



Amended Jefferson County Voluntary Tow Service Rotation List Guidelines

STATE OF TEXAS

COUNTY OF JEFFERSON

The following guidelines will be in effect for tow companies that have voluntarily requested and agreed to be placed on the Jefferson County Sheriff's Office "tow truck rotation list." By filing an application with the Jefferson County Sheriff's Office and requesting to be placed on the rotation list, all tow companies and operators agree to the following terms and conditions pertaining to their participation, and to be in compliance with Title 1.6, Chapters 85 and 86 of the Texas Administrative Code, and Texas Occupations Code, Chapters 2303 and 2308. These guidelines are specific to the Jefferson County Sheriff's Office tow service rotation list and are applicable to the unincorporated areas of Jefferson County, Texas.

I.

Definitions

The following definitions shall apply in the interpretation and enforcement of these guidelines.

1. **Abandoned Vehicle:** shall have the same meaning as the term assigned by the Texas Transportation Code §683.002,
2. **Application:** The written document, along with any other required forms, for purposes of registering a tow company, tow truck, or tow truck operator, with the Jefferson County Sheriff's Office
3. **Consent Tow:** shall mean any tow conducted with the permission of, or at the direction of the vehicle's legal or registered owner, or such owner's authorized representative. It does not include a tow initiated by a peace Officer.
4. **Impounding Authority:** shall mean the authority of the Sheriff, any peace officer, or other official having such authority, to impound any vehicle for any lawful reason.
5. **Inoperable Vehicle:** Shall mean any motor vehicle which is disabled due to mechanical failure or malfunction but is not wrecked.
6. **Motor vehicle:** - Shall mean every vehicle which is self-propelled.
7. **Non-Consent Tow:** Shall mean any tow initiated by a peace officer or a tow not considered a "consent tow."
8. **Owner:** Shall mean any person who holds the legal title of a motor vehicle or who has the legal right of possession thereof
9. **Preference Tow:** Tows made at the request of the owner/operator, or custodian of a vehicle for a specific tow service company of choice.
10. **Tow Truck:** Shall mean a motor vehicle or mechanical device adapted or used to tow, winch, or otherwise move disabled vehicles. Wheeled vehicles, including those equipped with a mechanical, electrical or hydraulic wheel lilt, that are used to tow, winch, or otherwise move disabled vehicles are considered tow trucks.

11. Tow Service Company: Shall mean an individual, association, partnership, corporation, or other legal entity engaged in the business of towing vehicles for compensation or with the expectation of compensation for the towing or storage of the vehicles and includes the owner, operator, employee, or agent of a towing company.

12. Wrecked Vehicle: Shall mean any motor vehicle which is disabled due to collision with another vehicle or object,

13. Vehicle: Shall mean every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks, and, shall include trailers and semi-trailers.

14. Drop Fee: The fee charged for a nonconsent tow which is disengaged at the request of the vehicle's owner or operator while the towed vehicle is still at the location from which it is being removed.

15. Setback Line: A 300 foot distance from the furthest most imaginary line of a crash scene, or vehicle involved in a scene controlled by Law Enforcement within which a tow truck, tow truck driver or its representative is allowed.

II.

Application for Participation

A Tow Service Company desiring to participate on the Jefferson County Sheriff's Office Voluntary Tow Service Rotation list shall complete and sign with original signature, the application, and also provide any other requested documentation. The application shall be in the form attached hereto as Exhibit "A"

III.

Guidelines for Application:

In order to be placed on the rotating list, a tow company must comply with the following requirements;

1. You must complete a written application and have the document signed by the applicant or the tow company's designated representative. If a tow company requests to be removed from rotation list at any time, it shall be in writing and hand delivered to the Jefferson County Sheriff's Office.
2. The tow company must be in compliance with Texas Department of Licensing and Regulation, the Texas Occupations Code Chapters 2303 and 2308, and 16 Texas Administrative Code Chapter 85.
3. The Vehicle Storage Facility used by the tow company must be located within the limits of the County of Jefferson and specifically, within the zone the said wrecker is responding.
4. All vehicles towed or removed by the tow service company in response to a rotating list must be stored at the address of the Vehicle Storage Facility documented on the application, unless the tow truck operator is requested by the owner of the vehicle or law enforcement official to transport the vehicle to another location. In the event the owner requests that the vehicle be towed to a facility or location other than that utilized by the Tow Service operator, the owner must arrange to pay any additional costs.
2. The tow service company must make any vehicle stored at this facility available to the vehicle owner on a twenty-four (24) hour basis, each day of the week, and shall have a sign clearly visible at the entrance, clearly readable from a street, setting out the name of the storage facility/lot, the street address, and a twenty (24) hour telephone number(s) where the facility owner/operator can be reached to release stored vehicles to owners.
3. The tow service company truck operator must be able to respond to the location where requested by law enforcement within thirty (30) minutes of the initial call from dispatch. A tow service company cannot refuse to respond or fail to respond to a call for service from a law enforcement request unless the tow truck(s) are unavailable due to another legitimate engagement for service.

4. A tow service company called to perform service shall be required to perform such service in its own tow truck/company vehicle unless responding to a "preference tow" call. The company may then call another authorized tow truck to respond but the responding tow truck company must be willing to abide by the terms of these guidelines.
5. Tow service companies are required to be on-call for summons by law enforcement in the unincorporated areas of Jefferson County twenty-four (24) hours each day, including weekends and holidays. Each failure to respond to such summons shall be violation of this provision. Three violations of any provision shall cause the Applicant to be suspended unless good cause exists. Applicants may notify the Jefferson County Sheriff's Office in advance regarding any period of unavailability to avoid violating this policy.
6. Nothing in this Section is intended to limit the number of tow trucks a company may operate or register with the County of Jefferson; however, a tow truck service or company may be listed only once on the Sheriff's Office rotation list. If an owner owns multiple tow service companies, each company is allowed to be listed once in the rotation order. When a new applicant is to be placed on the rotating list is approved by the Sheriff's Office, that tow service company will be added to the bottom of the rotation list, however, pre-existing tow services will maintain their place in sequence on the list,
7. A separate rotating list will be maintained by the Sheriff's Office for the purpose of differentiating light duty and heavy duty wrecker call out services.

IV.

Operations Guidelines And Procedure

1. **Call to a Collision Required:** Tow trucks responding to the scene or location of an accident or collision, may do so only if they are responding to a call from the Sheriff's Office, the Department of Public Safety, or an individual responsible for the vehicle involved under a "preference tow." The prohibition of this section shall be inapplicable, provided that it is necessary to prevent death or bodily injury to any person involved in the accident or collision. If a tow truck driver is called to an accident by an individual, they must advise the Sheriff's Office of the person's name, the type of vehicle, and the exact location of the accident or disabled vehicle prior to arrival,
2. **Soliciting Business.:** No person or representative employed by a tow service company shall directly solicit or suggest in any manner, on the streets of the unincorporated areas of Jefferson County, the business of towing any vehicle which is wrecked or disabled due to accident or law enforcement action on a public street, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing said vehicle. Furthermore, no person or representative of a tow company shall approach in any manner, any vehicle owner / operator unless directly requested to do so by a Peace Officer.
3. **Compliance with Peace Officer's Instruction:** While at the scene or location where summoned, the tow truck or tow trucks which have been dispatched, shall submit to the direction of any Law Enforcement Officer investigating the scene and shall carry out his instructions as applicable by law, such as the cleaning of glass or debris from the scene.
4. **Designation of Zone:** Tow service companies placed on the rotation list will only be allowed to respond to tows from the rotation list "Zone" that they are registered within by their application with the Jefferson County Sheriff's Office. This section does not apply when all means to summons a tow company from the respective Zone on the rotation list is unsuccessful, at which time a tow company from the adjacent rotation list Zone may be utilized.
5. **Rotation Zones:**

Zone One:

All of Jefferson County which is north and west of an imaginary line beginning 100 feet north of the eastern end of Spindletop Road, then following 100 feet north of Spindletop Road in a southwesterly direction to 100 feet north of the intersection of West Port Arthur Road and Hildebrandt Road, then southwesterly to 100 feet east of the intersection of Frint Drive and Labelle Road, then following 100 feet east of Labelle Road in a southerly direction across Highway 73, to the Intracoastal Waterway and then following the north bank of the Intracoastal Waterway in a southwesterly direction to the Chambers County line.

Zone Two:

All of Jefferson County not included in Zone One.

6. Emergencies and Extenuating Circumstances: In the event that a peace officer, in the exercise of his sole discretion, determines that conditions exist that pose an eminent potential for injury or death to any person, the officer may summon the first available wrecker to arrive on scene without utilizing the rotation list. All tow companies responding to such a summons shall operate in a reasonable and prudent manner and in compliance with all federal, state or local laws, rules and regulations.

7. Setback Line: All wrecker companies, drivers and their representatives shall be required to remain at minimum 300 feet back from the scene, until directed to approach the scene by a Peace Officer.

V.

Selecting A Participant From Rotation List

1. **Accident Victims Get First Choice.** When law enforcement is investigating an accident, offense, or incident where a tow truck is needed, the law enforcement official shall ask the individuals involved if they have a tow truck preference from among tow truck companies possessing the proper TDLR licensure regardless of whether or not the tow truck company participates in the Jefferson County Sheriff's Rotation List,
 - a) *Victim Preference.* If they have such a preference; he shall instruct the dispatcher to call the tow service company preferred.
 - b) *Exception: Inability to Respond.* The law enforcement officer on scene will honor the preference, unless it is determined that the preferred tow service company cannot respond within 30 minutes of the initial call,
 - c) *Exception: Emergency Situation.* In situations where emergencies exist where time is of the essence and it is necessary to use a non-preference tow service company due to potential imminent hazards to the public. This is specifically referred to hereinabove in IV (5).
2. **Using the Rotation List.** In the event the individual has no preference, or is unable to designate a call preference, or the individual's preference does not answer, or is unwilling to provide a tow truck immediately, then the dispatcher shall call the next tow truck service listed on the Rotation List consisting of all participants.
 - a) *Inability to Respond.* If there is no answer or the owners are unwilling or unable to provide a tow truck immediately, then the dispatcher shall call the next tow truck owner on said rotation list and shall continue in this manner until a tow truck is dispatched to the location where needed.

- b) *Failure to Arrive Within 30 Minutes.* Any tow truck dispatched to the scene of an accident shall arrive within 30 minutes of being dispatched. If a call for service is to an area in far west Jefferson County, in the area of the beach, 45 minutes will be allowed. Failure to arrive within that time period shall constitute a violation of this policy. Failure to arrive within the designated time period shall result in the next participant in the rotation being dispatched to the scene of the accident to remove any vehicles designated by the officer in charge of the accident scene.

VI.

Other Provisions

1. Towing Fees.

a) Whenever a vehicle weighing less than 10,000 lbs. is towed and the tow service company is summoned by the Jefferson County Sheriff's Office Voluntary Tow Service Company Rotation List (not including tows that require use of a heavy duty tow truck) to the areas of Jefferson County, the tow service may not charge a tow fee in excess of \$250.00 for non-consent, non-accident tows. Such maximum charge shall be applicable regardless of whether or not the vehicle is towed from public or private property and shall be complete compensation for all services rendered in connection with the performance of that tow. No additional fees, charges, costs, etc., may be attached to the towing of such vehicle. Fees for all other types of tows, other than non-consent or non-accident tows shall not be greater than the fee schedule posted by the tow service company with the Texas Department of Licensing and Regulation. Excessive or unauthorized fees may be considered a violation of this agreement.

b) "Drop Fee" Maximum drop fee as described in definitions (14) is \$60.00.

2. **Notification Of Inability To Respond:** In the event a company will be unavailable for tows, for any period of time, (vacation, maintenance, or other inability), that company shall notify the Dispatch Office at the Jefferson County Sheriff's Office of their unavailability.

3. **Repeated Violations Of Tow Policy.** Every participating tow company shall comply with the terms or provisions of these guidelines and any applicable federal, state or local statute, administrative rule or regulation.

a) *Three Violations: Suspension and Reinstatement.* In the event any company is found to have committed three violations of the guidelines set forth herein, this participant will be removed from the Rotation List for a period of thirty (30) days. After the expiration of the thirty (30) day suspension period, the participant may apply for reinstatement.

b) Any encroachment / setback violation of this County Ordinance will be considered a violation of this policy and subject to a 30 day suspension.

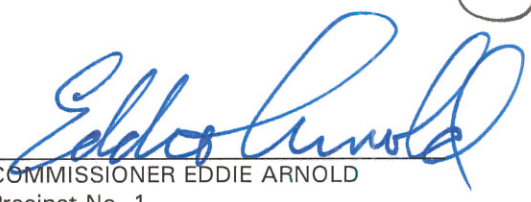
c) *Excuse: Good Cause.* A violation of this policy may be excused upon a showing of good cause. The existence of good cause shall be finally determined by the Jefferson County Sheriff, in the exercise of his sole discretion. Determination of good cause shall not be subject to appeal.

4. **Annual Review of Regulations:** During September of each year, the Jefferson County Sheriff, at his discretion, may call a meeting of all participants to review, discuss problems or request amendments to this policy. The Jefferson County Sheriff, in the exercise of his sole discretion, shall make a final determination as to what changes, if any, will be made. The Sheriff shall submit any requested changes to the Jefferson County Commissioners' Court for consideration and, if approved, these guidelines shall be amended to reflect said changes.

SIGNED this 21st day of September, 2015.



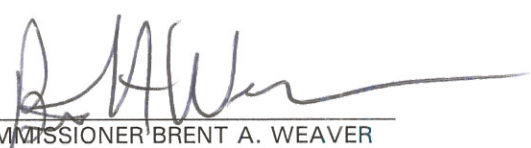
JUDGE JEFF BRANICK
County Judge



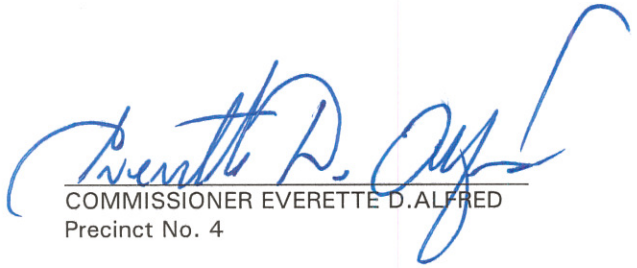
COMMISSIONER EDDIE ARNOLD
Precinct No. 1



COMMISSIONER MICHAEL S. SINEGAL
Precinct No. 3



COMMISSIONER BRENT A. WEAVER
Precinct No. 2



COMMISSIONER EVERETTE D. ALFRED
Precinct No. 4