

TOWING, STORAGE AND BOOTING ADVISORY BOARD
Compliance Division Staff Report
November 5, 2015

Outreach Efforts

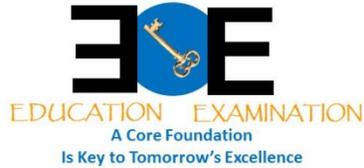
- Compliance attended the TTSA meeting on October 3rd 2015 and discussed the top 10 violations for towing and vehicles storage facilities, as well as provided an introduction of the compliance manual.
- Compliance conducted the first vehicle storage facility workshops in Richardson on October 21st and 22nd. These workshops covered and provided the compliance manual to approximately 30 VSF employees each day as well as answered any questions they had on any VSF process.
- Compliance, along with Jeff Copas, Latasha Poland, and several other representatives from TDLR, are working on the fourth issue of “The Hook-Up” to better communicate with the industry.

Internal Efforts

- Compliance has worked closely with customer service in developing a manual for the reps and a manual for the ombudsman to give them better guidance and to provide the most accurate information to calls from the industry.
- Compliance conducted two trainings with customer service reps on September 30th to reinforce the use of the manuals for the reps. These trainings will continue on a regular basis to ensure open and free communication across the divisions.
- Compliance is continuing to developing internal policies and procedures to ensure continuity with the program in the future.
- Compliance is continuing to compile all information from the task force meeting and other internal meetings to show the answers the agency has for certain situations and the reasoning behind the answer. This is going to be maintained on our internal page in hopes of having a better institutional memory going forward.

Towing and Storage Advisory Board

November 5, 2015



Growth in the Education and Examination Division:

Alice Bradford is the newest member to the Education and Examination Division. She joined our team on October 19th and will be an Accreditation & Certification Specialist. Alice brings to us 10 years of increasingly responsible experience from the Department of State Health Services (DSHS) as a team lead for the Professional Licensing & Certification Examinations. She oversaw the examination administration and development for 23 licensing programs. Alice's fundamental knowledge with the various DSHS licensing programs will position TDLR to adequately implement those programs under TDLR's umbrella.

Continuing Education Statistics

TOW - FY 2014	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	1	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0	2
Course approvals issued	3	0	1	4	2	8	3	13	2	2	4	8	4	7	0	11	36
Provider renewal registrations issued	0	1	0	1	0	2	0	2	0	0	0	0	0	0	0	0	3
Total provider population*****	21	21	20	20	21	21	21	21	397	403	404	404	398	393	393	393	393
Total course population	35	33	34	34	35	37	37	37	36	38	37	37	35	37	37	37	37

TOW - FY 2015	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Course approvals issued	3	3	0	6	2	6	4	12	2	2	2	6	10	7	1	18	42
Total course population	37	40	40	40	41	39	41	41	39	38	39	39	42	43	41	41	41
Total provider population (overall)	393	386	393	393	388	381	382	382	388	388	389	389	390	395	396	396	396

BOOT - FY 2014	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	1
Course approvals issued	0	0	0	0	1	0	0	1	1	0	0	1	0	0	0	0	2
Provider renewal registrations issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total provider population*****	2	2	2	2	3	3	3	3	397	403	404	404	398	393	393	393	393
Total course population	1	1	1	1	2	2	1	1	2	2	2	2	2	2	2	2	2

BOOT - FY 2015	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Course approvals issued	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	2
Total course population	2	2	2	2	1	1	3	3	2	2	2	2	2	2	2	2	2
Total provider population*****	393	386	393	393	388	381	382	382	388	388	389	389	390	395	396	396	396

Towing Operator Continuing Education Providers

Provider Name	Provider #	City	State	Expiration Date
AARON'S AUTOMATED CLASSROOM, LLC	1928	ABBOTT	TX	2/18/2016
ABBA TRAINING ONLINE	1298	ABBOTT	TX	2/9/2016
ALL STAR TRAINING INC	1237	ABBOTT	TX	3/6/2016
EXCLUSIVE CE	1714	AUSTIN	TX	4/9/2016
YOUNGDLANE LEARNING SOLUTIONS	1814	AUSTIN	TX	8/12/2016
COMPLETE INCIDENT RESPONSE TRAINING CIRT	1620	CONVERSE	TX	2/3/2016
NORTH TEXAS TOW TRUCK TRAINING ACADEMY	1631	DALLAS	TX	6/2/2016
AFFORDABLE R & D EDUCATION PROVIDER	1474	EL PASO	TX	2/12/2016
AMERICAN CONTINUING EDUCATION LLC	1129	FLOWER MOUND	TX	11/26/2015
HARKER HEIGHTS DRIVING SCHOOL	1667	HARKER HEIGHTS	TX	5/12/2015
TX CONTINUING EDUCATION.COM	1522	HONEY GROVE	TX	8/9/2016
T.O.W.S	1639	HOUSTON	TX	8/13/2016
TEXAS TOWING CE	1617	PFLUGERVILLE	TX	5/6/2016
T.O.A.D.	1916	PORTER	TX	10/10/2015
SOUTHWEST TOW OPERATORS	1616	RICHARDSON	TX	2/6/2016
VISTA COLLEGE	1890	RICHARDSON	TX	10/24/2015
EASYLR 24 ONLINE TRAINING SCHOOL INC	1715	SAN ANTONIO	TX	12/2/2015
TEXAS TOWING AND STORAGE ASSOCIATION	1618	SPRING	TX	1/21/2016
ELITE CME INC	1201	ORMOND BEACH	FL	2/8/2016
TECES.ORG	1301	CINCINNATI	OH	10/6/2015
@ HOME PREP - STAUTZENBERGER COLLEGE	1951	KNOXVILLE	TN	4/22/2016

Booting Operator Continuing Education Providers

Provider Name	Provider #	City	State	Expiration Date
AARON'S AUTOMATED CLASSROOM LLC	1924	ABBOTT	TX	2/18/2016
T.O.W.S	1639	HOUSTON	TX	8/13/2016
VISTA COLLEGE	1890	RICHARDSON	TX	10/24/2015

Driver Certification Programs

AAA – Texas

Southwest Tow Operators Association

Texas Towing and Storage Association

Towing and Recovery Association of America

TOWS (Training of Wrecker Services)

WreckMaster, Inc (proctored)

Towing, Storage and Booting Advisory Committee

Enforcement Division Staff Report

November 5, 2015

Case Highlights

- On September 2, an agreed order was entered against SP Plus Maintenance assessing an administrative penalty of \$13,500 for performing booting without a license on multiple occasions.
- On September 8, an agreed order was entered against Hook Em Up assessing an administrative penalty of \$1,500 for operating a tow company with an expired license.
- On September 23, an agreed order was entered against Bill McKain assessing an administrative penalty of \$1,500 for operating a tow company with an expired license.
- On September 23, a default order was entered against Robert Flugrath assessing an administrative penalty of \$3,000 for operating a tow company with an expired license.
- On September 30, an agreed order was entered against Mohamed Dini assessing an administrative penalty of \$3,950 for failing to have each truck permitted, failing to have data plates on equipment, employing an unlicensed person, and failing to establish/follow a drug policy.

Outreach

- On October 9, Investigator Ramon conducted a presentation of the Towing Laws to 20 cadets of San Antonio Police Department. Investigator covered common violations by tow companies and their drivers.

Key Statistics – Fiscal Year 2015

Shown below are key statistics for the Towing and Vehicle Storage programs and for all TDLR programs combined for Fiscal Year 2015.

<u>Statistic</u>	<u>TOW</u>	<u>VSF</u>	<u>TDLR</u>
• Number of cases opened:	1,505	620	10,460
• Number of cases resolved:	1,427	656	13,105
• Number of Agreed Orders:	123	129	2,267

• Total amount of penalties assessed:	\$348,375	\$322,925	\$4,534,675
• Total amount of penalties collected:	\$156,681	\$208,622	\$2,308,376

<u>Average Penalty</u>	<u>TOW</u>	<u>VSE</u>	<u>TDLR</u>
• Fiscal Year 2010	\$2,112.73	\$1,668.77	\$1,353.00
• Fiscal Year 2011	\$1,698.64	\$1,761.44	\$1,533.76
• Fiscal Year 2012	\$1,743.90	\$1,678.82	\$1,475.36
• Fiscal Year 2013	\$1,566.94	\$1,944.21	\$1,244.67
Licensed	\$1,346.01	\$1,704.81	
Unlicensed	\$2,324.40	\$3,408.82	
• Fiscal Year 2014	\$1,451.60	\$2,030.00	\$1,443.27
Licensed	\$1,072.40	\$1,987.90	
Unlicensed	\$3,420.21	\$2,408.93	
• Fiscal Year 2015	\$2,549.11	\$1,469.49	\$1,384.39
Licensed	\$2,512.81	\$1,410.89	
Unlicensed	\$2,780.26	\$2,075	

Top 10 Violations in Disciplinary Actions

Shown below are the ten most common violations found in disciplinary actions for the Towing and Vehicle Storage programs for Fiscal Year 2015.

TOW

Performed a tow without proper signage	29
Criminal Activity	23
No or improper signage on truck	21
Failed to comply with an order	20
Failed to have data plates on equipment	14
Didn't establish or follow drug policy	14
Charged more than allowed for a tow	13
Charges not related to tow	12
Tow in an unsafe manner	10
Towing without authority	10

VSF

Sign violations	40
No reasonable efforts to store	27
Failed to secure to prevent theft	18
Failed to have Department information where required	17
Failed to include required information on notice	17
Charged impound w/o services or date	14
Failed to timely send/publish notice	13
Charges on combo tix not separated	12
Didn't establish/follow drug policy	11
Failed maintain required records for 2 years	11

Towing, Storage and Booting Advisory Board Meeting Field Operations Division Report



The Face of TDLR

November 5, 2015

Tow Companies Most Common Violations Found During Inspections

- 1. Alcohol and Drug Testing of Towing Operators-** 14 Tex. Occupations Code Ch. 2308.158(a) and 16 Tex. Admin. Code Ch. 86.710. A towing company shall establish an alcohol and drug testing policy for towing operators.
- 2. Vehicle Signage** – 14 Tex. Occupations Code Ch. 2308.109(b) & 16 Tex. Admin. Code Ch. 86.701(b). The information required to be displayed must be printed in letters at least 2 inches high, contrasting with background, and permanently affixed in conspicuous places on both sides of the tow truck.
- 3. Vehicle Signage** – 14 Tex. Occupations Code Ch. 2308.109(a) & 16 Tex. Admin. Code Ch. 86.701(a). Failure to display on the tow truck the permit holder's name, telephone number, city and state, and the permit number for the truck.
- 4. Equipment Violations** – 16 Tex. Admin. Code Ch. 86.1000(a)(1)(2). Failure to display a legible manufacturer's data plate or manufacturer's documentation indicating the capacity of the boom, the winch, or the carry mechanism.
- 5. Unlicensed Operator Activity** - 14 Tex. Occupations Code Ch. 2308.151(1) and 16 Tex. Admin. Code Ch. 86.207(a). Performed towing operations without the appropriate license.
- 6. Tow Ticket** – 16 Tex. Admin. Code Ch. 86.709(e). Failure of a towing company to prepare and issue a tow ticket that contains the licensed name of the towing company, publicly listed telephone number, towing company certificate of registration number, and the TDLR license number of the towing operator.
- 7. Financial Responsibility** – 14 Tex. Occupations Code Ch. 2308.110(d). A permit holder shall keep evidence of insurance in a form approved by the department in the cab of each permitted tow truck.

Vehicle Storage Facilities Most Common Violations Found During Inspections

- 1. Storage Lot Signs** – 16 Tex. Admin. Code Ch. 85.1003(a). Failure to have a clearly visible and readable sign at its main entrance, containing the registered name, address, phone number for release of the vehicle, facility hours and the storage lot's state license number. Such sign shall have letters at least 2 inches in height, with contrasting background, shall be visible at 10 feet.
- 2. Storage Lot Signs** – 16 Tex. Admin. Code Ch.85.1003(d). Failure to have a sign describing the documents that may be presented by the vehicle owner or his/her authorized representative to obtain possession of the vehicle.
- 3. Required Drug Testing** – 14 Tex. Occupations Code Ch. 2303.161 & 85.725(a)(6). Failure to administer the required pre-employment, annual, and/or random drug test to employees.
- 4. Notice of Complaint Procedure** - 16 Tex. Admin. Code Ch. 86.707(a) & (b). Failure to notify the vehicle owner of the department's website and email address, mailing address, and telephone number, for purposes of directing complaints regarding the vehicle storage to the department. The notice shall be included on a sign prominently displayed to the public at the place of payment, with letters at least one inch in height, and a contrasting background; and the front page of any bill for service.
- 5. Storage Lot Signs** – 16 Tex. Admin. Code Ch. 85.1003(e). Failure to conspicuously post a sign that states: "This vehicle storage facility must accept payment by an electronic check, credit card, or debit card for any fee or charge associated with delivery or storage of a vehicle."
- 6. Storage Lot Signs** – 16 Tex. Admin. Code Ch. 85.1003(c). Failure to conspicuously place a sign, at the place of payment, stating, "Nonconsent Tow Fees Schedules available on request".
- 7. Storage lot signage-** 16 Tex. Admin. Code Ch. 85.1003(b). The sign shall include all forms of payments the VSF accepts for any charge associated with delivery or storage of a vehicle. The sign must be located so it is clearly visible to a vehicle owner at the place of payment and shall have letters at least 1 inch in height with a contrasting background.
- 8. Mailed Notifications** - 14 Tex. Occupations Code Ch. 2303.153 & 16 Tex. Admin. Code Ch. 85.703(h)(1). Failure of mailed notifications to have all required information
- 9. Notice to Vehicle Owner or Lienholder** - 14 Tex. Occupations Code Ch. 2303.151 & 16 Tex. Admin. Code Ch. 85.703(b)(1). Failure to send proper notice of the vehicle's location to the vehicle owner and lienholder by the fifth day after receipt of the vehicle, which, is registered in Texas, or by the 14th day after receipt of the vehicle, which is registered outside Texas.
- 10. Storage Lot Surface** – 16 Tex. Admin. Code Ch. 85.1001. Failure to have an all-weather surface such as concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, shell, or caliche, that enables the safe and effective movement of stored vehicles upon all portions of the lot, both under their own power and under tow, at all times, regardless of prevailing weather conditions. The surface shall also be free of overgrown vegetation.

Division Projects

New Technology – Mobi Route Optimization

- Review of the Mobi Route Optimization System
- Liaisons will meet with each region to go over items that have been resolved, problems are under review and go over any questions.

New Technology – E-Inspection

TDLR will met with Canvas to review how the transfer of inspection results from Canvas to our licensing data base could work.

State of Texas Human Trafficking Prevention Task Force

Jennifer Harless attended as the TDLR Representative and then coordinated with Michael Kelly, Tony Couvillion, Terry Westrum and Sharesa Alexander on TDLR's plan for the Human-Trafficking Initiative. She organized training for field operations on how to identify signs of human trafficking and where and how to report it.

Field Ops training schedule

11 – 16 – 15 – East Region, Houston Office
11 – 30 -15 – South Region, Austin N. Campus
12-7-15 North Region, Fort Worth Office

Relocating

Field Operations' Austin staff has moved to the North Campus, Suite 105E on 10/16/15.

Success

East Region Tow Round-Up

The East Region, led by Manager, Camtu Tran, hosted a Tow Company and Tow Truck Round-Up on September 9, 2015 in Houston. Inspectors worked a long day from 5:30am to 6:45pm.

Even working in the rain with raincoats and umbrellas, the team completed 323 inspections; 179 tow trucks and 144 tow companies.



Personnel Update

New Hires

Two field inspectors started with TDLR on 10/19/15. Sam Hernandez will work in the Waco area. Mike Hanna will work in El Paso and surrounding counties.

**Inspection Statistics Towing, Storage, and Booting
Ending FY 2015**

	Tow Truck Companies		Tow Trucks		Vehicle Storage Facilities		Booting Companies		Program Totals	
	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014
SEPT	96	130	146	162	33	74	0		275	366
OCT	113	110	136	232	54	67	2		305	409
NOV	101	86	90	109	28	31	0		219	226
QTR 1	310	326	372	503	115	172	2		799	1001
DEC	107	81	96	135	40	30	0		243	246
JAN	72	98	67	96	33	41	0		172	235
FEB	85	110	10	117	35	35	1		131	262
QTR 2	264	289	173	348	108	106	1		546	743
MAR	270	72	284	105	70	49	0		624	226
APR	201	64	221	77	77	29	0	11	499	181
MAY	271	67	353	122	54	28	0	3	678	217
QTR 3	742	203	858	304	201	106	0	14	1801	624
JUNE	142	161	170	465	52	56	2	0	364	682
JUL	54	172	63	203	15	57	0	0	132	432
AUG	82	81	79	107	44	34	0	0	205	217
QTR 4	278	414	312	110	111	147	2	0	701	1331
Year to Date/ Year End	1594	1232	1715	1925	535	531	5	14	3847	3699

**Inspection Statistics Towing, Storage, and Booting
September FY 2016**

	Tow Truck Companies		Tow Trucks		Vehicle Storage Facilities		Booting Companies		Program Totals	
	FY 2016	FY 2015	FY 2016	FY 2015	FY 2016	FY 2015	FY 2016	FY 2015	FY 2016	FY 2015
SEPT	212	96	235	146	61	33	0	0	508	275
Year to Date/ Year End	212	96	235	146	61	33	0	0	508	275

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Tow Trucks	New	New % Online	Renewed	Renewed % Online	Population
FY2010	3252	93%	7343	86%	10636
FY2011	3319	97%	7692	86%	10817
FY2012	3300	97%	7813	85%	10878
FY2013	3331	98%	7633	83%	10655
FY2014	3526	98%	7634	90%	10709
FY2015 QTR 1	906	99%	2385	91%	10791
FY2015 QTR 2	969	97%	2446	89%	10772
FY2015 QTR 3	1061	98%	1820	90%	11091
FY2015 QTR 4*	703	99%	909	85%	11261

Tow Company and Tow Truck Population Numbers by Type of Towing

Type of Towing	Company	Tow Truck
Consent	1991	3730
Private Property	135	312
Incident Management	2040	7324
Total**	4079	11366

**As of 10/15/2015

Vehicle Storage Facilities	New	New % Online	Renewed	Renewed % Online	Population
FY2010	310	80%	1695	78%	1945
FY2011	244	84%	1678	78%	1853
FY2012	308	81%	1925	78%	1851
FY2013	256	81%	2632	80%	1805
FY2014	152	88%	2706	87%	1756
FY2015	272	86%	2920	86%	1744

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Boot Companies	New	New % Online	Renewed	Renewed % Online	Population
FY2010	8	N/A	3	N/A	3
FY2011	2	N/A	2	N/A	11
FY2012	4	N/A	7	N/A	11
FY2013	6	N/A	4	N/A	13
FY2014	5	N/A	4	N/A	9
FY2015	3	N/A	7	N/A	11

Tow Operators	New	New % Online	Renewed	Renewed % Online	Population
FY2010	4555	77%	6492	98%	11818
FY2011	3971	78%	7089	98%	11708
FY2012	3567	88%	7466	99%	11590
FY2013	3830	92%	7482	99%	10905
FY2014	3765	93%	7462	93%	11812
FY2015	4148	95%	8256	99%	13345
FY2015 CT Tow	1648	98%	2184	99%	4216
FY2015 PP Tow	81	93%	177	100%	278
FY2015 IM Tow	1418	94%	3850	99%	5749
FY2015 Dual IM Tow	780	96%	1966	99%	2893
FY2015 Dual PP Tow	20	100%	23	96%	44
FY2015 Dual CT Tow	58	95%	38	97%	99
FY2015 Trainee	29	N/A	N/A	N/A	12

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Vehicle Storage Facility Employees	New	New % Online	Renewed	Renewed % Online	Population
FY2010	1377	91%	3040	96%	5042
FY2011	1222	92%	2897	98%	4331
FY2012	1057	95%	2710	98%	3935
FY2013	967	97%	2453	99%	3649
FY2014	896	97%	2343	90%	3371
FY2015	939	97%	2267	99%	3314

Boot Operators	New	New % Online	Renewed	Renewed % Online	Population
FY2010	28	N/A	0	N/A	28
FY2011	41	N/A	13	N/A	61
FY2012	21	67%	16	100%	44
FY2013	40	83%	16	100%	60
FY2014	52	71%	18	100%	74
FY2015	25	72%	19	95%	54