

By: Sheets

H.B. No. 1130

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the removal of a disabled vehicle from a roadway or
3 right-of-way.

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

5 SECTION 1. Section 2308.002(5-a), Occupations Code, is
6 amended to read as follows:

7 (5-a) "Incident management tow" means any tow of a
8 vehicle in which the tow truck is summoned to the scene of a traffic
9 accident or to an incident, including the removal of a vehicle,
10 commercial cargo, and commercial debris from an accident or
11 incident scene. The term does not include a tow of a vehicle under
12 Section 545.3051(c-1), Transportation Code.

13 SECTION 2. Section 545.3051, Transportation Code, is
14 amended by amending Subsection (c) and adding Subsection (c-1) to
15 read as follows:

16 (c) Except as provided by Subsection (c-1), personal
17 ~~[Personal]~~ property may be removed under this section without the
18 consent of the owner or carrier of the property.

19 (c-1) If the personal property is a vehicle, the owner or
20 person in charge of the vehicle may designate a particular towing
21 company for a consent tow of the vehicle if:

22 (1) the vehicle is:

23 (A) disabled so that normal operation of the
24 vehicle is impossible or impractical; and

1 (B) not obstructing traffic; and
2 (2) the owner or person in charge of the vehicle is:
3 (A) in the immediate vicinity of the vehicle; and
4 (B) not incapacitated and is able to provide
5 instructions for the vehicle's removal.

6 SECTION 3. This Act takes effect September 1, 2015.