



NEW TOWING RULES

State agency adopts rules to relocate vehicles from one area of parking facility to another

A VEHICLE IS parked on the curb in a fire zone or blocking the entrance. You need to have the vehicle moved, but the resident is nowhere to be found. You call your towing company, but you were hesitant because you know how mad residents get if they have to go to a storage facility halfway across town to get their car.

Wouldn't it be great if you could have the vehicle towed to another part of the lot, instead of across town?

The Texas legislature is here to help ...

In the 2017 legislative session, the Texas Towing and Booting Act was changed to allow, for the first time, the nonconsent tow of vehicles from one area of a parking lot to another.

The Texas Department of Licensing and Regulation is the state agency that establishes the rules that implement the statutory provisions. The TDLR was given direction in the new law to adopt rules to implement the towing of a vehicle from one area of a parking facility to another.

How has the law changed to authorize towing from one area of a parking facility to another?

The act previously provided that a towing company that makes a nonconsent tow was required to tow a vehicle to a vehicle storage facility that is operated by a person who holds a proper license to operate the facility. In 2017, the law was changed to also authorize a towing company to tow the vehicle to another location on the same parking facility under the direction of the parking facility owner, the parking facility authorized agent or a peace officer.

The change in the law was effective Sept. 1,

2017. However, the TDLR did not adopt the rules authorizing such a tow until January 2019. The newly adopted rules went into effect Feb. 15, 2019.

I want to take advantage of this new law so that I can tow vehicles from one side of the parking lot to another. How do I get started?

The new rules require additional signage. The rules provide that relocation from one area of a parking facility to another may occur if signs complying with the rules are installed on the parking facility at least **72 hours** preceding the relocation. Exceptions can be made in case of an emergency involving threat of imminent damage to property.

In addition to signage, although not required by the new law or the rules, it may be beneficial to adopt policies that explain to residents that you have the authority to (but don't assume obligations to) tow vehicles from one side of the property to another. It is important to note that any policies you adopt do not take the place of the required signage to authorize a legal tow.

There are some issues you will need to consider that are not addressed by the new law or rules. If vehicle owners will be expected to pay for the tow, how will you have them pay? How much will be paid? What process will you have for vehicle owners to retrieve the towed vehicle? It would be beneficial to establish towing guidelines before the first vehicle is towed.

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Where should the signs be installed?

Each sign must face and be conspicuously visible to a driver that enters the area of the parking facility from which vehicles will be relocated. Each sign must be located:

- (1) on the right or left of each driveway or curb-cut through which a vehicle can enter the area subject to relocation, including an entry from an alley abutting the facility; or
- (2) at intervals along the entrance to the area subject to relocation so that no entrance is farther than 25 feet from a sign if:

- a. curbs, access barriers, landscaping or driveways do not establish definite vehicle entrances onto the area of a parking facility subject to relocation; and
- b. the width of an entrance to an area of relocation exceeds 35 feet.

What information must be on the sign?

Each sign must contain:

- (1) a red international tow symbol on a white background;
- (2) a statement designating the areas which are temporary no parking area and stating that vehicles parked in the designated area will be relocated to another location on

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The law requires a towing company that makes a nonconsent tow to tow the vehicle to a vehicle storage facility. The **only exceptions** to this requirement is when the towing company agrees to take the vehicle to a location designated by the vehicle's owner or the vehicle is towed under the rules authorizing a towing company to tow the vehicle to another location on the same parking facility or in certain cases where the vehicle is parked at a university parking facility (which allows the tow to another location on the university campus).

the same parking facility; and

(3) the location where vehicles will be relocated, if known, or a telephone number, including area code, that is answered 24 hours a day to identify the location of a relocated vehicle.

How big should the sign be?

Each sign may be temporary and must:

- (1) be mounted on a pole, post, wall or free-standing board;
- (2) be at least 18 inches wide and 24 inches tall; and
- (3) be installed so that the bottom edge of the sign is no lower than 6 inches and no

higher than 6 feet above ground level.

Do you have to provide contact information for the tow company even if you have signs giving the same information?

Yes. The rules require that, upon request, the parking facility owner or agent must provide the contact information for the tow company responsible for the relocation.

Can a police officer direct the relocation of a vehicle without an owner complying with these rules?

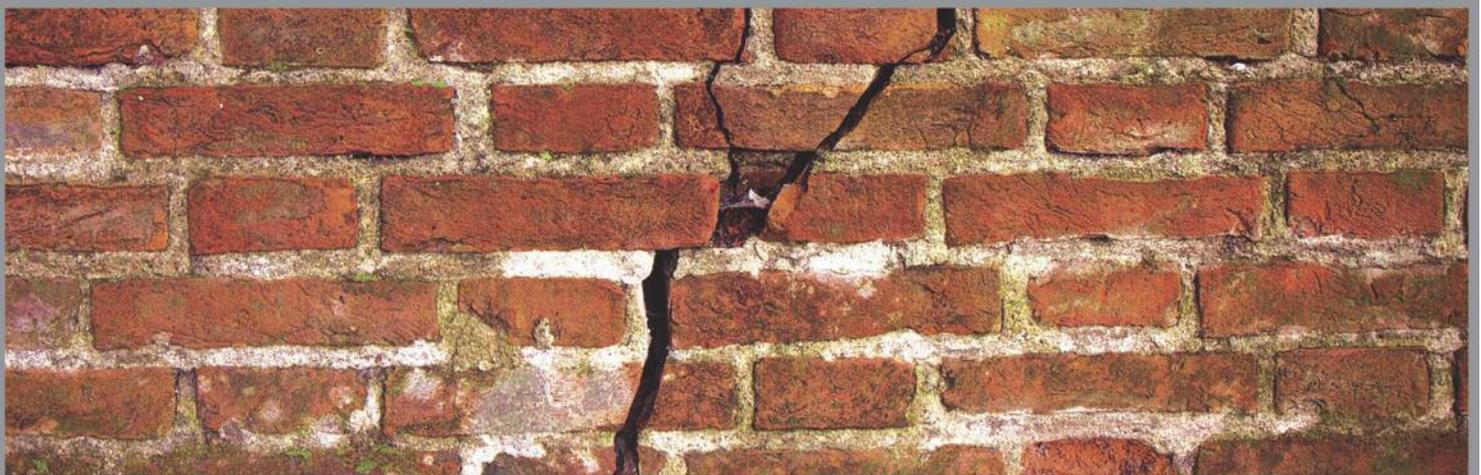
Yes. A peace officer is authorized to direct the relocation of a vehicle from one location on a parking facility to another location on the parking facility to further public safety.

Is relocation from one area of a parking lot to another permitted without the proper signage?

Not without the consent of the owner or operator of the vehicle. The law requires a

towing company that makes a nonconsent tow to tow the vehicle to a vehicle storage facility. The only exceptions to this requirement is when the towing company agrees to take the vehicle to a location designated by the vehicle's owner or the vehicle is towed under the rules authorizing a towing company to tow the vehicle to another location on the same parking facility or in certain cases where the vehicle is parked at a university parking facility (which allows the tow to another location on the university campus).

There may be benefits when you tow a vehicle from one area of the parking facility to another, the costs associated with the tow may be less expensive for residents and it may take less time for residents to retrieve vehicles. Whether you want to begin a program of towing vehicles to other locations in the parking area is up to you, but now, by posting signs that comply with the new rules, you will be able to do so. 🙌



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