By: Hegar, Howard H.B. No. 1203

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a tow truck rotation list in certain counties; providing a penalty.

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

SECTION 1. Subchapter E, Chapter 643, Transportation Code, is amended by adding Section 643.209 to read as follows:

Sec. 643.209. TOW ROTATION LIST IN CERTAIN COUNTIES. (a) In this section, "nonconsent tow" has the meaning assigned by Section 643.201.

(b) This section applies only to a county with a population of 300,000 or more that is adjacent to a county with a population of 2.3 million or more.

(c) The sheriff's office may maintain a list of towing companies to perform nonconsent tows of motor vehicles initiated by a peace officer investigating a traffic accident or a traffic incident.

(d) A peace officer initiating a nonconsent tow of a motor vehicle involved in a traffic accident or traffic incident that the officer is investigating shall notify the sheriff's office that the tow is being initiated. The office shall contact successive towing companies on the tow rotation list until a company agrees to carry out the tow.

(e) The sheriff's office may assess a towing company an administrative fee to be included on the tow rotation list in an

amount not to exceed the amount necessary to implement this section.

(f) The sheriff's office shall adopt policies to implement this section in a manner that ensures fair distribution of nonconsent tows among the towing companies that perform nonconsent tows in the county.

(g) The sheriff's office shall make a list maintained under this section available for public inspection.

(h) In a county in which a list is maintained under Subsection (c), a person commits an offense if:

(1) the person arrives at the scene of a traffic accident or traffic incident to perform a nonconsent tow of a motor vehicle without first being contacted by the sheriff's office;

(2) the person directly or indirectly solicits, on streets located in the county, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in an accident to the extent that it cannot be normally and safely driven; or

(3) the person enters the scene of a traffic accident, traffic incident, or other area under the control of a peace officer without the permission of the peace officer.

(i) An offense under Subsection (h) is a misdemeanor punishable by a fine of not less than $1 or more than $200.

SECTION 2. This Act takes effect September 1, 2005.