88R13360 BEE-D

By:  Kitzman H.B. No. 3950

A BILL TO BE ENTITLED

AN ACT

relating to the maintenance of a tow rotation list by the commissioners court or sheriff's office of certain counties; authorizing fees; creating a criminal offense.

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

SECTION 1.  Section 2308.209, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  Notwithstanding Subsection (b), this section does not apply to a county with a population of 800,000 or more that is adjacent to a county with a population of 3.3 million or more.

SECTION 2.  Subchapter E, Chapter 2308, Occupations Code, is amended by adding Section 2308.2095 to read as follows:

Sec. 2308.2095.  COUNTY ADMINISTRATION OF TOW ROTATION LIST IN CERTAIN COUNTIES. (a) This section applies only to the unincorporated area of a county with a population of 800,000 or more that is adjacent to a county with a population of 3.3 million or more.

(b)  A commissioners court may maintain a list of towing companies to perform nonconsent tows of motor vehicles initiated by a peace officer investigating a traffic accident or a traffic incident. The towing companies must operate in a county to which this section applies.

(c)  A commissioners court of a county may delegate to the sheriff's office of a county the authority under Subsection (b) to maintain a list of towing companies.

(d)  A peace officer initiating a nonconsent tow of a motor vehicle involved in a traffic accident or traffic incident that the officer is investigating shall notify the commissioners court or sheriff's office, as applicable, that the tow is being initiated. The commissioners court or sheriff's office, as applicable, shall contact successive towing companies on the tow rotation list until a company agrees to carry out the tow.

(e)  The commissioners court or sheriff's office, as applicable, may impose an administrative fee on:

(1)  a towing company for inclusion on the tow rotation list; and

(2)  the operator of a vehicle subject to a nonconsent tow performed by a towing company included on the tow rotation list for facilitating the tow.

(f)  The amount of the fees collected under Subsection (e) may not exceed the amount necessary to implement this section.

(g)  The towing company performing the tow shall collect an administrative fee imposed under Subsection (e)(2) and remit the fee to the county. A fee collected under this subsection is separate from a fee collected by the towing company for performing the tow.

(h)  The commissioners court of a county in which a list is maintained under Subsection (b) shall adopt policies to implement this section in a manner that ensures:

(1)  equal distribution of nonconsent tows among the towing companies that perform nonconsent tows in the county; and

(2)  consumer protection, including fair pricing, for owners or operators of motor vehicles towed by towing companies on the tow rotation list.

(i)  The commissioners court or sheriff's office, as applicable, shall make a list maintained under this section available for public inspection.

(j)  In a county in which a list is maintained under Subsection (b), a person commits an offense if:

(1)  the person arrives at the scene of a traffic accident or traffic incident to perform a nonconsent tow of a motor vehicle without first being contacted by the commissioners court or sheriff's office, as applicable;

(2)  the person directly or indirectly solicits, on streets located in the county, towing services, including towing, removing, repairing, wrecking, storing, trading, selling, or purchasing related to a vehicle that has been damaged in an accident to the extent that it cannot be normally and safely driven; or

(3)  the person enters the scene of a traffic accident, traffic incident, or other area under the control of a peace officer without the permission of the peace officer.

(k)  An offense under Subsection (j) is a misdemeanor punishable by a fine of not less than $1 or more than $200.

SECTION 3.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4.  This Act takes effect September 1, 2023.