



Montgomery County Sheriff's Office

#1 Criminal Justice Dr. • Conroe, TX 77301

Sheriff Tommy Gage

Conroe: 936-760-5872

Chief Deputy Randy McDaniel

Houston: 281-364-4200

August 27, 2008

To: All Towing Companies and Tow Truck Operators Performing Non-Consent Towing
In Unincorporated Areas of Montgomery County

Re: Amendment to County's Current Rules and Regulations

Montgomery County's Rules and Regulations for Non-Consent Towing and Storage Services are under review, and may be revised in view of the Texas Legislature's recent enactments of HB 2094, HB 90 and SB 500 regarding towing and storage services. These Bills added Chapter 2308 to the Tx. Occupations Code, amended Chapter 2303 of that Code and amended or repealed various other sections of the Tx. Statutes: Transportation Code, Government Code, Code of Criminal Procedure and Civil Statutes. HB 2094 also transferred certain functions previously performed by the Tx. Transportation Commission or the Tx. Department of Transportation to the Tx. Department of Licensing and Regulation (TDLR). Administrative Rules were promulgated by the TDLR, codified at 16 Tx. Administrative Code Chapters 85 and 86.

Pending the County's final review of the legislative and administrative changes, the Commissioners' Court executed the attached Resolution and Order adopting the following revisions to the County's current Rules and Regulations, to be effective September 1, 2008. The Court's revisions include: (1) a prerequisite to obtaining a Tow Truck Permit from the County requiring evidence that the applicant has complied with TDLR licensing requirements for tow truck permits and towing company licenses; (2) a prerequisite to obtaining an Operator's ID Card from the County requiring evidence that the applicant has complied with TDLR licensing requirements for tow truck operators; and (3) increasing the maximum allowable rate for non-consent towing services in the unincorporated areas of the County from \$175 to \$200. These revisions will remain in effect until a final re-write of the County's Rules and Regulations are completed and adopted by Commissioners' Court.

The Resolution will be noted on my Office website. As indicated in the County's current Rules and Regulations, questions about the amended Rules may be submitted by e-mail to tow.truck@mctx.org, or by letter or telephone call to my Office.

Sincerely,

Tommy Gage, Sheriff
Attachment

A handwritten signature in black ink, appearing to read "Tommy Gage", written over a white background.

38
8-25-08

RESOLUTION AND ORDER

Whereas, on December 19, 2005, this Commissioners' Court of Montgomery County, Texas, approved and adopted the Montgomery County Rules and Regulations for Non-Consent Towing and Storage Services in the unincorporated areas of Montgomery County (County Rules), including criteria for obtaining Operator Identification Cards and Tow Truck Permits, and setting maximum allowable tow charges, which County Rules are administered by the Montgomery County Sheriff;

Whereas, on January 23, 2006, the County Rules were amended as to specified sections; and

Whereas, on this the 25th of August, 2008, at a Regular Session Meeting of the Court, a Motion was made to amend the existing County Rules, as previously amended, to include additional criteria requiring compliance with the recently enacted Texas Occupations Code Chapter 2308, which was made effective September 1, 2008, and to increase the maximum towing charge allowable, by: (i) amending the existing County Rules to include additional criteria for obtaining Tow Truck Permits and Operator Identification Cards requiring compliance with the Code and the administrative regulations promulgated by TDLR, with evidence of current, valid registration and identification as required by the TDLR; and (ii) increasing the maximum towing charge allowable for Non-Consent Tows in the unincorporated areas of Montgomery County, in recognition of additional costs to Tow Truck Operators in complying with the Code and the increased cost of fuel, to Two Hundred Dollars (\$200.00).

Said Motion being put to a vote, it passed by a vote of 4 aye votes against 0 nay votes.

Now, therefore, it is agreed and ordered that this Commissioners' Court does hereby amend, effective September 1, 2008, the existing Rules and Regulations of Montgomery County for Non-Consent Towing in Montgomery County as follows: (1) the criteria for obtaining a Tow Truck Permit shall be expanded to include a requirement that the Applicant fully comply with TX. OCC. CODE § 2308 and provide evidence of valid registration of the Tow Truck and/or Towing Company with the TDLR; (2) the criteria for obtaining an Operator's Identification Card for operation of a Tow Truck conducting Non-Consent Tows shall be expanded to include a requirement that the Applicant fully comply with TX. OCC. CODE § 2308 and provide evidence of a valid identification card issued by the TDLR and satisfaction with the criminal background check requirements of the TDLR; and (3) the maximum towing charge allowable for Non-Consent Tows in the unincorporated areas of Montgomery County under Article VIII Section C of the County's Rules shall be increased to Two Hundred Dollars (\$200.00).

Executed by this Court on the 25th of August, 2008.

Montgomery County, Texas

By: Alan B. Sadler, County Judge
Alan B. Sadler, County Judge, Montgomery County, Texas



A true copy, I hereby certify
MARK LUNBULL, County Clerk
Montgomery County, Texas
Issued 8.27.08

By: Time King

Mike Meador
Mike Meador, Commissioner Pct. 1

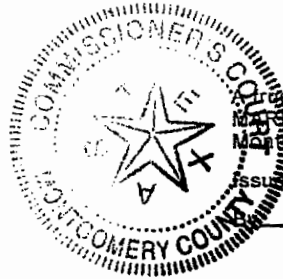
Craig Doyal
Craig Doyal, Commissioner Pct. 2

Ed Chance
Ed Chance, Commissioner Pct. 3

Ed Rinehart
Ed Rinehart, Commissioner Pct. 4

Attest: Mark Turnbull
Mark Turnbull, County Clerk

APPROVED BY: Tommy Gage
Tommy Gage, Montgomery County Sheriff



True copy, I hereby certify
Mark Turnbull, County Clerk
Montgomery County, Texas

Issued 08.27.08

Aimee Keung