

TRANSPORTATION CODE

SUBTITLE F. COMMERCIAL MOTOR VEHICLES

CHAPTER 642. IDENTIFYING MARKINGS ON COMMERCIAL MOTOR VEHICLES

Sec. 642.001. DEFINITIONS. In this chapter:

(1) "Motor vehicle" means a motor vehicle, other than a motorcycle, that is designed or used primarily for the transportation of persons or property.

(2) "Operator" means the person who is in actual physical control of a motor vehicle.

(3) "Owner" means a person who has:

- (A) legal title to a motor vehicle; or
- (B) the right to possess or control the vehicle.

(4) "Road-tractor" means a motor vehicle that is:

- (A) used for towing manufactured housing; or
- (B) designed and used for drawing other vehicles and not constructed so as to carry any load independently or as a part of the weight of a vehicle or load it is drawing.

(5) "Truck-tractor" means a motor vehicle that:

(A) transports passenger cars loaded on the vehicle while the vehicle is engaged with a semitrailer transporting passenger cars; or

(B) is designed or used primarily for pulling other vehicles and constructed to carry only a part of the weight of a vehicle it is pulling.

(6) "Tow truck" has the meaning assigned that term by Section 643.001.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1171, Sec. 4.12(a), eff. Sept. 1, 1997.

Sec. 642.002. IDENTIFYING MARKINGS ON CERTAIN VEHICLES REQUIRED; OFFENSE; PENALTY. (a) A person commits an offense if:

(1) the person operates on a public street, road, or highway:

(A) a commercial motor vehicle that has three or more axles;

- (B) a truck-tractor;
- (C) a road-tractor; or
- (D) a tow truck; and

(2) the vehicle does not have on each side of the power unit identifying markings that comply with the identifying marking requirements specified by 49 C.F.R. Section 390.21 or that:

(A) show the name of the owner or operator of the vehicle;

(B) have clearly legible letters and numbers of a height of at least two inches; and

(C) show the motor carrier registration number in clearly legible letters and numbers, if the vehicle is required to be registered under this chapter.

(b) A person commits an offense if the person operates on a public street, road, or highway a tow truck that does not show on each side of the power unit, in addition to the markings required by Subsection (a)(2), the city in which the owner or operator maintains its place of business and the telephone number, including area code, at that place of business in clearly legible letters and numbers.

(c) The owner of a vehicle commits an offense if the owner or operator permits another to operate a vehicle in violation of Subsection (a) or (b).

(d) The Texas Department of Transportation by rule may prescribe additional requirements regarding the form of the markings required by Subsection (a)(2) that are not inconsistent with that subsection.

(e) An offense under this section is a Class C misdemeanor. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1171, Sec. 4.12, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 566, Sec. 1, eff. June 18, 1999.

Sec. 642.003. NONAPPLICABILITY. Section 642.002 does not apply to a commercial motor vehicle, road-tractor, or truck-tractor that is:

(1) registered under Section 502.163;

(2) required to be registered under Section 113.131, Natural Resources Code;

(3) operated in private carriage that is subject to Title 49, Code of Federal Regulations, Part 397.21;

(4) operated under the direct control, supervision, or authority of a public utility, as recognized by the legislature,

that is otherwise visibly marked; or

(5) transporting timber products in their natural state from first point of production or harvest to first point of processing.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.149(a), eff. Sept. 1, 1997.