

By: Leach

H.B. No. 3220

A BILL TO BE ENTITLED

AN ACT

relating to liability arising from incident management towing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 72A to read as follows:

CHAPTER 72A. LIABILITY OF TOWING COMPANY ARISING FROM INCIDENT
MANAGEMENT TOWING

Sec. 72A.001. DEFINITIONS. In this chapter:

(1) "Incident management towing" means the towing of a vehicle in which the tow truck is summoned to the scene of a traffic accident or to an incident for the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene.

(2) "Towing company" has the meaning assigned by Section 2308.002, Occupations Code.

Sec. 72A.002. LIABILITY OF TOWING COMPANY. A towing company that in good faith provides incident management towing is not liable in a civil action for damage to a motor vehicle affected by a primary or secondary accident or incident unless the act of incident management towing was performed with gross negligence, recklessness, or intentional misconduct.

SECTION 2. Chapter 72A, Civil Practice and Remedies Code, as added by this Act, does not apply to a cause of action that accrued before the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by

H.B. No. 3220

1 the law applicable to the cause of action immediately before that
2 date, and the former law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2021.