office.

Thanks.

WHILE YOU WERE OUT

FOR _____ DATE 3/30/06 TIME 1 A.M. P.M.

M. Evan Gonzales

OF Co. Judge. Lee County

PHONE ☐ FAX ☐ MOBILE 979-542-3178 (AREA CODE NUMBER . EXTENSION)

MESSAGE TAC referred him to you about "Wrecker ~~Ordinance~~ Regulations" County adopted. I faxed him a copy.

SIGNED

PHONED
RETURNED YOUR CALL
PLEASE CALL
WILL CALL AGAIN
CAME TO SEE YOU
WANTS TO SEE YOU

TOPS FORM 4008

FILE COPY

Polk County, Texas

Memo

Date: 2/18/04

To: Jerry Grissom
Polk County Sheriff Department

From: Jan Shandley
John P. Thompson, County Judge

Lt. Grissom,

Enclosed, please find a hard copy of the **amended County Wrecker Regulations** and a copy on diskette for reproduction purposes, approved by Polk County Commissioners Court at their regularly scheduled meeting on February 10, 2004.

Polk County Sheriff's Department

1733 North Washington
Livingston, Texas 77351
(936) 327-6810 Fax (936) 327-6877
Direct Telephone 936-329-9027

Det. Lt. Jerry Grissom

)ate: 01-23-2004
:o: Honorable Judge John Thompson
'rom: Lt. Jerry Grissom
Reference: Polk County Wrecker Regulations

After having a meeting with our rotation wrecker owners and driver's I believe there is a need to ncrease some of the fees which are currently in affect. I believe the following changes needs to be made to the 'olk County Wrecker regulations. Due to the rising cost of fuel and insurance I believe the amount to be :harged by each wrecker company should be increased from $150.00 to $175.00 maximum. I also believe here should be a charge in the amount of $10.00 per year per driver for their driver's permit which is issued y Polk County. This fee was discussed at the meeting with no one opposing the fee. The current fee of :15.00 per truck for the wrecker permit per year will remain the same.

It was also brought to my attention that the State of Texas has increased the amount of sending out ertified letters from $25.00 to $32.50. I believe Polk County should allow this change also.

As of September 1, 2003 the State of Texas increased the amount of cargo insurance required from :25,000 per truck to $50,000. This modification needs to me made to our current Wrecker Regulations.

Lt Jerry Grissom
Wrecker Coordinator

ALLISON, BASS & ASSOCIATES, L.L.P.
Attorneys at Law
A. O. WATSON HOUSE
402 WEST 12TH STREET
AUSTIN, TEXAS 78701
law@allison-bass.com
(512) 482-0701
FAX (512) 480-0902

JAMES P. ALLISON
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ROBERT T. BASS
r.bass@allison-bass.com

VANESSA A. GONZALEZ
v.gonzalez@allison-bass.com

PORTIA F. BOSSE
p.bosse@allison-bass.com

CARLOS D. LOPEZ
c.lopez@allison-bass.com

January 21, 2004

VIA FACSIMILE (936) 327-6891
and REGULAR MAIL

The Honorable John P. Thompson
Polk County Judge
Polk County Courthouse
Livingston, Texas 77351

RE: Proposed Tow Truck Fees

Dear Judge Thompson,

Pursuant to your request, we have reviewed the proposed tow truck fees submitted by the Polk County Sheriff's Department. We offer the following opinion on these matters.

Texas counties are governmental bodies of limited jurisdiction and may enact regulations only when specifically permitted by state law. Canales v. Laughlin, 214 S.W.2d 451 (Tex. 1948). See also Attorney General Opinion J.C.-0481 (2002). The regulation of tow trucks by a political subdivision of this state is governed by Subchapter E, Chapter 643, Transportation Code. The only fees authorized by this subchapter are provided in Sec. 643.201(c). This section authorizes fees for operating a tow truck, not to exceed $15.

Your department has suggested an inspection fee of $25.00 for each tow truck and a $10.00 fee for each driver permit, in addition to the existing $15 permit fee for each truck. Under the above authorities, we do not find sufficient statutory support for the $25 inspection fee. A driver permit fee is authorized by Sec. 643.201(d), not to exceed $15. Any additional fees must be incorporated in an amendment to the County Regulations and approved by the Commissioners Court.

Please call if you have any questions.

Sincerely,

James P. Allison

cc: Jerry Grissom *via fax: 936-327-6877*
Wrecker Coordinator

N:\NETFILES\Polk\Consultation\Thompson 013.doc

POLK COUNTY

BILLY R. NELSON, Sheriff
1733 N. Washington
Livingston, Texas 77351
(936) 327-6810

MIKE NETTLES
Chief Deputy

SHERLENE BROWN
Adm. Assistant

Judge John Thompson
Reference: Wrecker Policy
From Jerry Grissom
Date: 01-13-2004

Judge Thompson here are some changes I would like to see considered in the wrecker policy. I would like to see a inspection fee of $25.00 for the inspection of each tow truck in which the company's wish to have on rotation, also a $10.00 fee for each driver permit issued by Polk County and also the normal $15.00 fee for the wrecker permit.

I feel this fee is necessary to help pay for administrator fee's that it cost county to enforce the wrecker policy.

I feel the Polk County Wrecker policy has been very effective for the year it has been in effect. There has been only a very few problems with the policy, and most rotation wreckers have complied with the policy since it has gone into effect 01-01-2003.

If you could please check to make sure we will be able to charge these fee's without any type of problems. I have scheduled a meeting for all drivers and the wrecker company's on 01-22-2004 at 6:00 PM at the old hospital building.

I would like to thank you and the commissioners for your help and support of this policy.

If you have any further questions or need any further information please feel free to call me at 329-9027.

Jerry Grissom
Wrecker Coordinator

RECEIVED
JAN 1 3 2004
POLK COUNTY JUDGE

Polk County, Texas

Fax

Date:	**1/14/04**
To:	**Jim Allison** **Allison, Bass & Associates**
Fax:	**512-480-0902**
From:	**John P. Thompson** **County Judge**
Phone:	**(936) 327-6813**
Fax:	**(936) 327-6891**
Pages:	**2**

Jim,

Attached is a request from Jerry Grissom, Polk County Sheriff's Department, regarding the County's wrecker policy. Do these changes meet code?

If you can review and comment before their scheduled January 22 meeting, I would appreciate it.

THANKS !