

BILL ANALYSIS

Senate Research Center
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S.B. 1820
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Towing and Booting Act does not clarify whether a motor vehicle owned or operated by a franchised automobile dealer transporting a new car to the purchaser is a tow truck. The Act also does not clarify whether a truck that transports motor vehicles for cargo in a prearranged shipping transaction, or for use in mining, drilling, or construction operations, is a tow truck. While the Texas Department of Licensing and Regulation (TDLR), which is responsible for implementing the Act, does not interpret that these vehicles are tow trucks according to the Act, some law enforcement agencies have cited these vehicles for failing to register with TDLR as tow trucks.

S.B. 1820 clarifies that the term "tow truck" does not include a motor vehicle owned or operated by a franchised automobile dealer for transporting vehicles they have sold to vehicle purchasers. The bill also clarifies that the term "tow truck" does not include a car hauler used solely to transport motor vehicles as cargo in the course of a prearranged shipping transaction, or for use in mining, drilling, or construction operations.

As proposed, S.B. 1820 amends current law relating to the exemption of certain vehicles from towing regulations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2308.002(11), Occupations Code, to redefine "tow truck" to provide that the term does not include a motor vehicle that is owned or operated by a person licensed under Chapter 2301 (Sale or Lease of Motor Vehicles) and used to transport vehicles during the normal course of a transaction in which the person is a party and ownership or the right of possession of the transported vehicle is conveyed or transferred; or a truck-tractor as defined by Section 621.001(8)(B) (defining "truck-tractor"), Transportation Code, that is used solely to transport, other than in a nonconsent tow, motor vehicles as cargo in the course of a prearranged shipping transaction or for use in mining, drilling, or construction operations.

SECTION 2. Effective date: upon passage or September 1, 2015.