

Request for Tow or Boot Hearing

Texas Occupations Code Chapter 2308, Subchapter J. Rights of Owners and Operators of Stored Vehicles

The owner or operator of a vehicle towed and placed in a vehicle storage facility, or booted, without consent, is entitled to a hearing on whether probable cause existed for the removal or booting of the vehicle.

A person entitled to a hearing must:

- ✓ Deliver a written request for the hearing to the court before the 14th day after the date the vehicle was removed and placed in the vehicle storage facility (not counting Saturdays, Sundays and legal holidays) or the right to a hearing is waived.
- ✓ The Request for Hearing (attached) must be completed with the specified information.
- ✓ Must be filed in the precinct in which the vehicle storage facility is located.
- ✓ Pay a fee of \$20 by cash, cashier's check or money order at the time of filing.

The legal nature of the business determines how notice is to be directed and upon whom the notice is to be served. A parking facility owner may be a natural person – an individual, or a person doing business in the form of a sole proprietorship or partnership, or a corporation, or some form of limited liability company.

Except for sole proprietorships and partnerships, every business operating in Texas is required to make a filing with the Texas Secretary of State. Individuals, partnerships, corporations, or other business entities doing business in another name must file an assumed name certificate in the county.

To determine the legal nature of a business entity, you may:

- Go to the Assumed Names Records maintained by the County Clerk
- Contact the Corporation Division of the Office of the Secretary of State at 512-463-5555, or go to the Texas Secretary of State's web page, at <http://www.sos.state.tx.us/corp/publicinfo.shtml>, to contact a public information specialist.
- Contact the Office of the State Comptroller at 1-800-252-1386.

Tow Trucks, Operators, Vehicle Storage Facilities and Booting Companies are licensed by the Texas Department of Licensing and Regulation. For questions, complaints, or additional information go to <http://www.license.state.tx.us/towing/towing.htm> or call the TDLR at 800-803-9202.

CAUSE NUMBER _____
In the Justice Court, Precinct Two, Fort Bend County, Texas

REQUEST FOR TOW OR BOOT HEARING

TO THE HONORABLE JUDGE OF THE COURT:

Owner/Operator Name: _____ Phone: _____

Address: _____ City: _____ Zip: _____

Home Phone: _____ Alternate Phone: _____ Email Add: _____

The person requesting the hearing is the: •Owner •Operator of vehicle

Vehicle - Make: _____ Model _____ Year _____ Lic Plate - State: _____ Number: _____

Location From Which Vehicle Was Towed: _____ Amount paid for towing and storage: \$ _____

Parking Facility Owner Authorizing Removal

Name: _____ Phone: _____

Address: _____ City: _____ Zip: _____

Law Enforcement Agency Authorizing Removal

Name: _____ Phone: _____

Address: _____ City: _____ Zip: _____

Vehicle Storage Facility in Which the Vehicle Was Placed

Name: _____ Phone: _____

Address: _____ City: _____ Zip: _____

Towing Company That Removed the Vehicle

Name: _____ Phone: _____

Address: _____ City: _____ Zip: _____

Booting Company Installing Boot on the Vehicle

Name: _____ Phone: _____

Address: _____ City: _____ Zip: _____

Please check the appropriate information:

- I have attached a copy of the receipt from the Towing Company and/or Vehicle Storage Facility.
- I have attached photograph(s) that show the location and text of signs posted restricting the parking of vehicles at the parking facility.
(If the Vehicle was removed from a parking facility)
- No signs restricting parking were posted at the parking facility
- I was charged or paid a towing charge greater than the amount authorized. I paid a Towing Charge of \$ _____

Describe the circumstances of the tow: _____

Signature of Owner/Operator of Vehicle _____ Date _____