

REQUEST FOR TOW HEARING INSTRUCTIONS*

Texas Occupations Code Chapter 2308

Subchapter J – Rights of Owners and Operators of Stored Vehicles

Page 1 of 3

Instructions: The owner or operator of a vehicle towed and placed in a vehicle storage facility without consent is entitled to a hearing on whether probable cause existed for the removal of the vehicle. A person entitled to a hearing must deliver a written request for the hearing to the **Hidalgo County, Justice of the Peace, Precinct 3, Place 1 located at 730 N BREYFOGLE RD STE. C MISSION, TX 78574**

The request for hearing must be delivered before the 14th business day after the date the vehicle was removed and placed in the vehicle storage facility (not counting Saturdays, Sundays and legal holidays). The hearing must be heard within 21 days of filing (excluding weekends). The Request for Hearing must be completed with the specified information. **The precinct in which the vehicle storage facility is located must be designated.** The Clerk of the Court accepts filings Mondays through Fridays from 8:00a.m to 4:00 p.m. ***A filing fee of \$41 must be paid by cashier's check or money order payable to the JUSTICE OF THE PEACE 3-1 at the time of filing.***

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

“Parking facility owner” means (a) an owner or operator of a parking facility, including a lessee employee or agent of an owner or operator; (b) a property owners’ association having control under a dedicatory instrument, over assigned or unassigned parking areas; or (c) a property owner having an exclusive right under a dedicatory instrument to use a parking space.

For assistance in obtaining this information, you may call the Texas Department of Transportation, Motor Carrier Contacts, Toll-Free Customer Service at 800-299-1700.

(*See Complete Form – Pages 2 and 3)

Page 1 of 3

**PRESDING JUDGE
JUSTICE OF THE PEACE
HIDALGO COUNTY, PCT. 3, PL. 1
730 N BREYFOGLE RD STE. C
MISSION, TEXAS 78574
(956)519-8422 FAX (956)519-1796**

FOR COURT USE ONLY

CASE NUMBER: _____

Request for Tow Hearing

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

Describe Vehicle _____

Owner/Operator of Vehicle _____

Parking Facility Owner _____

Towing Company _____

Vehicle Storage Facility _____

Law Enforcement Agency _____

**Request for Hearing Under Chapter 2308, Texas Occupations Code
(Rights of Owners and Operators of Stored Vehicles)**

The person requesting the hearing is the **owner** **operator of the vehicle**

Email Address _____

Year _____ Model _____ Make _____

Description of Vehicle _____

Date Vehicle was towed _____ License Number/State: _____

Location from which vehicle was towed _____

Justice of the Peace Precinct in which the Vehicle Storage Facility is located: **PRECINCT 3**

Name of Vehicle's Owner or Operator _____

Address: _____

City, State Zip Code _____

Mobile _____ Work _____ Home _____

Name of Parking Facility _____

Person or Law Enforcement Agency Authorizing Removal

Name: _____

Address _____

City, State Zip _____

Telephone _____

Towing Company that Removed the Vehicle

Name: _____

Address _____

City, State Zip _____

Telephone _____

Vehicle Storage Facility

Name: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

(Please check the appropriate information)

- I paid the costs of the tow and storage in the amount of \$ _____.
- I received a receipt for payment from the Towing Company or the Vehicle Storage Facility
- I received notification of my rights following the removal of the Vehicle from the _____ Vehicle Storage Facility.
- I have attached a copy of the receipt and/or of the notification of rights to this Request for Hearing.
- If the Vehicle was removed from a parking facility) I have attached photograph(s) that show the location text of signs posted restricting the parking of vehicles at the parking facility
- No notice of rights following the towing and storage of the Vehicle was given to me by the towing the Vehicle Storage Facility
- No signs restricting parking were posted at the parking facility
- I was charged or paid a towing charge greater than the amount authorized. I paid a Towing Charge of \$ _____

Other Remarks _____

Signed on: _____

Signature or Owner/Operator of Vehicle

.....
Notice of Hearing Date, Time and Location

YOU ARE NOTIFIED that a hearing is scheduled on _____ at _____ .am/pm.

IN JUSTICE OF THE PEACE, PRECINCT 3, PLACE 1, HIDALGO COUNTY, TEXAS LOCATED AT 730 N. BREYFOGLE RD. STE. C MISSION, TEXAS 78574.

SIGNED this _____ day of _____, 20__.

Presiding Judge, Justice of the Peace
Precinct 3 Place 1
Hidalgo County, Texas

Date Notice sent via Certified Mail, Email or Fax: _____

Person who requested the hearing: _____

Person/Law Enforcement Agency that authorized the removal of vehicle: _____

Vehicle Storage Facility in which the vehicle was placed: _____