

BILL ANALYSIS

C.S.S.B. 500
By: Hegar
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The growing number of cars and trucks on Texas roads has created an increased number of situations where vehicular accidents are occurring and a towing service is needed for a damaged vehicle. In Fort Bend County, an efficient and orderly manner for removing vehicles that have been involved in wrecks is necessary. Wrecking or tow trucks in many cases attempt to arrive at accident sites first. In doing so, they endanger other motorists by aggressively driving to the accident scene in an attempt to secure the tow for the wreck.

In an attempt to eliminate any reason to try and beat competition to a wreck, C.S.S.B. 500 creates a mandatory tow truck rotation list for Fort Bend County. The rotation list will be maintained by the Fort Bend County Sheriff's office. C.S.S.B. 500 will also create a criminal offense (misdemeanor) for tow truck operators who arrive at a wreck scene without being summoned by the Sheriff's Office.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 500 amends Subchapter E, Chapter 643, Transportation Code, by adding Section 643.209 which 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; with a population of less than 10,000 that is located in a national forest; and adjacent to a county described by Subdivision that has a population of than 75,000.

The sheriff's office is authorized 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. The bill also requires the commissioners court to adopt policies which ensure equal distribution of nonconsent tows among the towing companies involved and consumer protections. The peace officer is required to notify the sheriff's office that the tow is being initiated.

The sheriff's office is required to contact successive towing companies on the tow rotation list until a company agrees to carry out the tow. The sheriff's office is authorized to assess a towing company an administrative fee to be included on the tow rotation list. The fee may not exceed the amount necessary to implement this section. The sheriff's office is required to adopt policies in a manner that ensures fair distribution. The sheriff's office is required to make the list available for public inspection.

A person commits an offense that is a misdemeanor punishable by a fine of not less than \$1 or more than \$200 if the person arrives at the scene of a traffic accident to perform a nonconsent tow without first being contacted by the sheriff's office; the person directly or indirectly solicits, on streets within the county, towing services, related to a vehicle that has been damaged in an accident to the extent that it cannot be normally and safely driven; or the person enters the scene of a traffic accident, or other area under the control of a peace officer without permission.

The bill is also requires that tow companies operate in a county to which the section applies.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute amends Sec. 643.209 (b) to apply only to the unincorporated area of a county (1) with a population of 300,000 or more that is adjacent to a county with a population of 2.3 million or more; (2) with a population of less than 10,000 that is located in a national forest; and (3) adjacent to a county described by Subdivision (2) that has a population of than 75,000. The bill is also amended to require that tow companies operate in a county to which the section applies. The substitute also requires the commissioners court to adopt policies which ensure equal distribution of nonconsent tows among the towing companies involved and consumer protections.