

VEHICLE BOOTING AND IMMOBILIZATION

Administrative Rules

16 Texas Administrative Code, Chapter 89

TABLE OF CONTENTS

| | | |
|---------|--|----|
| 89.1. | Authority and Purpose | 1 |
| 89.10. | Definitions | 1 |
| 89.21. | License Required to Install Boots or Operate Booting Company | 1 |
| 89.22. | License--License Nontransferable and Valid for One Year | 2 |
| 89.23. | License Requirement--Booting Operator License | 2 |
| 89.24. | License Requirement--Booting Operator License Renewal | 2 |
| 89.25. | License Requirement--Booting Company License..... | 2 |
| 89.26. | License Requirement--Booting Company License Renewal | 3 |
| 89.27. | License--Notice of Proposed Denial, Opportunity to Comply | 3 |
| 89.28. | Department Notification to Licensee | 3 |
| 89.29. | License Requirements--Booting Operator Continuing Education | 3 |
| 89.30. | Exemptions | 4 |
| 89.40. | Insurance Requirements | 4 |
| 89.45. | Inspections--General | 5 |
| 89.46. | Periodic Inspections..... | 5 |
| 89.47. | Risk-based Inspections | 6 |
| 89.48. | Corrective Actions Following Inspection..... | 7 |
| 89.65. | Towing, Storage, and Booting Advisory Board | 7 |
| 89.66. | Responsibilities of Licensee--Change to Booting Operator License..... | 7 |
| 89.67. | Responsibilities of Licensee--Change to Booting Company License | 7 |
| 89.68. | Responsibilities of Licensee--Booting of Vehicles | 8 |
| 89.69. | Responsibilities of Licensee--Proof of Authority to Install Boot | 8 |
| 89.70. | Responsibilities of Licensee--Conspicuous Notice of Booting | 8 |
| 89.71. | Responsibilities of Licensee--Receipt on Removal of Boot..... | 9 |
| 89.72. | Responsibilities of Licensee--Inspection of Records | 9 |
| 89.73. | Responsibilities of Licensee--Form of Payment | 9 |
| 89.75. | Responsibilities of Licensee--Removal of Boot..... | 9 |
| 89.76. | Responsibilities of Licensee--Deposits..... | 10 |
| 89.77. | Responsibilities of Licensee--Independent Contractors | 10 |
| 89.78. | Responsibilities of Licensee--Prohibited Financial Benefits | 10 |
| 89.79. | Responsibilities of Licensee--Prohibitions Against Booting and Towing the Same Vehicle | 10 |
| 89.80. | Fees | 10 |
| 89.90. | Administrative Sanctions and Penalties | 11 |
| 89.91. | Enforcement Authority | 11 |
| 89.100. | Technical Requirements--Provide Insurance Information to Vehicle Owner or Operator | 11 |
| 89.101. | Technical Requirements--Municipal Booting Fees..... | 11 |
| 89.102. | Technical Requirements--Vehicle Signage | 11 |
| 89.103. | Technical Requirements--Booting Operator Safety Clothing and Identification | 12 |

89.1. Authority and Purpose. *(Rule effective May 3, 2010, 35 TexReg 3492)*

This chapter is adopted under the authority of Texas Occupations Code, Chapters 51 and 2308. This chapter increases the safety of vehicle booting companies and the public by ensuring that only licensed professionals install and remove vehicle immobilizer devices.

89.10. Definitions. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) The following words and terms, when used in this chapter will have the following meanings, unless the context clearly shows otherwise:
- (1) **Advisory board**--The Towing, Storage, and Booting Advisory Board.
 - (2) **Applicant**--The person or entity named on the application, a partner, principal, officer, or general manager of the applicant.
 - (3) **Boot**--A lockable road wheel clamp or similar vehicle immobilization device that is designed to immobilize a parked vehicle and prevent its movement until the device is unlocked or removed.
 - (4) **Booting company**--A person that controls, installs, or directs the installation and removal of one or more boots.
 - (5) **Booting operator**--An individual who installs or removes a boot on or from a vehicle.
 - (6) **Independent contractor**--A business relationship by which the booting company:
 - (A) has the right to control or direct only the result of the booting operation work and not the means and methods of installing or removing the boot; or
 - (B) does not issue the booting operator a wage earners statement of income for income tax purposes.
 - (7) **Principal**--An individual who:
 - (A) personally or constructively holds, including as the beneficiary of a trust:
 - (i) at least 10 percent of a corporation's outstanding stock; or
 - (ii) more than \$25,000 of the fair market value of a business entity;
 - (B) has the controlling interest in a business entity;
 - (C) has a direct or indirect participating interest through shares, stock, or otherwise, regardless of whether voting rights are included, of more than 10 percent of the profits, proceeds, or capital gains of a business entity;
 - (D) is a member of the board of directors or other governing body of a business entity; or
 - (E) serves as an elected officer of a business entity.
- (b) Any word or term not defined by this chapter shall have the meaning set forth in Texas Occupations Code Chapter 2308, or according to the rules of statutory construction.

89.21. License Required to Install Boots or Operate Booting Company. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) Unless the person holds an appropriate license under this chapter, a person may not:

- (1) perform booting operations; or
 - (2) operate a booting company.
- (b) A booting company may not employ or contract with a person to engage in booting operations unless the person holds a license issued by the department.
- (c) For purposes of this chapter, persons owning, operating or managing a booting company who also engage in booting operations must obtain a booting operator license.

89.22. License--License Nontransferable and Valid for One Year. *(Rule effective May 3, 2010, 35 TexReg 3492)*

A license issued by the department under this chapter is valid only for the person who applied for the license; applies only to the person named on the license; and is valid for one year from the date of issuance.

89.23. License Requirement--Booting Operator License. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A booting operator's license is required to install or remove a boot from a vehicle.
- (b) To be eligible for a Booting Operator license, an applicant must:
- (1) submit a completed application on a department-approved form;
 - (2) be at least 18 years of age;
 - (3) successfully pass a criminal background check; and
 - (4) pay the fee required under §89.80.

89.24. License Requirement--Booting Operator License Renewal. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) To renew a booting operator's license, an applicant must:
- (1) submit a completed application on a department-approved form;
 - (2) successfully pass a criminal background check;
 - (3) meet the applicable continuing education requirements; and
 - (4) pay the applicable fee required under §89.80.
- (b) To renew and maintain continuous licensure, the renewal requirements under this section must be completed prior to the expiration of the license. A late renewal means the licensee will have an unlicensed period from the expiration date of the expired license to the issuance date of the renewed license. During the unlicensed period, a person may not perform any functions of a booting operator that requires a license under this chapter.
- (c) Non-receipt of a license renewal notice from the department does not exempt a person from any requirements of this chapter.

89.25. License Requirement--Booting Company License. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A booting company license is required for a person to operate a booting company.
- (b) To be eligible for a booting company license, an applicant, including principals must:
- (1) submit a completed application on a department-approved form;

- (2) submit evidence that the applicant has the types and amounts of insurance coverage required by §89.40;
- (3) successfully pass a criminal background check; and
- (4) pay the fee required under §89.80.

89.26. License Requirement--Booting Company License Renewal. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) To renew a booting company license, an applicant, including principals, must:
 - (1) submit a completed application on a department-approved form;
 - (2) submit proof of insurance coverage in the types and in the amounts described in §89.40;
 - (3) successfully pass a criminal background check; and
 - (4) pay the applicable fee required under §89.80.
- (b) To renew and maintain continuous licensure, the renewal requirements under this section must be completed prior to the expiration of the license. A late renewal means the licensee will have an unlicensed period from the expiration date of the expired license to the issuance date of the renewed license. During the unlicensed period, a person may not perform any functions of a booting company that requires a license under this chapter.
- (c) Non-receipt of a license renewal notice from the department does not exempt a person from any requirements of this chapter.

89.27. License--Notice of Proposed Denial, Opportunity to Comply. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) If the department recommends denial of an application for a license under this chapter or law, the department shall send written notice of the decision to the applicant at the address shown on the application by certified mail, return receipt requested.
- (b) The notice must state the reason for the department's proposed denial.
- (c) The notice may state that the decision is temporary pending compliance by the applicant. If the decision is temporary and the applicant complies with this chapter not later than the 14th day after the date the applicant receives the notice, the department may approve the application.

89.28. Department Notification to Licensee. *(Rule effective May 3, 2010, 35 TexReg 3492)*

Unless otherwise provided for by statute or this chapter, the department may send notice of department proposed actions and decisions through email sent to the last email address designated by the licensee on the most recent license application, unless updated in writing by the licensee.

89.29. License Requirements--Booting Operator Continuing Education. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) Terms used in this section have the meanings assigned by Chapter 59 of this title, unless the context indicates otherwise.
- (b) To renew a booting operator license, a licensee must complete a total of 2 hours of continuing education through department-approved courses. The continuing education hours must include the following:
 - (1) 1 hour in Texas law and rules that regulate the conduct of booting operators; and
 - (2) 1 hour in any course listed in subsection (g).

- (c) For a timely renewal, the continuing education hours must have been completed within the term of the current license. For a late renewal, the continuing education hours must have been completed within the one-year period immediately prior to the date of renewal.
- (d) A licensee will not receive continuing education hours for attending the same course more than once.
- (e) A licensee will receive continuing education hours for only those courses that are approved by the department, under procedures prescribed by the department.
- (f) A licensee must retain a copy of the certificate of completion for a course for two years after the date of completion. In conducting any inspection or investigation of the licensee, the department may examine the licensee's records to determine compliance with this subsection.
- (g) To be approved by the department under Chapter 59 of this title, a provider's course must be dedicated to instruction in one or more of the following topics:
 - (1) driver safety;
 - (2) booting techniques;
 - (3) equipment operation and safety; and
 - (4) customer service and documentation.
- (h) A department-approved course may be offered until the expiration of the course approval or until the provider ceases to hold an active provider registration, whichever occurs first.
- (i) A provider shall pay to the department a continuing education record fee of \$5 for each licensee who completes a course for continuing education credit. A provider's failure to pay the record fee for courses completed may result in disciplinary action against the provider, up to and including revocation of the provider's registration under §59.90 of this title (relating to Sanctions--Administrative Sanctions and Penalties).
- (j) This section shall apply to licensees, providers, and courses upon the effective date of this section.

89.30. Exemptions. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) This chapter does not apply to a person who, while exercising a statutory or contractual lien right with regard to a vehicle:
 - (1) installs or removes a boot; or
 - (2) controls, installs, or directs the installation and removal of one or more boots.
- (b) This chapter does not apply to a commercial office building owner or manager who installs or removes a boot in the building's parking facility.
- (c) For purposes of this section, person means the individual named in the statutory or contractual lien or an employee of the statutory or contractual lien holder.

89.40. Insurance Requirements. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) An applicant for a booting company license is responsible for obtaining an insurance policy when applying for an initial license, submitting a license renewal, changing a business name or affiliation, and upon request of the department.
- (b) The insurance policy must be obtained from and submitted by an insurance company licensed to do business in Texas pursuant to the Texas Insurance Code.

- (c) The insured's name and address shown on the proof of insurance form must be the same as the name and address on the license. The booting company licensee is responsible for ensuring that the insurance information on file with the department reflects the correct name and address of the insured facility or place of business.
- (d) The booting company licensee must obtain insurance for the insured facility or place of business that meets the following requirements:
 - (1) a general liability insurance policy on a broad form with:
 - (A) a combined single limit for bodily injury and property damage for each occurrence of at least \$500,000; and
 - (B) an aggregate limit for all occurrences for each policy year of at least \$500,000; and
 - (2) an automobile liability insurance policy covering the applicant and the applicant's employees for vehicles owned, hired, or otherwise used in the applicant's business, with a combined single limit for each occurrence of at least \$500,000.
- (e) The booting company's insurance policy must be kept in full force and effect so long as the booting company is operating.
- (f) The insurance policy must contain a provision obligating the insurer to give the department thirty-day notice before the effective date of a policy cancellation date. Notice must be in a form acceptable to the department.
- (g) The department may revoke a booting company license if the insurance has been canceled and a replacement policy has not been filed prior to the cancellation date.

89.45. Inspections--General. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A booting company shall be inspected periodically, according to a risk-based schedule, or as a result of a complaint. These inspections are performed to determine compliance with the requirements of the Act and this chapter. In addition, the department may make information available to licensees and managers on best practices for risk-reduction techniques.
- (b) Inspections shall be performed during the normal operating hours of the booting company. The department may conduct inspections under the Act and this chapter with or without advance notice.
- (c) The department personnel will contact the booting company owner, manager, or their representative upon arrival at the booting company and before proceeding with the inspection.
- (d) The booting company owner, manager, or their representative shall cooperate with the inspector in the performance of the inspection.

89.46. Periodic Inspections. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) Each booting company shall be inspected at least once every two years.
- (b) The booting company owner, manager, or their representative must, upon request, make available to the inspector all records, notices and other documents required by this chapter.
- (c) Upon completion of the inspection, the owner, manager, or their representative shall be advised in writing of the results of the inspection. The inspection report will indicate whether the inspection was approved or not approved, and will describe any violations identified during the inspection.

- (d) For inspections that are not approved, the inspection report will identify violations that must be corrected by the owner. The report will also indicate the corrective actions required to address the violations, in accordance with §89.47. Additionally, the department may assess administrative penalties and/or administrative sanctions for violations.
- (e) Based on the results of the periodic inspection, a booting company may be moved to a risk-based schedule of inspections. The department will notify the owner of the booting company, in writing, if the company becomes subject to the risk-based inspection schedule and the scheduled frequency of inspection.

89.47. Risk-based Inspections. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) Risk-based inspections are those required in addition to periodic inspections required under §89.45 for booting companies determined by the department to be a greater risk to the public.
- (b) To determine which booting company will be subject to risk-based inspections, the department has established criteria and frequencies for inspections.
- (c) Each booting company subject to risk-based inspections will be scheduled for inspection based on the following risk criteria and inspection frequency:

| Tier | Criteria | Total Inspection Frequency (includes both periodic and risk-based inspections) |
|--------|---|--|
| Tier 1 | Violation of the rules determined by the department to pose a potential economic harm to property; or Repeated violations relating to unlicensed activity. | Once each year |
| Tier 2 | A serious or repeated violation relating to documentation and records requirements; or Failure to maintain required records; or Serious or repeated violations relating to unlicensed activity. | Twice each year |
| Tier 3 | Repeated, serious violations related to booting company technical requirements; or A significant violation of notifications rules, particularly those that threaten economic harm; or Significant or repeated violations relating to unlicensed activity. | Four times each year |

- (d) At the time of inspection of a booting company, the owner, manager, or their representative must, upon request, make available to the inspector, records, notices and other documents required by this chapter.
- (e) Upon completion of the inspection, the owner of the booting company shall be advised in writing of the results of the inspection.
- (f) The inspection report will identify violations that must be corrected by the booting company. The report will also indicate the corrective actions required to address the violations, in accordance with this section. Additionally, the department may assess administrative penalties and/or administrative sanctions for violations.
- (g) A booting company on a risk-based inspection schedule may be moved to a less frequent risk-based inspection schedule or returned to a periodic schedule of inspections. The department will notify the owner of the booting company if there is a change in the booting company's risk-based schedule or if the booting company is returned to a periodic inspection schedule.

89.48. Corrective Actions Following Inspection. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) When corrective actions to achieve compliance are required:
 - (1) the department shall provide the booting company a list of required corrective actions;
 - (2) within 10 days after receiving the list of required corrective actions, the licensee shall complete all corrective actions and provide written verification of the corrective actions to the department; and
 - (3) the department may grant an extension if satisfactory evidence is presented showing that the time period specified is inadequate to perform the necessary corrections.
- (b) The department may assess administrative penalties and/or administrative sanctions for violations or for failure to complete corrective actions timely or provide written verification to the department timely, in accordance with §89.90.

89.65. Towing, Storage, and Booting Advisory Board. *(Rule effective May 3, 2010, 35 TexReg 3492)*

The advisory board consists of the following members appointed by the presiding officer of the commission with the approval of the commission:

- (1) one representative of a towing company operating in a county with a population of less than one million;
- (2) one representative of a towing company operating in a county with a population of one million or more;
- (3) one owner of a vehicle storage facility located in a county with a population of less than one million;
- (4) one owner of a vehicle storage facility located in a county with a population of one million or more;
- (5) one parking facility owner;
- (6) one law enforcement officer from a county with a population of less than one million;
- (7) one law enforcement officer from a county with a population of one million or more;
- (8) one representative of property and casualty insurer who writes automobile insurance in this state;
- (9) one representative of a booting company; and
- (10) one public member.

89.66. Responsibilities of Licensee--Change to Booting Operator License *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A licensed booting operator shall notify the department of changes to any of the following information:
 - (1) change in the booting operator's name no later than the effective date of the change; or
 - (2) change of mailing address to the department within thirty days of the change.
- (b) Notifications required by this section may be submitted to the department by email; provided the email notification contains the licensee's name and license number as shown on the department issued license.

89.67. Responsibilities of Licensee--Change to Booting Company License. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A licensed booting company shall notify the department of changes to any of the following information:
 - (1) change in the business name no later than the effective date of the change; or
 - (2) change of mailing or physical address no later than the effective date of the change.
- (b) Notifications required by this section may be submitted to the department by email; provided the email notification contains the licensee's name and license number as shown on the department issued license.

89.68. Responsibilities of Licensee--Booting of Vehicles. *(Rule effective May 3, 2010, 35 TexReg 3492; amended effective July 1, 2012, 37 TexReg 4595)*

A booting company or booting operator may, without the consent of the owner or operator of an unauthorized vehicle, cause a boot to be installed on the vehicle in the parking facility if:

- (1) requested by the parking facility to install a boot on a specific vehicle; or
- (2) the parking facility has a standing written agreement with the booting company or boot operator to enforce parking restrictions in the parking facility; and
- (3) signs that comply with Texas Occupations Code, Chapter 2308, Subchapter G prohibiting unauthorized vehicles, are located on the parking facility at the time of the booting and for the preceding 24 hours; and remain installed at the time of the booting.

89.69. Responsibilities of Licensee--Proof of Authority to Install Boot. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A booting company or booting operator that installs a boot on an unauthorized vehicle shall maintain written documentation or other evidence from the parking facility owner that the parking facility owner authorized the booting of the vehicle.
- (b) Documentation required by this section shall include the name and title of the person authorizing the boot installation, date and time of the authorization, description of the parking violation giving rise to the booting, a description of the vehicle, including color, make, model and license plate number of the booted vehicle.

89.70. Responsibilities of Licensee--Conspicuous Notice of Booting. *(Rule effective May 3, 2010, 35 TexReg 3492; amended effective March 15, 2014, 39 TexReg 1707)*

- (a) A booting operator that installs a boot on a vehicle must affix a conspicuous notice to the vehicle's front windshield or driver's side window stating:
 - (1) that the vehicle has been booted and damage may occur if the vehicle is moved;
 - (2) the date and time the boot was installed;
 - (3) the name, address, and telephone number of the booting company;
 - (4) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to arrange for removal of the boot;
 - (5) the amount of the fee for removal of the boot and any associated parking fees;
 - (6) that the vehicle may be towed if the boot is not removed within 16 hours; and
 - (7) notice of the right of a vehicle owner or vehicle operator to a hearing under Texas Occupations Code Chapter 2308, Subchapter J.

- (b) If the conspicuous notice required by subsection (a) is placed on the:
 - (1) vehicle's front windshield, the booting company must use an adhesive that does not leave residue on the windshield; or
 - (2) driver's side window, the notice placard must not obstruct the use of the side view mirror. A notice placard placed on the driver's side window immediately adjunct to the door jam farthest from the side view mirror complies with this section.
- (c) For purposes of this section answered means the call must terminate on connection with a human operator with authority to respond to questions and dispatch booting operators.

89.71. Responsibilities of Licensee--Receipt on Removal of Boot. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) On removal of a boot, the booting operator shall provide a receipt to the vehicle owner or operator stating:
 - (1) the name of the person who removed the boot;
 - (2) the date and time the boot was removed;
 - (3) the name of the person to whom the vehicle was released;
 - (4) the amount of fees paid for removal of the boot and any associated parking fees; and
 - (5) the right of the vehicle owner or operator to a hearing under Texas Occupations Code Chapter 2308, Subchapter J.
- (b) The booting company shall maintain a copy of the receipt at its place of business for a period of three years.

89.72. Responsibilities of Licensee--Inspection of Records. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) The department may inspect records required by this chapter with or without advance notice.
- (b) A peace officer has the right, on request, to inspect and copy the records to determine compliance with the requirements of this chapter.
- (c) The booting company owner, manager, or their representative shall cooperate with the inspector in the performance of the inspection.

89.73. Responsibilities of Licensee--Form of Payment. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A booting company shall accept payment by an electronic check, debit card, or credit card for any fee or charge associated with the removal of a boot.
- (b) A booting company may not collect a fee for any charge associated with the removal of a boot from a person who offers to pay the charge with an electronic check, debit card, or credit card form of payment that the boot company is not equipped to accept.

89.75. Responsibilities of Licensee--Removal of Boot. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A booting company shall have booting operators available for boot removal seven days per week and 24 hours a day within one hour's notice.
- (b) For purposes of determining when the one hour for removal of a boot starts, the booting company must clearly note on the receipt the time of the call requesting boot removal and have the person requesting removal separately initial the notation.

- (c) In the case of a booting device that may be removed by a vehicle owner or operator who has paid the boot removal fee the information necessary to unlock the device shall be provided immediately after payment is made.

89.76. Responsibilities of Licensee--Deposits. *(Rule effective May 3, 2010, 35 TexReg 3492)*

The notice required by §89.70 may not contain amounts related to deposits and the owner or operators of the vehicle may not be subject to deposit for return of the boot after removal from the vehicle.

89.77. Responsibilities of Licensee--Independent Contractors. *(Rule effective May 3, 2010, 35 TexReg 3492)*

A booting company using the services of an independent contractor to perform booting operations must:

- (1) include the independent contractor in the insurance coverage required by §89.40; or
- (2) obtain a copy of the insurance policy of each independent contractor performing booting operations on behalf of the booting company evidencing insurance coverage of the types and in the amounts required by and in compliance with §89.40.

89.78. Responsibilities of Licensee--Prohibited Financial Benefits. *(Rule effective May 3, 2010, 35 TexReg 3492; amended effective March 15, 2014, 39 TexReg1707)*

- (a) Except for signs required by Texas Occupations Code §2308.301, a booting company in connection with booting of a vehicle in a parking facility may not directly or indirectly give anything of value to a parking facility owner.
- (b) A booting company may not for compensation boot vehicles in a parking facility in which the parking facility owner has a direct or indirect monetary interest in the booting company.

89.79. Responsibilities of Licensee--Prohibitions Against Booting and Towing the Same Vehicle. *(Rule effective May 3, 2010, 35 TexReg 3492; amended effective March 15, 2014, 39 TexReg1707)*

- (a) A vehicle may not be booted and towed from a parking facility before the expiration of 16 hours after the initial installation of the boot.
- (b) After the initial 16 hour prohibition against booting and towing in subsection (a), booted vehicles may not be towed unless the booting company or booting operator placed a conspicuous notice on the vehicle informing the vehicle operator that:
 - (1) unless the boot is removed within 16 hours, the vehicle may also be towed; and
 - (2) additional charges may be incurred for the tow and storage of the vehicle.
- (c) This section is applicable to vehicles that remain booted and have not been removed from the parking facility for a continuous 16 hour period.
- (d) This section is not applicable to a booted vehicle if the vehicle owner or operator poses an imminent threat to the booting operator, or cause, or attempts to cause, or threatens to cause damage to the immobilization device.

89.80. Fees. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) Application fees
 - (1) Booting Company License
 - (A) Original Application--\$250

- (B) Renewal--\$250
- (2) Booting Operator License
 - (A) Original Application--\$75
 - (B) Renewal--\$75
- (b) Revised/Duplicate License/Certificate/Permit/Registration--\$25
- (c) Late renewals fees for licenses under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).

89.90. Administrative Sanctions and Penalties. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A person that violates Texas Occupations Code, Chapter 2308, a rule, or an order of the executive director or commission relating to Chapter 2308, will be subject to administrative sanctions and/or administrative penalties under Texas Occupations Code, Chapters 51 and 2308 and applicable agency rules.
- (b) Responsibility for violations under this chapter by a booting company and booting operator may be held joint and severable.

89.91. Enforcement Authority. *(Rule effective May 3, 2010, 35 TexReg 3492)*

The enforcement authority granted under Texas Occupations Code, Chapters 51 and 2308 and any associated rules may be used to enforce Texas Occupations Code, Chapter 2308 and this chapter.

89.100. Technical Requirements--Provide Insurance Information to Vehicle Owner or Operator. *(Rule effective May 3, 2010, 35 TexReg 3492)*

Upon request by the vehicle owner or operator or the vehicle owner's authorized representative, the booting company shall provide the name, address, and telephone number of the insurance company that is providing required liability insurance coverage to the booting company, in addition to the booting company insurance policy or certificate number for purposes of filing a claim for loss or damage of property. The insurance information shall be the same as that on file with the department.

89.101. Technical Requirements--Municipal Booting Fees. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) If a booting company performs booting operations in a political subdivision that regulates booting fees, the booting company must identify the political subdivision and report the fees to the department on the initial application and on the renewal application.
- (b) Any changes in booting fees regulated by a political subdivision must be reported to the department by the booting company before the 30th day after the effective date of the change.

89.102. Technical Requirements--Vehicle Signage. *(Rule effective May 3, 2010, 35 TexReg 3492)*

- (a) A vehicle used by a booting company or booting operator for booting operations must display on side of the vehicle:
 - (1) the booting company name as printed on the license;
 - (2) the booting company's publicly listed telephone number;
 - (3) the city and state where the booting company is located; and
 - (4) the booting company license number.

- (b) The information required to be displayed must be:
- (1) printed in letters and numbers that are at least two inches high and in a color that contrasts with the color of the background surface; and
 - (2) permanently or with magnetic signs affixed in conspicuous places on both sides of the vehicle.

89.103. Technical Requirements--Booting Operator Safety Clothing and Identification. *(Rule effective May 3, 2010, 35 TexReg 3492; amended effective March 15, 2014, 39 TexReg1707)*

When performing booting operations, all booting operators must carry and openly display the TDLR issued original booting operator license.