



**TEXAS DEPARTMENT OF LICENSING AND REGULATION
VEHICLE STORAGE FACILITY VIOLATION REPORT / CHECKLIST**

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| Business Name: _____ Address: _____ Owner/Officer: _____ VSF License No.: _____ Active ___ Inactive ___ | Investigation Date: _____ Investigation No.: _____ Recheck Notice No.: _____ Investigator: _____ Number _____ |
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= DENOTES CHECKED

= DENOTES VIOLATION

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| | | 2303.1015 License Required A person may not work at a vehicle storage facility unless the person holds a license issued under this chapter. |
| | | 2303.160 (a) Drug Testing Policy License holders shall establish a drug testing policy or adopt the TDLR model drug policy. |
| | | 85.200 operating a vehicle storage facility without a current vehicle storage facility license issued by the Texas Department of Licensing and Regulation |
| | | 85.700 failed to provide proof that a particular vehicle was stored with the vehicle owner's consent. |

Issuance and Renewal of License.

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| | | 85.702 (a) (b) failed to notify the Department prior to changing a VSF's name and address. |
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Insurance Requirements.

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| | | 85.400 (a) failed to file a certificate of insurance evidencing the required garage keeper's legal liability insurance. Garage Keeper's Legal Liability: \$9,000 csl _____ \$18,000 csl _____ \$25,000 csl _____ |
| | | 85.400 (b) failed to file the required garage keepers liability insurance limits based on the size of the storage facility. Garage Keeper's Legal Liability: \$9,000 csl _____ \$18,000 csl _____ \$25,000 csl _____ |

Notifications Regarding Towed Vehicles.

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| | | 85.703 (b) fail to issue notification to a vehicle's current registered owners and all recorded lien holders by certified, electronic certified or registered mail within five days, but in no event sooner than within 24 hours of receipt of the vehicle. |
| | | 85.703 (b) (2) failed to issue notification to a vehicle's current registered owner and all recorded lien holders by certified, electronic certified or registered mail within fourteen days of receipt of a stored vehicle not registered in Texas. |
| | | 85.703 (g) failed to issue notice by publication in a newspaper of general circulation in the county in which the vehicle is stored within fourteen days of receipt of the vehicle not registered in Texas when the identity of the last-known registered owner cannot be determined. |
| | | 85.703 failing to send a notification letter containing the correct address with sufficient postage to the current registered owner. |



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| | | <p>85.703(i) (1) failed to provide all required information on notification letter:</p> <p>(A) 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;</p> <p>(B) the daily storage rate, the type and amount of all charges assessed, and the statement, "Total storage charges cannot be computed until vehicle is claimed. The storage charge will accrue daily until vehicle is released."</p> <p>(C) the date the vehicle will be transferred from the VSF and the address to which the vehicle will be transferred;</p> <p>(D) the date the vehicle was accepted for storage and from where, when, and by whom the vehicle was towed;</p> <p>(E) the VSF number preceded by the words "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TxDOT VSF Lic. No.";</p> <p>(F) a notice of the towed vehicle owner's rights under Occupations Code Title 14, Chapter 2303, to challenge the legality of the tow involved; and</p> <p>(G) the name mailing address, and toll-free telephone number of the Texas Department of Licensing and Regulation for purposes of directing questions or complaints.</p> |
| | | <p>85.703 (i) (2) failed to provide all information on published notification:</p> <p>(A) the full name, street address, telephone number, and vehicle storage facility license number of the vehicle storage facility;</p> <p>(B) a description of the vehicle; and</p> |
| | | <p>85.705 failed to report a non-consent towed vehicle from private property to the local law enforcement agency for the area from which the vehicle was towed within two hours of receiving the vehicle at a vehicle storage facility; and by failing to specifically indicate to whom the stated information was reported and in what manner, as well as the time and date of the report.</p> |

Documentation and Records

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| | | <p>85.706 (a) failed to maintain written documentation regarding the VSF operation for a period of two years. Written documentation shall be in the form of:</p> <p>(1) motor vehicle registration checks;</p> <p>(2) notification letters;</p> <p>(3) certified postal return receipts;</p> <p>(4) tow tickets or wrecker slips (if applicable);</p> <p>(5) bills for service;</p> <p>(6) auction receipts;</p> <p>(7) inventory (if applicable);</p> <p>(8) certificates of authority to demolish; and</p> <p>(9) any authorized document used to release a vehicle (title, affidavit of right of possession and control, court order, etc.).</p> |
| | | <p>85.706 (b) failed to keep written records on each vehicle kept or stored at the VSF. These records shall contain:</p> <p>(1) the year, make, model, color, correct license plate number, state issuing the license, and correct vehicle identification number of the vehicle;</p> <p>(2) the date, time and location from which the vehicle was towed, and name of person who authorized the tow;</p> <p>(3) the name of the tow truck driver, 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;</p> <p>(4) the date the vehicle was released, the name of the individual to whom the vehicle was released, and the type of identification (Texas drivers license or other state or federally issued photo identification) and identification number provided by the individual to whom the vehicle was released;</p> <p>(5) the date of any vehicle transfer, and the address of the location to which it was transferred along with the name of the towing company and tow truck driver who made the transfer;</p> <p>(6) 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 police 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</p> <p>(7) all amounts received at the time the vehicle was released, including the specific nature of each charge..</p> |
| | | <p>85.706 (c) failed to ensure that non-consent tow tickets and wrecker slips contain the registered name and certificate number of the tow truck company on file with the department.</p> |
| | | <p>85.706 (i) failing to make all required documentation available by the licensee, the licensee's agent, or the licensee's employee for inspection and copying upon request by department personnel.</p> |



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| | | 85.706 (f) failed to maintain all required records under the care and custody of the licensee for at least two years from the date the vehicle was received. Remarks: |
| Notice of Complaint Procedure. | | |
| | | 85.707 failing to notify consumers and service recipients of the name, mailing address, and telephone number of the department for purposes of directing complaints regarding vehicle storage to the department. The notification shall be included on: (1) a sign prominently displayed 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. |
| Rights of Owners or Authorized Representative. | | |
| | | 85.708 (a) failing to allow a person claiming to be the owner of a vehicle stored or parked at the facility to have access to the vehicle's glove compartment, console, or other interior storage area if documents necessary to establish the person's identity or ownership of the vehicle are located in the glove compartment, console, or other interior storage area. |
| | | 85.708 (b) failed to allow the vehicle owner or his authorized representative access to: (1) inspect a copy of the tow ticket or wrecker slip for the motor vehicle and not be required to pay any fees before doing so; (2) and be allowed to remove, any personal belongings in the vehicle; (3) the vehicle for the purpose of insurance and/or repair estimates during normal business hours; (4) the non-consent towing fees schedule as prescribed in §18.103, for the specific motor carrier involved in the transportation of the vehicle. |
| §18.91. Facility Requirements. | | |
| | | 85.1000 (a) (1) failed to enclose a vehicle storage facility with a fence at least six ft. high with a gate which is locked at all times when the licensee or an agent or employee is not at the storage lot. No two vehicle storage facilities may operate within the same fenced areas. |
| | | 85.1000 (a) (2) (A) failed to keep a stored vehicle inside a fenced or enclosed area at all times. |
| | | 85.1000 (a) (2) (B) failed to make reasonable efforts necessary to secure a stored vehicle to prevent theft of the vehicle or its contents, including but not limited to locking doors, closing windows and hatchbacks, and raising or covering convertible tops. |
| | | 85.1001 failed to have an all-weather surface upon all portions of the lot at all times, regardless of prevailing weather conditions and free of overgrown vegetation. |



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| | | 85.1002 by failed to maintain illumination levels adequate for nighttime release with the minimum of one lighting fixture containing at least a 250 watt element for each ¼ acre of storage area. |
| | | 85.1003 (a) failing to maintain a clearly visible and readable sign at its main entrance having letters at least 2 inches in height, with contrasting background and be visible at 10 feet. Such sign shall contain the following information: (A) the registered name of the storage lot, as it appears on the VSF license; (B) street address; (C) the telephone number for the owner to contact in order to obtain release of the vehicle; (D) the facility's hours, within one hour of which vehicles will be released to vehicle owners; and (E) the storage lot's state license number preceded by the phrase "VSF License Number." |
| | | 85.1003 (b) failed to maintain a sign setting out the per diem charge for storage and all other fees including notification and impoundment fees which may be charged by the storage lot. The sign shall include all forms of payments the VSF shall accept for any charge associated with delivery or storage of a vehicle. This sign shall be located where it is clearly visible by the vehicle owner at the place of payment and shall have letters at least 1 inch in height on contrasting background and be visible at 10 feet. |
| | | 85.1003 (c) failed to display a sign, at place of payment, that states in 1-inch letters that: "Applicable schedule of non-consent towing fees will be provided for viewing upon request by persons claiming vehicles." : |
| | | 85.1003 (b) failed to have a clearly visible sign at the place of payment with letters at least 1 inch in height on contrasting background and be visible at 10 feet describing the instruments listed in 85.710 (a) (3) (3) of this subchapter, which may be presented by the vehicle owner or his/her authorized representative to obtain possession of the vehicle; and, fails to contain the statement: "Affidavit of Right of Possession and Control Furnished Upon Request." |
| | | 85.1003 (e) by combining information regarding complaint procedures, per diem charges, or instruments for release in the facility information sign located at the main entrance. |
| | | 85.709), by permitting a tow truck not registered under Occupations Code, to enter onto the grounds of the facility. |

Technical Requirements.

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| | | 85.710 (a) (1) (A) failed to comply with all provisions of Texas Occupations Code relating to the rights of the owner of a stored vehicle, including providing the name, address, and telephone number of the towing company that towed the vehicle, the name, address, and telephone number of the VSF where the vehicle is stored, and the name, address, and telephone number of the justice court that has jurisdiction in the precinct in which the vehicle storage facility is located. |
| | | 85.710 (a) (1) (B) failed to comply with all provisions of Texas Occupations Code relating to the rights of the owner of a stored vehicle, including providing the name, address, and telephone number of the person or law enforcement agency that authorized the tow |
| | | 85.710 (g) (2) failed to provide the owner or the owner's representative with a tow ticket or wrecker slip. |
| | | 85.710 (a) (3) failed to allow the vehicle owner or his/her authorized representative to obtain possession of the vehicle at any time between the hours listed on the facility information sign upon payment of all fees due, presentation of a valid identification, and any authorized document for release (except as provided in subsection (a)(8) of this section). |



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| | 85.710 (a) (3) by releasing a stored vehicle without obtaining a copy of an authorized document to release a vehicle. |
| | 85.710 (a) (3) (G) failed to furnish a department approved Affidavit of Right of Possession and Control upon request. |
| | 85.710 (a) (7) failed to make vehicles available for release 24 hours a day within one hour's notice if the VSF accepts vehicles 24 hours a day. |
| | 85.711 failed to accept one of the following as a form of payment for charges associated with the delivery or storage of a vehicle: electronic checks; a debit card; or a credit card. |
| | 85.713(a) failed to release the vehicle to the vehicle's owner due to nonpayment by the law enforcement agency that directed the towing and storage of the vehicle for evidentiary or examination purposes. Law Enforcement Agency: _____ Contact Information: _____ Date of Hold: _____ Date of Release: _____ |
| | 85.713 (b) released a commercial motor vehicle stored at the direction of the Texas Department of Public Safety before the amount of delinquent administrative penalty assessed against the motor carrier has been paid. |
| | 85.714 failed to provide vehicle's owner or his/her authorized representative the name, address, telephone number, and insurance policy or certificate number of the insurance company that is providing required garage keeper's legal liability insurance coverage to the facility. |
| | 85.715 failed to have a publicly listed and operable telephone where the licensee can be contacted and failing to give the department written notice of the changed number prior to the date it is used. |
| | 85.716 failed to inspect and note any differences between the stored vehicle and any information previously set out on a wrecker slip or wrecker ticket, and writing over or defacing any prior writing on the slip or ticket. |
| | 85.717 allowing parts to be removed from any stored vehicle or allowing stored vehicles to be dismantled or demolished within the storage area of a licensed VSF without required certificates or documentation. |
| | 85.718 failed to obtain written consent of the vehicle's owner prior to utilizing a stored vehicle for personal or business use. |
| | 85.719 (a) failed to make reasonable efforts necessary for the storage of a vehicle, such as locking doors, rolling up windows, and closing doors, hatchbacks, or convertible tops. |
| | 85.719 (b) failed to use materials such as plastic or canvas tarpaulins to ensure the preservation of stored vehicles with broken or inoperative doors, windows, convertible tops, hatchbacks, sun roofs, trunks, or hoods. |
| | 85.719 (c) failed to conduct the following minimum requirements before assessing a fee for the impoundment of a vehicle: (1) conduct a written inventory of any unsecured personal property contained in the vehicle; (2) remove and store all unsecured personal property for which safekeeping is necessary, and specify such removal and storage on a written inventory; and (3) obtain the motor vehicle registration information for the vehicle from the department. |
| | 85.720 allowed a stored vehicle to be repaired, altered or have parts removed or replaced without the vehicle owner's or his authorized representative's consent. |



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| | | 85.721 failed obtain the vehicle owner's authorization or sending notice in accordance with §18.87, prior to moving or transferring a vehicle from a VSF within 31 days of storage. |
| | | 85.721 (3) failing to maintain a record of the ultimate disposition of the vehicle, including the date and name of the person to whom the vehicle is released or a description of the document under which the vehicle was sold or demolished. |
| | | 85.722 assessed a fee greater than \$50 for the notification required under 85.703 |
| | | 85.722 (3) assessed a notification fee when the stored vehicle has been removed before the notification is sent or has been removed within 24 hours from the time the VSF operator has received the vehicle. |
| | | 85.722 (d) assessed a storage fee of less than \$5 or more than \$20 for each day of storage of a vehicle measuring less than 25 feet in length. |
| | | 85.722 (d) assessed a storage fee of more than \$35 for each day of storage of a vehicle measuring that exceeds 25 feet in length. |
| | | 85.722 (d) (1) assessed a storage fee for more than one day of storage when a stored vehicle was stored for less than 12 hours. |
| | | 85.722 (d) (2) assessed a charge for more than five days for a vehicle registered in this state before the date a notice is mailed or published as required by 85.703. |
| | | 85.722 (d) (3) assessed a charge for more than five days of storage for vehicles not registered in Texas before the date the request for owner information is sent to the appropriate governmental entity. Such requests shall be correctly addressed, with sufficient postage, and sent by certified mail, or electronic certified mail, return receipt requested, to the governmental entity with which the vehicle is registered requesting information relating to the identity of the last known registered owner and any lien holder of record. Remarks: |
| | | 85.722 (e) assessed an impoundment fee that exceeds \$20. |
| | | 85.722 (e) assessed an impoundment fee without first conducting the minimum impoundment requirements set out in 85.719 (c) |
| | | 85.722 (e) assessed an impoundment fee without specifying on the written bill for service the exact services performed and the dates such services were performed. Remarks: |
| | | 85.722 (f) by assessed governmental or law enforcement fees in excess of, or other than the fees authorized by a law enforcement agency, the agency's authorized agent, or a governmental entity. |
| | | 85.722 (g) assessed additional fees related to the storage of a vehicle other than fees authorized by this section or a non-consent towing fee posted on a non-consent towing fees schedule on file with the department and posted at the vehicle storage facility. |
| Disposal of Certain Vehicles. | | |
| | | 85.723 (a) failed to comply with all the provisions of the Vehicle Storage Facility Act, including §§2303.151-2303.154 and 2303.157, before disposing of a stored vehicle. |
| | | 85.723 (b), failed to notify the vehicle's registered owner and all recorded lien holders of the proposed disposal of the vehicle in accordance with §§2303.151-2303.154 of the Vehicle Storage Facility Act. |



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| | | 85.724 (b) (2) (C) failed to notify law enforcement of the abandonment of the vehicle in accordance with §2303.154 of the Vehicle Storage Facility Act. |
| | | 85.723 (b) failed to maintain complete and accurate records of any vehicles disposed of under §2303.157 of the Vehicle Storage Facility Act. These records shall include: (1) a copy of the VTR-265VSF form or its successor completed by the vehicle storage facility operator and provided to the vehicle buyer; (2) copies of all notifications issued to the registered owner and all recorded lien holders, regardless of whether the notifications were mailed or published; and (3) a copy of the VTR-17-6 form or its successor submitted to the department for authority to dispose of and demolish an abandoned nuisance vehicle. |

Additional Violations

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| | | Remarks |
| | | Remarks |