

	SIGN FOR STORAGE CHARGES AND FEES <input type="checkbox"/> Storage Charges <input type="checkbox"/> Notification Fee <input type="checkbox"/> Impoundment Fee <input type="checkbox"/> Government Fee (If applicable) <input type="checkbox"/> List all forms of payment accepted <input type="checkbox"/> Must be visible	85.1003(b)	
	SIGN FOR TYPES OF PAYMENT <input type="checkbox"/> THIS VEHICLE STORAGE FACILITY MUST ACCEPT PAYMENT BY CASH, DEBIT CARDS AND CREDIT CARDS FOR ANY FEE OR CHARGE ASSOCIATED WITH DELIVERY OR STORAGE OF A VEHICLE	2303.159(a-1)	

	EXTERIOR INSPECTION - FACILITY	RULE	COMMENTS
	FENCING <input type="checkbox"/> 6 Feet high (5' prior to 9/1/85) – Measure from the outside <input type="checkbox"/> Gate locked at all times unless a VSF employee or agent is present <input type="checkbox"/> Chain Link, Metal, Wood or Masonry (No Animal or Livestock Fencing) <input type="checkbox"/> Only one VSF may operate within a single fenced area	85.1000(1)	
	STORAGE LOT SURFACE <input type="checkbox"/> All weather surface that permits vehicle mobility <input type="checkbox"/> No overgrown vegetation	85.1001	
	LIGHTING <input type="checkbox"/> Lighting operational <input type="checkbox"/> Sufficient to allow for nighttime release/inspection of vehicles (1 – 250-watt element per ¼ acre)	85.1002	

	EXTERIOR INSPECTION - VEHICLES	RULE	COMMENTS
	PARTS REMOVAL, DISMANTLED, OR DEMOLITION OF VEHICLE AT LICENSED VSF <input type="checkbox"/> Must have Certificate of Title, Certificate of Authority to Demolish, Title Transfer Document, or Police Auction Sales Receipt	85.717	
	REPAIR, ALTERED, REMOVE, OR REPLACE PARTS OF VEHICLE AT LICENSED VSF <input type="checkbox"/> Consent of owner or their authorized representative	85.720	
	CONSENT STORED VEHICLES <input type="checkbox"/> VSF must maintain proof that a vehicle is being stored with owner's consent	85.700	
	VEHICLES STORED BEHIND FENCE OR WITHIN SECURE BUILDING <input type="checkbox"/> Not storing vehicle(s) inside fenced or enclosed area	85.1000(2)(A)	

** Violations identified as "Needs Corrections" can be sent to Enforcement if circumstances warrant it*

** Areas highlighted in grey are Direct to Enforcement Violations*

VEHICLES NOT LOCKED, WINDOWS, DOORS, TRUNKS, HOODS & TOPS NOT CLOSED (IF IT CAN BE LOCKED IT MUST BE LOCKED)	85.1000(2)(B)	VEHICLES WITH BROKEN WINDOWS, DOORS UNABLE TO BE CLOSED NOT TARPED AS REQUIRED	85.719(b)
Document the vehicles with the above violations (with make, model, license number or vin) [AUDIT 10% USING DISCRETION]		Document the vehicles with the above violations (with make, model, license number or vin)	

VEHICLE RECORDS	RULE	COMMENTS
MADE RECORDS AVAILABLE FOR INSPECTION/COPYING They do not have to provide or make copies, just have them available to copy	85.706(e)	
RECORDS MAINTAINED AT PRINCIPAL OFFICE (PHYSICAL LOCATION) UNLESS DOCUMENTED PERMISSION TO STORE RECORDS ELSEWHERE.	85.1004(a)	
REQUIRED RECORDS BEING MAINTAINED FOR A PERIOD OF 2 YEARS <ul style="list-style-type: none"> <input type="checkbox"/> (1) motor vehicle registration checks; <input type="checkbox"/> (2) notification letters; <input type="checkbox"/> (3) certified return receipts; <input type="checkbox"/> (4) tow tickets (if applicable); <input type="checkbox"/> (5) bills for service; <input type="checkbox"/> (6) auction sales receipts; <input type="checkbox"/> (7) inventory (if applicable); <input type="checkbox"/> (8) certificates of authority to demolish; <input type="checkbox"/> (9) 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. 	85.706(a)	
REQUIRED COPIES OF NOTIFICATIONS FOR VEHICLES THAT HAVE BEEN DISPOSED OF	85.723(b)(2)	
RECORDS KEPT FOR 2 YEARS AFTER RELEASE OR DISPOSAL OF VEHICLE	85.706(f) 85.1004(b)	

DOCUMENTS YOU WILL NEED TO ASK FOR AND REVIEW	
<p style="text-align: center;"><u>3 recently stored vehicle (w/in last 10 days)</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Tow ticket <input type="checkbox"/> If a pp tow – report to law enforcement w/in 2 hours <input type="checkbox"/> Copy of cab card & tow operator lic. of tower <input type="checkbox"/> Motor vehicle record (MVR) <input type="checkbox"/> 1st & 2nd notification letters & return receipts (if applicable) <input type="checkbox"/> 1st & 2nd published notifications (if applicable) <input type="checkbox"/> 10-day notice of abandonment (if applicable) <input type="checkbox"/> Inventory form (if applicable) 	<p style="text-align: center;"><u>3 recently released vehicles (w/in last 10 days)</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Tow ticket <input type="checkbox"/> If a pp tow – report to law enforcement w/in 2 hours <input type="checkbox"/> Copy of cab card & tow operator lic. of tower <input type="checkbox"/> Motor vehicle record (MVR) <input type="checkbox"/> 1st & 2nd notification letters & return receipts (if applicable) <input type="checkbox"/> 1st & 2nd published notifications (if applicable) <input type="checkbox"/> 10-day notice of abandonment (if applicable) <input type="checkbox"/> Inventory form (if applicable) <input type="checkbox"/> Bill for services VSF invoice or combined tow ticket <input type="checkbox"/> Copy of document presented for release of vehicle

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<p><u>3 older files (1-2 years old) include at least 1 auction vehicle</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Tow ticket <input type="checkbox"/> If a pp tow – report to law enforcement w/in 2 hours <input type="checkbox"/> Copy of cab card & tow operator lic. of tower <input type="checkbox"/> Motor vehicle record (MVR) <input type="checkbox"/> 1st & 2nd notification letters & return receipts (if applicable) <input type="checkbox"/> 1st & 2nd published notifications (if applicable) <input type="checkbox"/> 10-day notice of abandonment (if applicable) <input type="checkbox"/> Inventory form (if applicable) <p><u>If released</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Bill for services VSF invoice or combined tow ticket <input type="checkbox"/> Copy of document presented for release of vehicle <p><u>If auctioned/disposed of (one of the following)</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Certificate of authority to dispose of abandoned vehicle – VTR 71-2 <input type="checkbox"/> Storage lien document – VTR 265 <input type="checkbox"/> Police auction sales receipt – VTR 71-1 	
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MINIMUM INFORMATION REQUIRED FOR VEHICLES	RULE	COMMENTS
<p>Does not have to be in any particular format or location</p> <ul style="list-style-type: none"> <input type="checkbox"/> Year, Make, Model, Color, Lic. Plate, State of Issue & VIN <input type="checkbox"/> Date, Time, & Location of Tow <input type="checkbox"/> Name of Person/Company who authorized the Tow <input type="checkbox"/> Tow Operator Lic. No., Tow Company Name, Tow Truck Lic. Plate No. <input type="checkbox"/> If Released the date the vehicle was released, including the name of the person who the vehicle was released to, type of ID used and the ID number. <input type="checkbox"/> If Released, all amounts received at the time the vehicle was released, including the specific nature of each charge <input type="checkbox"/> Any title transfer document, certificate of title issued to the VSF, Certificate of Authority to Dispose, any Law Enforcement Auction Sales Receipt. <input type="checkbox"/> If Transferred, the date of vehicle transfer, the address of the location where the vehicle was transferred, the name of the Tow Company, the Tow Operator and Tow Operator lic. No. 	85.706(b)	

REGULATORY DOCUMENTS	RULE	COMMENTS
<ul style="list-style-type: none"> <input type="checkbox"/> Accepting a vehicle for storage and VSF failed to make and maintain a copy of the towing operator’s valid TDLR operator’s license and tow truck cab card for the operator and truck <i>delivering</i> the vehicle for storage. 	85.706(d)	

DOCUMENT REVIEW – 2 HOUR REPORT TO LAW ENFORCEMENT	RULE	COMMENTS
<p>2 HOUR REPORT TO LAW ENFORCEMENT - <i>Applies to Private Property Tows Only</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Done within 2 hours of receiving vehicle for storage <input type="checkbox"/> Includes a general description of the vehicle <input type="checkbox"/> The state of issue and license plate number (if any) <input type="checkbox"/> The vehicle identification number (VIN) if it can be ascertained <input type="checkbox"/> The location the vehicle was towed from <input type="checkbox"/> The name and location of the VSF where the vehicle is being stored <input type="checkbox"/> Must be made by telephone, electronically, in person, facsimile or in any manner prescribed by the law enforcement agency <input type="checkbox"/> Records indicate to whom the report was delivered to, in what manner it was delivered, the date and time of the report <u>or</u> the unique control or tracking number assigned by the law enforcement agency 	<p>2303.1511</p> <p>85.705(a)(1)</p> <p>85.705(a)(2)</p> <p>85.705(a)(3)</p> <p>85.705(a)(4)</p> <p>85.705(a)(5)</p> <p>85.705(b)(1-5)</p> <p>85.705(c)</p>	

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DOCUMENT REVIEW – TOW TICKET	RULE	COMMENTS
<p>TOW TICKET – TECHNICAL REQUIREMENTS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Includes the licensed name of the Tow Company <input type="checkbox"/> Includes the Certificate Number of the Tow Company <input type="checkbox"/> Includes the publicly listed phone number of the Tow Company <input type="checkbox"/> Includes the TDLR Operator License Number 	85.706(c)	
<p>DOCUMENT REVIEW – COMBINED TOW TICKET/VSF INVOICE</p>	RULE	COMMENTS
<p>COMBINED TOW TICKET/VSF INVOICE – TECHNICAL REQUIREMENTS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Tow Charges and Storage Charges must be clearly separated with headings identifying the charges as “Tow Charges” or “Storage Charges” <input type="checkbox"/> Tow charges must be identical to those on original tow ticket (if a separate standalone ticket is issued) <input type="checkbox"/> The combined invoice must meet and contain all required elements of a tow ticket and a VSF invoice provided that the license number of the tow operator may be omitted (if a standalone tow ticket is also issued) 	85.710(a)(2)	
<p>BILL OF SERVICE</p>	85.707(a)	
<ul style="list-style-type: none"> <input type="checkbox"/> Must Contain: Department’s website, email address, mailing address & phone number <div style="margin-left: 40px;"> P.O. Box 12157 Austin, Texas 78711 (800) 803-9202 www.tdlr.texas.gov enforcement@tdlr.texas.gov </div> <input type="checkbox"/> Located on the first page of any bill of service 	85.707(b)(2)	
<p>FEES</p>		
<p>STORAGE FEE</p>		
<ul style="list-style-type: none"> <input type="checkbox"/> Daily Storage Fees: \$20.64 for vehicle 25’ or less. <input type="checkbox"/> Daily Storage Fees: \$36.11 for vehicles more than 25’ in length <input type="checkbox"/> Cannot charge for more than one day if the vehicle is on the lot less than 12 hours <input type="checkbox"/> For vehicles registered in Texas – cannot charge for more than 5 days unless the notice required under 85.703 is mailed or published. <input type="checkbox"/> For vehicles registered out of state – cannot charge for more than 5 days unless a proper request is made for owner information to the appropriate out of state governmental entity. 	85.722(d)(1)(A) 85.722(d)(1)(B) 85.722(d)(2) 85.722(d)(3) 85.722(d)(4)	
<p>IMPOUNDMENT FEE</p>		
<ul style="list-style-type: none"> <input type="checkbox"/> Cannot exceed \$20.64 <input type="checkbox"/> The bill of service must note the date and exact services that were performed <input type="checkbox"/> To charge an impoundment fee the VSF must: <ul style="list-style-type: none"> <input type="checkbox"/> Tarp vehicle <i>If</i> doors, windows, convertible tops, hatchbacks, sunroofs, trunks, or hoods are broken or inoperative <p><i>if in addition to the requirements set out in subsection (b), the VSF operator, at a minimum:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Conducts a written inventory of any unsecured personal property contained in the vehicle; <input type="checkbox"/> Removes and stores all such property for which safekeeping is necessary, and specifies such removal and storage on the written inventory; or <input type="checkbox"/> Obtain Motor Vehicle Record (MVR) 	85.722(e) 85.722(e) 85.719(b) 85.719(c)(1) 85.719(c)(2) 85.719(c)(3)	
<p>NOTIFICATION FEE</p>	85.722(c)	
<ul style="list-style-type: none"> <input type="checkbox"/> Only can be charged once & covers all required notifications <input type="checkbox"/> Cannot Exceed \$50, <ul style="list-style-type: none"> <input type="checkbox"/> If a published notice is required and the cost of publication exceeds 50% of the notification fee then the amount above the 50% can be recovered and must be charged separately <input type="checkbox"/> Cannot be charged until the vehicle has been on the lot at least 24 hours <i>and</i> the notification letter is sent 		

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GOVERNMENTAL & LAW ENFORCEMENT FEE		
<input type="checkbox"/> Cannot exceed the actual fee paid to the law enforcement agency, authorized agent or governmental entity	85.722(f)	
OTHER FEES	85.722(g)	
<input type="checkbox"/> Cannot charge any other non-authorized fees.		

DOCUMENT REVIEW– FIRST NOTIFICATION LETTER	RULE	COMMENTS
FIRST NOTIFICATION LETTER – MAILING REQUIREMENTS		
<input type="checkbox"/> Vehicles registered in Texas – No sooner than 24 hours and no later than 5 days	2303.151(a)	
<input type="checkbox"/> Vehicles registered out of state – No later than 14 days	2303.151(b)	
<input type="checkbox"/> Must be correctly addressed to registered owner and primary lienholder – Compare name and address information to MVR	2303.151(d)	
<input type="checkbox"/> Must be sent certified mail or electronic certified mail with return receipt		
<input type="checkbox"/> Must be sent with sufficient postage		
FIRST NOTIFICATION LETTER – TECHNICAL REQUIREMENTS	2303.153(a) 85.703(i)(1)	
<input type="checkbox"/> Includes the name of the VSF, street address and phone number		
<input type="checkbox"/> The VSF license number preceded by the words: "TEXAS DEPARTMENT OF LICENSING AND REGULATION VEHICLE STORAGE FACILITY LICENSE NUMBER" OR "TDLR VSF LIC. NO." (Does not have to be exact)		
<input type="checkbox"/> Hours the vehicle can be released		
<input type="checkbox"/> Daily storage rate & types & amounts of all fees assessed		
<input type="checkbox"/> Statement: "TOTAL STORAGE CHARGES CANNOT BE COMPUTED UNTIL VEHICLE IS CLAIMED. THE STORAGE CHARGE WILL ACCRUE DAILY UNTIL VEHICLE IS RELEASED"		
<input type="checkbox"/> The first date for which a storage fee is assessed		
<input type="checkbox"/> The date vehicle was accepted for storage and from where, when & by whom the vehicle was towed		
<input type="checkbox"/> The date the vehicle will be transferred including the address of the lot it will be transferred to if it remains unclaimed. (if applicable)		
<input type="checkbox"/> A notice of the owner's rights under Occupations Code, Chapter 2308 to challenge the legality of the tow.		
<input type="checkbox"/> The name, mailing address and toll-free phone number of the Department for purposes of directing questions or complaints.		

DOCUMENT REVIEW – 10 DAY NOTICE OF ABANDONMENT	RULE	COMMENTS
NOTICE OF ABANDONMENT TO LAW ENFORCEMENT		
<input type="checkbox"/> Law enforcement abandonment reporting will be required if the law enforcement agency requires it	85.704(a)	
<input type="checkbox"/> Must be sent if vehicle remains unclaimed 10 days after the date the first notice was mailed or published.	2303.154(a)	
<input type="checkbox"/> The VSF must send a \$10 fee along with the notice.	2303.1545(b)(2)	

DOCUMENT REVIEW – SECOND NOTIFICATION LETTER/CONSENT TO SALE	RULE	COMMENTS
SECOND NOTIFICATION LETTER/CONSENT TO SALE		
<input type="checkbox"/> Must be sent <u>unless the vehicle is an Abandoned Nuisance Vehicle</u> (10 model years or older, only suitable for demolishing, dismantling or disposal) <u>or</u> the vehicle was claimed by the Law Enforcement Agency in response to the 10 Notice of Abandonment above.		
<input type="checkbox"/> All mail notifications must be correctly addressed, mailed w/sufficient postage; and sent by certified mail, return receipt request, registered, or electronic certified mail	85.703(i)	
<input type="checkbox"/> Must be sent no sooner than the 15 th date after the date the First Notice was mailed, and no later than the 21 st day	85.704(b)	
<input type="checkbox"/> Must contain all information included in Section 2303.153(a) "First Notice"	2303.154(b)(1)	

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	<ul style="list-style-type: none"> <input type="checkbox"/> Must also contain a statement that the failure of the owner or lienholder to claim the vehicle & personal property before the 30th day after the date the notice is provided: <ul style="list-style-type: none"> o A waiver by that person of all right, title, or interest in the vehicle and personal property; and o a consent to the sale of the vehicle at a public sale <input type="checkbox"/> If the VSF sends a 2nd notice after the 21st day on which the first notice was mailed or published, it may not charge a daily storage fee authorized under §85.722(d) until 24 hours after the second notice is mailed or Published 	<p>85.704(d)</p> <p>85.704(c)</p>	
DOCUMENT REVIEW – NOTICE BY PUBLICATION		RULE	COMMENTS
	<p>NOTICE BY PUBLICATION - PROCEDURES</p> <ul style="list-style-type: none"> <input type="checkbox"/> Published in a newspaper in the county where the vehicle is stored <input type="checkbox"/> Must follow the same timelines as the mailed notice <input type="checkbox"/> For vehicles registered in another state; <input type="checkbox"/> The VSF submits a written request to the governmental agency in the state the vehicle is registered requesting information related to the identity of the registered owner and any lienholder (Must be sent certified mail with return receipt); <input type="checkbox"/> The written request can also be done electronically, through the governmental entity’s secure access portal <input type="checkbox"/> The identity of the registered owner cannot be determined; <input type="checkbox"/> The registration does not contain an address of the registered owner; <u>OR</u> <input type="checkbox"/> The VSF cannot reasonably determine the identity and address of each lienholder 	<p>2303.152</p>	
	<p>NOTICE BY PUBLICATION – TECHNICAL REQUIREMENTS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Contains the Name, Street Address, Telephone Number, VSF License Number & the Department’s Internet Address <input type="checkbox"/> Contains a description of the Vehicle <input type="checkbox"/> Contains the total amount of charges assessed against the Vehicle <input type="checkbox"/> Can contain more than one towed vehicle 	<p>85.703(i)(2)</p>	
	<p>NOTICE BY PUBLICATION – SECOND NOTIFICATION REQUIREMENTS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Must contain all information contained in the first notice by publication, and; <input type="checkbox"/> A statement that the failure of the owner or lienholder to claim the vehicle before the 30th day after the notice is sent is: <ul style="list-style-type: none"> o a waiver of all right, title, and interest in the vehicle and personal property; and o a consent to the sale of the vehicle at a public sale. 	<p>2303.154(b)(1)</p>	

EMPLOYEE LICENSING		RULE	COMMENTS
	<p>An individual may not work at a VSF unless the individual holds a</p> <ul style="list-style-type: none"> o VSF Employee License o Tow Operator License (CT, PP, IM) <p><input type="checkbox"/> A VSF may not employ a person to work at the VSF unless the person holds a license issued under this chapter or under Chapter 86.</p> <p><input type="checkbox"/> Owner/Sole Proprietor must be licensed under this chapter or under Chapter 86</p>	<p>85.204(b)</p> <p>85.204(c)</p> <p>85.204(d)</p>	
FAILURE OF AN EMPLOYEE TO SUBMIT CHANGE OF ADDRESS WITHIN 30 DAYS		85.702(b)	
ALL EMPLOYEES HAVE REQUIRED DRUG TEST			
	<ul style="list-style-type: none"> <input type="checkbox"/> Pre-Employment <input type="checkbox"/> Annual – <input type="checkbox"/> Random (25%) 	<p>85.725(a)(6)(A)</p> <p>85.725(a)(6)(B)</p> <p>85.725(a)(6)(C)</p>	
	<p>IF AN EMPLOYEE TESTS POSITIVE</p> <ul style="list-style-type: none"> <input type="checkbox"/> Pre-Employment the applicant must be denied employment <input type="checkbox"/> Post-Employment the applicant must stand down from VSF duties until a clean follow up test is obtained <input type="checkbox"/> Post-Employment the VSF shall notify the Department of any confirmed positive within 3 days 	<p>85.725(a)(11)(A)</p> <p>85.725(a)(11)(B)</p> <p>85.725(a)(8)(E)</p>	

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COMPANY ADMINISTRATIVE REQUIREMENTS	RULE	COMMENTS
FAILURE OF A VSF TO NOTIFY THE DEPARTMENT PRIOR TO: <input type="checkbox"/> Change of business name no later than the effective date of change <input type="checkbox"/> Change of mailing or physical address no later than the effective date of change <input type="checkbox"/> Change in facility storage capacity no later than the effective date of change <input type="checkbox"/> Change of drug testing policy	85.702(a)(1) 85.702(a)(2) 85.702(a)(3) 85.702(a)(4)	
ADEQUATE INSURANCE FOR NUMBER OF VEHICLES BEING STORED <input type="checkbox"/> 50 or less - \$9,000 per claim <input type="checkbox"/> 51-99 - \$18,000 per claim <input type="checkbox"/> 100 + - \$25,000 per claim	85.400(d)(1)	
HONESTY, TRUSTWORTHINESS AND INTEGRITY ANY PERSON LICENSED UNDER THIS CHAPTER MUST CONDUCT VEHICLE STORAGE FACILITY OPERATIONS WITH HONESTY, TRUSTWORTHINESS AND INTEGRITY	85.726	
RIGHTS OF OWNERS OR THEIR AUTHORIZED REPRESENTATIVES <input type="checkbox"/> When releasing vehicles, the VSF shall comply with all provisions of 2308, Subchapter J, by providing the name, address, and phone no. of: <input type="checkbox"/> each justice court in the county from which the vehicle was towed, or website http://card.txcourts.gov/DirectorySearch.aspx <input type="checkbox"/> the name, address and telephone number of the person or law enforcement agency that authorized the tow	85.710(a)(1)(A) 85.710(a)(1)(B)	
MUST COOPERATE WITH THE INSPECTOR THE VSF OWNER, MANAGER OR REPRESENTATIVE MUST COOPERATE WITH THE INSPECTOR	85.450(d)	

VIOLATIONS FIXED ON-SITE	RULE

Additional Notes:	

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