

1-1 By: Johnson, Paxton S.B. No. 860
 1-2 (In the Senate - Filed February 26, 2021; March 11, 2021,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 26, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; March 26, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | | | X | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 860 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the exclusion of certain car haulers from the
 1-22 definition of tow truck for purposes of certain laws regulating
 1-23 motor vehicle towing.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 2308.002(11), Occupations Code, is
 1-26 amended to read as follows:

1-27 (11) "Tow truck" means a motor vehicle, including a
 1-28 wrecker, equipped with a mechanical device used to tow, winch, or
 1-29 otherwise move another motor vehicle. The term does not include:

1-30 (A) a motor vehicle owned and operated by a
 1-31 governmental entity, including a public school district;

1-32 (B) a motor vehicle towing:

1-33 (i) a race car;

1-34 (ii) a motor vehicle for exhibition; or

1-35 (iii) an antique motor vehicle;

1-36 (C) a recreational vehicle towing another
 1-37 vehicle;

1-38 (D) a motor vehicle used in combination with a
 1-39 tow bar, tow dolly, or other mechanical device if the vehicle is not
 1-40 operated in the furtherance of a commercial enterprise;

1-41 (E) a motor vehicle that is controlled or
 1-42 operated by a farmer or rancher and used for towing a farm vehicle;

1-43 (F) a motor vehicle that:

1-44 (i) is owned or operated by an entity the
 1-45 primary business of which is the rental of motor vehicles; and

1-46 (ii) only tows vehicles rented by the
 1-47 entity;

1-48 (G) a truck-trailer combination that is owned or
 1-49 operated by a dealer licensed under Chapter 2301 and used to
 1-50 transport new vehicles during the normal course of a documented
 1-51 transaction in which the dealer is a party and ownership or the
 1-52 right of possession of the transported vehicle is conveyed or
 1-53 transferred; or

1-54 (H) a car hauler that is used solely to
 1-55 transport, other than in a consent or nonconsent tow, motor
 1-56 vehicles as cargo:

1-57 (i) in the course of a prearranged shipping
 1-58 or delivery transaction, including a commercial transaction for
 1-59 transport arranged or authorized by one business for the shipping
 1-60 or delivery of a damaged vehicle to another business; or

