



# **TEXAS DEPARTMENT OF LICENSING AND REGULATION**

## **VEHICLE STORAGE FACILITY COMPLIANCE MANUAL**

# TDLR Compliance Manual (1<sup>st</sup> edition).

## DISCLAIMER:

This manual is intended to be used for educational purposes only. Any state law, rule, regulation, or decision by an administrative law judge takes precedence. It is the responsibility of the licensee (you), to know the current laws, rules, and interpretations of these rules. Due to legislative and rule making procedures, this manual is subject to change. It is your responsibility to assure you have the most current manual.

## THE PURPOSE OF THIS MANUAL:

This manual is intended to help the Vehicle Storage Facility (VSF) industry better understand and achieve compliance with the laws and rules. This manual covers TDLR's interpretations and procedures so you know what to do in various situations; for example, you need to license a new storage lot, what the inspectors are looking for, or what to do if there is ever a complaint filed against your company or a violation found on an inspection. The goal of TDLR and this manual is to bring the industry into compliance with the laws and rules related to vehicle storage facilities.

For the majority of questions on what you need to do as a VSF, you will use the Appendix to search for a certain topic or the Table of Contents to find the appropriate section. For example, if you want to know how to send the notification of abandonment to law enforcement you would look up "notification of abandonment to law enforcement" in the Appendix and go to the appropriate page. If you want an overview of all Notifications, go to the Table of Contents and click the link for "Notifications".

## HOW TO USE THIS MANUAL

This manual can be printed and used in the way you would use a regular book; however, this manual is also interactive. Any place in the document that tells you to click here, and you click on the word "here" you will be taken an example of the document it is describing. The table of contents also works this way. For example, if you have a question on the first notification, just go to that point in the table of contents, right click and click open hyperlink and you will be taken to the first notification section. At the bottom of every page you will see "Return to table of contents", clicking this returns you to the top of the table of contents. The following section has frequently asked questions, clicking on the question takes you to the answer in the document.



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## QUICK START

Click the question to be taken to the answer.

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[What does the paperwork for each vehicle have to have on it?](#)

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**Private property notice checklist.**

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## REQUIREMENTS OF A VEHICLE STORAGE FACILITY

### These people need licenses (85.200, 85.201, 85.202, 85.203, 85.204, 85.205, 85.206)

Every person working in the VSF has to have a license (including but not limited too).

- People sending notification letters;
- People releasing vehicles;
- Anyone filling out VSF paperwork of any kind;
- Anyone answering questions related to the storage or release of a vehicle.
- Managers, and owners of sole proprietorships must also be licensed.

**\*\*For information on the fees for getting a license and how to get one, please go to the FAQ section of our website which can be found by clicking here.**

All controlling persons must pass a back ground check before obtaining a license

- A controlling person is owners, partners (if it is a partnership), all corporate officers (president, secretary, and treasurer if a corporation), and managers of the company if the company is managed by someone other than the owners.

All employees who work at the VSF must also be licensed and have a background check performed.

- Being convicted of a crime at some point, does not necessarily disqualify you from obtaining a license.

**\*\*The guidelines for license applicants with criminal convictions can be found on the TDLR website by clicking here.**

**\*\*Information on the criminal history evaluation letter can be found on the TDLR website by clicking here.**

### Physical Requirements of the lot (85.1000, 85.1001, 85.1002)

VSF lot must have a secure 6 foot fence all the way around the lot.

All vehicles must be inside the fenced area at all times.

Vehicles must be locked and secured at all times.



- If vehicles do not lock, note this on the ticket.

If the windows or down or busted out or if the hood, trunk, or doors, are broken and inoperable, you must tarp the vehicle.

You cannot have any overgrown vegetation on the lot.

Lot must have all weather surface, regardless of the weather conditions. You must be able to safely release vehicles to a tow truck at all times.

VSF must be well lit for release of vehicles at night. (250 watts of light for every quarter on and acre)

### Signage (85.1003)

You need signs in two places, one at the main entrance to the VSF, the other at the place of payment. The place of payment sign need to be where the person picking up the vehicle can see it.

Sign on the **main entrance** to the VSF must contain:

- Name of the VSF as it appears on the license;
- Street address of the actual lot;
- Telephone number for the vehicle owner to have the vehicle released;
- The hours of the facility;
- License number preceded by "VSF license number".
  - Sign must be readable;
  - Letter on sign must be at least 2 inched tall;
  - Letters must contrast in color from the sign;
  - Must be readable from 10 feet.

Signage at the place of payment must contain:

A sign that has the instruments of release (the things you must accept to release a vehicle) which says this and a copy of which can be found in the correct font and size **here**:

- (3) The VSF shall allow the vehicle owner or authorized representative to obtain possession of the vehicle, including payment at the location of the stored vehicle, at any time between the hours listed on the facility information sign posted as described in **§85.1003**, upon payment of all fees due, presentation of valid identification (Texas driver's license or other state or federally issued photo identification), and upon presentation of:

- (A) a notarized power-of-attorney;
- (B) a court order;
- (C) a certificate of title;
- (D) a tax collector's receipt and a vehicle registration renewal card accompanied by a conforming identification;
- (E) name and address information corresponding to that contained in the files of the Texas Department of Motor Vehicles;
- (F) a current automobile lease or rental agreement executed by the operator of the vehicle or a person holding a power of attorney executed by the person named in the lease agreement;
- (G) appropriate identification of any state or federal law enforcement agency representative;
- (H) the most recent version of a department-approved form or electronic version of a department-approved form published on the department's website, [www.tdlr.texas.gov](http://www.tdlr.texas.gov); which the VSF must make available to the vehicle owner or person seeking possession of or access to the vehicle; **(The VSF011 form which can be found here)** or
- (I) evidence of financial responsibility (insurance card), as required by Transportation Code §601.051, as an additional form of identification that establishes ownership or right of possession or control of the vehicle.
- Affidavit of Right of Possession Furnished Upon Request.

This information can be on a sign, or a piece of paper in view of the person picking up the car, the following fonts:

- For headers: 24 point Helvetica or Arial Black font
- For body of text: 14 point Helvetica or Arial Black font

You must also have a sign that states:

- This vehicle storage facility must accept payment by cash, debit card, and credit card for any fee or charge associated with delivery or storage of a vehicle.

You must also have a sign in **one-inch** letter stating:

- Nonconsent tow fee schedule available upon request.

You must also have a sign in **one-inch** letter that has the TDLR complaint information (this must also appear on any bill for service at the VSF):

- Texas Department of Licensing and Regulation  
P.O. Box 12157  
Austin, Texas 78711  
(800) 803-9202  
<http://www.tdlr.texas.gov>  
[enforcement@tdlr.texas.gov](mailto:enforcement@tdlr.texas.gov)

### Paperwork (85.706)

You have to keep the following paperwork in your records on each vehicle you store for two years. A checklist for these requirements can be found [here](#):

- motor vehicle registration checks;
- notification letters;
- certified return receipts;
- tow tickets (if applicable);
- bills for service;
- auction sales receipts;
- inventory (if applicable);
- certificates of authority to demolish; and
- Any authorized document used to release a vehicle, including but not limited to a title, affidavit of right of possession and control, or court order.
- Information that is required to be **somewhere** in the paperwork (does not have to be in a certain place). A checklist to ensure you have all of these things on each vehicle can be found [here](#).
  - The year, make, model, color, correct license plate number, state issuing the license, and correct vehicle identification number of the vehicle;
  - The date, time and location from which the vehicle was towed, and name of person or company who authorized the tow;
  - The tow operator's TDLR license number, the name of the company that towed the vehicle, and the license plate numbers of plates issued to the tow truck under Transportation Code, §502.180, and §504.508;

- The date the vehicle was released, the name of the individual to whom the vehicle was released, and the type of identification (Texas driver's license or other state or federally issued photo identification) and identification number provided by the individual to whom the vehicle was released;
- The date of any vehicle transfer, and the address of the location to which the vehicle was transferred along with the name of the towing company and tow operator's with TDLR license number, who made the transfer;
- A copy of any certificate of title issued after the vehicle came into the possession of the VSF, any certificate of authority to demolish, any law enforcement auction sales receipt, or any transfer document issued by the State of Texas for the vehicle if vehicle ownership has been transferred due to any action of the VSF or if the vehicle has been disposed of or demolished; and
- All amounts received at the time the vehicle was released, including the specific nature of each charge.

VSF's must make sure nonconsent tow tickets have the following information on them:

- The name of the towing company;
- The telephone number of the towing company;
- The towing companies TDLR number;
- The TDLR license number of the tow operator.

You need to make and keep a copy of the tow operator's valid TDLR card and cab card (must be valid) when they drop off a vehicle.

The VSF has to allow TDLR employees, and Law Enforcement to look at and make copies of any paperwork.

- All paper work must be kept at the actual lot unless approved by TDLR.

### [Combined tow ticket and VSF invoice \(85.710\(a\)\)](#)

You can combine the tow ticket and VSF invoice but your combined tow ticket and invoice must meet these requirements:

- Towing charges and separated from storage charges;
- Storage charges must be under a heading that says "Storage charges";
- Towing charges must be under a heading that says "Towing charges";

- The tow charges that were brought over from the tow ticket must match what was on the tow ticket at the time it was given to the VSF;

For combined invoice the following tow information must be on the invoice:

- Licensed name of the tow company;
- Publicly listed phone number for the towing company;
- Towing company certificate number.
- **A sample of the combined towing and VSF invoice can be found on the TDLR website (sample 3) by clicking here.**

### [Notifications \(85.703, 85.704\)](#)

A VSF is responsible for sending two notices to the owner and lienholders and a notice of abandonment to a law enforcement agency with jurisdiction over the area where the vehicle was towed.

**All notification must have the following information in it** (There is a checklist with all the notification requirements [here](#).)

- The full licensed name of the VSF where the motor vehicle is located, its street address and telephone number, and the hours the vehicle can be released to the vehicle owner;
- The daily storage rate, the type and amount of all other charges, and the statement, "Total storage charges cannot be computed until vehicle is claimed. The storage charge will accrue daily until vehicle is released";
- The first date for which a storage fee is assessed;
- The date the vehicle will be transferred from the VSF and the address to which the vehicle will be transferred if the operator will be transferring a vehicle to a second lot because the vehicle has not been claimed within a certain time;
- The date the vehicle was accepted for storage and from where, when, and by whom the vehicle was towed;
- The VSF license number preceded by the words "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TDLR VSF Lic. No.";
- A notice of the towed vehicle owner's right under Texas Occupations Code, Chapter 2308, to challenge the legality of the tow involved; (which can be found [here](#).) and
- The name, mailing address, and toll-free telephone number of the department for purposes of directing questions or complaints.

### **First Notifications (85.703)**

A VSF send notices the registered vehicle owner, and primary lienholder;

Notification is made in the form of a registered letter, return receipt requested, registered, or electronic certified mail, must be correctly addressed with correct postage.

Notifications cannot be sent the first 24 hours the vehicle is on the lot.

Notifications must be sent by the 5<sup>th</sup> day the vehicle is on your lot (determined by postmark).

### **Notification of Abandonment to Law Enforcement (85.704(a))**

After a vehicle is on your lot for 10 days after you send the first notice, the vehicle is considered abandoned.

Law enforcement is then able to take possession of the vehicle under 683 of the occupations code.

You need to send a notice of abandonment to law enforcement under 683 of the Texas Transportation Code.

There is no specific information on what the notice has to contain, or delivery method.

Along with the notice send a \$10 fee to the agency you are making the report (If law enforcement does not take the money it is ok, you have met the requirements).

### **Second Notice to owner and lienholder (85.704)**

Notice sent 15 days after first notice to the registered owner and primary lienholder.

Must contain all the information of the first notice to registered owner and primary lienholder and Statement to the effect of:

- If the vehicle is not claimed 30 days after the date this notice is sent gives this vehicle storage facility the right to dispose of the vehicle. Additionally, failure to claim the vehicle is a waiver of all right, title, or interest in the vehicle and personal property and a consent to sell the vehicle at a public sale.

A timeline for notifications can be found [here](#). A checklist for the second notice can be found [here](#).

### **Notice by publication (85.703(e))**

Published notices are on the same time frame as notification letters. Notice of publication is made in a newspaper of general circulation in the county in which the vehicle is stored. TDLR does not set how many days the publication must run in the paper though some papers have minimum times.

You can publish the notification if:

- The vehicle is registered in another state;
- You send a written request for the MVR;
- The identity of the registered owner cannot be determined;
- The registration does not contain an address for the registered owner; or
- The operator of the storage facility cannot determine the identity and address of each lienholder.

You do not have to publish the notice if the registered letter come back unclaimed, or the person didn't leave a forwarding address.

**Published notifications must have the following information (85.703(h)(2))**

- The full name, street address, telephone number, and VSF license number of the VSF, and the Department's internet address;
- A description of the vehicle; and
- The total amount of charges assessed against the vehicle.

Notices published in a newspaper may contain information for more than one towed vehicle.

- A copy of a notice by publication checklist can be found [here](#).

**Second notice by publication (85.704(d))**

Second notice must be published 15 days after first notice is published and contain all the information as the first notice.

Must also contain a statement that says something to the effect of:

- If the vehicle is not claimed 30 days after the date this notice is sent gives this vehicle storage facility the right to dispose of the vehicle. Additionally, failure to claim the vehicle is a waiver of all right, title, or interest in the vehicle and personal property and a consent to sell the vehicle at a public sale.

A checklist for the second notice by publication can be found [here](#).

**Notices for out of state vehicles (85.703, 85.704)**

If you accept a vehicle that is registered out of state, the structure of the notices stays the same.

The only difference between a vehicle registered in Texas and a vehicle registered in another state is that you have 14 days to send the notice to the registered owner and primary lienholder.

If you don't get the registration back before the 14 days are up you can wait on the registration (which is not a violation), or you can publish the notification.

**Notification for abandoned or nuisance vehicles (85.724)**

If the vehicle on the lot is an abandoned or nuisance vehicle (10 years or older and only in a condition to be demolished, wrecked, or dismantled) you only have to give the following notices:

- One notice to the registered owner and primary lienholder;
- The notice of abandonment to law enforcement.

The notice to the registered owner and primary lienholder will have the consent to sell statement that is regularly on your second notice.

The notice must notify the owner that they have 30 days to claim the vehicle or the give up all right to title and interest in the vehicle. 30 days after notice to the registered owner and primary lienholder you can dispose of the vehicle.

**Additional notification for private property tows (85.705)**

When you get a private property tow, you must notify law enforcement (who has jurisdiction over where the vehicle was towed) you have the vehicle within two hours of getting the vehicle.

Notification must contain the following information:

- A general description of the vehicle;
- The state and number of the vehicle's license plate, if any;
- The vehicle identification number of the vehicle, if it can be ascertained;
- The location from which the vehicle was towed; and
- The name and location of the vehicle storage facility where the vehicle is being stored

Notification may be made in the following ways:

- By telephone
- Electronically
- Delivered in person



- By fax
- Any other specific way the law enforcement agency you are making the report to tells you.

Your records must contain who the report was made, how it was made, time and date of report, or the tracking or control number given by law enforcement when the report was made.

- A checklist for this notice can be found [here](#).

## RESPONSIBILITIES OF A VSF

### Access to the vehicle: (85.708)

If a person says that they are the owner of a vehicle you have to allow them access to the inside of the vehicle if there are document showing they are the owner or to get ID.

When a person demonstrates ownership or right to possess the motor vehicle you must:

- Allowed the person to inspect a copy of the tow ticket (free of charge and this can be shown to them behind glass).
- Allow them to remove any personal items in the vehicle (unless law enforcement says they can't remove the items.)(Free of charge.)
  - When you release personal property, get a receipt from the person removing the property showing what was removed.
  - Personal belongings can also include cargo from a heavy duty wreck. You cannot require the cargo owner to pay for the cost of the truck and trailer before removing the cargo.
- During normal business hours, you must allow access for insurance and/or repair estimates. (Free of charge.)
- You must be able to provide the nonconsent tow fee schedule for the tow company that towed the vehicle to the lot upon request. (Free of charge.)

When an insurance company presents a **VSF011**, you are required to give them access to the vehicle. The term "Access" includes, but isn't limited to:

- Verifying the existence of the vehicle,
- Confirming the loss,
- Taking measurements and photographs of the inside and outside of the vehicle,

- Recording, or attempting to figure out the mileage of the vehicle,
- Verifying the VIN plat or label,
- Opening, or attempting to open doors, hoods, or trunk panels,
- Writing a repair estimate, documenting features, options, and conditions, and
- When authorized, remove the vehicle from the VSF.

If they request it and, an insurer or a tow operator present a **VSF011** form, the VSF shall provide a copy of the tow ticket created by the towing operator responsible for towing the vehicle to the VSF to either:

- The insurer within 3 business days of presenting the **VSF011** form; or
- The tow operator at the time he presents a copy of the **VSF011** form.
  - You can provide the insurer with the tow ticket by regular mail, fax, or other electronic means (email).

A VSF may not request a vehicle owner or operator to sign an authorization form for a tow, repair or any other service if the storage of the vehicle is the result of a tow initiated by law enforcement.

### **Storage Fees and other charges: (85.722)**

#### **Notification fee:**

A ***one-time*** fee of \$50.

This fee covers ***ALL*** notices, including the \$10 fee you must send to law enforcement for the notice of abandonment.

If you notify by publication, and the cost of publication is more than half the cost of the notification fee, you can charge the notification fee and the cost of publication.

- The notification fee is \$50 so half of that is \$25. If the cost of publication exceeds \$25 you can charge what it costs to publish it plus \$50 notification fee.

#### **Daily storage fee:**

\$20 a day for vehicles 25 feet long or less;

\$35 a day for vehicles that are longer than 25 feet.

Fee may be charged for any part of the day the vehicle is on the lot except if the vehicle is on the lot for two calendar days but within a 12-hour period.

- Example: The vehicle comes in at 10 at night, the owner comes and gets the vehicle at 8 the next morning. Even though the vehicle was on the lot for two calendar days, you may only charge one-day storage since it is within the 12-hour time period.

If the vehicle is registered in Texas and you do not send the first notice to the owner and primary lienholder you may **ONLY** charge 5 days' storage (failure to send notice is still a violation in and of itself regardless of if you charged storage).

If the vehicle is not registered in Texas, you must send a written request for the MVR from the state it is registered within 5 days of accepting the vehicle or you may **ONLY** charge 5 days' storage.

Part of the charging a daily storage fee you are required to check and maintain the vehicle is secure including:

- Locking doors;
- Rolling up windows;
- Closing doors, hatchbacks, sunroofs, trunks, hoods, or convertible tops.

**Impoundment fee:**

One-time fee of \$20 which you can charge if you:

- If doors, windows, convertible tops, hatchbacks, sun roofs, trunks, or hoods are broken or don't work you must ensure that the vehicle remains tarped at all times (check this periodically!).
- Conduct a written inventory of any unsecured property in the vehicle;
- Remove and store all unsecured property and put the property somewhere safe and secure.

**OR**

- Obtains motor vehicle registration (MVR) for the vehicle.

The written bill for services (VSF invoice) must say exactly what you did to charge the fee and the date you did it.

- Example: If you ran the MVR on January 12<sup>th</sup> you will write or type on the bill you give to the person who picks up the vehicle that you ran the MVR on January 12<sup>th</sup> in order to charge the \$20 fee.

**Governmental or Law Enforcement fee:**

A VSF may collect a fee that needs to be paid to a law enforcement agency, the agency's authorized agent, or a governmental entity. This fee must be paid to the agency or the agency's authorized agent.

## [How to release a vehicle: \(85.710\)](#)

When you release a vehicle, you must give the person picking it up the notice of the towed vehicle owner's rights under 2308 of The Occupations Code (which can be found [here](#).)

You also have to give the name, address, and telephone number of every JP in the county where the vehicle was towed or the following website:

- <http://card.txcourts.gov/DirectorySearch.aspx>

### Documents You Need to Release a Vehicle

You must release a vehicle to the person claiming the vehicle if the following things are provided:

- Payment, including charges for delivery and storage of the vehicle.
- A federally or state issued ID.
- One of the instruments of release which are:
  - A notarized power-of-attorney (*VSF010 form which can be found here*);
  - A court order;
  - A certificate of title;
  - A tax collector's receipt and a vehicle registration renewal card accompanied by matching ID;
  - Name and address information that matches the name and address on the MVR;
  - A current automobile lease or rental agreement signed by the operator of the vehicle or a person holding a power of attorney signed by the person named in the lease agreement;
  - ID of any state or federal law enforcement agency representative;
  - The VSF011 form (*VSF011 which can be found here*) or
  - Evidence of financial responsibility (insurance card)

If the owner presents a valid state or federally issued ID that has a different address than that on the title and motor vehicle registration you still must release the vehicle.

Insurance is an instrument of release but it is not required for you to release a vehicle. If the person claiming the vehicle comes with any of those things and an ID, you must release the vehicle regardless of if they have insurance or not.

### **Hours of Release of Vehicles:**

If you accept vehicles 24 hours a day you have to release vehicles 24 hours a day.

If you do not accept vehicles 24 hours a day you must have vehicles available for release within one hour during the following hours:

- 8:00 am to midnight Monday-Saturday and from 8:00 am to 5:00 pm on Sundays.
  - You are not required to release on national holidays, and it is not a violation for you to not release a vehicle within one hours' notice if that puts the release time after midnight.

### **Having Owner Sign Documents:**

You cannot NOT require an owner, operator, or agent of an owner or operator of a vehicle to sign any authorization or release form to release the vehicle from the VSF if the form:

- Changes a nonconsent tow to a consent tow;
- Changes nonconsent storage to consent storage;
- Charge any charge not allowed by these rules.
  - The charges allowed are a daily storage rate, notification fee, impoundment, and if applicable a government or law enforcement fee and charges that are directly related to the towing of the vehicle.

### **Forms of Payment (85.711)**

You must accept one form of electronic payment for release of the vehicle including:

- Cash, debit cards, and credit cards.

### **Lienholder repossessing a vehicle (85.712)**

If a lienholder comes to repossess a vehicle they are not required to fill out the VSF 011 form to obtain the vehicle if they have a notarized power of attorney (**VSF010**).

### **Law Enforcement Holds (85.713)**

If a vehicle is placed on hold from a law enforcement agency, the agency that places the vehicle of hold is responsible for the towing and storage charges. You may not charge the owner for towing and storage but you may charge storage for any day after the hold is released.

### **Insurance information for the VSF (85.714)**

If the owner or the owners authorized representative asks, you have to provide them with the following information for your insurance company so they can file a claim for loss or damage of property:

- Name;
- Address;
- Telephone number.

The insurance information must match the information for the company that is on file with the department.

### **Publicly Listed Phone Numbers (85.715)**

You must have a publicly listed phone number, so the VSF can be contacted.

- This number must be the same as the number on the application.
- If you need to change the number that was used on the application you must give TDLR written notice of the change before you start using the new number. The notice must include:
  - The storage lots name;
  - The location of the storage lot;
  - The VSF's license number;
  - The old telephone number, and;
  - The new telephone number.

### **Inspection of vehicles on the lot (85.716)**

If the vehicle is a police or private property tow you must inspect the vehicle and note as an addition to the tow ticket any difference of information on the ticket versus what you see.

- You may not write over or scratch through any information on the ticket.
- If the VIN number or license plate number is wrong you must notify every person who has seen the ticket within 48 hours of making the correction.

### **Removal of parts, Demolishing, or Dismantling Vehicles (85.717)**

Unless the owner agrees, you cannot dismantle anything from a vehicle.

If you don't have a certificate of title, certificate authority to demolish, police auction sales receipt, or transfer document issued by the State of Texas, DO NOT demolish or dismantle a vehicle.

### Vehicle transfers (85.721)

A vehicle may not be moved (transferred) from the VSF within the first 31 days of storage without the vehicle owner authorizing the move. If you have to move vehicles within the first 31 days due to the lot being full you may not charge an additional fee for moving the vehicle.

You must send a letter 72 hours before moving the vehicle (you do not get to charge an extra fee for this letter). In order to transfer a vehicle you must:

- Charge only the storage charges allowed by the rules;
- Keep all records and let the owner know (if they request) the location of where the vehicle is at all times from the date the vehicle is transferred from the VSF until the vehicle is recovered by the vehicle owner, or a new title, certificate of authority to demolish, police auction sales receipts, or a transfer document is issued by the State of Texas.
- Keep records of what happened to the vehicle, including the date and name of person who picked up the vehicle or a description of the document which was used to sale or demolish the vehicle.

### Disposal of vehicles (85.723)

You may not dispose of a vehicle unless you have sent all the required notifications with all the required information at the correct times. When you do dispose of a vehicle you must keep:

- A copy of all forms completed by the VSF and provided by the vehicle buyer;
- Copies of all notifications issued to the registered owner and primary lienholders (regardless of whether the notifications were mailed or published.)
- A copy of all forms submitted to dispose of and demolish an abandoned nuisance vehicle.

### Disposal of Abandoned Nuisance Vehicles (85.724)

If you have an abandoned or nuisance vehicle (10 years and older, and only condition to be wrecked, demolished, or dismantled) you do not have to send or publish a second notice and you may dispose of the vehicle 30 days after the first notice. In order to dispose of a vehicle, you must:

- Send notice of abandonment to law enforcement under 683 of the transportation code; or
- Send notice of abandonment to the Texas Department of Motor Vehicles under 683 of the transportation code.

- After notices have been made you are allowed to sale the vehicle at a public sale.

## **Drug Testing (85.725)**

You must have a drug policy that applies to all VSF employees and all people who are applying for jobs at a VSF. TDLR does have a model drug testing policy you can follow; the model policy can be found on the towing forms page of the TDLR website by clicking [here](#).

### **Drug Testing Consent form:**

Before a drug test is given the VSF employee and applicants must sign a consent form, keep these on file for every employee of the VSF.

A copy of which can be found on towing forms page of the TDLR website by clicking [here](#).

### **General Drug Testing Rules:**

VSF employees shouldn't take or be under the influence of any drugs unless prescribed by the employee's licensed physician.

Any VSF employee convicted of violating a criminal drug statute shall inform his/her supervisor of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to inform the supervisor subjects the employee to disciplinary action up to and including termination for the first offense. The VSF will notify the Texas Department of Licensing and Regulation of the conviction (including pleas of guilty and nolo contendere).

### **Type of Tests:**

Pre-employment:

- All applicants for a job at a VSF, who have received a conditional offer of employment must take a drug test before receiving a final offer of employment.

Annual Test:

- All VSF employees must take at least one drug test a year.
- A year is from the time you obtained or renewed your license.

Random Testing:

- 25% of the total number of employees will also have to take a random urine test for drugs.
- When called for a random you have up to 2 hours to take the test.
- Random selections must be made with unpredictable frequency.



- If you are in a consortium the 25% is for the total number of licensed people in the random pool.

#### Return to Duty and Follow up Testing:

- Any employee who violates the drug testing policy must submit to a return to duty test.
- Follow up tests are unannounced and the employee must take at least 6 tests in the first 12 months the employee returns to work.
- Follow up test may be extended up to 60 months after they return to work. All follow up test results must be negative and the VSF employee is required to pay for the follow up tests.

#### **Types of Drugs Tested for:**

- Marijuana, Cocaine, Amphetamines, Phencyclidine (PCP), and Opiates.

#### **Specimen Collection:**

All urine specimens will be collected by a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS).

If the analysis of the primary specimen confirms the presence of drugs:

- The VSF employee has 72 hours to request sending the split specimen to another federal DHHS certified laboratory for analysis.
- The VSF employee will be required to pay for his or her split specimen test(s).

The VSF will notify the department (TDLR) of the positive test result. Notification to the department must occur within 3 days of getting the test results from the MRO. The notification must include the:

- VSF employee's name;
- VSF employee license number;
- Date of the positive test;
- Substance detected by the drug test; and
- Disciplinary action imposed for violation of the drug testing policy.

#### **Reporting Drug Test Results:**

Every VSF must designate a medical review officer. They receive, report (in writing or fax), and store testing information.

- This person has to be a licensed physician with knowledge of substance abuse disorders.

No one can release test results unless:

- The results are necessary in the process of resolution of accident (incident) investigations;
- Requested by court order;
- Or required to be released to parties having a legal right-to-know as determined by state and federal law.

**Information to employees about drugs:**

A VSF must provide information on the physical and mental effects of drugs. As well as an existing community services hotline number, available drug counseling, rehabilitation, and assistance program.

They also need to be aware of the company's drug policy and what will happen if they are caught violating the policy

**Consequences of a Confirmed Positive Drug Test:**

If a job applicant tests positive, you cannot hire them.

If an employee tests positive, the employee cannot work and can be fired if you so choose.

The company can consider the following factors in determining the appropriate disciplinary response:

- The VSF employee's work history;
- Length of employment;
- Current work assignment;
- Current job performance; and
- Existence of past disciplinary actions.

If the employee voluntarily goes to rehab, obtains counseling, and does the follow up testing, no disciplinary action can be taken against that employee.

**Exceptions to Drug Testing:**

If you take a DOT test you are not required to take an annual test but could still be called for a random test.

If you are a tow operator as well and you get tested under your tow license you are exempt from taking another test.

### **Independent Drug Testing Policy:**

You can have a policy different than the TDLR policy but it must be at least as stringent as our model policy.

DOT tests are not the same and do not meet the requirements of TDLR (TDLR tests are more stringent than DOT tests).

### **Honesty, Trustworthiness, and Integrity (85.726)**

A VSF employee must always operate the business with honesty, trustworthiness, and integrity.

### **Inspection Checklist**

A copy of the VSF inspection check list can be found [here](#).

A copy of the tow company inspection checklist can be found [here](#).

A copy of the tow truck inspection checklist can be found [here](#).

**The VSF shall allow the vehicle owner or authorized representative to obtain possession of the vehicle, including payment at the location of the stored vehicle, at any time between the hours listed on the facility information sign posted as described in §85.1003, upon payment of all fees due, presentation of valid identification (Texas driver's license or other state or federally issued photo identification), and upon presentation of:**

(A) A notarized power-of-attorney;

(B) A court order;

(C) A certificate of title;

(D) A tax collector's receipt and a vehicle registration renewal card accompanied by a conforming identification;

(E) Name and address information corresponding to that contained in the files of the Texas Department of Motor Vehicles;

(F) A current automobile lease or rental agreement executed by the operator of the vehicle or a person holding a power of attorney executed by the person named in the lease agreement;

(G) Appropriate identification of any state or federal law enforcement agency representative;

(H) The most recent version of a department-approved form or electronic version of a department-approved form published on the department's website, [www.tdlr.texas.gov](http://www.tdlr.texas.gov); which the VSF must make available to the vehicle owner or person seeking possession of or access to the vehicle; or

(I) Evidence of financial responsibility (insurance card), as required by Transportation Code §601.051, as an additional form of identification that establishes ownership or right of possession or control of the vehicle.

Affidavit of Right of Possession Furnished Upon Request.

This vehicle storage facility must accept payment by cash, debit card, and credit card for any fee or charge associated with delivery or storage of a vehicle.

## **Storage Fees:**

Storage for a vehicle under 25 ft. in length- \$20/day

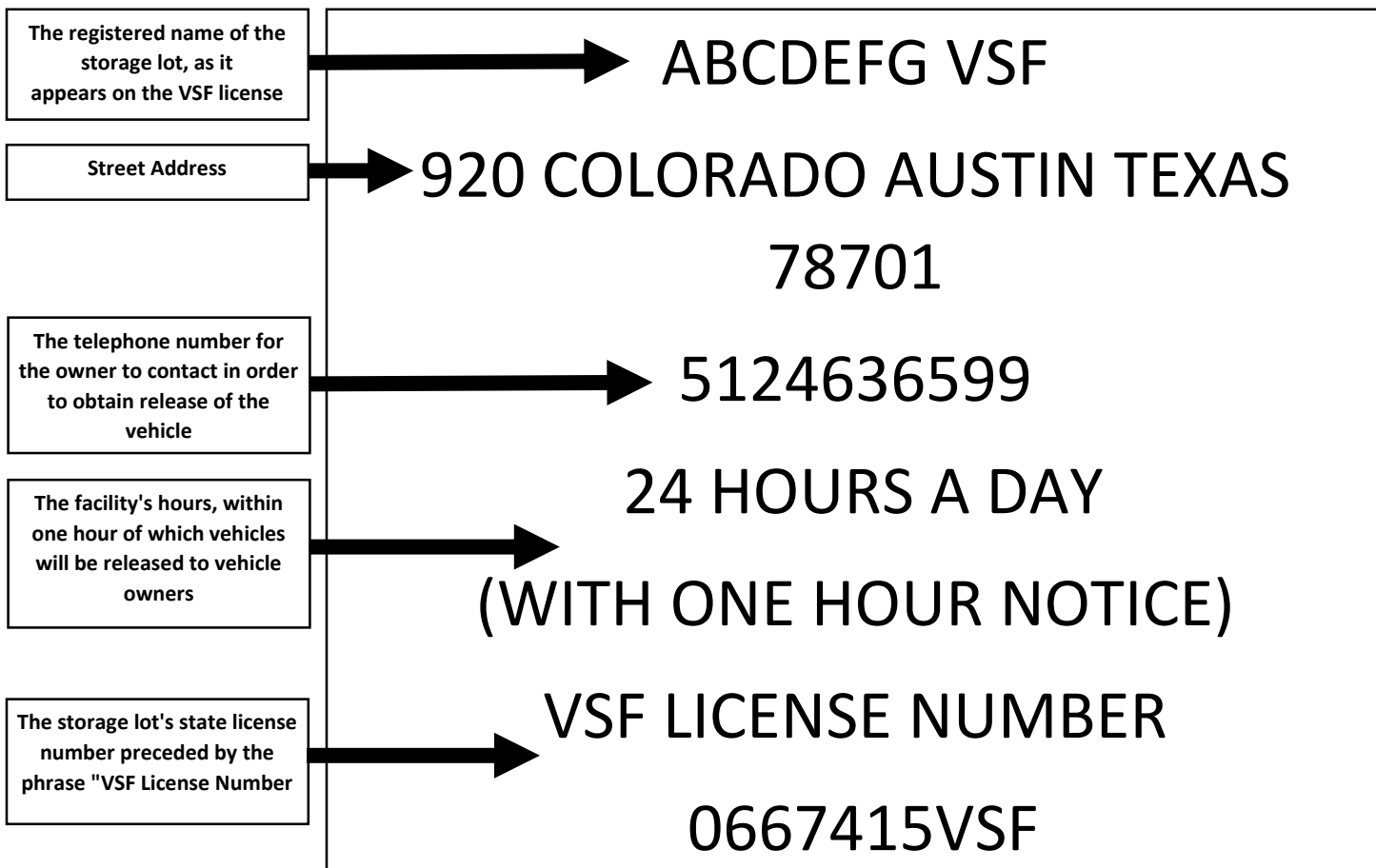
Storage for a vehicle over 25 ft. in length- \$35/day

Impoundment fee- Onetime fee of \$20

Notification fee- Onetime fee of \$50

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**Facility information. All VSFs shall have a clearly visible and readable sign at its main entrance. Such sign shall have letters at least 2 inches in height, with contrasting background, shall be visible at 10 feet, and shall contain the following information:**



Each VSF shall notify the vehicle owner of the department's website and email address, mailing address, and telephone number, for purposes of directing complaints regarding the vehicle storage to the department

The licensee may use a legible sticker or rubber stamp to convey the required information required by subsection (a). The notice shall be included on:

(1) a sign prominently displayed to the public at the place of payment, with letters at least one inch in height, and a contrasting background; and

(2) the front page of any bill for service.

COMPLAINTS  
TO REPORT COMPLAINTS CONTACT  
TEXAS DEPARTMENT OF LICENSING AND  
REGULATUION  
P.O. BOX 12157  
AUSTIN, TEXAS 78711  
800-803-9202  
WWW.TDLR.TEXAS.GOV  
CSTOWING@TDLR.TEXAS.GOV

**Nonconsent towing fees schedule. All VSFs shall conspicuously place a sign, at the place of payment, which states in 1-inch letters**

# **Nonconsent tow fees schedules available on request**



## **Appendix B: Checklist for the paperwork that must be kept.**

Make sure all of these things are kept for each vehicle for two years.

- Motor vehicle registration checks;
- Notification letters;
- Certified return receipts;
- Tow tickets (if applicable);
- Bills for service;
- Auction sales receipts;
- Inventory (if applicable);
- Certificates of authority to demolish; and
- Any authorized document used to release a vehicle, including but not limited to a title, affidavit of right of possession and control, or court order.

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## **Appendix C: Minimum information checklist.**

Minimum information for each tow that is required to be somewhere on the paperwork.  
This information must be somewhere in the paperwork but in no particular place.

- |   |  |
|---|--|
| <input type="checkbox"/> Year   | <input type="checkbox"/> Type and ID number of the ID used to release the vehicle      |
| <input type="checkbox"/> Make   | <input type="checkbox"/> Date of any vehicle transfer                                  |
| <input type="checkbox"/> Model  | <input type="checkbox"/> Address of where vehicle was transferred to                   |
| <input type="checkbox"/> Color  | <input type="checkbox"/> Name and license number of the operator who made the transfer |
| <input type="checkbox"/> Correct license plate number of the vehicle                        | <input type="checkbox"/> Copy of the certificate of title                              |
| <input type="checkbox"/> State issuing the license plate                                    | <input type="checkbox"/> Any certificate of authority to demolish                      |
| <input type="checkbox"/> Correct VIN number for the vehicle                                 | <input type="checkbox"/> Law enforcement auction sales receipt                         |
| <input type="checkbox"/> Date of tow  | <input type="checkbox"/> Any transfer document issued by the state                     |
| <input type="checkbox"/> Time of tow  | <input type="checkbox"/> All amounts received and the specific nature of each charge.  |
| <input type="checkbox"/> Where it was towed from  |  |
| <input type="checkbox"/> Person or company authorizing the tow                              |  |
| <input type="checkbox"/> Operators TDLR number  |  |
| <input type="checkbox"/> Name of tow company  |  |
| <input type="checkbox"/> Date vehicle was released  |  |
| <input type="checkbox"/> Tow truck license plate number of the truck that towed the vehicle |  |
| <input type="checkbox"/> Name of person who the vehicle was released to                     |  |

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## **Appendix D: FIRST NOTIFICATION CHECK LIST:**

Make sure your notification letter has all of the following information on it:

- The full licensed name of the VSF where the motor vehicle is located
- The street address
- Telephone number
- The hours the vehicle can be released to the vehicle owner
- The daily storage rate
- The type and amount of all other charges assessed
- The statement, "Total storage charges cannot be computed until vehicle is claimed. The storage charge will accrue daily until vehicle is released";
- The first date for which a storage fee is assessed
- The date the vehicle will be transferred from the VSF (if it is going to be transferred)
- The address to which the vehicle will be transferred if the operator will be transferring a vehicle to a second lot because the vehicle has not been claimed within a certain time
- The date the vehicle was accepted for storage
- The location from where it was towed
- Date the vehicle was towed
- Who towed the vehicle
- The VSF license number preceded by the words "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TDLR VSF Lic. No."
- A notice of the towed vehicle owner's right under Texas Occupations Code, Chapter 2308, to challenge the legality of the tow involved; and
- The name, mailing address, and toll-free telephone number of the department for purposes of directing questions or complaints.

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## Appendix E: NOTIFICATION TIMELINE

DAYS	
1	First 24 hours do not send notice.
2	<p>Days 2-5</p> <p>Send first notice to registered owner and primary lienholder during this time frame.</p>
3	
4	
5	
6	<p>Days 6-10</p> <p>Nothing can be done.</p>
7	
8	
9	
10	
11	
12	<p>Days 12-15</p> <p>10 days after you sent the first notice, send notification of abandonment to law enforcement.</p> <p>Example: If first letter went out on day 3 send this notice on day 13.</p>
13	
14	
15	
16	Nothing can be done.
17	<p>Days 17-20</p> <p>15 days after first notice send second notice to registered owner and primary lienholder.</p> <p>Example: If first notice went out on day four send this notice on day 19.</p> <p>30 days after this notice you may sell the vehicle.</p>
18	
19	
20	

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## **Appendix F: FIRST NOTICE BY PUBLICATION CHECK LIST**

Ensure all published notifications has the following information:

- The full name
- Street address
- Telephone number
- VSF license number of the VSF
- The Department's (TDLR) internet address ([www.tdlr.texas.gov](http://www.tdlr.texas.gov))
- A description of the vehicle
- The total amount of charges assessed against the vehicle.

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## **Appendix G: SECOND NOTIFICATION CHECKLIST**

Mailed notifications must contain:

- The full licensed name of the VSF where the motor vehicle is located
- The street address
- Telephone number
- The hours the vehicle can be released to the vehicle owner
- The daily storage rate
- The type and amount of all other charges assessed
- The statement, "Total storage charges cannot be computed until vehicle is claimed. The storage charge will accrue daily until vehicle is released";
- The first date for which a storage fee is assessed
- The date the vehicle will be transferred from the VSF (if it is going to be transferred)
- The address to which the vehicle will be transferred if the operator will be transferring a vehicle to a second lot because the vehicle has not been claimed within a certain time
- The date the vehicle was accepted for storage
- The location from where it was towed
- Date the vehicle was towed
- Who towed the vehicle
- The VSF license number preceded by the words "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TDLR VSF Lic. No."
- A notice of the towed vehicle owner's right under Texas Occupations Code, Chapter 2308, to challenge the legality of the tow involved; and
- The name, mailing address, and toll-free telephone number of the department for purposes of directing questions or complaints.

A statement to the effect of:

If the vehicle is not claimed 30 days after the date this notice is sent gives this vehicle storage facility the right to dispose of the vehicle. Additionally failure to claim the vehicle is a waiver of all right, title, or interest in the vehicle and personal property and a consent to sell the vehicle at a public sale.

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## **Appendix H: SECOND NOTICE BY PUBLICATION CHECK LIST**

Ensure all published notifications has the following information:

- The full name
- Street address
- Telephone number
- VSF license number of the VSF
- The Department's (TDLR) internet address ([www.tdlr.texas.gov](http://www.tdlr.texas.gov))
- A description of the vehicle
- The total amount of charges assessed against the vehicle.
- A statement to the effect of:

If the vehicle is not claimed 30 days after the date this notice is sent gives this vehicle storage facility the right to dispose of the vehicle. Additionally failure to claim the vehicle is a waiver of all right, title, or interest in the vehicle and personal property and a consent to sell the vehicle at a public sale.

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## **Appendix I: PRIVATE PROPERTY TOW NOTIFICATION TO LAW ENFORCEMENT CHECKLIST**

### **Notification must have the following information:**

- A general description of the vehicle;
- The state and number of the vehicle's license plate, if any;
- The vehicle identification number of the vehicle, if it can be ascertained;
- The location from which the vehicle was towed; and
- The name and location of the vehicle storage facility where the vehicle is being stored

### **How notification was made:**

- By telephone
- Electronically
- Delivered in person
- By fax
- Any other specific way the law enforcement agency you are making the report to tells you.

### **Does your notice contain:**

- Who the report was made
- How it was made
- Time and date of report
- Tracking or control number given by law enforcement when the report was made.

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## **Appendix J: RIGHT OF VEHICLE OWNER UNDER 2308.**

You have a right to submit a written request for a hearing under 2308 of the Texas Occupations Code within 14 business days from the date the vehicle was towed, to any justice court in the county in which the vehicle was towed or booted. This hearing will be to determine if there was probable cause to remove, or install a boot on the vehicle.

A request for a hearing must contain:

- (1) The name, address, and telephone number of the owner or operator of the vehicle;
- (2) The location from which the vehicle was removed or in which the vehicle was booted;
- (3) The date when the vehicle was removed or booted;
- (4) The name, address, and telephone number of the person or law enforcement agency that authorized the removal or booting;
- (5) The name, address, and telephone number of the vehicle storage facility in which the vehicle was placed;
- (6) The name, address, and telephone number of the towing company that removed the vehicle or of the booting company that installed a boot on the vehicle;
- (7) A copy of any receipt or notification that the owner or operator received from the towing company, the booting company, or the vehicle storage facility; and
- (8) If the vehicle was removed from or booted in a parking facility:
  - (A) One or more photographs that show the location and text of any sign posted at the facility restricting parking of vehicles; or
  - (B) A statement that no sign restricting parking was posted at the parking facility

The court may charge a filing fee of \$20 for a hearing under this chapter.

Name of person who authorized the tow: \_\_\_\_\_

Address of person authorizing tow: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

For information on all the Justice courts in the county in which the vehicle was towed please go to the following web site: <http://card.txcourts.gov/DirectorySearch.aspx>

Name of towing company  
Address of towing company  
Telephone number of towing company

Name of VSF  
Address of VSF  
Telephone number of VSF

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