2021S0039-2 02/23/21

By:  Johnson, Paxton S.B. No. 860

A BILL TO BE ENTITLED

AN ACT

relating to the exemption of certain vehicles from vehicle towing regulations.

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

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

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

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

(B)  a motor vehicle towing:

(i)  a race car;

(ii)  a motor vehicle for exhibition; or

(iii)  an antique motor vehicle;

(C)  a recreational vehicle towing another vehicle;

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

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

(F)  a motor vehicle that:

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

(ii)  only tows vehicles rented by the entity;

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

(H)  a car hauler that is used solely to transport, other than in a consent or nonconsent tow, motor vehicles as cargo:

(i)  in the course of a prearranged shipping transaction;

(ii)  in the course of a commercial transaction for transport arranged or authorized by one business for the shipping or delivery of a damaged vehicle to another business; or

(iii)  for use in mining, drilling, or construction operations.

SECTION 2.  This Act takes effect September 1, 2021.