

By: Jackson

H.B. No. 1746

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of the towing and storage of vehicles.

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

4 SECTION 1. Section 2303.1015(a), Occupations Code, is  
5 amended to read as follows:

6 (a) A person may not work at a vehicle storage facility  
7 unless the person holds a license issued under this chapter or  
8 Chapter 2308.

9 SECTION 2. Section 2308.153(b), Occupations Code, is  
10 amended to read as follows:

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

13 (1) hold a valid driver's license issued by a state in  
14 the United States [~~be a licensed Texas driver~~]; and

15 (2) be certified by a [~~the National Drivers~~  
16 ~~Certification Program of the Towing and Recovery Association of~~  
17 ~~America or another certification~~] program approved by the  
18 department.

19 SECTION 3. Section 2308.154(b), Occupations Code, is  
20 amended to read as follows:

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

23 (1) hold a valid driver's license issued by a state in  
24 the United States [~~be a licensed Texas driver~~]; and

1           (2) be certified by a [~~the National Drivers~~  
2 ~~Certification Program of the Towing and Recovery Association of~~  
3 ~~America or another certification~~] program approved by the  
4 department.

5           SECTION 4. Section 2308.155(b), Occupations Code, is  
6 amended to read as follows:

7           (b) An applicant for a consent towing operator's license  
8 must hold a valid driver's license issued by a state in the United  
9 States [~~be a licensed Texas driver~~].

10          SECTION 5. Subchapter D, Chapter 2308, Occupations Code, is  
11 amended by adding Section 2308.1551 to read as follows:

12          Sec. 2308.1551. TEMPORARY TRAINING LICENSE. (a) The  
13 department may issue a temporary training license to an applicant  
14 for a license under this subchapter if the applicant:

15                 (1) holds a valid driver's license issued by a state in  
16 the United States;

17                 (2) meets the qualifications established by rule by  
18 the commission; and

19                 (3) is engaged in the process of learning and  
20 assisting in the operation of a tow truck under the supervision of a  
21 tow truck operator who holds the same type of license that the  
22 applicant is seeking.

23          (b) Notwithstanding Subsection (a), an applicant for a  
24 license under Section 2308.153 may be supervised by an operator who  
25 holds a license issued under Section 2308.153, 2308.154, or  
26 2308.155.

27          (c) A temporary training license issued under this section

1 expires on the 91st day after the date of issuance.

2 (d) The commission by rule shall set the fee, establish the  
3 qualifications, and provide for the issuance of a temporary  
4 training license under this section.

5 SECTION 6. Section 2308.158, Occupations Code, is amended  
6 to read as follows:

7 Sec. 2308.158. ALCOHOL AND DRUG TESTING OF TOWING  
8 OPERATORS. (a) A towing company shall establish an alcohol and [a]  
9 drug testing policy for towing operators. A towing company that  
10 establishes an alcohol and [a] drug testing policy under this  
11 subsection may adopt the model alcohol and drug testing policy  
12 adopted by the commission or may use another alcohol and drug  
13 testing policy that the department determines is at least as  
14 stringent as the policy adopted by the commission.

15 (b) The commission by rule shall adopt a model alcohol and  
16 drug testing policy for use by a towing company. The model alcohol  
17 and drug testing policy must be designed to ensure the safety of the  
18 public through appropriate alcohol and drug testing and to protect  
19 the rights of employees. The model alcohol and drug testing policy  
20 must:

21 (1) require at least one scheduled alcohol and drug  
22 test each year for each towing operator; and

23 (2) authorize random, unannounced alcohol and drug  
24 testing for towing operators.

25 SECTION 7. (a) The changes in law made by this Act to  
26 Sections 2308.153, 2308.154, and 2308.155, Occupations Code, apply  
27 only to a license application filed on or after the effective date

1 of this Act. A license application filed before the effective date  
2 of this Act is governed by the law in effect when the license  
3 application was filed, and the former law is continued in effect for  
4 that purpose.

5 (b) Not later than November 30, 2009, the Texas Commission  
6 of Licensing and Regulation shall adopt the model alcohol and drug  
7 testing policy required by Section 2308.158, Occupations Code, as  
8 amended by this Act.

9 (c) A towing company is not required to comply with the  
10 alcohol and drug testing policy required by Section 2308.158,  
11 Occupations Code, as amended by this Act, until January 1, 2010.

12 SECTION 8. This Act takes effect September 1, 2009.