

Memorandum



CITY OF DALLAS

DATE February 6, 2009

TO Members of the Transportation and Environment Committee:
Linda L. Koop (Chair), Sheffie Kadane (Vice Chair), Jerry R. Allen, Carolyn R. Davis, Vonciel Jones Hill, Angela Hunt, Pauline Medrano and Ron Natinsky

SUBJECT Nonconsent Motor Vehicle Tows – Potential Code Amendments

Attached is the “Nonconsent Motor Vehicle Tows – Potential Code Amendments” briefing that will be presented to you February 9, 2009.

Please contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'R. Miguez'.

Ramon F. Miguez, P.E.
Assistant City Manager

c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Ramon F. Miguez, P.E., Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest Turner, Interim Assistant City Manager
David Cook, Chief Financial Officer
Jeanne Chipperfield, Director, Budget and Management Services
Edward Scott, Director, Controller's Office
Helena Stevens-Thompson, Assistant to the City Manager – Council Office
Rick Galceran, P.E., Director, Public Works and Transportation

Nonconsent Motor Vehicle Tows – Potential Code Amendments

(Chapter 48A of the Dallas City Code)

Briefing to the Transportation and Environment Committee

Prepared by
Transportation Regulation Program
Public Works and Transportation
February 9, 2009





Regulated Wrecker Services

- PWT Transportation Regulation is responsible for regulating two types of wrecker services:
 - “Emergency Wreckers” that relates to the removal of wrecked, disabled and illegally parked vehicles from public streets and property (City Code - Chapter 15D)
 - “Vehicle Tow Service” that relates to the removal of vehicles from private property without the consent of the owner (City Code – Chapter 48A)
- This briefing is only related to Chapter 48A of the City Code – Vehicle Tow Service



Purpose of Briefing

- The City Attorney's Office and Public Works and Transportation have begun to discuss changes to Chapter 48A of the City Code that could strengthen our ability to effectively protect the public's interests related to vehicle tow services
- Provide overview of possible changes to obtain feedback from Committee members



Problems

- Overcharging
- Poor customer service
- Missing or invalid contracts
- Improper signage
- Pay for contract
- Nonpermitted drivers and vehicles
- Revoked company reapplies under new applicant name



Definitions

- Add or amend definitions for applicant, employee, licensee, operator, owner, and transfer of ownership or control
- Clarify the role that each individual plays in a vehicle tow service



Qualifications

- Add section to include intoxication and alcoholic beverage offenses
- Require a licensee to have all required licenses and permits from the Texas Department of Licensing and Regulation



Basis for Denial

- Provide as a ground for denial an applicant's previous experience with a company that has been revoked



Suspension of License

- Add a provision to allow for suspension of a company license for a set period of time
 - Making a false statement in an application or hearing concerning a license
 - Failing to comply with a provision of the vehicle tow chapter or a limitation of the license
 - Is not willing to operate a vehicle tow service in accordance with applicable state and federal laws
- City is not required to suspend a license before revoking the license if it is determined that revocation is required



Revocation of License

- Had a vehicle tow service license suspended on three occasions within the preceding 12 months
- Had a vehicle tow service license suspended for a deficiency that is detrimental to public safety and at least 20 days have elapsed without correction
- Operated a wrecker that was previously used by a company whose license was revoked



Appeal of Revocation

- A licensee, an employee or the owner of a wrecker cannot for two years:
 - Be an applicant for a vehicle tow service
 - Perform as an employee, representative, officer, or manager for a vehicle tow service
 - Allow a wrecker from a revoked company to be used in the City



Information to be Provided

- Licensee must provide information regarding any significant change from their application within 30 days
- Licensee must provide copies of towing rate schedules related to nonconsent tows filed with the state



Notice

- Allow notification of suspension or revocation by certified mail
- Allow notification at place of business if attempts of personal service to licensee are unsuccessful
- Require an out-of-town licensee to designate a local representative to receive notices



Next Steps

- Public Works and City Attorney's Office complete review of potential changes and draft ordinance
- Bring the completed draft ordinance back to the Transportation Environment Committee for review
- Schedule the revised ordinance for full Council consideration