

PERMIT NUMBER _____

**APPLICATION FOR TOW TRUCK SERVICE PERMIT
(ORDINANCE NUMBER 9858)**

NAMES OF PERMIT HOLDER: _____

TRADE NAME: _____

BUSINESS ADDRESS: _____

BUSINESS TELEPHONE NUMBER: _____

NUMBER OF TOW TRUCKS PROPOSED TO BE OPERATED:

CLASS I: _____ CLASS II: _____

NAME OF PUBLIC LIABILITY/PROPERTY DAMAGE INSURANCE CARRIER:

NOTE: Do not accept this application unless completed and with all required documents attached.

RECOMMENDATION: (APPROVED) (REJECTED) DATE: _____

COMMENTS:

APPROVED BY: _____
CITY SECRETARY

I. LIST ALL OWNERS, AND/OR CORPORATE OFFICERS:

A. NAME: _____ % OF OWNERSHIP: _____

ADDRESS: _____

HOME PHONE: _____ BUSINESS PHONE: _____

COMMENTS: _____

(Continued on next page)

The annual fee for a permit shall be seventy-five (\$75.00) dollars per PERMIT (effective October, 2002) and shall entitle the holder to operate a Tow Truck Business for the performance of nonconsent tows within the City in compliance with state law and City of Lubbock Code of Ordinances, Chapter 27, Article VI.

B. NAME: _____ % OF OWNERSHIP: _____

ADDRESS: _____

HOME PHONE: _____ BUSINESS PHONE: _____

COMMENTS: _____

C. NAME: _____ % OF OWNERSHIP: _____

ADDRESS: _____

HOME PHONE: _____ BUSINESS PHONE: _____

COMMENTS: _____

II. IS THE BUSINESS PROPERTY OWNED BY THE APPLICANT?

CIRCLE ONE: (YES) (NO)

IF NO, LIST NAME AND ADDRESS OF ACTUAL OWNER:

Name: _____

Address: _____

III. LIST YOUR CITY OF LUBBOCK TOW TRUCK BUSINESS PERMIT No.: _____

IV. LIST YOUR TEXAS VEHICLE STORAGE FACILITY LICENSE No.: _____

V. LIST THE APPROXIMATE CAPACITY OF YOUR STORAGE FACILITY WHEN VEHICLES ARE STORED A MINIMUM OF TWO (2) FEET APART ON BOTH SIDES AND/OR FRONT AND BACK: _____

V. LIST THE NUMBER OF CLASS I TOW TRUCKS YOU HAVE MAINTAINED AND ARE READY FOR USE: _____

VI. LIST THE NUMBER OF CLASS II TOW TRUCKS YOU HAVE MAINTAINED AND ARE READY FOR USE: _____

VII. LIST INFORMATION ON ALL CLASS I OR CLASS II WRECKERS OWNED BY THE BUSINESS. INCLUDE ALL WRECKERS LICENSED BY THE CITY AND/OR STATE WHETHER CURRENTLY OPERABLE OR NOT.

A. YEAR MODEL: _____ MAKE: _____ MODEL NAME: _____

LICENSE NUMBER: _____ MONTH/YEAR EXPIRES: _____

VIN NUMBER: _____ GROSS WEIGHT: _____

TEXAS TOW TRUCK ACT CERTIFICATION
NUMBER: _____ EXPIRES: _____

IF NAME ON TITLE OF THIS VEHICLE IS DIFFERENT THAN THE BUSINESS OF THE
OWNER(S), PROVIDE NAME, ADDRESS & TELEPHONE NUMBER OF TITLE OWNER:

B. YEAR MODEL: _____ MAKE: _____ MODEL NAME: _____

LICENSE NUMBER: _____ MONTH/YEAR EXPIRES: _____

VIN NUMBER: _____ GROSS WEIGHT: _____

TEXAS TOW TRUCK ACT CERTIFICATION
NUMBER: _____ EXPIRES: _____

IF NAME ON TITLE OF THIS VEHICLE IS DIFFERENT THAN THE BUSINESS OF THE
OWNER(S), PROVIDE NAME, ADDRESS & TELEPHONE NUMBER OF TITLE OWNER:

C. YEAR MODEL: _____ MAKE: _____ MODEL NAME: _____

LICENSE NUMBER: _____ MONTH/YEAR EXPIRES: _____

VIN NUMBER: _____ GROSS WEIGHT: _____

TEXAS TOW TRUCK ACT CERTIFICATION
NUMBER: _____ EXPIRES: _____

IF NAME ON TITLE OF THIS VEHICLE IS DIFFERENT THAN THE BUSINESS OF THE
OWNER(S), PROVIDE NAME, ADDRESS & TELEPHONE NUMBER OF TITLE OWNER:

D. YEAR MODEL: _____ MAKE: _____ MODEL NAME: _____

LICENSE NUMBER: _____ MONTH/YEAR EXPIRES: _____

VIN NUMBER: _____ GROSS WEIGHT: _____

TEXAS TOW TRUCK ACT CERTIFICATION
NUMBER: _____ EXPIRES: _____

IF NAME ON TITLE OF THIS VEHICLE IS DIFFERENT THAN THE BUSINESS OF THE
OWNER(S), PROVIDE NAME, ADDRESS & TELEPHONE NUMBER OF TITLE OWNER:

E. YEAR MODEL: _____ MAKE: _____ MODEL NAME: _____

LICENSE NUMBER: _____ MONTH/YEAR EXPIRES: _____

VIN NUMBER: _____ GROSS WEIGHT: _____

TEXAS TOW TRUCK ACT CERTIFICATION
NUMBER: _____ EXPIRES: _____

IF NAME ON TITLE OF THIS VEHICLE IS DIFFERENT THAN THE BUSINESS OF THE
OWNER(S), PROVIDE NAME, ADDRESS & TELEPHONE NUMBER OF TITLE OWNER:

F. YEAR MODEL: _____ MAKE: _____ MODEL NAME: _____

LICENSE NUMBER: _____ MONTH/YEAR EXPIRES: _____

VIN NUMBER: _____ GROSS WEIGHT: _____

TEXAS TOW TRUCK ACT CERTIFICATION
NUMBER: _____ EXPIRES: _____

IF NAME ON TITLE OF THIS VEHICLE IS DIFFERENT THAN THE BUSINESS OF THE
OWNER(S), PROVIDE NAME, ADDRESS & TELEPHONE NUMBER OF TITLE OWNER:

G. YEAR MODEL: _____ MAKE: _____ MODEL NAME: _____

LICENSE NUMBER: _____ MONTH/YEAR EXPIRES: _____

VIN NUMBER: _____ GROSS WEIGHT: _____

TEXAS TOW TRUCK ACT CERTIFICATION
NUMBER: _____ EXPIRES: _____

IF NAME ON TITLE OF THIS VEHICLE IS DIFFERENT THAN THE BUSINESS OF THE
OWNER(S), PROVIDE NAME, ADDRESS & TELEPHONE NUMBER OF TITLE OWNER:

H. YEAR MODEL: _____ MAKE: _____ MODEL NAME: _____

LICENSE NUMBER: _____ MONTH/YEAR EXPIRES: _____

VIN NUMBER: _____ GROSS WEIGHT: _____

TEXAS TOW TRUCK ACT CERTIFICATION
NUMBER: _____ EXPIRES: _____

IF NAME ON TITLE OF THIS VEHICLE IS DIFFERENT THAN THE BUSINESS OF THE
OWNER(S), PROVIDE NAME, ADDRESS & TELEPHONE NUMBER OF TITLE OWNER:

IX. LIST ALL EMPLOYEES, FULL OR PART TIME AND GIVE REQUESTED INFORMATION:

A. NAME: _____ POSITION: _____

DRIVER'S LICENSE NUMBER: _____

CLASS: _____ EXPIRES: _____

CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____

COMMENTS: _____

B. NAME: _____ POSITION: _____
DRIVER'S LICENSE NUMBER: _____
CLASS: _____ EXPIRES: _____
CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____
COMMENTS: _____

C. NAME: _____ POSITION: _____
DRIVER'S LICENSE NUMBER: _____
CLASS: _____ EXPIRES: _____
CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____
COMMENTS: _____

D. NAME: _____ POSITION: _____
DRIVER'S LICENSE NUMBER: _____
CLASS: _____ EXPIRES: _____
CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____
COMMENTS: _____

E. NAME: _____ POSITION: _____
DRIVER'S LICENSE NUMBER: _____
CLASS: _____ EXPIRES: _____
CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____
COMMENTS: _____

F. NAME: _____ POSITION: _____
DRIVER'S LICENSE NUMBER: _____

CLASS: _____ EXPIRES: _____
CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____
COMMENTS: _____

G. NAME: _____ POSITION: _____
DRIVER'S LICENSE NUMBER: _____
CLASS: _____ EXPIRES: _____
CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____
COMMENTS: _____

H. NAME: _____ POSITION: _____
DRIVER'S LICENSE NUMBER: _____
CLASS: _____ EXPIRES: _____
CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____
COMMENTS: _____

I. NAME: _____ POSITION: _____
DRIVER'S LICENSE NUMBER: _____
CLASS: _____ EXPIRES: _____
CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____
COMMENTS: _____

J. NAME: _____ POSITION: _____
DRIVER'S LICENSE NUMBER: _____
CLASS: _____ EXPIRES: _____
CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____
COMMENTS: _____

K. NAME: _____ POSITION: _____

DRIVER'S LICENSE NUMBER: _____

CLASS: _____ EXPIRES: _____

CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____

COMMENTS: _____

L. NAME: _____ POSITION: _____

DRIVER'S LICENSE NUMBER: _____

CLASS: _____ EXPIRES: _____

CIRCLE ONE: (FULL TIME) (PART TIME) DATE HIRED: _____

COMMENTS: _____

HAVE THE CURRENT COPIES OF THE FOLLOWING DOCUMENTS BEEN ATTACHED TO THIS APPLICATION? (NOTE: APPLICATION WILL NOT BE ACCEPTED WITHOUT ALL DOCUMENTS)

- _____ 1. THE TEXAS VEHICLE STORAGE FACILITY LICENSE
- _____ 2. THE TEXAS TOW TRUCK ACT CERTIFICATION FOR EACH TOW TRUCK OPERATED BY THE BUSINESS.
- _____ 3. PAPERS OF INCORPORATION OR, IF UNINCORPORATED, THE ASSUMED NAME CERTIFICATE ON FILE WITH THE COUNTY CLERK

I, _____, PERMIT HOLDER/OWNER OF _____
HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE READ AND UNDERSTAND ALL NECESSARY REQUIREMENTS IN THIS APPLICATION.

APPLICANT

STATE OF TEXAS
COUNTY OF _____

SWORN TO and Subscribed before me by _____ on the _____ day
of _____, 20 _____. (name of applicant)

(seal)

Notary Public Signature

ARTICLE VI.

TOW TRUCK SERVICES*

* Editors Note: Ord. No. 9858, § 1, adopted Nov. 16, 1995, repealed §§ 27-181, 27-184--27-190, 27-196--27-204, and enacted new §§ 27-181--27-192 to read as herein set out. Prior to repeal, such former sections pertained to similar subject matter as derived from Ord. No. 8203, § 1, adopted July 23, 1981; Ord. No. 8238, §§ 1, 3, adopted Sept. 10, 1981; Ord. No. 9145, §§ 1, 3--17, adopted Nov. 19, 1987; and Ord. No. 9376, §§ 1--3, adopted Sept. 27, 1990.

Sec. 27-181. Definitions.

For the purpose of this article, the following terms shall have the meaning hereinafter ascribed to them:

Chief of police: The chief of police of the City of Lubbock, Texas, or a person designated by him to act in his stead for the purpose of this article.

City secretary: The city secretary of the City of Lubbock, Texas, or her designated representative.

Class I tow truck: A tow truck with a gross vehicle weight of at least seven thousand five hundred (7,500) pounds and less than twenty-six thousand (26,000) pounds.

Class II tow truck: A tow truck with a gross vehicle weight of at least twenty-six thousand (26,000) pounds, which shall be used exclusively to tow vehicles with a gross weight of more than ten thousand (10,000) pounds.

Consent tow: Any tow initiated by the owner, operator or other person in possession, custody or control of a motor vehicle, but which does not include tows initiated as a result of an accident or collision on a public highway, street or alley where a law enforcement officer has been dispatched to the scene.

Motor vehicle or vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley, but not including devices moved solely by human power, or used exclusively upon stationary tracks or rails. The term includes, but shall not be limited to, an operable or inoperable automobile, truck, motorcycle, recreational vehicle and trailer.

Nonconsent tow: Any tow of a motor vehicle which is not a consent tow.

Owner: Any person who holds the legal title to a motor vehicle or who has the legal right to possession thereof.

Person: Any individual, corporation, partnership, joint venture or association. This does not include a governmental entity.

Police department: The police department of the City of Lubbock, Texas.

Rotation lists: Lists prepared by the police department in accordance with the provisions of this article of tow truck businesses which have requested and qualified for placement upon such lists.

Tow truck: A motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle.

Tow truck business: The business of performing nonconsent tows of motor vehicles within the incorporated limits of the City of Lubbock, Texas.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-182. Selection of a tow truck for nonconsent tows.

- (a) The city may contract with one or more tow truck businesses to perform nonconsent tows on behalf of the police department. Such contracts shall be awarded on the basis of competitive bids or competitive proposals.
- (b) The police department shall establish and maintain a list of tow truck businesses that have a valid permit to perform nonconsent tows. The department may also establish and maintain Class I and Class II tow truck rotation lists.
- (c) The police department is hereby authorized to establish rules and regulations for implementation, operation and maintenance of the lists described in subsection (b) above. A copy of the rules and regulations shall be signed by the chief of police and filed with the city secretary.
- (d) Subject to subsection (e) of this section, any owner whose motor vehicle is subject to a nonconsent tow deemed necessary by a law enforcement officer may designate a tow truck business to perform the tow if he is able to do so, provided such business has a valid permit therefor and is otherwise qualified to perform nonconsent tows under state law and this article. To assist the owner in the selection of a tow truck business, the officer may present the owner with the list maintained by the department of tow truck businesses qualified to perform nonconsent tows and may also publish or advise the owner of the rates which such businesses have indicated to the city secretary that they intend to charge for a nonconsent tow and storage of the vehicle. A tow truck business which requests placement on the list shall provide such information in writing to the city secretary with its permit application and update the information in writing whenever the company adjusts its rates. If the owner is not able or does not wish to designate a tow truck business, the law enforcement officer may require a tow truck business with whom the city has contracted or a person on a rotation list to perform the tow. However, in no event will the city secretary or the police department establish or attempt to regulate the rates which may be charged by a tow truck business other than a business with whom the city has contracted under subsection (a) of this section to perform nonconsent tows.
- (e) Notwithstanding any other provision of this article, a law enforcement officer may require any motor vehicle and debris to be removed from a public right-of-way or other location at the owner's expense by any practical means where the officer, in the course of his duty, reasonably deems the motor vehicle or debris to constitute a traffic hazard or otherwise jeopardizes the public safety.

(Ord. No. 9858, § 1, 11-16-95; Ord. No. 2001-O0045, § 1, 6-26-01)

Sec. 27-183. Driving a tow truck to the scene of an accident or collision.

In order to maintain control over public streets within the incorporated limits of the city, prevent traffic congestion, and ensure the safety and welfare of citizens who reside therein, no person shall drive, or cause to be driven, a tow truck to the scene of an accident or collision on a public street in the city unless such person has been called to the scene by the police department or by a party involved in an accident or collision; provided, however, that when a tow truck is involved in an accident or collision, it shall not be a violation of this section.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-184. Interception of police calls.

No person for purposes of facilitating a violation of this article or of any other law or ordinance shall intercept any message emanating on police department radio frequencies, nor shall the contents of any such intercepted message be divulged to another for purposes of facilitating a violation of this article or any other law or ordinance.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-185. Tows from parking facilities.

All tows from parking facilities shall be in accordance with the requirements of Vernon's Ann. Civ. St., Art. 6701g-2, which act is hereby incorporated in its entirety into and made a part of this article for all purposes.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-186. Duties of tow truck operators.

All tow truck operators within the city shall provide safe and efficient tow truck services, which include, but are not limited to, the following specific duties:

- (1) All tow truck operators responding to a call to the scene of an accident or collision for a nonconsent tow shall take direction from the law enforcement officer in charge of investigating the accident or collision.
- (2) Any tow truck operator towing a vehicle from the scene of an accident or collision within the city shall remove all debris of the accident or collision from the public right-of-way. This duty specifically includes the removal of broken glass and metal fragments and the spilled load of any vehicle. Such debris shall be disposed of in a manner which will keep it out of gutters, storm sewers, streams, public rights-of-way, and property not owned by the tow truck operator.
- (3) No tow truck operator shall store any vehicle or tow truck on public streets or public rights-of-way in the city.
- (4) Tow truck operators shall use reasonable care in towing and in the storage of vehicles so as to minimize any possibility of further damage or theft.
- (5) Tow truck operators shall comply with all federal and state laws, all rules and regulations promulgated pursuant to federal and state laws, and all city ordinances, including zoning, health, and fire prevention ordinances.

(6) All vehicles towed as a result of nonconsent tows shall be taken to a licensed storage facility within the city limits for storage.

(7) All tow truck operators shall inform the police department of all nonconsent tows within thirty (30) minutes of the completion of such tows. The information shall include the vehicle identification number, license plate number, a brief description of the vehicle, the location where the vehicle was picked up, and the location where the vehicle is being stored.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-187. Permit required for nonconsent tows.

It shall be unlawful for any person to perform nonconsent tows within the city unless such person possesses a valid permit therefor in accordance with this article.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-188. Permit application and fee.

(a) Applications for permits shall be made upon forms supplied by the city secretary, shall be verified by a notary, and shall contain the following information:

- (1) The true name, the trade name, address and telephone number of the tow truck business;
- (2) The number and category of tow trucks proposed to be operated;
- (3) The names and addresses of the true owners of the tow truck business and, if the business is a corporation, the names and addresses of the corporate officers;
- (4) The true owners of the tow trucks to be used, if different from the true owners of the business;
- (5) Proof that the applicant has a current valid registration with the Texas Department of Transportation pursuant to Vernon's Ann. Civ. St., Art. 6675c.

(b) The annual fee for a permit shall be fifteen dollars (\$15.00) and shall entitle the holder to operate a tow truck business in compliance with state law and this article.

(c) The city secretary shall issue a permit to those persons complying with the requirements of this article.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-189. Suspension or revocation of a permit.

Grounds for suspension or revocation of a permit may include the following:

- (1) Failure at any time to meet any of the requirements of this article for a permit;
- (2) Operating a tow truck in such a manner as to endanger any person or property;

(3) Failure to adhere to the police department's rules and regulations promulgated pursuant to section 27-182(c) of this article.

(4) Violation of any federal or state law, or any rules or regulations promulgated pursuant to federal or state law, or any city ordinances related to the operation of a tow truck business.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-190. Suspension and revocation procedures, appeals.

Notwithstanding any provision of this article, the chief of police shall be authorized to suspend or revoke any permit for a violation of any of those items listed as grounds for suspension or revocation in section 27-189. The chief of police may immediately suspend a permit for up to fifteen (15) days if there is substantial evidence of a violation which constitutes an imminent danger to the public and the permit holder is unable or unwilling to correct the violation. Otherwise, before any permit may be suspended or revoked, the chief of police shall hold a hearing at which evidence of such violation may be presented and rebutted. A hearing may be scheduled by the chief of police after receiving a complaint charging a violation or at his discretion upon his investigation and review. Notice of the hearing, the administrative action proposed to be taken and the grounds therefor shall be given to the permit holder at least ten (10) days prior to the hearing. Mailing such notice by certified mail to the last known business address of the permit holder not less than ten (10) days prior to the hearing shall constitute adequate notice. If the chief of police suspends or revokes a permit, he shall notify the permit holder in writing of the reasons for the suspension or revocation, the effective date of the suspension or revocation, the date of reinstatement, if any, and the conditions which must be satisfied for reinstatement, and such notification shall advise the permit holder that he may appeal such decision to the permit and license appeal board in accordance with the city ordinance creating such board. Mailing such notification by certified mail to the last known business address of the permit holder within ten (10) days of the hearing shall be deemed sufficient. No person whose permit has been revoked shall be eligible to apply for a new permit for at least six (6) months from the date the revocation became effective. Prior suspensions may be considered by the chief of police in determining whether to suspend or revoke a permit.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-191. Penalties.

Any person who violates any of the provisions of this article shall, in addition to such administrative penalties that may be imposed by the chief of police of the city, the Texas Department of Transportation, or other state or federal agency, be guilty of a misdemeanor and, upon conviction, be subject to a fine not to exceed the amount provided by 1-4 of the Code of Ordinances of the city.

(Ord. No. 9858, § 1, 11-16-95)

Sec. 27-192. Complaints.

All citizen complaints involving tow truck businesses shall be submitted to the city secretary in writing and shall be signed by the complainant. The city secretary shall then notify the chief of police and the named tow truck business of the complaint.

(Ord. No. 9858, § 1, 11-16-95)