

# FREQUENTLY ASKED QUESTIONS

## THERE ARE TWO TYPES OF TOWING

### **CONSENT TOWING:** [TOWING WITH YOUR PERMISSION]

When your vehicle breaks down or you get stuck in a ditch, you call a tow truck to pull you out or take it to a repair shop. In these cases you can negotiate a price while you are discussing the use of the towing services. We strongly encourage citizens to negotiate a price prior to the towing of a vehicle.

### **NON-CONSENT TOWING:** [TOWING WITHOUT YOUR PERMISSION]

“Non-Consent towing” can occur when a person leaves a vehicle parked or unattended in an unauthorized parking area such as someone’s private property, a business parking lot or blocking the right of way. The business parking lot must display a legal sized sign about no parking; the sign should display the name and phone number of the towing company.

Another example of non-consent towing is a police ordered action. For instance, if a vehicle has been stolen and left abandoned, used in a crime or involved in an accident and the owner /driver was unable to direct the police to where they wanted the vehicle towed. At that time the vehicle would be towed by direction of the police.

## HOW DO I KNOW WHETHER MY VEHICLE WAS TOWED OR MY VEHICLE WAS STOLEN?

When you discover that your vehicle is not where you left it, you should check and see if a warning or no parking sign was posted in the area where you had parked. If there is a sign stating anything about towing, there will be a phone number that you can contact the towing company.

If you do not see a sign or other warning; you will have to call the police agency having jurisdiction to ascertain if it was towed. Be sure to have your vehicle information at hand, such as: The make of vehicle, license plate number, color and if possible the

vehicle identification number (VIN). The police department can tell you whether your vehicle has been towed at their direction and authority.

### **HOW DO I KNOW WHETHER MY VEHICLE WAS TOWED OR MY VEHICLE WAS REPOSSESSED?**

All towing companies are mandated to report private property tows and or repossessions to law enforcement. Normally apartment complexes and businesses will display private property towing information on their property, because in the state of Texas, it is a state law to provide notice. Should you be in this dilemma, contact your local police for assistance.

### **WHAT IS A TOW SPOTTER?**

Some towing companies have employees called “SPOTTERS”. The spotters will patrol parking lots and call tow trucks when they observe illegal parking violations on their contract properties. “SPOTTERS” are there to make certain that only patrons doing business use the business parking lot spaces.

### **MY VEHICLE GOT TOWED BY A POLICE OFFICER AND WITHOUT MY CONSENT, NOW WHAT?**

Your vehicle may have been towed at the direction of the “ON-SCENE” Law enforcement officer, if you were not at the scene at the time the tow was required. The officer who was there made the choice to safeguard the public and your vehicle. Contact the police agency having jurisdiction of the area where your vehicle was towed from.

### **MY VEHICLE GOT TOWED WITHOUT MY CONSENT FROM PRIVATE PROPERTY OPEN TO THE PUBLIC, NOW WHAT?**

The property owner or management office should know who did the towing. Properties open to the public are mandated to give notice of the possible violation by the use of posted signs. These signs are required to have the proper language, parking conditions or violation phone number of the towing company.

### **WHERE HAS MY VEHICLE BEEN TAKEN?**

Your vehicle was taken to a safe location called a “VEHICLE STORAGE FACILITY”. The name and address will be given to you when you contact the tow company OR if your vehicle was impounded by police action, the local police dispatch operator will provide you the location and phone number as soon as they have the information.

### **HOW MUCH WILL IT COST TO GET MY VEHICLE BACK ?**

There may be a posted sign at the site from where your vehicle was taken that will tell you which towing company has your vehicle. You must know there is going to be a charge for towing the vehicle and there is a charge for storing the vehicle. As you can expect, the longer **(\$35.00)** the vehicle is in storage the more it will cost. Texas law states that a vehicle storage facility operator may not charge less than \$5.00 or more than \$20.00 for each day or part of a day for storage of a vehicle that is 25 feet or less in length. There may be some other charges. See the “Schedule of Fees” section on our web page.

### **SUPPOSE MY VEHICLE IS AT THE STORAGE FACILITY LESS THAN 12 HOURS?**

If your vehicle is held less than twelve hours you are in luck. Even though the storage facility operator is allowed to charge a fee for part of a day, if the vehicle is at the storage facility less than twelve hours you can only be charged for one day of storage KEEP IN MIND THAT A DAY IN THE WORLD OF TOWING IS CONSIDERED TO BEGIN AND END AT MIDNIGHT.

### **SUPPOSE I GET MY VEHICLE FROM THE STORAGE FACILITY WITHIN 24 HOURS FROM THE TIME IT WAS TOWED?**

The storage facility operator cannot charge you a notification fee if the vehicle is removed from the storage facility within 24 hours after the date the operator received the vehicle. You will be charged a regular storage fee, BUT NOT A NOTIFICATION FEE.

## **CAN SOMEONE PICK UP MY VEHICLE FOR ME?**

The owner can pick up a vehicle if they have proper identification. That means that the address on the identification matches the address that the tow company has received from their records check.

Another (authorized) person may pick up the vehicle for you if they have a, “**RIGHT OF POSSESSION FORM**” [TDLR FORM 1845]. Be aware that the TDLR form must be notarized showing the holder of the form is the authorized representative of the owner and that representative must have proper identification. The lien holder of the vehicle must show a “lien affidavit” which can be obtained from the dealership in order to take possession of the vehicle.

## **CAN I PAY MY CHARGES WITH A CREDIT CARD?**

Most vehicle storage facilities **will/ shall accept payment in the form of electronic check, credit / debit cards**. To be on the safe side it is best to call the storage facility before (clarify payment method) you go to get your vehicle. You don't want to be surprised!

## **AM I SUBJECT TO AN IMPOUND FEE?**

Yes. The storage facility operator can charge an impound fee of \$20.00. This “impound fee” is for any preservation, restoration, or inventory he did on the vehicle. The impound must be performed in accordance with the regulations as directed by the Texas Department of Licensing and Regulation [TDLR, Adm. Code, [g] 18.93]. NOTE: THE IMPOUND FEE IS IN ADDITION TO THE TOWING FEE AND ANY STORAGE OR NOTIFICATION FEES THAT MAY APPLY TO YOUR VEHICLE.

## **WHAT ELSE CAN I BE BILLED FOR?**

When discussing “non-consent” towing or storage, keep in mind that you will be charged for the towing process and for any storage fees. You may have to pay a processing fee as well many people ask about “clean-up fees”. At times tow truck drivers will have to remove auto parts from the roadway. This is usually just a part of their job and you

should not be billed for that type of activity. *However*, there are times when you can be billed for clean up. For example, if your vehicle contained a load of materials that blocked the roadway or area that is a different matter entirely. Probably the best examples of where a clean-up fee would be allowed in non-consent towing would be if a lumber truck overturned or a person with a load of furniture in the back of a pickup was involved in an accident. In such cases, an additional fee would be justified. Also, you should not be charged for dollies in non-consent towing. You should be aware that a tow truck company is not allowed to charge you for extra time until they have been at the accident location for one hour. That is because the first hour comes with the tow. They can only begin charging for any and all of the second hour.

### **WHEN CAN I DECIDE WHERE MY VEHICLE IS TOWED?**

If your vehicle is being towed with your consent, you can certainly tell the tow truck driver where you want the vehicle deposited. All the fees will become your responsibility or that of your insurance company. In a non-consent tow you have no choice because you were not there and somebody else made the choice for you.

### **SUPPOSE MY VEHICLE HAS BEEN DAMAGED BY THE TOW COMPANY?**

Before you pick up your vehicle, if you request it, the tow company will provide the opportunity for you to examine it. We encourage you to examine your vehicle and to note any damage that you consider to have been caused by the tow company. Should you be of the opinion that they have damaged your vehicle GIVE THE COMPANY THE OPPORTUNITY TO CORRECT THE SITUATION. Be aware that the driver of the tow truck probably took pictures or a video of your vehicle before it was towed. This is wise and is an attempt to limit the liability of the tow truck company. This also provides the vehicle owner with information on the vehicle's condition. You may want to ask to see these pictures before you think about making a claim.

When an agreement cannot be reached about damage you can call the local police authority and make a complaint. You can also contact **TDLR** and report the situation. You may wish to take your own pictures of the vehicle before you drive it away. You can request a wrecker hearing with the justice-of-the-peace ["JP"] in the area where the vehicle was held in storage. The storage facility will provide you with a form for the

“JP” action. This form will have the information you need including the cost of such service.

### **WILL I BE NOTIFIED OF MY VEHICLE BEING IN STORAGE?**

Yes, the storage facility operator will notify you that your vehicle has been towed or is in storage and where it is located. Keep in mind that a fee is allowed to be charged for the notification. According to TDRL regulations, this charge cannot be more than \$50.00. The notification must not be sent out to you until they have had your vehicle for 24 hours. In most cases this provides the owner an opportunity to get his vehicle out of storage without having to pay a \$50.00 notification fee. The notice must be sent to you before the end of the 5<sup>th</sup> day of storage. This is so your storage bill cannot be “run up” unjustly.

### **WHAT DO I TELL MY INSURANCE COMPANY?**

It may be to your advantage to contact your insurance company and inform them of what happened. This is because you may have a towing allowance on your insurance policy.

### **SUPPOSE I HAVE A COMPLAINT ABOUT THE TOWING OF MY VEHICLE OR THE FEE CHARGED?**

As mentioned above, the *Texas Transportation Code* allows the owner or operator of a vehicle that has been towed or placed in storage with or without the consent of the owner or operator of that vehicle, to have a hearing on whether probable cause existed for the removal and placement of the vehicle. Also, the fees for these services can be challenged. This type of hearing is called a “wrecker hearing” and is held before a justice of the peace from who’s jurisdiction the vehicle was removed or, in whose jurisdiction the vehicle was stored. You must understand that there will be a fee for the “wrecker hearing”. Again, this information must be provided to you by the towing company upon your request. Note: the fee for a “wrecker hearing” and the time you are allowed to file for the hearing will vary throughout the county. To present a good case and to protect your rights it is advisable to have pictures of any damage to the vehicle. Also, have an affidavit of what you claim caused this case to be brought before the Justice of the Peace and finally, if possible, have witnesses that can support your position.

**WHAT HAPPENS WHEN OUT-OF-STATE RESIDENTS HAVE THEIR VEHICLES TOWED?**

If you are from another state and you find your vehicle is missing, you will have to call the local police agency or the local business where the vehicle was parked to see if they had the vehicle towed. Rest assure that if your vehicle was towed you will receive a notice from the storage facility operator informing you about your vehicle. The operator must notify YOU AT YOUR VEHICLE HAVE REGISTERED ADDRESS. THIS WILL BE DONE BY Certified MAIL.

**SUPPOSE I WAS DRIVING A RENTAL CAR AND IT WAS TOWED?**

If you had rented a vehicle and the vehicle was towed, in order to get it back you will need your rental/ leasing contract showing that you rented the vehicle. You will also need proper identification.

**GENERAL INFORMATION ABOUT TOWING Fees:**

If your towed vehicle is at a Vehicle Storage facility, additional fees will apply, for complete details on storage fees and other towing information see **TDLR** web site <http://www.license.state.tx.us/towing/towing.htm> for information.

Wreckers are commercial motor vehicles regulated and licensed by the **Texas Department of Licensing and Regulation** and to some extent, the **City of Austin Police Department and the Travis County Sheriff's Office**. Complaints and concerns should be directed to the Texas Department of Licensing and Regulation at 1-800-803-9202 or e-mailed to [towing@license.state.tx.us](mailto:towing@license.state.tx.us)

\*\*\*\*\*PHONE NUMBERS YOU MAY NEED\*\*\*\*\*

YOUR LOCAL POLICE AGENCY CAN HELP YOU IN PROVIDING INFORMATION ON A TOWING PROBLEM. THE FOLLOWING NUMBERS MAY BE OF HELP:

AUSTIN POLICE DEPARTMENT NON-EMERGENCY = 974-5000

TRAVIS COUNTY SHERIFF'S OFFICE DISPATCH = 974-0845

TEXAS DEPARTMENT OF LICENSE AND REGULATION 1-800-803-9202 or e-mailed to [towing@license.state.tx.us](mailto:towing@license.state.tx.us)