

CHAPTER 629

S.B. No. 958

AN ACT

relating to the registration of tow trucks and the transfer of registration to the Railroad Commission of Texas; imposing fees and transferring appropriations.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Sections 1, 2, 3, 4, 6, and 7, Chapter 1135, Acts of the 70th Legislature, Regular Session, 1987 (Article 6687-9b, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1. DEFINITIONS. In this Act:

(1) "Commission" means the *Railroad Commission of Texas* [~~Commission of Licensing and Regulation~~].

(2) [~~"Commissioner" means the commissioner of licensing and regulation.~~

[~~(3) "Department" means the Texas Department of Licensing and Regulation.~~

(4) "Tow truck" means a motor vehicle or mechanical device adapted or used to tow, winch, or otherwise move disabled motor vehicles.

(5) "Tow truck owner" means a person engaged in the business of using a tow truck to tow, winch, or otherwise move a motor vehicle.

Sec. 2. REGISTRATION REQUIREMENT. (a) Except as provided by Section 5 of this Act, a person may not operate a tow truck in this state unless the tow truck is registered with the *commission* [department] as provided by this Act.

(b) The *commission* [commissioner] shall issue a certificate of registration to a tow truck owner whose vehicle meets the registration requirements prescribed by rule of the *commission* [commissioner] and who pays the registration fee set by the *commission* in an amount sufficient to recover the *commission's* costs of administering this Act.

(c) A certificate of registration issued under this Act is not transferable.

(d) Registration fees collected under this Act shall be deposited in a special account in the general revenue fund to be known as the tow truck registration account, which may be appropriated only to the *commission* for the registration and regulation of tow trucks.

Sec. 3. POWERS AND DUTIES OF COMMISSION [COMMISSIONER]. The *commission* [commissioner] shall adopt rules, in the interest of public safety, that provide requirements for registration and maintenance of registration under this Act. Rules adopted under this section must include [regarding only the] minimum insurance requirements for the operation of tow trucks and minimum safety standards regarding the operation of tow trucks.

Sec. 4. IDENTIFICATION REQUIREMENT. (a) To be eligible for registration under this Act, a tow truck must be labeled on both sides of the tow truck with the name, address, and telephone number of the tow truck owner.

(b) The *commission* [commissioner] shall adopt rules relating to the identification requirement imposed under this section.

Sec. 6. RENEWAL. A certificate of registration is valid for the period set by the *commission* and may be renewed by paying to the *commission* [commissioner] the required renewal fee.

Sec. 7. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. (a) The *commission* [commissioner] may deny, suspend, revoke, or reinstate a certificate of registration.

(b) The *commission* [commissioner] shall adopt rules establishing the procedures for denial, suspension, revocation, or reinstatement of a certificate of registration for failure to follow the [insurance and minimum safety] requirements established by the *commission* [commissioner].

(c) Proceedings relating to the denial, suspension, or revocation of a certificate of registration issued under this Act are subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

SECTION 2. Section 4, Vehicle Storage Facility Act (Article 6687-9a, Revised Statutes), is amended by adding Subsection (c) to read as follows:

(c) *The commission may impose and collect a fee for a license in an amount sufficient to recover the commission's costs of administering this Act. Fees collected under this subsection shall be deposited in a special account in the general revenue fund that may be appropriated only to the commission for the administration of this Act.*

SECTION 3. (a) Any appropriation made to the Texas Department of Licensing and Regulation for the biennium ending August 31, 1995, for the administration of Chapter 1135, Acts of the 70th Legislature, Regular Session, 1987 (Article 6687-9b, Vernon's Texas Civil Statutes), is transferred to the Railroad Commission of Texas for the same period and the same purpose.

(b) Any appropriation made to the Texas Department of Licensing and Regulation for the biennium ending August 31, 1995, for the administration of the Vehicle Storage Facility Act (Article 6687-9a, Revised Statutes), is transferred to the Railroad Commission of Texas for the same period and the same purpose.

SECTION 4. Section 2 and Subsection (b) of Section 3 of this Act are contingent on S.B. No. 452, Acts of the 73rd Legislature, Regular Session, 1993, becoming law. If that legislation does not become law, Section 2 and Subsection (b) of Section 3 have no effect.

SECTION 5. Section 11, Chapter 1135, Acts of the 70th Legislature, Regular Session, 1987 (Article 6687-9b, Vernon's Texas Civil Statutes), is repealed.

SECTION 6. (a) A rule adopted by the Texas Commission of Licensing and Regulation or the commissioner of licensing and regulation under Chapter 1135, Acts of the 70th Legislature, Regular Session, 1987 (Article 6687-9b, Vernon's Texas Civil Statutes), before the effective date of this Act remains in effect as a rule of the Railroad Commission of Texas until superseded by a rule of the Railroad Commission of Texas.

(b) A certificate of registration that is valid on the effective date of this Act remains valid until it expires or until the Railroad Commission of Texas suspends or revokes the registration.

(c) A proceeding to suspend or revoke a certificate of registration issued under Chapter 1135, Acts of the 70th Legislature, Regular Session, 1987 (Article 6687b, Vernon's Texas Civil Statutes), pending before the Texas Commission of Licensing and Regulation on the effective date of this Act is transferred without change in status to the Railroad Commission of Texas on the effective date of this Act.

(d) All records of the Texas Commission of Licensing and Regulation involving the registration of tow trucks under Chapter 1135, Acts of the 70th Legislature, Regular Session, 1987 (Article 6687-9b, Vernon's Texas Civil Statutes), shall be, on the effective date of this Act, transferred to the Railroad Commission of Texas.

SECTION 7. This Act takes effect September 1, 1993.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 14, 1993, by a viva-voce vote; the Senate concurred in House amendment on May 27, 1993, by a viva-voce vote; passed the House, with amendment, on May 25, 1993, by a non-record vote.

Approved June 12, 1993.

Effective Sept. 1, 1993 and as provided in § 4.