



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

September 30, 1988

Honorable Joe Lucas
El Paso County Attorney
Room 201, City-County Building
El Paso, Texas 79901

LO-88-111

Dear Mr. Lucas:

You ask about charges a wrecker service may make for taking abandoned motor vehicles into custody pursuant to a contract between the wrecker service and the City of El Paso. Specifically you ask about sections 5.02 and 5.03 of article 4477-9a, V.T.C.S. Section 5.02 authorizes a police department to hire "persons, equipment, and facilities to remove, preserve, and store an abandoned motor vehicle it takes into custody." Section 5.03 governs an owner's right to reclaim an abandoned motor vehicle. An owner may reclaim a vehicle only "on payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody." V.T.C.S. art. 4477-9a, § 5.03(a).

You explain that the City of El Paso has contracted with a particular wrecker for towing and storage of abandoned vehicles. The wrecker is bound by the terms of its contract with the city. Section 5.03 does not give the wrecker an independent basis for making charges. Its authority to make charges derives solely from its contract with the city.

Very truly yours,

A handwritten signature in cursive script that reads "Sarah Woelk".

Sarah Woelk, Chief
Letter Opinion Section
Opinion Committee

SW/bc

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