

AN ACT

relating to the exclusion of certain car haulers from the definition of tow truck for purposes of certain laws regulating motor vehicle towing.

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

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

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

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

(B) a motor vehicle towing:

(i) a race car;

(ii) a motor vehicle for exhibition; or

(iii) an antique motor vehicle;

(C) a recreational vehicle towing another vehicle;

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

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

(F) a motor vehicle that:

1 (i) is owned or operated by an entity the  
2 primary business of which is the rental of motor vehicles; and

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

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

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

14 (i) in the course of:

15 (a) a prearranged shipping  
16 transaction; or

17 (b) a commercial transaction for  
18 transport of a damaged vehicle arranged or authorized by an  
19 insurance company and delivered to a salvage pool operator as  
20 defined by Section 2302.001; or

21 (ii) for use in mining, drilling, or  
22 construction operations.

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 860 passed the Senate on April 9, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 860 passed the House, with amendment, on May 20, 2021, by the following vote: Yeas 143, Nays 2, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor