

# Licensing Division

## Staff Report for Board the Towing and Storage Advisory Board August 3, 2023

### Statistics

Tow Truck	New	New % Online	Renewed	Online Renewal	Population
FY 2022	3500	98%	7658	95%	12038
FY 2023 (1 <sup>st</sup> Qtr)	804	94%	2103	93%	12092
FY 2023 (2 <sup>nd</sup> Qtr)	811	94%	2411	95%	12083
FY 2023 (3rd Qtr)	945	94%	2039	95%	12298

Tow Companies	New	New % Online	Renewed	Online Renewal	Population
FY 2022	1176	93%	6964	94%	4439
FY 2023 (1 <sup>st</sup> Qtr)	273	94%	1700	93%	4411
FY 2023 (2 <sup>nd</sup> Qtr)	257	94%	1967	95%	4390
FY 2023 (3rd Qtr)	314	94%	1886	95%	4409

### Active Tow Company and Tow Truck Population Numbers by Type of Towing

Type of Towing	Company	Tow Truck
Consent	1911	3769
Private Property	169	407
Incident Management	1973	8179
Total**	3974	12355

\*\*As of 7/18/2023

Vehicle Storage Facilities	New	New % Online	Renewed	Renewed % Online	Population
FY 2022	175	83%	3245	91%	1985
FY 2023 (1 <sup>st</sup> Qtr)	36	83%	827	90%	1983
FY 2023 (2 <sup>nd</sup> Qtr)	33	85%	834	90%	1967
FY 2023 (3 <sup>rd</sup> Qtr)	38	85%	771	90%	1979

Tow Operators	New	New % Online	Renewed	Renewed % Online	Population
FY2022	3894	98%	9396	99%	15256
FY2023 (1 <sup>st</sup> Qtr)	879	98%	2323	99%	15149
FY2022 (2 <sup>nd</sup> Qtr)	994	98%	2300	99%	15364
FY2022 (3rd Qtr)	959	98%	2073	99%	15456
FY2022 Consent	1773	99%	2505	99%	5159
FY2023 (1 <sup>st</sup> Qtr)	373	99%	626	99%	5068
FY2023 (2 <sup>nd</sup> Qtr)	477	99%	657	99%	516
FY2023 (3rd Qtr)	477	99%	593	99%	5260
FY2022 Private Property	81	97%	185	99%	318
FY2023 (1 <sup>st</sup> Qtr) Private Property	30	100%	53	100%	327
FY2023 (2 <sup>nd</sup> Qtr) Private Property	17	95%	38	97%	324
FY2023 (3rd Qtr) Private Property	21	95%	37	97%	324
FY2022 Incident Management	2040	97%	6706	99%	9779
FY2023 (1 <sup>st</sup> Qtr) Incident Management	476	98%	1644	99%	9754
FY2023 (2nd Qtr) Incident Management	500	97%	1605	99%	9871
FY2023(3rd Qtr) Incident Management	461	97%	1443	99%	9872

Vehicle Storage Facility Employees	New	New % Online	Renewed	Renewed % Online	Population
FY2022	899	99%	1668	99%	2737
FY2023 (1 <sup>st</sup> Qtr)	170	99%	378	99%	2672
FY2023 (2 <sup>nd</sup> Qtr)	207	99%	411	99%	2681
FY2023 (3 <sup>rd</sup> Qtr)	158	99%	365	99%	2603

## Current Projects

Tow and VSF Email counts

FY23	Emails
Sep	198
Oct	223
Nov	198
Dec	236
Jan	433
Feb	498
Mar	548
Apr	375
May	422
Jun	519

# EDUCATION AND EXAMINATION DIVISION

## Staff Report for Towing and Storage Advisory Board

August 3, 2023

### Statistics

#### Tow Operators Continuing Education

(As of June 30, 2023)

<b>FY 2023</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>Total</b>
Total New Course Approvals Issued	2	4	0	6	7	8	4	19	6	4	2	12	5	-	-	5	42
Total Course Count (end of month)	55	55	55	55	62	62	60	60	54	56	54	54	52	-	-	52	52
<b>FY 2022</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>Total</b>
Total New Course Approvals Issued	9	2	2	13	6	3	8	17	7	4	4	15	5	5	5	15	60
Total Course Count (end of month)	62	60	61	61	66	61	59	59	56	59	60	60	58	59	61	61	61

#### Tow IM/PP Training Program Curriculum

(As of June 30, 2023)

<b>FY 2023</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>Total</b>
Total New Curriculum Approvals Issued	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	0	0
Total Curriculum Count (end of month)	8	8	8	8	8	8	8	8	8	8	8	8	8	-	-	8	8
<b>FY 2022</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>Total</b>
Total New Curriculum Approvals Issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Curriculum Count (end of month)	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8

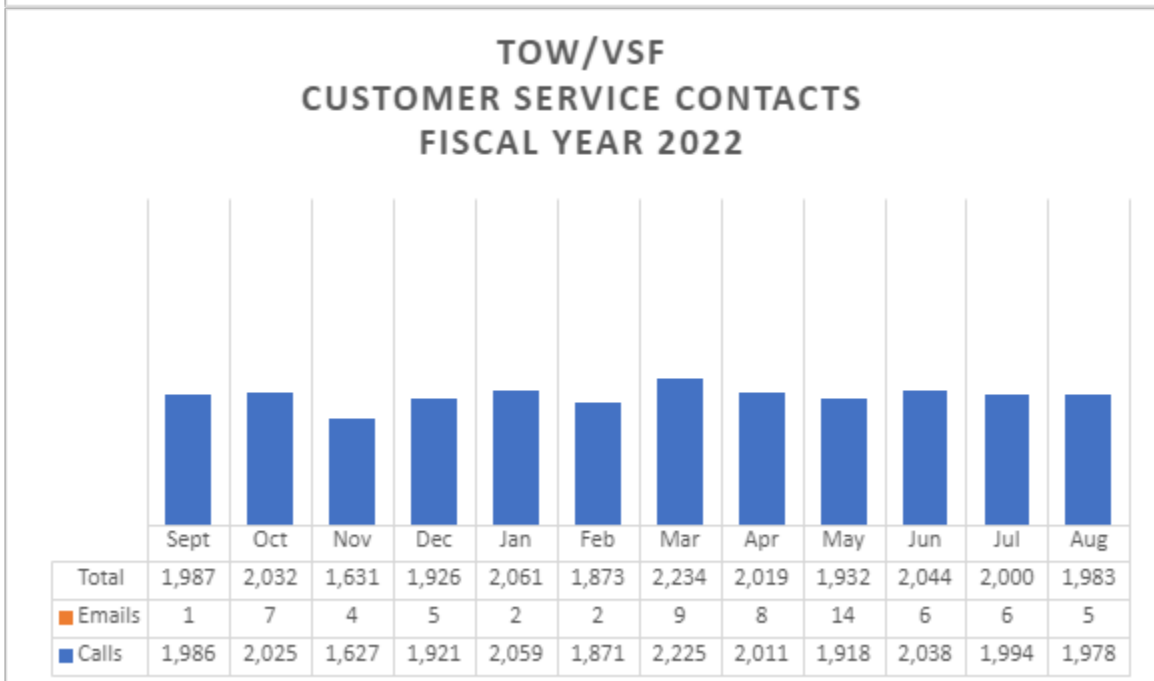
CE Monthly Invoices  
(As of June 30, 2023)

FY 2023	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	Total
CE Invoices Mailed	28	28	25	81	23	26	24	73	28	25	25	78	25			25	257
CE Invoices Fees to be Collected	\$3,955	\$4,220	\$3,780	\$11,955	\$3,850	\$4,205	\$3,840	\$11,895	\$4,160	\$3,020	\$3,825	\$11,005	\$4,040			\$4,040	\$38,895

# CUSTOMER SERVICE DIVISION

Staff Report for the Towing and Storage Advisory Board  
August 3, 2023

## Statistics



## Enforcement Division

### Staff Report for the Towing and Storage Advisory Board

August 3, 2022

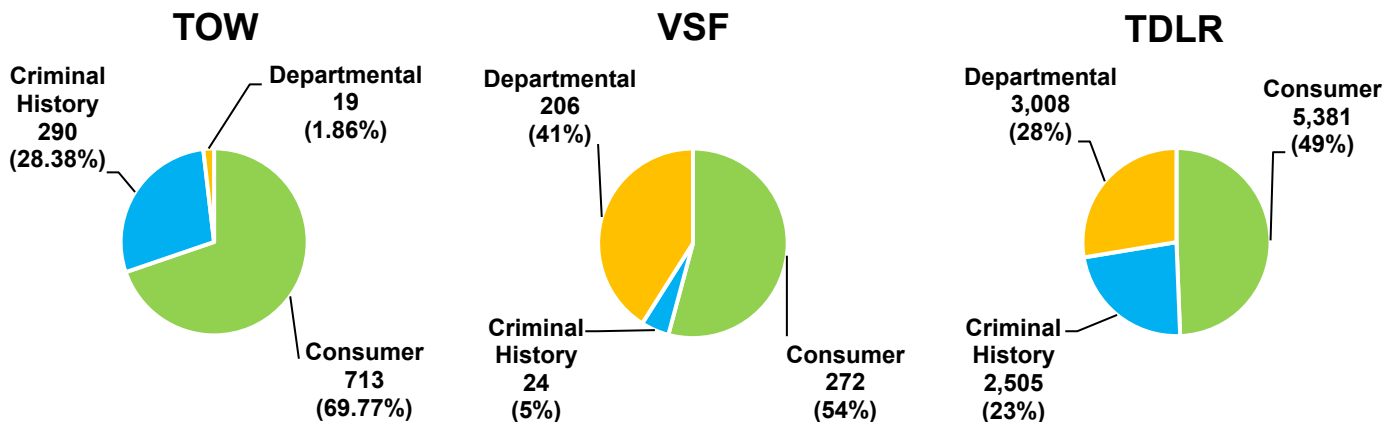
#### Statistics Fiscal Year 2022:

Shown below are the Complaints Received, Enforcement Performance Measures, and Key Statistics for the Towing (TOW) and the Vehicle Storage Facility (VSF) programs and for all TDLR programs combined through June of Fiscal Year 2023:

Complaints Received by Source	TOW	VSF	TDLR
Consumer	2,216	722	11,634
Departmental	22	194	2,961
Criminal History Records Reviewed for licensure	4,337	511	73,051
<b>Total Complaints Received</b>	<b>6,575</b>	<b>1,427</b>	<b>87,646</b>

Key Statistic	TOW	VSF	TDLR
Cases opened	1,022	502	10,894
Cases closed	946	428	9,502
Average time to close (days)	233.63	272.10	215.39
% of cases resolved within 6 months	48.41%	34.35%	55.26%
% of cases resulting in disciplinary action	6.34%	10.05%	11.80%
Cases pending at end of June 2023	841	477	7,938

#### Source of cases opened through June of Fiscal Year 2023



<b>Case Outcomes</b>	<b>TOW</b>	<b>VSF</b>	<b>TDLR</b>
Commission Orders	2	0	9
Default Orders	34	12	389
Agreed Orders	35	32	656
Penalties Assessed	\$90,625.00	\$63,400.00	\$2,309,570.00
Penalties Collected	\$34,210.00	\$45,290.00	\$1,064,476.00
Average Penalty Assessed on Orders	\$1,276.41	\$1,440.91	\$2,187.09
Licenses Revoked (Disciplinary)	2	0	51
Licenses Suspended	1	0	4
Licenses Denied/Revoked (Criminal History)	11	1	118
Cease & Desist Orders	0	0	6
Informally Resolved*	873	383	8,382

<b>*Informally Resolved break down</b>	<b>TOW</b>	<b>VSF</b>	<b>TDLR</b>
Insufficient Evidence	385	164	2,658
Percentage of cases closed for Insufficient Evidence	40.70%	38.32%	27.97%
Warning Letter	134	167	2,247
Complaint Withdrawn	24	8	125
Informally Resolved	33	15	529
OTHER (CH Evaluations, reviews Applications/Renewals, Business closed, etc.)	297	29	2,823
<b>Total</b>	<b>873</b>	<b>383</b>	<b>8,382</b>

### Top TOW Alleged Violations at Opening through June of Fiscal Year 2023

<b>Alleged Violation:</b>	<b>Count</b>
Without authority or illegal tow	395
Criminal history	290
Towed without proper signage	76
Charged more than allowed for tow	58
Lacks honesty, trustworthiness, and integrity	36
Charges not related to tow	35
No tow company license	26
Failed to have proper information on ticket	23
Did not tow in a safe or competent manner	20
Expired tow company license	20
Failed to offer to drop vehicle	20
Failed to issue ticket	20



## Top TOW Violations Resulting in Disciplinary Action through June Fiscal Year 2023

Violation:	Count
Without authority or illegal tow	17
Criminal history	10
Charged more than allowed for tow	8
Failed to cooperate with Department	7
Insurance-Failed to maintain	6
No tow company license	5
No tow operator license	4
Towed without proper signage	3
Employed unlicensed person	3
Expired tow company license	2
Lacks honesty, trustworthiness, and integrity	2
Charges not related to tow	2

## Top 10 VSF Alleged Violations at Opening through June Fiscal Year 2023

Alleged Violation:	Count
Did not establish or follow drug policy	85
Notification not correctly mailed	65
Failed to timely send or publish notice	60
Vehicle not available for release	51
Sign violations	44
Failed to release with proper documents and payment	41
Did not maintain required records for two-years	40
Failed to secure vehicle to prevent theft	33
Unlicensed company	31
Did not accept cash, debit, and credit	28

## Top 10 VSF Violations Resulting in Disciplinary Action through June Fiscal Year 2023

Violation:	Count
Failed to timely send or publish notice	11
Failed to include required information on notice	7
Did not establish or follow drug policy	7
Charged impound without services or date	6
Did not maintain required records for two years	6
Did not cooperate with Department inspection	5
Required information not on invoice or receipt	4
Failed to secure vehicle to prevent theft	4
Unlicensed company	4
Insurance violations	3

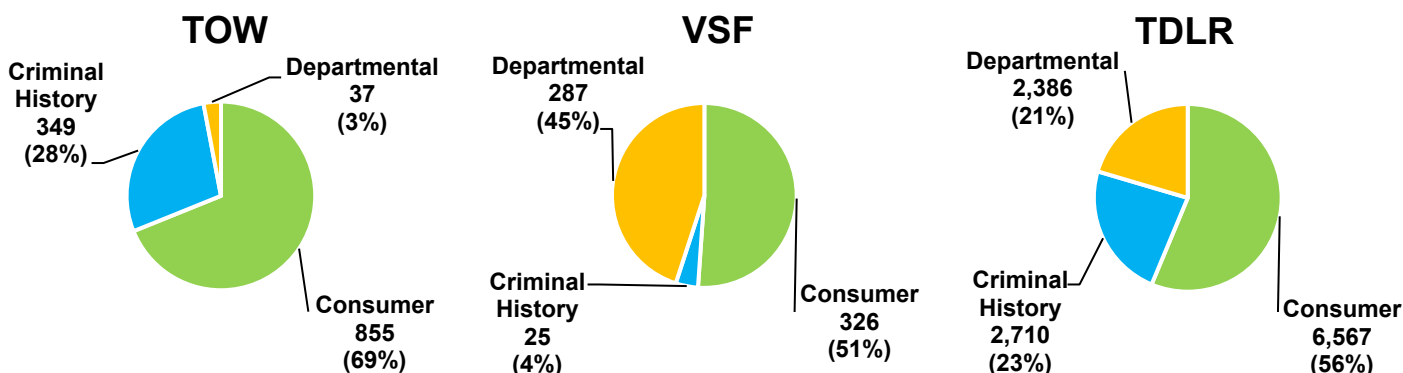
## Statistics Fiscal Year 2022:

Shown below are the Complaints Received, Enforcement Performance Measures, and Key Statistics for the Towing (TOW) and the Vehicle Storage Facility (VSF) programs and for all TDLR programs combined for **Fiscal Year 2022**:

Complaints Received by Source	TOW	VSF	TDLR
Consumer	2,765	861	14,098
Departmental	40	288	2,368
Criminal History Records Reviewed for licensure	3,949	613	48,488
<b>Total Complaints Received</b>	<b>6,754</b>	<b>1,762</b>	<b>64,954</b>

Key Statistic	TOW	VSF	TDLR
Cases opened	1,241	638	11,663
Cases closed	1,410	701	11,754
Average time to close (days)	258.65	294.71	215.79
% of cases resolved within 6 months	43.97%	37.38%	57.64%
% of cases resulting in disciplinary action	6.60%	12.70%	10.81%
Cases pending at end of FY2022	763	402	6,540

### Source of cases opened for Fiscal Year 2022



Case Outcomes	TOW	VSF	TDLR
Commission Orders	7	2	27
Default Orders	26	17	384
Agreed Orders	89	84	749
Penalties Assessed	\$121,800.00	\$116,700.00	\$2,588,310.00
Penalties Collected	\$71,200.00	\$74,167.50	\$1,322,419.50
Average Penalty Assessed on Orders	\$998.36	\$1,133.01	\$2,231.30
Licenses Revoked (Disciplinary)	2	3	50
Licenses Suspended	2	0	4
Licenses Denied/Revoked (Criminal History)	14	2	182
Cease & Desist Orders	0	1	17
Informally Resolved**	1,285	597	10,486

<b>**Informally Resolved break down</b>	<b>TOW</b>	<b>VSF</b>	<b>TDLR</b>
Insufficient Evidence	625	211	3,501
Percentage of cases closed for Insufficient Evidence	44.33%	30.10%	29.79%
Warning Letter	241	335	3,378
Complaint Withdrawn	17	8	120
Informally Resolved	32	14	470
OTHER (CH Evaluations, reviews Applications/Renewals, Business closed, etc.)	370	29	3,017
<b>**TOTAL</b>	<b>1,285</b>	<b>597</b>	<b>10,486</b>

### **Top 10 TOW Alleged Violations at Opening for Fiscal Year 2022**

<b>Alleged Violation:</b>	<b>Count</b>
Towed without authority or illegal tow	544
Criminal history	351
Tow without proper signage	87
Charged more than allowed for tow	77
No tow company license	49
Failed to have proper information on ticket	39
Lacks honesty, trustworthiness, and integrity	31
Charges not related to tow	30
Did not tow in safe or competent manner	27
Private Property-Failed to offer to drop vehicle	26

### **Top TOW Violations Resulting in Disciplinary Action for Fiscal Year 2022**

<b>Violation:</b>	<b>Count</b>
Towed without authority or illegal tow	20
Criminal history	11
Charged more than allowed for tow	11
Lacks honesty, trustworthiness, and integrity	11
Towed without proper signage	10
Failed to issue ticket	6
Failed to cooperate with Department	6
Failed to provide notice of rights	5
Failed to have each truck permitted	4
Failed to have proper information on ticket	4
Failed to have identical fee structure	4
Charges not related to tow	4
No tow company license	4

## Top 10 VSF Alleged Violations at Opening for Fiscal Year 2022

Alleged Violation:	Count
Failed to timely send or publish notice	118
Did not establish or follow drug policy	111
Did not maintain required records for 2-years	84
Vehicle not available for release	58
Failed to secure to prevent theft	57
Vehicle Storage Facility not completely enclosed by 6-foot fence	55
Charged unauthorized fee	47
Unlicensed company	44
Failed to release vehicle with proper documents and money	44
Required information not on invoice or receipt	36

## Top VSF Violations Resulting in Disciplinary Action for Fiscal Year 2022

Violation:	Count
Failed to timely send or publish notice	23
Charged impound without services or date	12
Unlicensed company	12
Did not establish or follow drug policy	8
Did not accept cash, debit, and credit	7
Did not cooperate with Department inspector	6
Failed to include required information on notice	6
Failed to release with proper documents and money	5
Failed to give notice of rights	5
Charged unauthorized fee	5
Did not maintain required records for 2-years	5

### Case Highlights:

- **A & A Wrecker and Recovery, LLC a/k/a A & A Wrecker- TOW20220002013, TOW20220003210, TOW20220004085, TOW20220004158, TOW20220006330, and TOW20220011501**

An Agreed Order assessed Respondent a \$4,000 administrative penalty and \$555 in restitution. Respondent performed nonconsent tows other than when authorized by law, failed to drop a vehicle not fully hooked up, and failed to make all records and documents available to the Department during an investigation. Respondent has complied with this Order.

- **Stoney Holmes- VSF20210012473**

An Agreed Order assessed Respondent a \$1,425 administrative penalty for charging an impound fee without the required information on the written bill of services, failing to keep required information on impounded vehicles, and failing to timely send notification letters. Respondent has complied with this Order.

# Field Inspections Division

## Staff Report for the Towing and Storage Facility Advisory Board August 3, 2023

### Statistics

The statistics below compare division performance for FY 2023 year-to-date with performance for the same time during FY 2022, September 1<sup>st</sup> – June 30<sup>th</sup>.

<b>Vehicle Storage Facility Inspections (Year to Date)</b>		
	<b>FY 2022</b>	<b>FY 2023</b>
September	177	28
October	287	44
November	151	38
<b>Quarter 1</b>	<b>615</b>	<b>110</b>
December	158	54
January	139	125
February	147	111
<b>Quarter 2</b>	<b>444</b>	<b>290</b>
March	131	124
April	65	92
May	23	65
<b>Quarter 3</b>	<b>219</b>	<b>281</b>
June	68	36
July		
August		
<b>Quarter 4</b>		
<b>Year-to-Date/Year End</b>	<b>1,346</b>	<b>717</b>

### Current Projects

As of October 1, 2022:

- all VSF inspections are now paperless and completed via eInspections; and
- the division began conducting unannounced risk-based inspections in the VSF program.

# REGULATORY PROGRAM MANAGEMENT

## Staff Report for the Towing and Storage Advisory Board

### August 3, 2023

#### **Statistics**

RPM is also continuing to monitor the web traffic to the industry compliance section of the towing and VSF website. When the pages went active in August 2019, the industry compliance section totaled around 1% of web traffic to the towing and VSF web pages. In the months since we have seen the industry compliance section climb to around 6% of traffic on the towing and VSF web pages.

#### **Current Projects**

RPM is continuing its analytic process to better monitor, review, and answer questions that come to the department, either directly or through internal channels. The program assists RPM in determining common issues as they arise to create better more specific training for the industry and internally to TDLR staff. RPM hopes the process will help us better understand the needs of the industry, and the ability to provide consistent answers to questions.

RPM is continuing to work with General Counsel and other department in the agency to implement changes to statute due to update rules to remove redundancies and for overall program improvement, including the towing and VSF forms.

#### **Outreach**

In September of 2022 RPM along with Don Vera of the enforcement division provided a training to the TxDMV enforcement division over requirements for tow trucks and VSF. The training allowed investigators to ask any questions and provided them with general information on the tow/VSF process.

In May RPM, along with General Counsel went on a VSF inspection with Ulises Ossio. The training provided an opportunity to work alongside the Field Inspection staff and answer any questions the licensee had. Additionally, in July RPM was present on a VSF virtual inspection. Inspector Heather Williams conducted the inspection, and it provided RPM a chance to see the processes of a virtual inspection.

RPM is continuing in its training efforts. The trainings take place monthly over zoom and cover updates to the laws and rules and provide a platform for the industry to ask questions. The trainings generally have around 20 members of the industry from across the state providing training to all licensees regardless of location or proximity to large metropolitan areas. RPM is also offering the training to small groups or individual companies upon request and has conducted several of these covering specific questions they have and covering the laws and rules.