

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

Instructions: The owner or operator of a vehicle towed without consent 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. Any Justice Court in the county in which the vehicle was towed or booted may hear the case. A person entitled to request a hearing must deliver a written request for the hearing to a Nacogdoches County Justice Court in Precinct 1, 2, 3, or 4, before the 14th day after the date the vehicle was removed and placed in the vehicle storage facility or booted, or the right to a hearing is waived. The Request for Hearing form must be completed with specified information.

At the time of filing, a fee of \$54.00 must be paid.

***You must attach a copy of the Receipt from the Towing Company or Vehicle Storage Facility.**

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.

“Parking Facility” means public or private property used for restricted or paid vehicle parking. The term includes: a restricted space on a portion of an otherwise unrestricted parking facility; and a commercial parking lot, a parking garage, and a parking area serving or adjacent to a business, church, school, home that charges a fee for parking, apartment complex, property governed by a property owners' association, or government-owned property leased to a private person, including a portion of the right-of-way of a public roadway that is leased by a governmental entity to the parking facility owner and the area between the facility's property line abutting a county or municipal public roadway and the center line of the roadway's drainage way or the curb of the roadway, whichever is farther from the facility's property line.

Request for Hearing under Chapter 2308, Texas Occupations Code (Rights of Owners and Operators of Stored or Booted Vehicles)

Name of vehicle's Owner or Operator: _____

Address: _____

City: _____

State: _____

Zip code: _____

Daytime telephone: _____

Cell: _____

Fax: _____

Email address: _____

The person requesting a hearing is the: owner / operator of the vehicle

Description of vehicle – Make: _____

Model: _____

Year: _____

License plate – State: _____ Number: _____ Date towed or booted: _____

Location from which vehicle was towed or booted: _____

Please check the appropriate information:

- I paid the costs of the tow and storage in the amount of \$_____.
- I have attached a copy of any receipt and/or notification of rights received from the towing or booting company.
- If the vehicle was removed from or booted in a parking 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 or booted in a parking facility: No sign restricting parking was posted at the parking facility.
- I want to recover the costs of the photographs in the amount of \$_____.
- 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: _____

_____ (continue on second page)

SIGNED on _____

Signature of Owner/Operator of Vehicle

