

By: Johnson, Paxton

S.B. No. 860

A BILL TO BE ENTITLED

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AN ACT

relating to the exclusion of certain car haulers from the definition of tow truck for purposes of certain laws regulating motor vehicle towing.

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:

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:

14 (i) in the course of a prearranged shipping
15 or delivery transaction, including a commercial transaction for
16 transport arranged or authorized by one business for the shipping
17 or delivery of a damaged vehicle to another business; or

18 (ii) for use in mining, drilling, or
19 construction operations.

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