

Sunset Advisory Commission Public Testimony for the Texas Department of License and Regulation specifically the Tow Truck and Vehicle Storage Facility Programs

1. TDLR needs to schedule inspections with the licensee instead of just showing up to do an inspection. We are small business owners operating a 24-hour business and deserve that courtesy.
2. The penalty matrix does not fit the crime. We are being micro-managed by TDLR when TDLR has no idea about how to run a business much less worrying about TDLR fining us for something that has nothing to do with safety or harm to anyone. All they need to do is let us correct the problem instead of growing the General Fund of Texas. The Towing and Storage Industry's main concern was to get everybody licensed not all this daycare stuff TDLR is putting on small business owners.
3. TDLR requires a Vehicle Storage Facility to release a vehicle that was picked up by a police agency for no insurance and or current registration on the vehicle. This is in direct conflict with Texas State Laws that require financial responsibility and current registration to operate a motor vehicle on a roadway. The Attorney General has issued an opinion on this but why should the Attorney General be able to violate Texas Laws in an opinion?
4. There is a law in the Occupations Code 2303.156 that requires an insurance company that pays a total loss claim to pay the storage facility the charges due and the same for a lienholder who repossesses a vehicle. TDLR will not enforce this as the agency regulating a Vehicle Storage Facility.
5. TDLR has a form called a VSF11, attached, which is for a person to authorize another person to pick up their vehicle from a VSF after showing proof to a notary. The form also lets an insurance company pick up a vehicle without any proof that it was authorized by the owner. Why should the owner be required to show proof of ownership with a State or Federal ID to pick up their vehicle and the insurance company can pick up a vehicle with no proof the owner authorized it. Insurance companies have no ownership to a vehicle until a Texas Department of Insurance Proof of Loss Form is completed and signed by the owner, that should be the only way the insurance company should be able to pick up a vehicle from a VSF. Numerous complaints have been filed with TDI and TDLR. TDI states it is a TDLR form which they cannot enforce and TDLR has no authority over insurance companies. The easiest way to solve this problem of insurance companies stealing a vehicle from a VSF is to do away with Section Five and Box 3 in Section one of the VSF 11 form and requiring the TDI Proof of Loss form for an insurance company to pick up a vehicle from a VSF. This protects the public as TDLR is supposed to be doing.
6. The Governor has stated he wants less regulation on businesses, the Sunset process is the way to do it on the above issues that will further protect the public!

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