

By: Johnson, et al.
(Goldman)

S.B. No. 860

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the exclusion of certain car haulers from the
3 definition of tow truck for purposes of certain laws regulating
4 motor vehicle towing.

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

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

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

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

13 (B) a motor vehicle towing:

14 (i) a race car;

15 (ii) a motor vehicle for exhibition; or

16 (iii) an antique motor vehicle;

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

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

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

24 (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 a prearranged shipping
15 or delivery transaction, including a commercial transaction for
16 transport arranged or authorized by one business for the shipping
17 or delivery of a damaged vehicle to another business; or

18 (ii) for use in mining, drilling, or
19 construction operations.

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