

By: Heflin

H.B. No. 382

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of the towing of vehicles.

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

4 SECTION 1. Section 2308.102, Occupations Code, is amended  
5 by amending Subsection (b) and adding Subsection (c) to read as  
6 follows:

7 (b) Except as provided by Subsection (c), the ~~[The]~~  
8 department may conduct an examination of any criminal conviction of  
9 an applicant, including by obtaining any criminal history record  
10 information permitted by law.

11 (c) Subsection (b) does not apply to an application for a  
12 permit submitted by:

13 (1) a private towing company that does not offer  
14 towing services for hire; or

15 (2) a towing company that:

16 (A) conducts at least 50 percent of its business  
17 in counties with populations of less than 50,000; and

18 (B) has its primary office located in a county  
19 with a population of less than 50,000.

20 SECTION 2. Section 2308.103, Occupations Code, is amended  
21 by amending Subsection (b) and adding Subsection (e) to read as  
22 follows:

23 (b) To be eligible for an incident management towing permit,  
24 an applicant must submit evidence that:

1           (1) the tow truck is equipped to tow light-duty or  
2 heavy-duty vehicles according to the manufacturer's towing  
3 guidelines;

4           (2) the applicant has at least \$500,000 of liability  
5 insurance for the tow truck; and

6           (3) except as provided by Subsection (e), the  
7 applicant has at least \$50,000 of cargo insurance for the tow truck.

8           (e) Subsection (b)(3) does not apply to an application for a  
9 permit submitted by a towing company described by Section  
10 2308.102(c)(2).

11           SECTION 3. Section 2308.104, Occupations Code, is amended  
12 by amending Subsection (b) and adding Subsection (e) to read as  
13 follows:

14           (b) To be eligible for a private property towing permit, an  
15 applicant must submit evidence that:

16           (1) the tow truck is equipped to tow light-duty or  
17 heavy-duty vehicles according to the manufacturer's towing  
18 guidelines;

19           (2) the applicant has at least \$300,000 of liability  
20 insurance for the tow truck; and

21           (3) except as provided by Subsection (e), the  
22 applicant has at least \$50,000 of cargo insurance for the tow truck.

23           (e) Subsection (b)(3) does not apply to an application for a  
24 permit submitted by a towing company described by Section  
25 2308.102(c)(2).

26           SECTION 4. Section 2308.153, Occupations Code, is amended  
27 by amending Subsection (b) and adding Subsection (c) to read as

1 follows:

2 (b) An applicant for an incident management towing  
3 operator's license must:

4 (1) be a licensed Texas driver; and

5 (2) except as provided by Subsection (c), be certified  
6 by the National Drivers Certification Program of the Towing and  
7 Recovery Association of America or another certification program  
8 approved by the department.

9 (c) Subsection (b)(2) does not apply to an application for  
10 an incident management towing operator's license if the applicant  
11 will operate a tow truck permitted to a towing company described by  
12 Section 2308.102(c)(2).

13 SECTION 5. Section 2308.154, Occupations Code, is amended  
14 by amending Subsection (b) and adding Subsection (c) to read as  
15 follows:

16 (b) An applicant for a private property towing operator's  
17 license must:

18 (1) be a licensed Texas driver; and

19 (2) except as provided by Subsection (c), be certified  
20 by the National Drivers Certification Program of the Towing and  
21 Recovery Association of America or another certification program  
22 approved by the department.

23 (c) Subsection (b)(2) does not apply to an application for a  
24 private property towing operator's license if the applicant will  
25 operate a tow truck permitted to a towing company described by  
26 Section 2308.102(c)(2).

27 SECTION 6. This Act takes effect immediately if it receives

H.B. No. 382

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2009.