

By: Johnson, Paxton

S.B. No. 860

A BILL TO BE ENTITLED

AN ACT

relating to the exemption of certain vehicles from vehicle towing regulations.

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:

(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.