

By: Hegar

S.B. No. 500

Substitute the following for S.B. No. 500:

By: Smith of Harris

C.S.S.B. No. 500

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

10 (b) This section applies only to the unincorporated area of
11 a county:

12 (1) with a population of 300,000 or more that is
13 adjacent to a county with a population of 2.3 million or more;

14 (2) with a population of less than 10,000 that is
15 located in a national forest; and

16 (3) adjacent to a county described by Subdivision (2)
17 that has a population of less than 75,000.

18 (c) The sheriff's office may maintain a list of towing
19 companies to perform nonconsent tows of motor vehicles initiated by
20 a peace officer investigating a traffic accident or a traffic
21 incident. The towing companies must operate in a county to which
22 this section applies.

23 (d) A peace officer initiating a nonconsent tow of a motor
24 vehicle involved in a traffic accident or traffic incident that the

1 officer is investigating shall notify the sheriff's office that the
2 tow is being initiated. The sheriff's office shall contact
3 successive towing companies on the tow rotation list until a
4 company agrees to carry out the tow.

5 (e) The sheriff's office may assess a towing company an
6 administrative fee to be included on the tow rotation list in an
7 amount not to exceed the amount necessary to implement this
8 section.

9 (f) The commissioners court of a county in which a list is
10 maintained under Subsection (c) shall adopt policies to implement
11 this section in a manner that ensures:

12 (1) equal distribution of nonconsent tows among the
13 towing companies that perform nonconsent tows in the county; and

14 (2) consumer protection, including fair pricing, for
15 owners or operators of motor vehicles towed by towing companies on
16 the tow rotation list.

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

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

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

24 (2) the person directly or indirectly solicits, on
25 streets located in the county, towing services, including towing,
26 removing, repairing, wrecking, storing, trading, selling, or
27 purchasing related to a vehicle that has been damaged in an accident

1 to the extent that it cannot be normally and safely driven; or

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

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

7 SECTION 2. This Act takes effect September 1, 2007.