

By: Kitzman

H.B. No. 3950

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the maintenance of a tow rotation list by the
3 commissioners court or sheriff's office of certain counties;
4 authorizing fees; creating a criminal offense.

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

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

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

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

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

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

23 (c) A commissioners court of a county may delegate to the
24 sheriff's office of a county the authority under Subsection (b) to

1 maintain a list of towing companies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 SECTION 3. The changes in law made by this Act apply only to
24 an offense committed on or after the effective date of this Act. An
25 offense committed before the effective date of this Act is governed
26 by the law in effect on the date the offense was committed, and the
27 former law is continued in effect for that purpose. For purposes of

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1 this section, an offense was committed before the effective date of
2 this Act if any element of the offense occurred before that date.

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