

Was Your Car Towed Illegally? Know Your Rights

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If you've ever had your car towed, you know that sinking feeling, which can range from fear to frustration to embarrassment. Not to mention, it never happens at a good time.

Common reactions include: "Was my car stolen?", "Did I park somewhere else?" or, "Oh no, I better not have been towed!"

While legal towing serves an important role, illegal towing can feel like downright extortion. We rely on tow trucks after a car wreck or when our cars break down or when we have a flat tire. And, nobody likes to see someone wrongfully parking in a handicapped space or in front of a fire hydrant.

Towing is most frequent where there is population density and limited space. For example, beware of parking restrictions when you're downtown or around apartments, colleges, shopping centers, restaurants, bars, and stadiums.

But, when your car gets towed, how can you tell if it's legal? And what can you do if you don't think it should have been towed?

Well, tow truck operators and parking lot owners have very specific laws they must follow or they may be answering to you.

The Texas Department of Licensing and Regulation (TDLR) oversees tow truck operators and vehicle storage facilities. It's the same organization that regulates electricians, hair stylists, auctioneers and animal breeders. The Texas Occupations Code also provides requirements for the towing industry.

Here's what you should know:

Drop Fee. This is important. This applies if you arrive at your vehicle while it is in the process of being hooked up, but it has not been taken off the property yet. Here's how it works:

If your car is not fully hooked up, then the tow truck driver must release your vehicle for no charge. If your car is fully hooked up but has not been taken away, then you can pay a drop fee for your car to be released. A drop fee cannot exceed half of the towing fee. For the average car, the maximum tow fee is \$250. Therefore the drop fee in that instance would be \$125. However, the correct fee depends on the size of the vehicle, the city, and the tow operator's fee schedule with TDLR. So, be sure to ask to see the fee schedule.

Method of Payment

Tow truck drivers and vehicle storage facilities must take cash, debit, or credit. You are not required to pay cash only.

Signage

Proper notice is the most important aspect before a car can be towed. TDLR sets very strict requirements that must be followed by the parking lot owner and tow operator before a vehicle can be legally towed. **The requirements for signage are extensive, including a permanent mount; specific distances and locations within the parking area; the name and phone number of the towing company; the international symbol for towing and booting; and certain colors for the signage – red and white.**

Common Tow Operator Violations

No signage or incorrect signage, overcharging, refusing to drop, not honoring drop fees, expired tow licenses, not carrying required insurance, and not providing the vehicle owner a detailed tow ticket.

What to Do if You Think You Are Illegally Towed

Document everything, especially if you are in a “drop” scenario or there is no signage. Take photographs, video, and gather witness information. Also be sure to keep receipts from the establishment where you were parked.

Request a towing “probable cause” hearing with the Justice of the Peace court. Generally, you are required to do this within 14 days of being towed. **You can seek reimbursement for the wrongful tow and, in certain instances, an additional \$1,000 plus triple damages if it was done knowingly.** It is also possible to recover for damages to your car, if you can prove that it was the result of the tow driver’s negligence. However, it may be challenging for you to prove that the damage was not already there.

Submit a complaint to TDLR. This can be done online. TDLR has the authority to fine operators and suspend or revoke licenses for violations.

Having your car towed is no fun. And, unfortunately, even if it’s done illegally, it’s a time-consuming hassle. You may find that even if you win your hearing, you may lose based on the time and energy you had to spend. However, holding an unscrupulous towing company accountable is important and it is the best way to prevent predatory practices in the future.

The information in this column is not intended as legal advice, but to provide a general understanding of the law. Readers with legal issues, including those whose questions are addressed here, should consult attorneys for advice on their particular circumstances.

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