
ADMINISTRATIVE DIRECTIVE – 112.037
TOWING OF UNINSURED MOTOR VEHICLES

EFFECTIVE DATE: January 1, 2006

REVISION DATE: September 28, 2017

REVIEW DATE:

AFFECTS: All Personnel

I. PURPOSE

Drivers are required to maintain financial responsibility for vehicles operated on Texas roadways. The purpose of this Administrative Directive is to establish guidelines and procedures to allow for uninsured vehicles to be impounded by officers when the officers encounter individuals who have had an accident or been arrested while operating a motor vehicle without the proper financial responsibility documents.

II. POLICY

State law requires drivers to maintain financial responsibility. This policy will allow officers to tow uninsured vehicles incident to an arrest or after accidents when drivers cannot provide proof of financial responsibility as required by law.

III. DEFINITIONS

- A. Financial Responsibility – insurance coverage on a specific motor vehicle at the level of liability insurance meeting the state minimums or greater (Texas Transportation Code Sections 601.051-601.124)
- B. Proof of financial responsibility – policy card stating at least the name of the insured or authorized driver(s), insured vehicle, insuring company, company phone number, policy number and beginning and expiration dates of coverage or as required by law.

IV. PROCEDURES

Requesting proof of financial responsibility is standard procedure on traffic stops and at accident scenes. This policy will allow officers to tow uninsured vehicles under the following circumstances:

A. Arrests

If the officer, through a driver's license check or previous personal contacts with the driver, knows that the driver has previously received a citation for operating a motor vehicle without financial responsibility and is continuing to operate a vehicle without financial responsibility, and the driver is being arrested for any offense, including Failure to Maintain Financial Responsibility, the officer shall impound the vehicle.

B. Accidents

- 1. If during the investigation of a motor vehicle accident, an officer determines that one or more of the involved vehicles was operated without the required proof of financial responsibility, the officer shall impound the vehicle.
- 2. This practice shall be restricted to those cases where the driver admits to not maintaining legally required financial responsibility or the officer is able to verify that no such coverage exists.
- 3. If the vehicle is impounded, the officer shall issue a citation for the failure to maintain proof of financial responsibility.
- 4. Delayed Enforcement
 - a. If an officer investigates an accident where the driver(s) show the required proof of financial responsibility and it is later determined that the proof was not valid, the original investigating officer shall issue a citation.
 - b. The officer shall contact the Records Unit to amend the accident report to reflect the issuance of the citation.

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C. Impound Procedures

1. Any officer impounding a vehicle under this directive will make reasonable efforts to provide for the safety of the driver and any occupants.
2. A vehicle impounded under this policy will only be towed by the Department approved commercial towing contractor and will be taken to their lot.
 - a. Private tows or tows to dealerships are not allowed if a vehicle is towed as a result of a driver operating a motor vehicle for which valid proof of financial responsibility cannot be proven.
 - b. A driver may not release the vehicle to another driver.
 - c. Officers will write the words "No Proof of Financial Responsibility" on the tow slip.
3. The Watch Commander has the authority to suspend these measures based on workload or weather conditions.

D. Inventory Procedures

1. Officers impounding vehicles pursuant to this Directive shall conduct an inventory of its contents to:
 - a. Protect the owner's property;
 - b. Protect the employee, the Department, and the contract wrecker service company from subsequent claims of loss or stolen property; and
 - c. Protect the employee, the Department, and the contract wrecker service company from dangerous instrumentalities such as weapons or explosives.
2. Inventories of impounded vehicles shall not be conducted as a pretext for a warrantless investigatory search.
3. A complete inventory shall be made of the vehicle's contents and the inventory shall be documented in the Vehicle Inventory form (FM620.012). The employee conducting the vehicle search shall be responsible for the completion of the Vehicle Inventory form.
4. For security of the vehicle, the Vehicle Inventory form shall be completed at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later.
5. In general, the inventory shall extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
6. As part of a standard vehicle inventory, employees shall open and inventory any and all open and closed containers, as permitted by law, to which the employee has immediate access to with a key.
7. Unlocked but closed containers will be opened and their contents inventoried if the employee cannot see the contents without opening the container and:
 - a. The container by its size, markings, location, or other reasons, reasonably indicate that it might contain items of value, or
 - b. The container by its size, markings, location, or other reasons, reasonably indicate that it might contain items that may be damaged without further action.
8. Containers in the vehicle that are locked for which no key is available shall be noted as "locked and not inventoried" in any related report(s) and shall remain secured, absent a

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search with a warrant. Locked or sealed items shall not be forcibly entered.

9. Employees shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.
10. Any evidence, contraband, or instrumentalities of a crime including but not limited to illegal weapons, narcotics/drugs, stolen credit cards, or forged or counterfeit instruments discovered during an inventory shall be handled per procedures outlined in Administrative Directive 111.004, Property and Evidence Control.
11. Closed containers shall not be logged into Property as evidence without knowledge of its contents.
12. Non-evidentiary currency (\$5.00 or more), prescription drugs, personal firearms and any property the officer believes to be valuable shall not be left in the impounded vehicle. The impounding employee shall remove the items and handle them per procedures outlined in Administrative Directive 111.004. In the event of a closed container and contents unknown, the Property & Evidence Supervisor shall be contacted to provide alternate storage if necessary.
13. Public Safety Officers taking inventory of a motor vehicle that they will have towed shall call an on-duty police officer to the scene if they find contraband or weapons in the vehicle. Officers responding to assist the Public Safety Officer will handle the contraband or weapon per procedures outlined in Administrative Directive 111.004.
14. Before the vehicle is removed, employees shall obtain the signature of the tow truck driver on the inventory report.

E. Releasing Vehicles from Impound

1. Proof of current financial responsibility, applicable to the impounded vehicle, will be required to be shown to a representative of the impound lot prior to the release of any vehicle being driven from the police impound lot.
2. A vehicle impounded for a violation of this policy will not be released from the impound lot until proof of financial responsibility on the towed vehicle is provided.