

ARTICLE 4.700 WRECKER SERVICE REGULATIONS

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Sec 4.701 Definitions

The following definitions shall apply in the interpretation and the enforcement of this article:

City. The City of Lago Vista, Texas.

Motor Vehicle. Every vehicle which is self-propelled.

Owner. Any person who holds the legal title of a motor vehicle or who has the legal right of possession thereof, or the legal rights of said vehicle.

Person. An individual person, firm, corporation, or association.

Street. Any public street, alley, public place, square, or highway within the corporate limits of the city.

Tow Truck. A motor vehicle used for the purpose of towing or removing disabled or wrecked vehicles and that has not been issued a permit pursuant to this article.

Towing Company. Any person engaged in providing towing services to the general public and who does not hold a valid permit issued pursuant to this article.

Vehicle. Every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks, and shall include trailer and semitrailers.

Wrecker. Any motor vehicle used for the purpose of towing or removing disabled or wrecked vehicles from the streets upon request of the city.

Wrecker Business. The business of towing or removing disabled or wrecked vehicles off the streets of the city upon request of the city.

Wrecker Company. Any person engaged in the wrecker business.

Wrecker Rotation List. The rotation list of companies prepared and used as provided in Section 4.712.

Wrecker Selection Form. The form for selection of wrecker companies, prepared and used as provided in Section 4.710.

Sec 4.702 Application For Permit; Fees

- (a) Every person or concern desiring to qualify to provide wrecker service to the city and to be placed on the wrecker rotation list to provide wrecker services at the request of the city shall make written application for

a permit, on a form provided for that purpose, to the chief of police. Such permit application shall list each wrecker proposed to be operated, and such application shall contain the name, address, telephone number, the number and types of wrecker equipment operated and the owner of the business. Every application when filed shall be sworn to by the applicant and accompanied by a fee as set forth in the fee schedule located in Appendix A of this code for each wrecker proposed to be operated; same to cover inspection and permit charges, and this fee shall not be returned to applicant.

(b) Every person or concern providing or desiring to provide non-consent towing services within the city shall make application in writing, on a form provided for that purpose, to the chief of police. Such application shall contain the name, address, telephone number, the number and types of wrecker equipment operated and the owner of the business. Every application when filed shall be sworn to by the applicant and accompanied by a fee as set forth in the fee schedule located in Appendix A of this code for each wrecker proposed to provide non-consent towing services within the city; provided that no additional fee or permit shall be required for wreckers permitted under the foregoing subsection (a).

Sec 4.703 Permit Requirements

The chief of police shall issue permits to for wreckers to be eligible to provide towing at the request of the city, to be placed on the wrecker rotation list; and to provide non-consent towing within the city, to all applicants complying with the provisions of this article and shall issue a permit on all wreckers of such applicants so complying. No such permit shall be issued unless:

(a) Every wrecker proposed to be used by the applicant complies with the following minimum requirements:

- (1) Each wrecker shall be not less than one (1) ton dual in size, and be equipped with booster brakes.
- (2) Each wrecker shall be equipped with a power or hand operated winch, winch line, and boom, with a factory rated lifting capacity (or city tested capacity) of not less than four tons, single line capacity.
- (3) Each wrecker shall carry as standard equipment: tow bars, safety chains, a fire extinguisher, wrecking bars, brooms, an ax, and a blue color four (4) way flashing beacon ray light on top of cab.

(b) The applicant shall procure and keep in full force and effect, a policy or policies of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the State of Texas and in the standard form approved by the Board of Insurance Commissioners of the State of Texas, with the insured provision of said policy or policies including the city as an insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker of such company and providing that the amount of recovery on each wrecker shall be in limits of not less than the following sums:

- (1) For damages arising out of bodily injury to or death of one (1) person in any one (1) accident \$20,000.00.
- (2) For damages arising out of bodily injury to or death of two (2) or more person in any one (1) accident \$40,000.00.
- (3) For injury to or destruction of property in any one (1) accident \$15,000.00.

(c) A copy of said policy of insurance, or a certificate of insurance issued by the insurer, shall be obtained and filed with the city secretary.

(d) The owner of the wrecker for which such permit or license is sought, has rendered same for ad valorem taxation, and all taxes due and owing on said vehicle have been paid to the city.

Sec 4.704 Wrecker Permits And Exceptions

(a) Additional Permits Required. In addition to a permit authorizing a person to engage in the towing of vehicles without the owner's consent, provide wrecker service for the city, or be on the city rotation list, there shall also be issued a permit for each wrecker vehicle owned by the permittee and authorized to provide such services. Each permit for a wrecker vehicle shall state that such wrecker has been inspected and approved under direction of the chief of police, and shall be affixed securely to the inside of the

windshield of the appropriate wrecker vehicle. No wrecker shall provide service to the city, in response to a request by the police department, be placed or remain on the rotation list, or tow any vehicle without the consent of the owner, unless a permit has been issued to the owner of such wrecker pursuant to this article. No permit shall be transferable, and if lost, a charge as set forth in the fee schedule located in Appendix A of this code shall be made for a duplicate. Every permit shall expire at midnight on the 31st day of December of the calendar year in which issued.

(b) Violation. No person, wrecker business, towing or wrecker company shall tow a vehicle without the owner's consent, dispatch a motor vehicle or wrecker, or respond to a city request for wrecker service, with a wrecker or motor vehicle that does not have a current and valid permit issued pursuant to this article.

(c) Exceptions. Wrecker permits shall not be required by any person, wrecker business, wrecker company, or motor vehicle used:

- (1) To tow a vehicle at the request of any owner that is not the city.
- (2) To tow a vehicle at owner's direction from any place in the city to a shop for repairs or services.
- (3) To tow any vehicle upon the request of the owner of the vehicle or person lawfully in control of such vehicle; provided the owner is not the city and the person is not exercising control over such vehicle in the course of his/her duties and employment with the city.

Sec 4.705 Revocation Of Permits

Any of the permits as defined herein may be revoked for violation of any provision of this article.

Sec 4.706 Operation Without Permit Prohibited

No person shall tow a vehicle without the consent of the owner, or operate a wrecker on the public streets of the city in response to a request for wrecker services from the city, or in response to a notice resulting from being on the rotation list, unless a valid and current inspection permit for such wrecker has been issued for such vehicle by the chief of police, and no person shall operate a wrecker on the public streets of the city for such purposes unless the permit duly issued to such wrecker is posted on the windshield of such wrecker as provided in Section 4.704.

Sec 4.707 Following Emergency Vehicles Prohibited

No person in a motor vehicle shall follow any ambulance or police car, traveling on a public street in response to the report of an automobile collision or accident, for the purpose of following such ambulance or police car to the location of the collision or accident.

Sec 4.708 Location Of Traffic Accidents

No person shall drive a wrecker, or other motor vehicle used in the business of towing motor vehicles, to the scene or situs of a traffic accident or collision on the streets of the city unless such person has been called to the scene by the police department of the city or the owner of a motor vehicle involved in the accident. Provided that when it is necessary to prevent death or bodily injury to any person involved in an accident or collision, the prohibition of this section shall be inapplicable.

Sec 4.709 Solicitations At Accident Scene

No person shall solicit business at the scene of any traffic accident or collision on a public street in a manner to disrupt, impede or otherwise interfere with the flow of traffic or the provision or conduct of police, fire, or emergency medical services. Proof of the presence of any person engaged in the towing for hire or wrecker business, or the presence of any wrecker or motor vehicle owned or operated by any person engaged in the towing for hire or wrecker business, at or near the scene or situs of a wreck, accident, or collision on any public street in the city, within one (1) hour after the happening of such wreck, accident, or collision, shall, absent such person or wrecker being called to the scene of such accident or collision by the police department or owner of a vehicle involved in the accident, be *prima facie* evidence of a solicitation in violation of this section.

Sec 4.710 Wrecker Selection Form

The chief of police shall cause of a wrecker selection form to be prepared which shall:

- (a) Contain a blank space for the owner of a disabled vehicle to designate a towing or wrecker company to remove the disabled vehicle and the place to which he desires said vehicle removed.
- (b) Contain a statement authorizing any police officer to call the designated towing or wrecker company to remove the disabled vehicle.
- (c) Contain a statement in the alternative that the owner has no preference as to a towing or wrecker company and authorizing any police officer to call the wrecker company next in line on the wrecker rotation list maintained at police headquarters, and a statement that he desires the vehicle to be removed to the place designated by him in a blank space therein.
- (d) Provide space for signature of the owner of the vehicle.

Sec 4.711 Procedures And Records

When a police officer investigating an accident determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power, or when the owner thereof is physically unable to drive such vehicle, such officer shall request the owner to designate on the form described in Section 4.710 the towing or wrecker company the owner desires to remove the vehicle. Such designation by the owner shall be indicated on said form by writing in the blank space provided, the name of the company selected, and the form when completed shall be signed by the owner. The police officer shall give a copy of the authorization thus made on the form to the owner, and the tow truck or wrecker driver, and shall retain for record the original thereof. Upon leaving duty on the same day, the police officer shall place such original in a well-bound book in the police department provided for that purpose. When the owner has designated the towing or wrecker company desired, the police officer shall communicate that fact immediately to the police department headquarters, and it shall be the duty of the officer receiving such information at headquarters to call the designated company to send a wrecker to the scene of the accident or collision; provided the wrecker business so designated has a local area telephone.

In such event, the police department will attempt to contact the designated towing or wrecker company as a courtesy. In the event the police department is unable to contact the requested company, or the company does not respond in a timely manner, and it is necessary to remove the vehicle for public safety reasons, or to protect such vehicle in the event the owner is incapacitated, or the owner of the vehicle so requests, the next wrecker service in line on the rotation list will be called to tow the vehicle to the location designated by the owner; provided that if in such event the owner does not specify a designation to which the vehicle will be removed, the vehicle may be removed to any approved storage site.

Sec 4.712 Wrecker Rotation List

- (a) In the event the owner of a vehicle involved in an accident or collision is physically unable to designate the towing company, wrecker company desired, or refuses to designate one, the investigating officer shall communicate that fact immediately to police department headquarters. The police department shall keep a master list (the "wrecker rotation list"), in alphabetical order, of all wrecker companies which:
 - (1) have been issued a permit;
 - (2) have applied to be on such list; and
 - (3) maintain twenty-four (24) hour wrecker service; and in addition to the minimum requirements for wreckers required in Section 4.703 have at least one (1) wrecker not less than one (1) ton dual in size, equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity (or city tested capacity) of not less than four (4) tons, single line capacity; and on receiving the first communication after the effective date of this article, the police officer receiving such communication at police headquarters shall call the next wrecker company in line on the list to tow the disabled vehicle and remove the same from the city streets.
- (b) On each succeeding communication of the inability or refusal of the owner to designate a towing or wrecker company, the next wrecker company on the list shall be called, and proper rotation of each such call shall be made on the master list.

Sec 4.713 Police Officer Not Permitted To Recommend Wrecker

- (a) No police officer investigating or present at the scene or site of any wreck, accident, or collision on a public street shall, directly or indirectly, either by word, gesture, sign or otherwise, recommend to any person the name of any particular person engaged in the towing or wrecker service or repair business; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a towing, wrecker or repair service.
- (b) Provided, that any police officer, in the exercise of his discretion as a police officer, may direct that any vehicle (whether towed by a company selected by the owner of the vehicle or from the wrecker rotation list) shall be taken by the driver of the tow truck or wrecker towing the vehicle directly to the city pound, or to a place approved by the chief of police and there held until properly released; and provided further that this section shall not be interpreted as preventing any police officer from making any recommendation to a member of his/her immediate family or, so long as the officer is off duty, to any other person.

Sec 4.714 Towing Charges And Storage

- (a) A wrecker owner is hereby authorized to collect the fees as set forth in the fee schedule located in Appendix A of this code for services rendered as a result of a call from the city, a call resulting from being on the wrecker rotation list, or the request of any person who is not the owner of such vehicle.
- (b) The chief of police shall inspect said storage areas and enclosures, and his approval thereof must be first obtained before same can be used for storing vehicles therein. The above fees and charges for towing services are not applicable to vehicles towed at the request of the owner of such vehicle and the fees for such owner requested services are not regulated by this article. Except for services provided pursuant to the direct request of the owner of a vehicle, it shall be unlawful for any person to charge any fee that exceeds the charges and fees permitted by this section.

Sec 4.715 Penalty

Any person, either by himself or agent, who shall do any act or thing prohibited by the terms of this article, or in anywise violate the provisions thereof shall be fined in accordance with the general penalty provision set forth in Section 1.109 of this code.

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