

By: Goldman

H.B. No. 3758

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the exemption of certain vehicles from vehicle towing
3 regulations.

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

5 SECTION 1. Section 2308.002(11), Occupations Code, is
6 amended to read as follows:

7 (11) "Tow truck" means a motor vehicle, including a
8 wrecker, equipped with a mechanical device used to tow, winch, or
9 otherwise move another motor vehicle. The term does not include:

10 (A) a motor vehicle owned and operated by a
11 governmental entity, including a public school district;

12 (B) a motor vehicle towing:

13 (i) a race car;

14 (ii) a motor vehicle for exhibition; or

15 (iii) an antique motor vehicle;

16 (C) a recreational vehicle towing another
17 vehicle;

18 (D) a motor vehicle used in combination with a
19 tow bar, tow dolly, or other mechanical device if the vehicle is not
20 operated in the furtherance of a commercial enterprise;

21 (E) a motor vehicle that is controlled or
22 operated by a farmer or rancher and used for towing a farm vehicle;

23 (F) a motor vehicle that:

24 (i) is owned or operated by an entity the

1 primary business of which is the rental of motor vehicles; and

2 (ii) only tows vehicles rented by the
3 entity;

4 (G) a truck-trailer combination that is owned or
5 operated by a dealer licensed under Chapter 2301 and used to
6 transport new vehicles during the normal course of a documented
7 transaction in which the dealer is a party and ownership or the
8 right of possession of the transported vehicle is conveyed or
9 transferred; or

10 (H) a car hauler that is used solely to
11 transport, other than in a consent or nonconsent tow, motor
12 vehicles as cargo:

13 (i) in the course of a prearranged shipping
14 transaction;

15 (ii) in the course of a commercial
16 transaction for transport arranged or authorized by one business
17 for the shipping or delivery of a damaged vehicle to another
18 business; or

19 (iii) for use in mining, drilling, or
20 construction operations.

21 SECTION 2. This Act takes effect September 1, 2021.