

1-1 By: Hegar S.B. No. 500
1-2 (In the Senate - Filed February 7, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 12, 2007, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; March 12, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the establishment of a tow truck rotation list in
1-9 certain counties; providing a penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter E, Chapter 643, Transportation Code,
1-12 is amended by adding Section 643.209 to read as follows:

1-13 Sec. 643.209. TOW ROTATION LIST IN CERTAIN COUNTIES.

1-14 (a) In this section, "nonconsent tow" has the meaning assigned by
1-15 Section 643.201.

1-16 (b) This section applies only to a county with a population
1-17 of 300,000 or more that is adjacent to a county with a population of
1-18 2.3 million or more.

1-19 (c) The sheriff's office may maintain a list of towing
1-20 companies to perform nonconsent tows of motor vehicles initiated by
1-21 a peace officer investigating a traffic accident or a traffic
1-22 incident.

1-23 (d) A peace officer initiating a nonconsent tow of a motor
1-24 vehicle involved in a traffic accident or traffic incident that the
1-25 officer is investigating shall notify the sheriff's office that the
1-26 tow is being initiated. The office shall contact successive towing
1-27 companies on the tow rotation list until a company agrees to carry
1-28 out the tow.

1-29 (e) The sheriff's office may assess a towing company an
1-30 administrative fee to be included on the tow rotation list in an
1-31 amount not to exceed the amount necessary to implement this
1-32 section.

1-33 (f) The sheriff's office shall adopt policies to implement
1-34 this section in a manner that ensures fair distribution of
1-35 nonconsent tows among the towing companies that perform nonconsent
1-36 tows in the county.

1-37 (g) The sheriff's office shall make a list maintained under
1-38 this section available for public inspection.

1-39 (h) In a county in which a list is maintained under
1-40 Subsection (c), a person commits an offense if:

1-41 (1) the person arrives at the scene of a traffic
1-42 accident or traffic incident to perform a nonconsent tow of a motor
1-43 vehicle without first being contacted by the sheriff's office;

1-44 (2) the person directly or indirectly solicits, on
1-45 streets located in the county, towing services, including towing,
1-46 removing, repairing, wrecking, storing, trading, selling, or
1-47 purchasing related to a vehicle that has been damaged in an accident
1-48 to the extent that it cannot be normally and safely driven; or

1-49 (3) the person enters the scene of a traffic accident,
1-50 traffic incident, or other area under the control of a peace officer
1-51 without the permission of the peace officer.

1-52 (i) An offense under Subsection (h) is a misdemeanor
1-53 punishable by a fine of not less than \$1 or more than \$200.

1-54 SECTION 2. This Act takes effect September 1, 2007.

1-55 * * * * *