



# TEXAS DEPARTMENT OF LICENSING AND REGULATION TOW TRUCK VIOLATION REPORT / CHECKLIST

Business Name: _____ Address: _____ Owner/Officer: _____ Certificate No.: _____ Active___ Inactive___	Investigation Date: _____ Investigation No.: _____ Recheck Notice No.: _____
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= DENOTES CHECKED       = DENOTES VIOLATION

### ***Tow Truck Registration / Insurance Requirements.***

		86.200, operating a tow truck without first obtaining a certificate of registration issued by the Texas Department of Licensing and Registration (TDLR) or Texas Department of Transportation TXDOT.
		86.201, performing an incident management tow with a tow truck without an incident management towing permit.
		86.202, performing an private property tow with a tow truck without a private property towing permit or an incident management towing permit.
		86.206, failing to maintain a copy of the cab card in the tow truck listed on the cab card.
		86.207, operating a tow truck to conduct towing operations without a towing operator license issued by the department.
		86.208, a tow truck operator conducting an incident management tow without an incident management towing operator license.
		86.209, a tow truck operator conducting a private property tow without a private property towing operator license or an incident management towing operator license.
		86.210, a tow truck operator conducting a consent tow without a towing operator license.
		86.212, operating a towing company without a towing company license.
		86.400(c), failure to ensure that the name and address of the license holder is the same as the name and address shown on the certificate of insurance.
		86.400(d), failure to file or maintain the minimum required liability, cargo or cargo on hook insurance on file with the Texas Department of Licensing & Regulation.

### ***Investigations and Inspections of Tow Truck Companies***

		86.450, failure to allow a department inspector access to the tow truck operator's premises to conduct an inspection or investigation or failure to cooperate with the inspector in the performance of the inspection.
		86.451, failure of the towing company owner, manager, or their representative to make available to the inspector upon request all records, notices and other documents required by Chapter 86.
		86.453, failure of the towing company to complete all corrective actions and provide written verification of the corrections within 10 days of receiving a list of required modifications from the department.

### ***Reporting Requirements***

		86.500, failure to file with the department before January 31 of each year a schedule showing each towing fee the towing company charges or collects for nonconsent towing as required by the rule.
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***Reporting Requirements Continued***

		86.500(b) and (c), failure to report new towing fees with the department before the 30 <sup>th</sup> day after a political subdivision's regulation or changes in nonconsent towing fees go into effect.
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***Storage of Towed Vehicles***

		86.700, unless the towing company agreed to take the vehicle to a location designated by the vehicle's owner, failure to tow a vehicle in a nonconsent tow to a licensed vehicle storage facility, or to a government owned storage facility if directed by law enforcement personnel.
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***Tow Truck Signage***

		86.701, failure to display on the tow truck the permit holder's name, telephone number, city and state, and the permit number for the truck in letters at least 2 inches high, contrasting with background, and permanently affixed in conspicuous places on both sides of the tow truck.
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***Change in Name, Address, Drug Testing Policy, or Ownership***

		86.702(a) failure to notify the department when there is a change in licensee or permit holder's name, or change in their physical or mailing address, no later than the effective date of the change.
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		86.702(b) failure to notify the department when there is a change in licensee's drug testing policy no later than 30 days before the effective date of the change.
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		86.703, failure to file an original application for licensure when there is a change in ownership of the company, including a corporate merger or a change in a sole proprietorship or partnership.
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***Standards of Conduct***

		86.704, charging or collecting a fee without the prior written consent of the vehicle owner or operator, unless such charges or fees are authorized by Occupations Code Chapter 2308, or 16 Administrative Code, Chapters 85 or 86.
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		86.705(a), giving, directly or indirectly, anything of value to a parking facility owner in connection with the removal of a vehicle from a parking facility.
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		86.705(b), having a direct or indirect monetary interest in a parking facility from which the towing company for compensation removes unauthorized vehicles.
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		86.705(c), failure to comply with Occupations Code, Chapter 2308.204, for a nonconsent tow from private property in an area in which no political subdivision regulates the fees that may be charged or collected for such tows.
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		86.705(d), towing a vehicle to a vehicle storage facility that is not in compliance with the required postings in Occupations Code Chapter 2308.207.
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		86.705(e), towing or removing an unauthorized vehicle without compliance with Occupations Code Chapter 2308.255.
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		86.705(f), performing a nonconsent tow from a property that was not in compliance with Occupations Code Chapter 2308.301 through 2308.305.
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		86.705(g), performing a nonconsent tow from (1) a leased right-of-way, (2) an area between a parking facility and a public right-of-way, (3) a public right-of-way, or (4) a public roadway, that was not authorized by Occupations Code 2308.351 through 2308.354.
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		86.705(h), contracting for the removal from a parking facility a vehicle that does not display an unexpired license plate or registration insignia or a valid inspection certificate, unless before the tow, the towing company receives copies of documents showing compliance with Occupations Code 2308.253(e).
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		86.705(i), charging a fee for a nonconsent tow that is greater than the fee listed in the schedule most recently filed with the department.
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***Standards of Conduct—Continued***

	86.705(j), failure to keep a record of every nonconsent tow including, but not limited to, the following information: (1) vehicle description, including license or vehicle identification number, if available; (2) the specific rule or statutory provision sanctioning the tow; (3) each fact justifying the nonconsent tow; (4) location vehicle towed from; and (5) vehicle storage location.
	86.705(k), failure of a towing operator to allow department personnel to inspect a tow truck permitted under these rules.
	86.706(a), failure to post a nonconsent towing fees schedule at all VSFs to which vehicles are delivered.
	86.706(b), posting a nonconsent towing fee schedule at a VSF that does not match the nonconsent towing fee schedule on file with the department.
	86.706(c), failure to post a nonconsent towing schedule in a conspicuous location at the VSF.
	86.708, operating or causing to be operated a tow truck that does not display current license plates that includes the words "Tow Truck."
	86.709, failure of a towing company to prepare and issue a tow ticket for each nonconsent tow that it performs.
	86.709(c), issuing a tow ticket that authorizes charges not directly related to the towing the vehicle
	86.710, failure of towing company to establish a drug testing policy or adopt the TDLR model drug policy
	86.1002, failure to maintain or to provide access to requested records and documents at either the tow truck operator's principal place of business, or a location agreed to by the department and the tow company.
	86.1002(b), failure to maintain all books and records required by the department at its principal business address for a period of at least two years.

***Tow Truck Safety Equipment and Truck Operations***

	86.1000 (a), operating a tow truck that is not equipped with each of the following: (1) At least one 10 pound or two 5 pound multiple purpose fire extinguisher, in good working condition (2) Magnetic tow lights, unless wireless, with appropriate cable and cushions to protect a vehicle's finish (3) Tow dollies as appropriate (4) Straps and tie downs as specified by the tow truck manufacturer (5) Gloves (6) Wheel chocks (7) Five gallon trash receptacle (8) Broom and shovel (9) Thirty-six inch crow bar, and (10) Triangle reflectors, flares, cones, safety lights or other appropriate safety signals.
	86.1000(b), operating a tow truck that does not have one of the following: (1) A legible manufacturer's data plate indicating the capacity of the boom, the winch or the carry mechanism; or (2) A document in the truck from the manufacturer stating the capacity of the boom, the winch or the carry mechanism.
	86.1000(c), operating a tow truck with a hydraulic line that leaks or is not in good working condition
	86.1000(d), operating a tow truck with a winch that leaks oil or exceeds the capacity of the boom
	86.1000(e), operating a tow truck with cables that are not as specified by the manufacture or not in good condition
	86.1000(f), operating a tow truck that does not have a copy of the annual Department of Transportation inspection.



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### *Towing Operator Safety Clothing and Identification*

		86.1001(b) or (c), while operating or assisting in operating a tow truck, failure of a towing operator to wear: (1) a uniform that is clearly marked with the tow company's name as it appears in the department records, (2) a reflective vest or reflective jacket that meets the ANSI/ISEA 207-2006 requirements for high visibility safety apparel, or, during daylight hours, a florescent shirt meeting the same safety requirements
		86.1001(d), while performing towing operations, failure of a towing operator to carry and openly display the appropriate TDLR issued original towing operator license.