

HOW TO - TOWED/BOOTED HEARING

SAMPLE CASE #JP01-21-TW00000565

Pursuant to Occupations Code Chapter 2308.456

VENUE: can be in any JP in the county from which the vehicle was towed/booted – county where parking facility located. Does not have to be the precinct where Defendant is (2308.453).

- Must deliver a written request for hearing **before the 14th day** after the date the vehicle was removed/booted, excluding Saturdays, Sundays, and legal holidays.
- A request for hearing must contain all information from the form.
- If notice was not given under Sec. 2308.454, the 14 day deadline does not apply and the owner/operator may deliver a written request for hearing at any time.
- A person who fails to deliver a request before 14th day, waives the right to a hearing.
- *Hearing must be set no more than 21 days from the date the court receives the Tow/Booted Request for a Hearing.*

APPEAL (2308.459): **Same procedures as civil cases in justice court, **except that no appeal bond.**

ENFORCEMENT OF AWARD (2308.460): **May be enforced by any means available for the enforcement of a judgment for a debt.

FEES:

- Towing filing fee **\$41 total fee** (\$25 filing fee, \$10 electronic fee, \$6 indigent fee)

FORMS:

- Request for Hearing of Towed/Booted Vehicle

INTAKE PROCEDURES:

1. When Plaintiff files via EFile verify everything is correct before accepting.
 - a. When you accept the filing, add the below acceptance comment.
 - i. ACCEPTED: NOTICE OF HEARING DATE AND TIME WILL BE EMAILED TO YOU TO THE EMAIL PROVIDED IN YOUR EFILING. THANK YOU, JP1 (initial)

JP01-21-TW00000565	
Gail K Pinchback, Jacquelyn K Hartin vs. A-Arlington Wrecker services, BRANDY LOGAN (MANAGER AT Type Towing	
Events	
Date	Type and Comment
11/16/2021	Original Petition Filed (OCA Opening)
11/16/2021	EFile Original Petition Document Tow hearing//EFILED/EXHIBITS FILED//DE
11/16/2021	Zoom Hearing Scheduled DE
11/16/2021	Mailed DE Party: Defendant A-Arlington Wrecker services; Defendant BRANDY LOGAN (MANAGER AT COBBLESTONE MANOR
11/16/2021	Emailed DE Party: Plaintiff Pinchback, Gail K; Defendant A-Arlington Wrecker services; Plaintiff Hartin, Jacquelyn K
11/30/2021	Towed or Booted Vehicle Hearing (Judicial Officer: Swearingin, Ralph, JR) VIA ZOOM//https://

2. Go to Causes
 - a. Enter the Cause of Action as CLAIM and the description as TOW AND BOOTED
 - b. Monetary Amount = The amount they seek to recover for the towing of the vehicle

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 Type Towing

File Date	Causes of Action	Type	Description
11/16/2021	Claim	Action	TOW AND BOOTED

Modify Remedy Sought

Remedy:

Amount:

Comment:

Causes of Action Detail

Action Type: Remedies Sought:

Cause Code: File Date:

Description:

Filed By: Filed Against:

SETTING FOR ZOOM HEARING:

All Tow and Booted Hearings are conducted remotely.

- Check the Judges calendar to schedule a hearing date.
 - a. If you're unsure, check with Court Manager and/or Judge before accepting filing.
- Once you have the Hearing date, you will utilize the Zoom reoccurring link.
 - a. <https://txcourts.zoom.us/j/97508612506>
 - b. Meeting ID: 975 0861 2506

1. SETTING TOW HEARING

Go to Hearings Tab

- Enter Hearing
- Hearing Type = Tow or Booted Vehicle Hearing
- Comment = VIA ZOOM <https://txcourts.zoom.us/j/97508612506>
- Select your date and time
- Save

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 Type Towing

Sort: Show: Hearing Comments

Date	Time	Result
Towed or Booted Vehicle Hearing (Judicial Officer: Swearingin, Ralph, JR)		
11/30/2021	Tue	9:00 AM
Comment: VIA ZOOM https://txcourts.zoom.us/j/97508612506		

2. ISSUING NOTICES

Go to ESigs


- Zoom Tow and Booted Hearing NTC
- Mail/email to notice to all parties

ZOOM TOW AND BOOTED HEARING NTC

 11/19/2021 Meeting ID: 975 0861 2506

Go to Events

- Event Type = Zoom Hearing Scheduled (relate notices here)
 - Comment = Initial
 -

11/16/2021 Zoom Hearing Scheduled DE	
11/16/2021 Mailed DE Party: Defendant A-Arlington Wrecker services; Defendant BRANDY LOGAN (MANAGER AT COBBLESTONE MANOR); Defendant	
11/16/2021 Emailed DE Party: Plaintiff Pinchback, Gail K; Defendant A-Arlington Wrecker services; Plaintiff Hartin, Jacquelyn K	

3. PREPARING CASE

- Go to Forms → Name= TW Hearing Checklist (JP1)
- Form will generate → Print One Copy

1. TW HEARING CHECKLIST (JP1)	ESIG JP No Picker	Daisy Espinoza
 07/25/2017		

- Print a copy of the petition and any exhibits that are filed. (Note: if the exhibits exceed 10 pages, do not print them but let judge know.)
- Place the prepared case in the Misdemeanor/Administrative Basket in date order.