



# Proposed Changes

## Chapter 8

### Wrecker Driver Licensing

Houston Police Department  
Auto Dealers Detail  
August 2013



# Overview

- The proposed changes serve to strengthen the criminal history standards and licensing processes specific to wrecker drivers in Chapter 8, 1-9 and 1-10.



## 8-16 Definitions

- Defines *Police Chief* as the chief of police of the city or his designee.



## 8-111 State and local registration, minimum requirements

- Provides for minimum equipment requirements for each wrecker such as flares, broom, shovel, fire extinguisher, etc.
- Previously, these equipment requirements were in state law but were removed on the state level. Currently these requirements only exist in the Police Authorized Tow Service Agreement (PATSA)

# Equipment

- Chassis cab at no less than one ton, dual wheels
- Mounted light bar
- Wheel dollies (except rollback)
- Three flares OR three triangles
- Push broom
- Five (5) gallons sand
- Container for glass/debris
- Shovel
- Wrecking bar
- Fire Extinguisher
- Tow lights
- Mud flaps
- Reflective Vest
- Closed Toe Shoes
- Vest or shirt with wrecker company name



## 8-131 License required, qualifications

- Must be able to read, write and communicate orally and effectively in the English language
- Complete a defensive driving course (new applicants only)
- No more than two (2) at-fault crashes within any 12-month period during the preceding 36 months
- No outstanding warrants of arrest



## 8-132 Application

- This section contains clean-up language only with no substantive changes.
- (a)(6) Acknowledges change in law that allows unsworn declaration in lieu of sworn affidavit (*TX Civil Practice & Remedies Code sec. 132.001*)



## 8-134 Issuance; denial; hearing

- License will be denied if applicant is not qualified under section 8-131 (defensive driving, warrants, English)
- Police Chief may consider an applicant convicted of an offense when the applicant is charged with an offense listed in 1-10, And
  - Pleads nolo contendere (no contest)
  - Deferred proceedings and placed under supervision, and
  - After supervision, proceedings are dismissed
- Application may be denied upon determination that the applicant may pose a continued threat to public safety, or
- Employment as wrecker driver would create a situation for repeated prohibited conduct.





## 8-134 Issuance; denial; hearing

- The Chief shall delay his decision when the applicant is under indictment for or has charges pending for an offense listed in section 1-10.
- Applicant may appeal the delay to the Automotive Board.



## 8-135 Standards for review

- Upon appeal to the Automotive Board, the applicant shall furnish proof of:
  - Steady employment
  - Dependent support
  - Record of good conduct
  - Paid all outstanding court costs, supervision fees, fines and restitution ordered in any criminal case
- Amendments are to bring the code up to date with state law and are based on the TX Occupations Code Sec 53.023 (c)



## 8-137 Revocation, suspension and refusal to renew

- False information on application
- License issued through error
- Licensee fails to comply with any applicable provision of the license or Chapter 8
- Conviction of State law or City Ordinance
- Charges pending for an offense listed in Section 1-10
- Automatic revocation if state issued driver's license or tow operator's license is suspended or revoked

# 1-9 Procedures for denial, suspension or revocation of licenses and permits - Generally

- This section contains clean-up language only with no substantive changes.



# 1-10 Same-Specific permits and licenses

- Enhance criminal history standards specific to wrecker driver licenses
  - Add “towing” to ordinance violations.
  - Add Robbery
  - Add misdemeanor theft or burglary
  - Add Burglary of a Motor Vehicle
  - Add misdemeanor possession of drugs



# Questions?

- Contact the Auto Dealers Detail at  
832-394-4800 or  
[hpd.autodealers@houstonpolice.org](mailto:hpd.autodealers@houstonpolice.org)