

Chapter 8 AUTOMOTIVE DEALERS AND AUTO WRECKERS

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ARTICLE III. AUTO WRECKERS AND STORAGE YARDS

DIVISION 1. GENERALLY

Sec. 8-101. Definitions.

For the purposes of this article:

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lawfully hooked up means and refers to a vehicle a wrecker driver has attached to an auto wrecker, is lifted in the tow position or, if required, placed on a dolly in a raised position, with tow lights and safety chains attached and is fully prepared for transport.

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Sec. 8-103. Freeway towing.

- (a) *Wrecked or stalled vehicle; traffic hazard.* A wrecked or stalled vehicle on a freeway is a traffic hazard and a threat to public safety. Wrecked vehicles, regardless of location, or stalled vehicles in a moving lane shall be removed from a freeway at the earliest possible opportunity consistent with safety and proper police procedures. Stalled vehicles on a shoulder shall be removed as directed by a law enforcement officer.
- (b) *Police scene; law enforcement jurisdiction.* A wrecked or stalled vehicle on a freeway shall constitute a police scene.
- (c) *Persons authorized.* A wrecked or stalled vehicle may be towed from a freeway only by an auto wrecker operated by:
 - (1) A tow operator holding a contract to conduct ~~SafeClear~~ Tow and Go freeway towing under section 8-127 of this Code;
 - (2) A PATSA tow operator called to a police scene on a freeway by a law enforcement officer; or
 - (3) A tow operator called by the vehicle owner of a wrecked or stalled vehicle who arrives at the location of such vehicle before the law enforcement officer in charge of the scene directs the removal of the vehicle, including but not limited to an auto wrecker operated by an automobile club, insurance company or other person having a contractual obligation to provide the vehicle owner with towing services.

- (d) Except as provided in item (3) of subsection (c) of this section, it shall be unlawful for any auto wrecker not operated pursuant to items (1) or (2) of subsection (c) of this section to be present or remain at, or to tow any vehicle from, a freeway. It shall be an affirmative defense to prosecution under this subsection that (i) the wrecker driver was acting under the direction of a law enforcement officer, (ii) the auto wrecker is a heavy-duty wrecker summoned to the scene by a law enforcement officer pursuant to section 8-123 or (iii) the auto wrecker is acting to provide a warning to oncoming traffic pursuant to section 8-118 of this Code.

Secs. 8-104—8-110. Reserved.

DIVISION 2. AUTO WRECKERS

Subdivision A. Operational Rules and Regulations and Tow Agreements

Sec. 8-111. Auto wrecker requirements.

- (a) *State registration required.* Any auto wrecker that is used to perform any nonconsent tow shall be registered as a tow truck under applicable provisions of state law, including, without limitation, Chapter 2308 of the Texas Occupations Code.
- (b) *City registration required.* Any auto wrecker that is used to perform any nonconsent tow on private property in the city must be registered with the police department, regardless of whether the owner of the auto wrecker has a place of business in the city.
- (c) *Application for city registration.* A tow operator may apply to the police department for registration of an auto wrecker by i) submitting a completed application on a form promulgated by the police chief; ii) paying the fee stated for this provision in the city fee schedule per auto wrecker to the police department; iii) providing verification that the auto wrecker is equipped to tow light-duty or heavy-duty motor vehicles according to the manufacturer's guidelines; and (iv) providing proof of insurance that meets the requirements of § 86.400 of Title 16 of the Texas Administrative Code.
- (d) *Inspection; proof of registration.* Upon receipt of an application, the police department will inspect the auto wrecker to determine compliance with the requirements of subsection (d) of this section and, if the auto wrecker is found in compliance, shall issue proof of registration to the applicant. The proof of registration (a medallion) shall be attached to the auto wrecker for which it is issued, at the place on the vehicle designated by the police chief. It shall be unlawful for any person to drive or operate an auto wrecker without the proof of registration being so attached.

(e) *Requirements for city registration.*

(1) Each tow operator must meet the signage, safety equipment, safety clothing, and identification requirements of §§ 86.701, 86.1000, and 86.1001 of Title 16 of the Texas Administrative Code.

(2) Each auto wrecker shall meet the following minimum requirements:

a. Except for heavy duty wreckers, the auto wrecker's chassis cab shall be rated at no less than one ton by the manufacturer and will be equipped by the manufacturer with dual wheels and tires at each end of the rear axle;

b. The auto wrecker at all times shall carry tow lights with appropriate cable (unless wireless) and cushions to protect a vehicle's finish; and

c. The auto wrecker at all times shall be equipped with safety (mud) flaps with the bottom edge of the mud flap no more than eight inches from the surface of the road.

(f) *Renewal of registration.* The registration for each auto wrecker that is used to perform non-consent tows subject to this section shall be renewed annually by payment of the fee stated for this provision in the city fee schedule to the police department, which shall verify that the auto wrecker is still in compliance with this section.

(g) *Replacement medallion.* In the event a wrecker medallion is lost or stolen, the tow operator shall file a completed police department offense report and pay the medallion replacement fee stated in the city fee schedule to the police department for each replacement medallion.

(h) *Medallion transfer.* In the event a tow operator wishes to transfer an auto wrecker to another towing zone, the tow operator shall pay the police department the medallion transfer fee as stated in the city fee schedule for each medallion transferred.

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Sec. 8-123. Towing charges.

(a) For purposes of this section, ~~a vehicle is towed~~ the phrase “without the consent of the vehicle owner” whenever the vehicle is towed as a nonconsent tow as defined in in a moving lane on a freeway, or a tow directed by a law enforcement officer, provided that this phrase shall not include a tow performed by a tow operator described in section 8-103(c)(3) of this Code whenever the vehicle is towed as a nonconsent tow as defined in section 8-101 of this chapter , is a wrecked vehicle

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~~on a freeway, regardless of location, a stalled vehicle in a moving lane on a freeway, or a tow directed by a law enforcement officer, provided that this phrase shall not include a tow performed by a tow operator described in section 8-103(c)(3) of this Code includes all nonconsent tows.~~

- (b) Whenever a vehicle is towed without consent of the vehicle owner, the service charge for a tow not requiring the use of a heavy-duty wrecker shall not exceed the amount established pursuant to subsection (d). This charge shall be applicable whether the vehicle is to be towed from public or private property.
- (c) Whenever a vehicle is towed without consent of the vehicle owner, and the use of a heavy-duty wrecker is required due to the size or condition of the motor vehicle, the fee for the tow shall be no more than the amount per hour established pursuant to subsection (d) with a minimum charge of two hours to be assessed without regard to the actual time expended. The hourly rate shall be determined by starting the time charges when the heavy-duty wrecker leaves to report to the police scene and shall be stopped when the actual towing job is completed. The time going to the police scene may be included in the charges, but the time used to return shall not be included in the charges. The hourly rate established pursuant to subsection (d) does not apply to recovery services, a fee for which may also be reasonably imposed.

The law enforcement officer in charge of a police scene shall have authority to summon a heavy-duty wrecker when in his opinion such equipment is required. The vehicle owner of the vehicle whose car is serviced by a heavy-duty wrecker called by the investigating officer shall be responsible for any and all charges that result from such heavy-duty wrecker service.

- (d) The rates referred to in subsections (b) and (c), above, shall be established in accordance with the following process:
 - (1) A rate review for auto wreckers, including heavy-duty wreckers, may be initiated by request of any tow operator that performs nonconsent tows in the city. Any such request must be made in writing to the director of administrative and regulatory affairs. Upon receipt of a request for a rate review, the director shall prepare an estimate of the administrative cost of the rate review, and if the tow operator determines to proceed with the rate review, the tow operator shall submit a cashier's check to the director in an amount equal to the estimated administrative cost. The rate review shall be conducted in accordance with procedures established for that purpose by the director. Without limitation, the director may select a representative group of auto wrecker owners and request that they provide verified financial data and vehicle-operating data regarding their operating costs and return on investment for use as a basis in conducting the review. Following receipt and review of the required data, the director shall make a recommendation to city council whether any rate change is justified, and, if so, the amount of the recommended increase or decrease. If a rate change

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is recommended to the city council, then the city council or a committee of city council shall conduct a hearing before adopting any increase or decrease. The increase or decrease may be adopted by motion and shall be effective on the first day of the next calendar year.

(2) Except for years in which a rate adjustment adopted by city council under item (1) will take effect, the director shall adjust the rates effective January 1 of each year, based upon a weighted blend of the following indices with one-half attributed to the percentage increase or decrease in the Consumer Price Index, All Urban Consumers, All Items, United States average, and one-sixth each attributed to the percentage increase or decrease in:

- a. Consumer Price Index, All Urban Customers (CPI-U), U.S. City Average, Motor Vehicle Maintenance & Repair;
- b. Consumer Price Index, All Urban Customers (CPI-U), U.S. City Average, Vehicle Insurance; and
- c. Consumer Price Index, All Urban Customers (CPI-U), Houston-Galveston-Brazoria Average, Gasoline;

all as published by the U. S. Department of Labor. The adjustment shall be based upon the most current data available on November 15, shall be rounded to the nearest increment of \$0.50 cents and shall be effective on the following January 1. Notice of the adjusted rates shall be published one time in a daily newspaper of general circulation within the city and filed in the city secretary's office on or about December 1. The director may establish and promulgate regulations relating to the adjustment process.

(e) When a vehicle is received by a storage lot and fees are collected, an additional fee stated for this provision in the city fee schedule shall be collected and remitted to the police department regardless of the origin of the tow to defray the costs of enforcement of complaints related to ~~police private storage lot agreements and other costs associated with the towing and storage~~ of a vehicle without the consent of the vehicle owner. The time and method of remittance of the additional fee prescribed in this subsection shall be established by the police department so as to make the transfer of funds as close to the date and time of the release of the vehicle from the storage as is practical or possible. The time and method of remittance may include the electronic transfer of funds at the time of the release of the vehicle or at a later time as specified by the police department. This subsection does not apply to a vehicle submitted for auction.

(f) If the vehicle owner is present when an auto wrecker is attempting to tow a vehicle, and the vehicle owner does not desire the vehicle to be towed, no charge shall be made, and the vehicle owner shall be allowed to take possession of the vehicle if the vehicle has not been hooked up by the auto wrecker. If the motor vehicle has been lawfully hooked up to the auto wrecker, but not towed from the

scene, the vehicle shall be released to the vehicle owner upon payment of one-half the regular auto wrecker fee. This section shall not apply where the vehicle owner is unable to remove the vehicle from the scene immediately if the vehicle were released to the vehicle owner.

- (g) The towing of a vehicle and a trailer being towed by the vehicle shall constitute two separate tows and shall require the removal of both the vehicle and the trailer to the same licensed storage facility, unless otherwise authorized by a law enforcement officer.

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Sec. 8-126. Police-authorized tow service agreement (PATSA).

- (a) The ~~chief of police~~ police chief may execute agreements for the mayor and on behalf of the city with persons to perform police-authorized tows. The right to enter into such agreements shall be extended on a uniform basis to all eligible persons.
- (b) The ~~chief of police~~ police chief may refuse to enter into an agreement hereunder if the tow operator (including partners if a partnership and stockholders if a corporation) or any employee has had an agreement terminated for cause within the preceding period of five years. The police chief may require an affidavit and the furnishing of business records to demonstrate compliance with the foregoing provision. The foregoing provision shall apply to police-authorized tow service agreements that are not renewed or are terminated by the tow operator under threat of termination for cause in the same manner as to those that have actually been terminated for cause. In addition, the chief of police may refuse to enter into a PATSA with individuals (or associated entities) who have a history of complaints with any government agency that demonstrate a pattern of negative behavior and an unwillingness to take corrective action when notified. This includes suspensions and license or contract revocations. The police chief may consider the applicant's history of complaints or infractions with any governing body concerning the towing of vehicles without the vehicle owner's consent when determining whether to execute a PATSA.
- (b-1) *Auto wrecker requirements.* Each auto wrecker that will be utilized under the terms of a PATSA ~~police-authorized tow service agreement~~ shall:
 - (1) Be registered with the city under a current ~~PATSA agreement~~. The police department shall inspect the auto wrecker and if it is found in compliance, shall issue proof of registration (a medallion) that shall be attached to the auto wrecker in the same manner as provided in section 8-111(e); registration under this section shall also serve as registration for private property tows;

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- (2) Have a mounted light bar that conforms to the requirements of Chapter 547 of the Texas Transportation Code;
 - (3) Be equipped with wheel dollies, except on heavy duty wreckers and rollback type trucks; and
 - (4) Carry at all times:
 - a. Warning devices for stopped vehicles consisting of:
 - [1] Three flares, each of which shall be capable of being seen at a distance of not less than 600 feet under normal conditions at nighttime, or
 - [2] Three emergency reflective triangles that conform to the requirements of Federal Motor Vehicle Safety Standard No. 125;
 - b. A push broom with a handle of not less than 36 inches and a head of not less than 18 inches;
 - c. No less than five gallons of dry sand or other absorbent that is at least as effective as sand in absorbing liquid;
 - d. A container to carry glass and debris cleaned from the roadway when picking up a wrecked vehicle;
 - e. A shovel with a flat edge of not less than nine inches and a handle of not less than 36 inches;
 - f. A wrecking bar of not less than 36 inches in length, with a wedge-shaped head; and
 - g. At least one ten pound fire extinguisher or two five pound multiple purpose fire extinguishers, in good working condition.
- (b-2) *Wrecker driver requirements.* Tow operators shall require their wrecker drivers who will drive auto wreckers under the terms of a PATSA to wear:
- (1) A Class 3, Level 2 reflective vest, shirt, or jacket meeting the ANSI/ISEA requirements for high visibility safety apparel at all times while working outside of the auto wrecker;
 - (2) Closed toe shoes; and
 - (3) A vest or shirt displaying, on the front of the shirt or vest, the name of the tow operator as it is registered with the city.

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- (b-3) *Wrecker driver trainees.* Tow operators operating pursuant to a current and valid PATSA may utilize wrecker driver trainees to provide recovery services and assistance to wrecker drivers. Wrecker driver trainees shall be licensed in accordance with section 8-131 of this Code.
- (c) An annual agreement fee in the amount stated for this provision in the city fee schedule per covered auto wrecker shall be paid by the tow operator to the city for each agreement. A tow operator may add an additional auto wrecker to an agreement upon payment of the annual fee, which may be prorated.
- (d) Agreements under this section are not exclusive. The city shall not be precluded from using city-owned auto wreckers to perform police-authorized tows, such as for certain vehicles that are detained for criminal investigation needs, or from entering into other contracts and agreements, such as for towing of vehicles involved in parking violations.
- (e) The agreements shall conform to the following requirements and terms, which shall be incorporated therein by reference:
- (1) Each auto wrecker shall be allowed to perform police-authorized tows in only one 'zone,' which for purposes of the PATSA agreements shall mean one of the five service areas that are described and depicted in Exhibits A and B to Ordinance 84-560. Consistent with the foregoing requirement, the PATSA agreement shall include the following clause:

"Operator shall choose one specific zone for each auto wrecker that is to be utilized by the Operator to perform police-authorized tows. Operator shall not allow an auto wrecker to tow any vehicle outside of the approved zone, except when authorized by the police department. No tow hereunder shall exceed a maximum distance of 20 miles unless the tow destination is located within the zone. Violation of this provision is grounds for revocation of this Agreement."
 - (2) ~~The agreement shall include the following clause regarding insurance requirements: "The Operator shall obtain and maintain in effect during the term of this Agreement insurance coverage as set out below and shall furnish certificates of insurance, prior to the beginning of the term of this Agreement. All such policies, except Worker's Compensation or Occupational Safety Insurance, shall be primary to any other insurance and shall name the city as an additional insured. All liability policies shall be issued by a company with a Certificate of Authority from the State Department of Insurance to conduct insurance business in Texas or a rating of at least B+ and a financial size of Class VI or better according to the current year's Best's rating. Operator shall maintain the following insurance coverage in the following amounts:~~

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- A. ~~Automobile Liability Insurance, \$1,000,000.00 combined single limit per occurrence.~~
- B. ~~Cargo on hook coverage, \$50,000.00 per vehicle.~~
- C. ~~Worker's compensation or occupational safety insurance.~~
- D. ~~All drivers of auto wreckers shall be named insured on Operator's liability insurance policy."~~

The PATSA shall include a clause setting forth the operator's obligation to obtain and maintain required insurance coverages and minimum insurance amounts in effect during the term of the agreement. The required insurance coverages and minimum insurance amounts shall be determined by the police chief in consultation with the director of the department of administration and regulatory affairs.

- (3) The agreement shall include the following clause regarding fee requirements:

"The Operator shall charge no fees for servicing a police scene in excess of the fees authorized under city ordinance for vehicles towed without the consent of a vehicle owner. Further, the Operator shall not obligate the owner of a vehicle removed from a police scene and placed in storage to pay any fees in excess of those authorized for a vehicle delivered to a state licensed vehicle storage facility without the consent of the vehicle owner. Under no circumstances will a vehicle owner be charged a fee of any type in excess of the fees applicable had the vehicle been towed without the vehicle owner's consent."

- (f) It shall be unlawful for the driver of any auto wrecker that is not then being operated under a current and valid police-authorized tow service agreement to respond to a police scene or be or remain at a police scene if the police scene is not situated in the traffic management area (zone) for which the auto wrecker has been authorized under subsection 8-126(e)(1) of this Code. It is an affirmative defense to prosecution under this section that the driver of the auto wrecker was called to the police scene by the law enforcement officer in charge of the scene or by a vehicle owner requiring towing services from the police scene.
- (g) Tow operators and auto wrecker drivers operating pursuant to a current and valid PATSA ~~police authorized tow service agreement~~ shall report the towing of vehicles via an authorized electronic reporting system implemented by the police department.
- (h) Every applicant for a PATSA shall make application therefor on an application form furnished by the police chief and prescribed by the automotive board, which

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application shall be signed and sworn to as herein provided and shall include, among other things, the following information respecting the applicant:

- (1) Trade name of each business that the applicant has engaged in during the five-year period next preceding the filing of such application.
 - (2) Address of the applicant's principal office or establishment in the city.
 - (3) Whether the applicant has ever been arrested for, convicted of, or given deferred adjudication for an offense listed in Section 1-10(a)(2) of this Code, and if a partnership, the answer shall be as to all members of the partnership, and if a corporation, shall be as to all officers of the corporation.
 - (4) The name and mailing address of each owner or principal of the applicant and copies of the assumed-name registration if the business will be operated under an assumed name.
 - (5) If the applicant is a corporation, a certificate of good standing from the Texas Secretary of State for a Texas domestic corporation or a certificate of authority to do business in Texas if a foreign corporation, along with the names and addresses of all officers and the corporation's registered agent in Texas.
 - (6) If the applicant is a partnership, the partnership registration, if any, and the names and addresses of all the general partners.
 - (7) Each applicant shall submit himself to be fingerprinted at a place designated by the police department. The application shall be signed by a) the owner if the applicant is a sole proprietorship or b) an authorized person if the applicant is a corporation or a general partnership.
- (i) If the application is by a corporation, the same shall be signed and sworn to by a duly authorized officer thereof, if by a partnership, then by one of the general partners therein, and if by an individual, then by such individual personally.
 - (j) Such application, properly filled out and executed, shall be delivered by the applicant to the police chief or his duly authorized representative.
 - (k) If the application is denied because of a conviction or deferred adjudication for an offense listed in Section 1-10(a)(2) of this Code, the applicant shall have the right to appeal such denial to the automotive board under the terms and conditions provided for in section 8-57 of this Code, and the automotive board shall follow the procedure set forth in that section.

Sec. 8-127. ~~SafeClear~~Tow and Go—Freeway tow agreement.

On recommendation of the mayor and approval by the city council, the ~~chief of~~ police chief may execute non-exclusive agreements on behalf of the city with any tow

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operator then holding a valid police-authorized tow service agreement under section 8-126 of this Code to provide towing or emergency road service on freeways in the manner and according to specifications required by this Code and described in such agreements.

Such agreements shall be in a form approved by the city attorney and shall provide, without limitation, the following:

- (1) That the tow operator shall remove wrecked or stalled vehicles from a designated segment of a freeway on a 24-hour basis and shall respond to the scene within the time designated in the agreement;
- (2) That the term of the agreement shall not exceed five years from date of execution unless terminated earlier as outlined in the agreement;
- (3) That the tow operator shall perform nonconsent tows from a freeway and remove all such vehicles to a licensed storage facility within the zone for the rate set forth in section 8-123 of this Code;
- (4) That the tow operator shall remove to the nearest place of safety a wrecked vehicle, regardless of location, or a stalled vehicle in a moving lane for the rate established under section 8-123 of this chapter;
- (5) That the tow operator shall tow a stalled vehicle located on a shoulder to a safe place off the freeway within one mile from the nearest freeway exit at the rate prescribed and subject to the conditions established in the agreement, provided, however, that if the vehicle owner is unable to pay the tow operator at the time of service, such vehicle shall be towed to the nearest licensed storage facility that is lighted and manned on a 24-hour basis, provides telephone and other access to the vehicle owner, and will not charge any storage-related fees for the first 48 hours;
- (6) That during the period each day from 10:00 p.m. to 6:00 a.m., the tow operator shall tow a stalled vehicle to a safe place in accordance with this contract. If there is no safe place, the vehicle shall be towed to the nearest licensed storage facility that is lighted and manned on a 24-hour basis, provides the vehicle owner with access to a telephone and other facilities, and will not charge any storage-related fees for the first 24 hours;
- (7) That the tow operator shall provide continuous coverage of its designated freeway segment, respond immediately to a call for assistance from a law enforcement officer, and patrol its segment as required by the agreement;
- (8) That the tow operator shall cooperate with all law enforcement and other public service employees responding to or present at a police scene;
- (9) That solicitation of business of any kind whatsoever at a police scene is prohibited;

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- (10) That the tow operator shall not employ any wrecker driver who does not meet the requirements of this Code relating to towing of vehicles and any current and valid police-authorized tow service agreement;
- (11) That, except as otherwise provided in this chapter, the tow operator shall respond to a police scene with no more towing capacity than necessary, based on the number of wrecked or stalled vehicles at the scene, to minimize hazards and traffic obstructions within the time designated in the agreement and will expeditiously remove from the freeway any wrecked or stalled vehicle, debris, and other traffic impediment;
- (12) That any failure by the tow operator to timely respond to a call for assistance shall authorize an incident management supervisor or a law enforcement officer at a police scene who has determined that public emergency then exists to direct any PATSA auto wrecker to remove any wrecked or stalled vehicle, debris, or other traffic hazard or impediment;
- (13) That emergency road service shall consist of providing towing, gasoline, tire changing, or other services as designated in the agreement;
- (14) That the ~~chief of police~~ chief or his designee is authorized, upon a determination of a public emergency or when required in the interest of public safety, to direct the tow operator to direct its patrol activities to specific times and/or portions of the tow operator's freeway segment;
- (15) That the tow operator shall report any wrecked or stalled vehicle or other hazardous road condition to the police department and remain at the scene until a law enforcement officer arrives or he receives authorization to remove the hazardous condition;
- (16) That authorization to remove a wrecked or stalled vehicle shall be provided in the manner and form specified by the agreement; and
- (17) That removal of any wrecked or stalled vehicle at the direction of a law enforcement officer shall be documented on a police department vehicle disposition form.

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Subdivision B. Wrecker Driver Licenses

Sec. 8-131. Wrecker driver and wrecker driver trainee—license required, qualifications.

- (a) It shall be unlawful for any person to perform a nonconsent tow unless he has a current wrecker driver license issued by the city, which license shall be prominently displayed on his person during any nonconsent tow.

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- (b) It shall be unlawful for any person to allow, permit or cause another to drive or operate any auto wrecker for the purpose of performing a nonconsent tow unless the person has a current wrecker driver license issued by the city.
- (c) It shall be unlawful for any person to allow, permit, or cause a person with a wrecker driver trainee license to drive any auto wrecker on the public roadways.
- (d) To qualify for a wrecker driver's license, an applicant must:
 - (1) Be at least 18 years old;
 - (2) Hold a valid driver's license and towing operator's license issued by the state;
 - (3) For the initial application, present proof of successful completion of a defensive driving course approved by the Texas Education Agency within the preceding 12 months;
 - (4) Not have been convicted of an offense pertaining to wrecker drivers listed in section 1-10 of this Code;
 - (5) Not have been involved in more than two motor vehicle accidents within any 12 month period during the preceding 36 months in which the ~~chief of police~~ chief could reasonably determine from a government-issued crash report that the applicant was at fault;
 - (6) Be subject to no outstanding warrants of arrest; and
 - (7) Provide evidence that he has passed the drug screening test required by section 8-132(c) of this Code.
- (e) An applicant for a wrecker driver trainee license must meet the requirements of items (d)(1), (2), (4), and (6) of this subsection.
- (f) A wrecker driver license is authorization to operate as an auto wrecker for the tow operator listed on the wrecker driver's license application. Individuals desiring to operate an auto wrecker for more than one tow operator must submit a wrecker driver license application and the accompanying license fee, for each tow operator for whom the wrecker driver license-applicant seeks to operate an auto wrecker.

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Sec. 8-133. Fees.

Any person desiring a nonconsent wrecker driver license or nonconsent wrecker driver trainee license shall pay the non-refundable fee, if any, stated for this provision in

the city fee schedule to the police department at the time he submits his application for the license. There shall also be a fee for a nonconsent wrecker driver license applicant who has, or has had within past 90 days, a valid nonconsent wrecker driver trainee license. In addition, PATSA drivers shall pay the nonrefundable processing fee stated in the city fee schedule to the police department.

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Sec. 8-136. Term; renewal; transfer; replacement of lost or destroyed license.

- (a) Each wrecker driver license shall expire each year on ~~the anniversary~~ the last day of the wrecker driver license holder's ~~date of birth~~ month. ~~The first license hereunder shall expire on the anniversary of the wrecker driver license holder's date of birth next following the expiration of one year from issuance.~~ A permit license may be renewed by filing an application pursuant to section 8-132 of this Code at least 30 days prior to the expiration of the ~~permit license~~ and paying the application fee pursuant to section 8-133 of this Code. A renewal permit license application shall be reviewed and approved pursuant to section 8-134 of this Code.

No license shall be renewed more than 30 days after the date of its expiration. If a license had expired and not been renewed within 30 days, the applicant may apply for a new license as an initial applicant. The fee for such a new license shall be the fee set out for an original license.

- (b) A lost or destroyed wrecker driver license may be replaced upon the holder's compliance with the following conditions:
- (1) The filing of a ~~sworn affidavit with the police chief~~ an offense report with the police department stating that the license has been lost or stolen and setting out the details of how the license was lost or stolen, or if such facts are not known, setting out the details of where and when the license holder last saw the license and when its loss was discovered;
 - (2) Appearing at the police department for a replacement photograph and fingerprinting; and
 - (3) Paying the license replacement fee stated for this provision in the city fee schedule.

A replacement wrecker driver license shall expire on the date of expiration for the license that was lost or stolen.

- (c) A wrecker driver wishing to transfer to a different tow company shall pay the license transfer fee stated in the city fee schedule.

Sec. 8-137. Revocation, suspension, and refusal to renew.

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- (a) The police chief may suspend or revoke a wrecker driver license or wrecker driver trainee license if:
- (1) Any information supplied in the license application was materially false or incorrect;
 - (2) The license was issued through error;
 - (3) The licensee has failed to comply with any applicable provision of the license or this chapter;
 - (4) The licensee has been convicted of violating state laws or city ordinances; ~~or~~
 - (5) The licensee is under indictment for or has a charge pending for an offense listed in section 1-10 of this Code pertaining to wrecker drivers; or
 - (6) The licensee has failed to comply with any applicable state law or regulation regarding nonconsent towing.
- (b) A wrecker driver's or wrecker driver trainee's license is automatically revoked if his state-issued driver's license, state-issued incident management towing operator's license, or state-issued towing operator training license (state-issued license) is suspended or revoked. A wrecker driver or wrecker driver trainee shall notify the police chief's designee within three days of a suspension or revocation of any of his state-issued licenses and shall immediately surrender his city wrecker driver's license or wrecker driver trainee's license to the police chief's designee.
- (c) A revoked wrecker driver license may not be renewed and shall not be subject to reissuance for a one year period as provided in section 8-134 of this Code. A suspended wrecker driver license may not be renewed until the period of suspension has expired.
- (d) An individual whose wrecker driver or wrecker driver trainee license is revoked or suspended under subsection (a) of this section is entitled to an appeal in the same manner as provided in sections 8-134 and 8-135 of this Code upon receipt of written notice of the revocation or suspension of his license.