

By: Kuempel

H.B. No. 3098

Substitute the following for H.B. No. 3098:

By: Pickett

C.S.H.B. No. 3098

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the exemption of certain vehicles from towing
3 regulations.

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

5 SECTION 1. Section 2308.002(11), Occupations Code, is
6 amended to read as follows:

7 (11) "Tow truck" means a motor vehicle, including a
8 wrecker, equipped with a mechanical device used to tow, winch, or
9 otherwise move another motor vehicle. The term does not include:

10 (A) a motor vehicle owned and operated by a
11 governmental entity, including a public school district;

12 (B) a motor vehicle towing:

13 (i) a race car;

14 (ii) a motor vehicle for exhibition; or

15 (iii) an antique motor vehicle;

16 (C) a recreational vehicle towing another
17 vehicle;

18 (D) a motor vehicle used in combination with a
19 tow bar, tow dolly, or other mechanical device if the vehicle is not
20 operated in the furtherance of a commercial enterprise;

21 (E) a motor vehicle that is controlled or
22 operated by a farmer or rancher and used for towing a farm vehicle;

23 [~~or~~]

24 (F) a motor vehicle that:

1 (i) is owned or operated by an entity the
2 primary business of which is the rental of motor vehicles; and

3 (ii) only tows vehicles rented by the
4 entity;

5 (G) a truck-trailer combination that is owned or
6 operated by a dealer licensed under Chapter 2301 and used to
7 transport new vehicles during the normal course of a documented
8 transaction in which the dealer is a party and ownership or the
9 right of possession of the transported vehicle is conveyed or
10 transferred; or

11 (H) a car hauler that is used solely to
12 transport, other than in a consent or nonconsent tow, motor
13 vehicles as cargo in the course of a prearranged shipping
14 transaction or for use in mining, drilling, or construction
15 operations.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2015.