

8.13

STATE OF TEXAS                   §  
  §  
COUNTY OF LIBERTY           §

**ORDER REVISING RULES AND REGULATIONS FOR NONCONSENT TOWING AND STORAGE SERVICES IN THE COUNTY OF LIBERTY**

WHEREAS, the purpose of this Revised Order is to establish an efficient and orderly manner for removing motor vehicles involved in traffic accidents or incidents in the County of Liberty;

WHEREAS, Liberty County has ordered regulations governing nonconsent towing and storage services in the County of Liberty in the past;

WHEREAS, Liberty County wishes to amend the Revised Order to clarify certain rules; and

WHEREAS, the authority to promulgate and enforce this Revised Order is granted to the Liberty County Commissioners Court by Chapter 2308 of the TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, BE IT RESOLVED that the Liberty County Commissioners Court does hereby adopt these Rules and Regulations for Nonconsent Towing and Storage Services in the County of Liberty as set forth below:

**I.**  
**DEFINITIONS**

- A. "Consent Tow" shall mean any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle in the County of Liberty. The term does not include incident management tows or private property tows.
- B. "County" shall mean Liberty County, Texas.
- C. "Heavy Duty Wrecker" shall mean a wrecker with a GVWR greater than 26,000 lbs., equipped with rear tandem axles, air brakes, a retractable boom, at least two 30,000 lb. winches, and capable of towing a loaded C.M.V. weighing 80,000 lbs.
- D. "Light Duty Wrecker" shall mean a wrecker with a GVWR less than 26,000 lbs.
- E. "Motor Vehicle" shall mean any vehicle as defined by §501.002 of the Texas Transportation Code.
- F. "Nonconsent Tow" shall mean any tow of a Motor Vehicle initiated by a Peace Officer investigating a traffic accident or a traffic incident or other enforcement of state law in the County of Liberty.
- G. "Peace Officer" shall mean any peace officer as defined by §2.12 of the Texas Code of Criminal Procedure.
- H. "Rules" shall mean these Rules and Regulations for Nonconsent Towing and Storage Services in the County of Liberty.
- I. "Sheriff's Office" shall mean the Liberty County Sheriff's Office.

- J. "Towing Company" shall mean any individual, partnership, corporation, or other entity or association that is engaged in the business of towing Motor Vehicles on a public road for compensation, or with the expectation of compensation, or who owns or operates a Tow Truck. This term includes an owner, employee, or agent of the Towing Company. A Towing Company shall not contractually obligate, delegate, transfer its position on the Tow Rotation List to another Towing Company, without the transfer being included in a purchase of the Towing Company. The Sheriff retains the discretion to determine whether or not two Towing Companies have merged or otherwise formed a single "Towing Company" under these rules. The Sheriff shall consider the following factors and any other factors he deems appropriate:
  - a. Separate insurance policies
  - b. Common ownership
  - c. Form of business entity (corporation, limited liability company, partnership or sole proprietorship, d/b/a)
  - d. Evidence of directors' meetings, compliance with corporate formalities
  - e. History of purchased entity
  - f. Amount of assets of purchased entity
- K. "Tow Rotation List" or "Rotation" shall include the Light Duty Wrecker Tow Rotation List and the Heavy-Duty Wrecker Tow Rotation List. A Towing Company shall have only one slot or position on the Tow Rotation List. A Towing Company may have a slot or position on both the Heavy-Duty Wrecker Tow Rotation List and the Light Duty Wrecker Tow Rotation List.
- L. "Tow Truck" shall mean a Motor Vehicle or other mechanical device adapted or used to tow, carry, push, winch or otherwise move any Motor Vehicle.
- M. "Tow Truck Operator" shall mean a person operating a Tow Truck.
- N. "Tow Truck Operator ID Permit" shall mean the permit issued to a Tow Truck Operator by the Sheriff's Office demonstrating the eligibility of that person to perform a Nonconsent Tow.
- O. "Tow Truck Permit" shall mean a current year tag issued by the Sheriff's Office authorizing a specific Tow Truck to be used to perform Nonconsent Tows in the County of Liberty.
- P. "Vehicle Owner" shall mean a Motor Vehicle's legal or registered owner, or such owner's authorized representative.
- Q. "Vehicle Storage Facility" shall mean any vehicle storage facility as defined by §2303.002 of the Texas Occupations Code.
- R. "Zone" shall mean North side or South side towing zones as identified by the Sheriff's Office. The Zones can be found at the Liberty County Sheriff's Office website and attached to the Tow Truck Operator ID Permit Application.

**II.**  
**TOW TRUCK PERMITS**

- A. General
  - 1. A Tow Truck Permit authorizes the permitted Tow Truck to be used to perform Nonconsent Tows in the County of Liberty.

2. A separate Tow Truck Permit is required for each Tow Truck used for Nonconsent Tows originating in the County of Liberty. Only one Tow Truck Permit may be issued per Tow Truck. A single Tow Truck shall not receive multiple Tow Truck Permits.
3. Tow Truck Permits are not assignable or transferable.
4. Tow Truck Permits are the property of Liberty County.
5. It is a violation of these Rules to use a Tow Truck for a Nonconsent Tow originating in the County of Liberty without a Tow Truck Permit.
6. A violation of these Rules may result in the denial, suspension, or revocation of a Tow Truck Permit. Such action may result in temporary and/or permanent removal from the Tow Rotation List.

**B. Permit Applications**

1. Tow Truck Permit applications approved by the Sheriff's Office may be obtained at the Liberty County Sheriff's Office Dispatch office during normal business hours or downloaded from the Sheriff's Office website.
2. A completed application must be filed for each Tow Truck used for Nonconsent Tows originating in the unincorporated areas of the County. Completed applications must be filed at the Sheriff's Office. A completed application must be accompanied by the following documentation:
  - a. A copy of the current vehicle registration;
  - b. A copy of the vehicle's MVI inspection report;
  - c. Proof of financial responsibility in accordance with §601.051 of the Texas Transportation Code;
  - d. A copy of the certificate of insurance coverage in accordance with §643.10 I of the Texas Transportation Code;
  - e. A blank copy of the most recent Tow Truck invoice;
  - f. The Towing Company's current business card;
  - g. A copy of the applicable tow truck certificate of vehicle registration issued by the Texas Department of Licensing and Regulation;
  - h. A letter of authorization for the use of each Vehicle Storage Facility identified in the Application;
  - i. Assigned schedule of the Towing Company's schedule of approved Nonconsent Tow Fees;
  - j. The application fee set forth in Section V of these Rules;
  - k. A photo of the VSF (Vehicle Storage Facility) and fees posted;
  - l. An inventory list showing at least the following pieces of equipment:
    1. Three (3) foot long crow bar
    2. Broom
    3. Shovel
    4. Fire Extinguisher
    5. At least one bag of oil dry
    6. Flares or Triangles
    7. All required truck equipment per manufacturer

- m. Be an operating tow service in operation with a storage lot within Liberty County for a minimum of two years (2 years) as evidenced by the service's license date with TDLR.
  - 3. Completed applications must be filed within twenty (20) days, if the application is to replace a Tow Truck Permit for a Tow Truck with a current Tow Truck Permit that is permanently removed from service due to inoperability or sale.
  - 4. A Towing Company shall notify the Sheriff's Office in writing of any change to the information supplied in the completed application within twenty (20) days of such change.
  - 5. Failure to notify the Sheriff's Office of any change to the information supplied in the completed application within twenty (20) days of such change is a violation of these Rules and will subject the Towing Company to forfeiture of their rotation spot.
- C. Permit Issuance
- 1. Upon satisfaction of the Tow Truck Permit application requirements of these Rules, the Sheriff's Office may issue the Towing Company a Tow Truck Permit. Such issuance is at the sole discretion of the Sheriff's Office.
  - 2. Upon issuance of a Tow Truck Permit, the Towing Company will be added to the Tow Rotation List. A Towing Company will only be placed on the Tow Rotation List once, no matter how many Tow Truck Permits the Towing Company obtains.
  - 3. The Sheriff's Office will confirm each Vehicle Storage Facility identified in the Towing Company's application of the Tow Truck Permit issuance.
- D. Permit Display
- 1. A Tow Truck Permit shall be prominently displayed on the lower left side of the front windshield of the Tow Truck, just above the registration and inspection stickers. The Tow Truck Permit must be clearly visible at all times.
  - 2. Failure to properly display the Tow Truck Permit is a violation of these Rules.
- E. Permit Expiration
- 1. All Tow Truck Permits expire annually at midnight on the 31st day of December, regardless of the issuance date.
  - 2. It is a violation of these Rules to perform a Nonconsent Tow with an expired Tow Truck Permit.
- F. Permit Replacement
- 1. Once obtained, the Towing Company is responsible for the Tow Truck Permit. If a Tow Truck Permit is lost or stolen, the Towing Company must replace the Tow Truck Permit at the Towing Company's own expense.
  - 2. No Nonconsent Tows may be performed with the Tow Truck until the Tow Truck Permit has been replaced.
- G. Required Identification Markings
- 1. Each permitted Tow Truck shall display the following identification markings:
    - a. The owner's legal business name or legal assumed name as specified on the tow truck certificate of registration issued by the Texas Department of Licensing and Regulation.
    - b. The full publicly listed telephone number for the Towing Company;
    - c. The full address of the Vehicle Storage Facility utilized by the Towing Company.

- d. A permit plate and/or registration insignia issued by the Texas Department of Transportation pursuant to Chapter 502 of the Texas Transportation Code.
  - e. The Texas Department of Licensing and Regulation permit number assigned to each wrecker licensed to tow in the State of Texas.
2. The Towing Company name must be permanently inscribed or affixed in conspicuous places on both sides of the permitted Tow Truck in letters that are at least three (3) inches high and one-half (1/2) inch thick, in contrasting colors, and clearly visible at fifty (50) feet in normal daylight.
  3. All other markings, including the telephone number and address of the Vehicle Storage Facility, shall be at least two (2) inches high and one-half (1/2) inches wide.
  4. It is a violation of these Rules to perform a Nonconsent Tow with a Tow Truck that does not have the required identification markings.

#### H. Records

1. Each Towing Company shall maintain records of all Nonconsent Tows for a minimum of three (3) years. The Sheriff's Office may inspect these records at any time during normal business hours.
2. Failure to provide the Sheriff's Office access to these records is a violation of these Rules and will result in permanent removal from the Rotation.

### III.

#### **TOW TRUCK OPERATOR ID PERMITS**

##### A. General

1. A Tow Truck Operator ID Permit authorizes the Tow Truck Operator to perform Nonconsent Tows.
2. A Tow Truck Operator ID Permit is not required for a person assisting a Tow Truck Operator if that person is not in physical control of the Tow Truck.
3. Tow Truck Operator ID Permits are not assignable or transferable.
4. Tow Truck Operator ID Permits are the property of Liberty County.
5. It is a violation of these rules for a Tow Truck Operator to perform Nonconsent Tows originating in the County of Liberty without a Tow Truck Operator ID Permit.
6. A violation of these Rules may result in the denial, refusal to renew, suspension, or revocation of a Tow Truck Operator ID Permit.
7. A Tow Truck Operator ID Permit shall be required for each Towing Company for which the permittee performs tows.

##### Permit Applications

8. Tow Truck Operator ID Permit applications approved by the Sheriff's Office may be obtained at the front desk of the Liberty County Sheriff's Office Dispatch office during normal business hours or downloaded from the Sheriff's Office website.
9. Completed applications must be filed at the Sheriff's Office or other designated location. A completed application must be accompanied by the following documentation:

- a. A copy of the applicant's valid Texas commercial driving license;
  - b. A color passport photo;
  - c. The application fee set forth in Section V of these Rules;
  - d. A copy of the Towing Company's TDLR operator's permit.
10. A Tow Truck Operator shall notify the Sheriff's Office in writing of any change to the information supplied in the completed application within twenty (20) days.
11. Failure to notify the Sheriff's Office of any change to the information supplied in the completed application in writing within twenty (20) days of such change is a violation of these Rules.
- B. ID Permit Issuance
- 1. Upon satisfaction of the Tow Truck Operator ID Permit application requirements of these Rules, the Sheriff's Office may issue the Tow Truck Operator a Tow Truck Operator ID Permit. Such issuance is at the sole discretion of the Sheriff's Office.
- C. ID Permit Display
- 1. The Tow Truck Operator ID Permit must be worn and clearly visible at all times while the Tow Truck Operator is present at the scene of a traffic accident or traffic incident.
  - 2. Failure to properly display the Tow Truck Operator ID Permit is a violation of these Rules.
- D. Permit Expiration
- 1. All Tow Truck Operator ID Permits expire annually at midnight on the 31<sup>st</sup> day of December, regardless of the issuance date.
  - 2. It is a violation of these Rules to perform a Nonconsent Tow with an expired Tow Truck Operator ID Permit.
- E. Permit Replacement
- 1. Once obtained, the Tow Truck Operator is responsible for the Tow Truck Operator ID Permit. If a Tow Truck Operator ID Permit is lost or stolen, the Tow Truck Operator must replace the Tow Truck Operator ID Permit at the Tow Truck Operator's own expense.
  - 2. No Nonconsent Tows may be performed by the Tow Truck Operator until the Tow Truck Operator ID Permit has been replaced.

#### IV.

#### PERMIT DENIAL, SUSPENSION, OR REVOCATION

- A. Tow Truck Permit or Tow Truck Operator ID Permit may be denied, suspended, or revoked at the discretion of the Sheriff's Office if the applicant has a criminal conviction, or has pleaded guilty or nolo contendere to an offense before the date of the application for a felony or a misdemeanor punishable by confinement in jail or by a fine in an amount that exceeds \$500. A Tow Truck Permit or Tow Truck Operator ID Permit may also be denied, suspended, or revoked at the discretion of the Sheriff's Office for the following reasons:
- 1. Noncompliance with or violation of these Rules;
  - 2. Knowingly supplying false or incomplete information;
  - 3. Knowingly towing a Motor Vehicle that is reported stolen without first contacting a Peace Officer and receiving specific authority to tow said vehicle.

- B. Complaints regarding any permitted Tow Truck Operator, Tow Truck, or Towing Company may be filed in writing with the Sheriff's Office to the attention of Fleet Manager. The Sheriff's Office will review written complaints to determine if adverse action is necessary.
- C. Notice to Tow Truck Operator or Towing Company of Adverse Action by the Sheriff's Office
  - 1. The Sheriff's Office shall provide written notice to a Tow Truck Operator or Towing Company following the denial, suspension, or revocation of a permit. The written notice shall state the specific grounds for the adverse action.
  - 2. Written notice shall be provided via First Class and Certified Mail.
- D. If a permit is suspended or revoked or a renewal is denied, the Tow Truck Operator or Towing Company shall surrender the permit to the Sheriff's Office.
- E. Hearing Process
  - 1. Appeal
    - a. A Tow Truck Operator or Towing Company may appeal adverse action of the Sheriff's Office by filing a written notice of appeal with the Patrol Division Captain. A written notice of appeal must be received or post marked within ten (10) business days of the date of the notice of adverse action.
    - b. A Disciplinary Hearing Committee shall hear each appeal. The Disciplinary Hearing Committee shall consist of: (1) a Captain in the Patrol Division, (2) a Sergeant in the Patrol Division; and (3) a representative of a Towing Company operating in a different Zone than the Zone from which the appeal originated.
    - c. The Disciplinary Hearing Committee shall give the Tow Truck Operator or Towing Company making the appeal a written notice of the date, time, and place of the appeal hearing to be conducted by the Committee. Both the appealing party and the Sheriff's Office may offer evidence and argument at the appeal hearing. The Disciplinary Hearing Committee shall recommend a course of action to the Patrol Division Captain.
    - d. The Patrol Division Captain shall issue a written decision based upon a review of the Disciplinary Hearing Committee's recommendation and issue a written decision no later than ten (10) business days from the hearing date. The decision of the Patrol Division Captain shall be final if not appealed to the Sheriff or his/her designee within ten (10) business days of the Patrol Division Captain's decision.
  - 2. All appeals shall be mailed to:
    - Liberty County Sheriff's Office
    - Attn: Patrol Division Captain
    - 2400 Beaumont Ave.
    - Liberty, TX 77575

**V.**  
**PERMIT FEES**

A. General

1. All application and replacement fees must be paid by cashier's check, money order, or business check made payable to Liberty County.
  2. All application and replacement fees are non-refundable.
  3. Insufficient/returned checks will be assessed the County's current NSF fee plus a \$50.00 administrative fee.
- B. Application Fees
1. A fee of \$250.00 will be paid, which includes one (1) Tow Truck Permit, one (1) Tow Truck Operator ID Permit, inspection of Tow Truck, and Inspection of Vehicle Storage Facilities. An additional fee of \$25.00 will be charged for rescheduling Tow Truck Inspections and Vehicle Storage Facility Inspections, which failed during the initial inspection.
- C. Replacement Fees
1. Tow Truck Operator ID Permit- \$10.00
  2. Tow Truck Permit-\$10.00

## VI. TOW ROTATION LIST

- A. A Peace Officer initiating a Nonconsent Tow of a motor vehicle shall notify the Sheriff's Office that a Nonconsent Tow is needed.
- B. The Sheriff's Office shall contact successive Towing Companies on the Tow Rotation List until a Towing Company agrees to carry out the Nonconsent Tow. The Sheriff's Office will only contact Towing Companies on the Tow Rotation List. Separate Tow Rotation Lists will be maintained for Light Duty Wreckers and Heavy-Duty Wreckers.
- C. The Sheriff shall allow no more slots on the Tow Rotation List than the following:
  - a. Light Duty
    - i. North End: 7 (seven) slots.
    - ii. South End: 8 (eight) slots.
  - b. Heavy Duty:
    - i. North End: 3 (three) slots.
    - ii. South End: 3 (three) slots.

In the Sheriff's sole determination, if the number of slots in a zone is insufficient to protect the public's interest, the Sheriff may either increase the number of slots for that zone or encourage existing Towing Companies to purchase additional equipment and hire more Tow Truck Operators.

- D. If a Towing Company is unable to make the tow, or arrive within the allowable time frame, the Towing Company will be rotated to the bottom of the rotation list.
- E. Towing Companies responding to a Light Duty Wrecker call shall be able to arrive within a 30-minute time frame. Heavy Duty Wrecker call outs shall arrive within a reasonable amount of time, as determined by the Peace Officer initiating the Nonconsent Tow. If the Peace Officer initiating the Nonconsent Tow determines there are emergency or unsafe conditions requiring an arrival time sooner than 30 minutes for a Light Duty Wrecker call, then the Sheriff's Office may contact any available, TDLR licensed and compliant Towing Company:

## VII.



## OPERATION OF TOW TRUCK AT SCENE

### A. General

1. The Tow Truck must be parked on the same side of the road as the Motor Vehicle to be towed and at least one hundred (100) feet from the Law Enforcement Scene, unless otherwise directed by a Peace Officer. No Tow Truck may be within one thousand (1000) feet of the Law Enforcement Scene unless requested by Liberty County Dispatch as a rotation wrecker.
2. Neither Tow Truck Operators nor their passengers shall enter the Law Enforcement Scene unless requested to remain on the scene by Peace Officer or emergency personnel.
3. The Tow Truck Operator shall ensure that all nonessential persons are a safe distance from the Tow Truck and Motor Vehicle before lifting a Motor Vehicle.
4. The Tow Truck Operator shall not place or operate a Tow Truck cable across lanes of traffic unless the traffic is stopped or diverted by a Peace Officer.
5. The Towing Company shall remove and properly dispose of all debris from the Law Enforcement Scene. Large volumes of cargo spilled from rigs or trailers may require separate removal.
6. Once a Tow Truck has completely hooked up to a Motor Vehicle, the Towing Company may collect a Nonconsent Tow fee as authorized by these Rules.
7. The Towing Company must transport the Motor Vehicle directly from the scene to an appropriate Vehicle Storage Facility or the location designated by the Vehicle Owner.
8. At no time will a tow truck have a combination of red and blue lights. Red and amber are the only permissible color combinations.
9. Operator must wear a Type 5 Vest or a reflective shirt.
10. Each Tow Truck will carry the required TDLR equipment and otherwise comply with all TDLR rules and regulations and the laws of the State of Texas and of the United States.
11. If using a rollback truck, the Motor Vehicle will be secured by three points of contact.

### B. Vehicle Inventory Wrecker Slips

1. In cases when the owner of the vehicle is no longer on scene, the Peace Officer shall perform an inventory of the vehicle and complete a Vehicle Inventory Wrecker Slip, in compliance with LCSO policy.
2. The Peace Officer on the scene shall provide the Tow Truck Operator with duplicate copies of the Vehicle Inventory Wrecker Slip.
3. The Tow Truck Operator signing the Vehicle Inventory Wrecker Slip shall be responsible for the Motor Vehicle

## **VIII.** VEHICLE STORAGE FACILITIES

### A. General

1. A Towing Company that makes a Nonconsent Tow shall tow the motor vehicle to a Vehicle Storage Facility that is operated by a person who holds a license to

operate the facility under Chapter 2303 of the Texas Occupations Code, unless, subject to the Peace Officer's approval, the Towing Company agrees to take the motor vehicle to a location designated by the motor vehicle's owner.

2. The Motor Vehicle must be towed to an appropriate Vehicle Storage Facility or delivered to the location designated by the Vehicle Owner, within two (2) hours from the time the Motor Vehicle is loaded.
3. The motor vehicle may not be transported from the original Vehicle Storage Facility to another Vehicle Storage Facility if such transfer will result in additional fees to the Vehicle Owner.
4. The Vehicle Storage Facility to which a motor vehicle is towed must be located within the specific zone in which the Nonconsent Tow originated.
5. All Vehicle Storage Facilities are required to be at least 2500 SQ. FT. in size.
6. All VSF's shall contain at least a 250-watt light per quarter acre, which is to remain lit during nighttime hours (30 minutes after sunset to 30 minutes before sunrise) while vehicles are parked in the storage facility.
7. Each VSF shall have a clearly visible and readable sign at its main entrance containing the following information: "Any complaints regarding Tow Company, Tow Truck, Tow Truck Operator, VSF, or Tow Fees, please contact the Liberty County Sheriff's Office, Fleet Manager at 936.336.4500." The sign shall have letters at least 2" in height, have a contrasting background, and be visible from at least 10 feet away.
8. VSF's must provide evidence of compliance with all other City and State requirements.

## **IX.**

### **MAXIMUM FEES FOR NONCONSENT TOWS**

#### **A. Light Duty Tow**

1. The maximum allowable fees that may be collected in connection with a Nonconsent Tow with a Light Duty Wrecker are as follows:
  - a. Prisoner or Abandoned Vehicles Base Fee \$225
    1. Enroute Mileage Rate (per mile and only if not returning to the Vehicle Storage Facility): \$4.00
    2. Loaded Mileage Rate: \$4.00
  - b. Accidents Base Fee: \$275
    1. Enroute Mileage Rate (per mile and only if not returning to storage lot): \$4.00
    2. Loaded Mileage Rate: \$4.00
  - c. Liberty County Administrative Fee (per vehicle): \$10.00
2. The maximum allowable fees that may be collected in connection with a Nonconsent Tow with a Heavy Duty Wrecker are as follows:
  - a. Prisoner or Abandoned Vehicles Base Fee \$350-\$850 per unit
    1. Enroute Mileage Rate (per mile and only if not returning to the Vehicle Storage Facility): \$8.00-\$10.00
    2. Loaded Mileage Rate: \$8.00-\$10.00
    3. Liberty County Administrative Fee (per vehicle): \$10.00

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b. Accidents Base Fee:	Price per pound
1. Normal Recovery Base Rate:	\$.05/lb
2. Travel within 50 miles:	\$0.025/lb
3. Travel beyond 50 miles:	\$0.055/lb
4. Embankment or inclines:	\$0.045/lb
5. Back door open:	\$0.025/lb
6. Tractor from under trailer:	\$0.055/lb
7. Liberty County Administrative Fee (per vehicle):	\$10.00

c. Fuel Surcharge shall be calculated as according to the following formula: *Number of Dollars of Cost of Fuel x 4 = Percentage of Total Bill*. The Cost of Fuel will be determined by the Sheriff's office at the start of each calendar quarter and will be rounded up the nearest half dollar. For example, if the Sheriff's office has determined that the current cost of fuel is \$4.25 per gallon, then, rounded up the the nearest half dollar, the cost of fuel is \$4.50. This cost, \$4.50 will be multiplied by 4, resulting in 18%. This percentage will then be multiplied by the sum of all other costs as allowed by the fee schedule and added to that sum.

3. Backup assistance shall only be used if determined necessary by the peace officer at the scene. The use of inferior equipment or inadequate vehicle ability by design (i.e., sneaker or repo-style truck) shall not justify backup assistance.
4. A Light Duty Winching fee may be added on a case-by-case basis in extreme situations if determined necessary by the peace officer at the scene. A Light Duty Winching fee shall not be assessed unless the vehicle is located off of the street's right of way.
5. The Labor fee may be added for each hour after the first hour the Tow Truck Operator is required to remain at the scene of the Nonconsent Tow. This fee shall be assessed in 30-minute increments.

B. Heavy Duty Tow

1. The maximum allowable fees that may be collected in connection with a Nonconsent Tow with a Heavy-Duty Wrecker shall be regulated per TDLR requirements.
2. In cases involving water submerged vehicles, the Towing Company will not be rotated on the Heavy-Duty Wrecker Tow Rotation List if a Heavy-Duty Wrecker is only utilized for winching at the scene. The Towing Company will be rotated on the appropriate Tow Rotation List for the wrecker that performs the Nonconsent Tow.
3. There will be no first available Heavy Duty Wrecker calls. It is a violation of these Rules to respond to a Law Enforcement Scene unless requested by the Liberty County Dispatch as a rotation wrecker.
4. A Towing Company will be removed from the Heavy-Duty Wrecker Tow Rotation List if it is unable to make a tow or arrive within the allowable time more than three times in a calendar year unless the Towing Company has provided advanced notice to the Fleet Manager that its Heavy-Duty Wrecker is out of service.

- C. These maximum allowable fees do not include fees or charges for the removal of cargo spilled from large rigs or trailers. Fees for salvage services may be negotiated by and between the Tow Truck Operator recovering the cargo and the Motor Vehicle Owner.
- D. It is a violation of these rules for any Towing Company or Tow Truck Operator to collect fees in connection with a Nonconsent Tow in excess of the maximum fees set forth herein.

## **X.**

### **TOWING FEE STUDIES**

- A. A person may file a written request for a Towing Fee Study at any time, but not more than once per year. The Sheriff's Office may notify Commissioners Court upon receipt of a request.
- B. Commissioners Court shall determine whether a Towing Fee Study is warranted. Commissioners Court is not absolutely obligated to order a Towing Fee Study.
- C. If a Towing Fee Study is ordered, the Sheriff's Office shall collect relevant financial or accounting information regarding current maximum allowable fees to determine if such fees represent the fair value of the services provided. The Sheriff's Office shall present a recommendation to Commissioners Court based on this review.
- D. Commissioners Court shall determine if the maximum allowable fee should be amended. Commissioners Court is not obligated to amend the maximum allowable fee if it determines that the existing fee represents the fair value of the services provided.

## **XI.**

### **VIOLATIONS AND CRIMINAL OFFENSES**

- A. Any violation of these Rules may result in temporary and/or permanent removal of a Towing Company from the Tow Rotation List. Such temporary and/or permanent removal is at the sole discretion of the Sheriff's Office.
- B. Criminal Offense
  - 1. A person commits an offense if:
    - a. The person arrives at the scene of a traffic accident or traffic incident to perform a nonconsent tow of a motor vehicle without first being contacted by the Sheriff's Office;
    - b. The person directly or indirectly solicits, on streets located in the County, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in an accident to the extent that it cannot be normally and safely driven; or
    - c. The person enters the scene of a traffic accident, traffic incident, or other area under the control of a Peace Officer without the permission of the Peace Officer.
  - 2. An offense as described above is a misdemeanor punishable by a fine of not less than \$1.00 or more than \$200.00.

## **XII.**

**DISPOSITION OF ABANDONED VEHICLES**

All abandoned vehicles must be disposed of in accordance with Sections 683.031 and 683.034 of the Texas Transportation Code.

**XIII.  
LAW ENFORCEMENT NOTIFICATION**

All notices to Law Enforcement required by Section 683.031 of the Texas Transportation Code shall be made to the following:

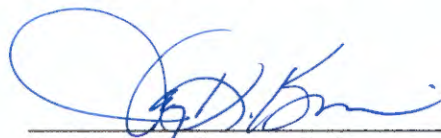
Liberty County Sheriff's Office  
Fleet Management Division  
2400 Beaumont Ave.  
Liberty, TX 77575  
Telephone: 936.336.4500  
Fax: 936.336.4536

**XIV.  
EFFECTIVE DATE**

The effective date of these Rules shall be January 1, 2023.

**PASSED AND APPROVED** this the 14<sup>th</sup> day of October, 2022.

**LIBERTY COUNTY, TEXAS**

By:   
Jay Knight, County Judge



**ATTEST:**

  
Lee Chambers, County Clerk

