

BILL ANALYSIS

Senate Research Center

S.B. 500
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Transportation & Homeland Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The growing number of automobiles on Texas roadways has resulted in an increased number of vehicular accidents for which towing services are needed. Tow trucks often attempt to arrive at an accident site first to obtain business relating to the accident. In doing so, they may endanger other motorists by aggressively driving to the scene of an accident.

S.B. 500 mandates a tow truck rotation list for Fort Bend County to be maintained by the sheriff's office, and creates a misdemeanor offense for tow truck operators who arrive at an accident scene without being summoned by the sheriff's office.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 643, Transportation Code, by adding Section 643.209, as follows:

Sec. 643.209. TOW ROTATION LIST IN CERTAIN COUNTIES. (a) Defines "nonconsent tow."

(b) Provides that this section applies only to the unincorporated area of 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; a county with a population of less than 10,000 that is located in a national forest; and a county adjacent to a county with a population of less than 10,000 that is located in a national forest that has a population of less than 75,000.

(c) Authorizes the sheriff's office (office) to maintain a list of towing companies to perform nonconsent tows of motor vehicles initiated by a peace officer investigating a traffic accident or incident. Requires the towing companies to operate in a county to which this section applies.

(d) Requires a peace officer initiating a nonconsent tow of a motor vehicle involved in a traffic accident or incident that the officer is investigating to notify the office that the tow is being initiated. Requires the office to contact successive towing companies on a tow rotation list until a company agrees to perform the tow.

(e) Authorizes the office to assess an administrative fee on a towing company that is included on the tow rotation list in an amount not in excess of the amount necessary to implement this section.

(f) Requires the commissioners court of a county in which a list is maintained under Subsection (c) to adopt policies to implement this section in a manner that ensures equal distribution of nonconsent tows among the towing companies that perform nonconsent tows in the county and consumer protection, including fair

pricing, for owners or operators of motor vehicles towed by towing companies on the tow rotation list.

(g) Requires the office to make a list maintained under this section available for public inspection.

(h) Provides that a person commits an offense if, in a county in which a list is maintained under Subsection (c), the person arrives at the scene of a traffic accident or traffic incident to perform a nonconsent tow without being contacted by the sheriff's office, the person directly or indirectly solicits certain towing services related to a vehicle that has been damaged in an accident to the extent that it cannot be driven, or the person enters the scene of a traffic accident under the control of a peace officer without the permission of the peace officer.

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

SECTION 2. Effective date: September 1, 2007.