

By: Miller

H.B. No. 2781

A BILL TO BE ENTITLED

AN ACT

relating to county authority related to the removal and storage of vehicles and other personal property from a roadway and the regulation of vehicle storage facilities, junkyards, and automobile wrecking and salvage yards; authorizing fees.

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

SECTION 1. Chapter 2303, Occupations Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. COUNTY REGULATION

Sec. 2303.201. REGULATION BY CERTAIN COUNTIES. (a) This section applies only to:

(1) a county with a population of 3.3 million or more;

and

(2) a county adjacent to a county described by Subdivision (1).

(b) A county may regulate the operation of a vehicle storage facility located in the unincorporated area of the county in a manner that is not more restrictive than this chapter or Chapter 396 or 397, Transportation Code.

SECTION 2. Section 2308.209, Occupations Code, is amended by amending Subsections (c), (d), and (e) and adding Subsection (c-1) to read as follows:

(c) A [The] sheriff's office may maintain a list of towing companies to perform:

1 (1) nonconsent tows of motor vehicles initiated by a
2 peace officer investigating a traffic accident or a traffic
3 incident; and

4 (2) nonconsent tows of motor vehicles and removal of
5 other personal property as part of a program under Section
6 2308.210.

7 (c-1) The towing companies must operate in a county to which
8 this section applies.

9 (d) After being notified of the need for a nonconsent tow
10 described by Subsection (c)(1) or (2), the [~~A peace officer~~
11 ~~initiating a nonconsent tow of a motor vehicle involved in a traffic~~
12 ~~accident or traffic incident that the officer is investigating~~
13 ~~shall notify the sheriff's office that the tow is being initiated.~~
14 ~~The~~] sheriff's office shall contact successive towing companies on
15 the tow rotation list until a company agrees to carry out the tow.

16 (e) The commissioners court of a county [~~sheriff's office~~]
17 may assess a towing company an administrative fee, in addition to an
18 amount under Section 2308.201 or 2308.210, to be included on the tow
19 rotation list in an amount not to exceed the amount necessary to
20 implement this section.

21 SECTION 3. Subchapter E, Chapter 2308, Occupations Code, is
22 amended by adding Section 2308.210 to read as follows:

23 Sec. 2308.210. ROADWAY CLEARANCE PROGRAM IN CERTAIN
24 COUNTIES. (a) The commissioners court of a county adjacent to a
25 county with a population of more than 3.3 million by order may
26 establish a program under which an employee of the sheriff's
27 department designated by the sheriff or the commissioners court is

1 authorized to direct, without the involvement of a peace officer, a
2 towing company to:

3 (1) remove from a roadway personal property, including
4 a vehicle, that is impeding the safe movement of traffic; and

5 (2) relocate the property to:

6 (A) the closest safe location for the property to
7 be stored; or

8 (B) for a vehicle, a vehicle storage facility
9 authorized to store vehicles under the program.

10 (b) An order under Subsection (a):

11 (1) must ensure the protection of the public and the
12 safe and efficient operation of towing and storage services in the
13 county; and

14 (2) may require a towing company or storage facility
15 to pay a fee, in addition to a fee under Section 2308.201 or
16 2308.209, for participation in the program. Fees under this
17 subsection:

18 (A) shall be deposited to the credit of the
19 county's general fund; and

20 (B) may be used only to compensate the sheriff's
21 office for expenses and salaries associated with administering the
22 program.

23 (c) The commissioners court of a county operating a program
24 under this section:

25 (1) may enter into an agreement with a federal agency,
26 state agency, municipality, adjacent county, metropolitan rapid
27 transit authority, or regional planning organization or any other

1 governmental entity for the purpose of carrying out the program;
2 and
3 (2) may apply for grants and other funding to carry out
4 the program.

5 SECTION 4. Section 396.041(c), Transportation Code, is
6 amended to read as follows:

7 (c) An ordinance may:

8 (1) impose a fee of \$25 for the issuance or renewal of
9 a license;

10 (2) impose a fee of not more than:

11 (A) \$150 for the issuance or renewal of a
12 license, if the ordinance is adopted by the commissioners court of:

13 (i) a county with a population of one
14 million or more that contains two or more municipalities, each of
15 which has a population of 250,000 or more; or

16 (ii) a county with a population of 450,000
17 or more that is adjacent to a county with a population of 3.3
18 million; or

19 (B) \$500 for the issuance or renewal of a
20 license, if the ordinance is adopted by the commissioners court of a
21 county with a population of 3.3 million or more;

22 (3) condition the license on the operation of the
23 junkyard or automotive wrecking and salvage yard only at a location
24 approved by the commissioners court; or

25 (4) establish grounds for suspending or revoking a
26 license if the junkyard or automotive wrecking and salvage yard is
27 not screened.

1 SECTION 5. Section 397.001, Transportation Code, is amended
2 to read as follows:

3 Sec. 397.001. APPLICABILITY OF CHAPTER. This chapter
4 applies only to an automotive wrecking and salvage yard that:

5 (1) is located in:

6 (A) a county with a population of 3.3 million or
7 more; or

8 (B) a county with a population of 450,000 or more
9 that is adjacent to a county with a population of 3.3 million;

10 (2) is not located within a municipality in that
11 county; and

12 (3) is established on or after September 1, 1983.

13 SECTION 6. This Act takes effect September 1, 2017.