

**CITY OF EL PASO, TEXAS
AGENDA SUMMARY FORM**



DEPARTMENT / COUNCIL OFFICE: El Paso Police Department

AGENDA DATE: 4/14/26

PUBLIC HEARING DATE: 4/28/26

CONTACT PERSON NAME: Victor Zarur, Executive A/Chief

PHONE NUMBER: 1-915-212-4303

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED: All Districts

AGENDA ITEM:

An ordinance amending TITLE 12 (VEHICLES & TRAFFIC), Chapter 12.54 (TOWING REGULATIONS AND FEES) to amend section 12.54.040 (PENALTY) to add additional penalty sections and add section 12.54.070 (VIOLATIONS) to prohibit solicitation of towing businesses at the scene of traffic accidents; The penalty as provided by section 12.54.040 (PENALTY) of the City Code.

ISSUE STATEMENT:

In the interest of public safety, soliciting towing business on public streets, public way, other public property, or city sidewalk is prohibited; presence at the scene of collision as prima facie evidence of violation. Any person violating any provision of sections 12.54.020, 12.54.030, or 12.54.070 of this chapter commits an offense punishable by a fine not to exceed five hundred dollars pursuant to Section 12.84.010.

BACKGROUND:

The ordinance amendmet was developed in regard to addressing solicitation of towing services in public ways. The objective is to implement an ordinance to protect the public; accident victims and promote road safety.

COUNCIL OPTIONS:

First reading, take no action. No Motion needed

COMMITTEE REVIEW AND/OR RECOMMENDATION:

This item was not reviewed by a City Council committee.

COMMUNITY AND STAKEHOLDER OUTREACH (if applicable, as an attachment) – please include:

Community Meetings on proposed ordinance held as follows:

- February 25th, 2026 at the Upper East Regional Command
- March 3rd, 2026 at Chief Gregory K. Allen Police Department Headquarters
- March 5th, 2026 at Westside Regional Command
- March 11th, 2026 at Northeast Regional Command

RELATED CITY POLICIES:

None

PRIOR COUNCIL ACTION:

None.

LEGAL REVIEW:

- Legal counsel reviewed as a part of Council packet
- Legal counsel reviewed in advance of packet as an individual item

AMOUNT AND SOURCE OF FUNDING:

N/A

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

N/A

NAME	AMOUNT (\$)

ATTACHMENTS:

Ordinance: Soliciting Towing Business on Public Streets Title 12 Chapter 12.54. – Towing Regulations and Fees Proposed New Section 12.54.070 and redlines version

FOR MORE INFORMATION:

Chief Peter F. Pacillas

915-212-4303

*****REQUIRED AUTHORIZATION*****

SIGNATURE:

A/C J.E. BRIONES #1609

[Handwritten Signature]
FOR CHIEF Pacillas

(If Agenda Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES & TRAFFIC), CHAPTER 12.54 (TOWING REGULATIONS AND FEES) TO AMEND SECTION 12.54.040 (PENALTY) TO ADD ADDITIONAL PENALTY SECTIONS AND ADD SECTION 12.54.070 (VIOLATIONS) TO PROHIBIT SOLICITING OF TOWING BUSINESSES AT THE SCENE OF TRAFFIC ACCIDENTS; THE PENALTY AS PROVIDED BY SECTION 12.54.040 (PENALTY) OF THE CITY CODE.

WHEREAS, pursuant to Section 2308.202 of the Texas Occupations Code, the City has the authority to regulate the fees that may be charged in connection with a nonconsent tow originating in the City of El Paso; and

WHEREAS, the City desires to add violations that apply to Chapter 12.54 (Towing Regulations and Fees) to prohibit soliciting of towing businesses at the scene of a car accident or collision; and

WHEREAS, this ordinance amendment furthers the City’s Goals, under Goal 2, setting the standard for a safe and secure City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Section 12.54.040 (Penalty) be amended as follows:

12.54.040 - Penalty.

Any person violating any provision of Sections 12.54.020, 12.54.030, or 12.54.070 of this chapter commits an offense punishable by a fine not to exceed five hundred dollars pursuant to Section 12.84.010.

Section 2. That Section 12.54.070 (Violations) be added as follows:

12.54.070 – Violations.

In the interest of public safety, soliciting towing services business on public streets, public way, other public property, or city sidewalk is prohibited; presence at scene of traffic accident or incident management scene is prima facie evidence of a violation.

A. A person commits an offense if:

1. The person arrives at the scene of a traffic accident or an incident management scene to perform a nonconsent or incident management tow of a motor vehicle, or motorcycle without first being contacted by the police department, vehicle owner, vehicle driver, or an insurance company for the vehicle.

2. The person directly or indirectly solicits, on public streets, public way, other public property, or city sidewalk, located in the city, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in an accident;
3. The person enters the scene of a traffic accident, an incident management scene, or other area under the control of a peace officer or public safety employee without the permission of the peace officer or public safety employee; or
4. The person uses a third party to approach a traffic accident or incident management scene to solicit for a towing business as prohibited under this chapter.

B. The presence of any auto tow company vehicle or employee, car dolly, towing equipment, trailer, business card, flyer, electronic picture or message, or any form of soliciting and making reference to a business, towing service, or body shop being presented to individuals at the scene of a traffic accident, or any similar service. Any employee or third party acting for the towing service that was not dispatched by the police department or requested by the vehicle owner, vehicle driver, or insurance company at the scene of a traffic accident or incident management scene in the city after the traffic accident or prior to the removal of all disabled vehicles shall be prima facie evidence of solicitation in violation of this section.

Section 3. This ordinance shall take effect on June __, 2026.

Section 4. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS __ day of April, 2026.


CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:


Eric Gutierrez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

A/C J.F. BRIONES #1609 
Peter Pacillas *FOR CHIEF PACILLAS*
Chief of Police

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2. The person directly or indirectly solicits, on public streets, public way, other public property, or city sidewalk, located in the city, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in an accident;

3. The person enters the scene of a traffic accident, an incident management scene, or other area under the control of a peace officer or public safety employee without the permission of the peace officer or public safety employee; or

4. ~~A person also commits an offense if they~~ The person uses a third party to approach a traffic accident or incident management scene to solicit for a towing business as prohibited under this chapter.

B. The presence of any auto tow company vehicle or employee, car dolly, towing equipment, trailer, business card, flier, electronic picture or message, or any form of soliciting –and making reference to a business, towing service, or body shop being presented to individuals at the scene of a traffic accident, or any similar service. Any employee or third party acting for the towing service that was not dispatched by the police department or requested by the vehicle owner, vehicle driver, or insurance company at the scene of a traffic accident or incident management scene in the city after the traffic accident or prior to the removal of all disabled vehicles shall be prima facie evidence of solicitation in violation of this section.

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