

CHAPTER 1135

S.B. No. 666

AN ACT

relating to the regulation of tow trucks; providing a penalty.

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

SECTION 1. DEFINITIONS. In this Act:

- (1) "Department" means the Texas Department of Labor and Standards.
- (2) "Tow truck" means a motor vehicle or mechanical device adapted or used to tow, winch, or otherwise move disabled motor vehicles.
- (3) "Tow truck owner" means a person engaged in the business of using a tow truck to tow, winch, or otherwise move a motor vehicle.

SECTION 2. REGISTRATION REQUIREMENT. (a) Except as provided by Section 5 of this Act, a person may not operate a tow truck for compensation in this state unless the tow truck is registered with the department as provided by this Act.

(b) The department shall issue a certificate of registration to a tow truck owner whose vehicle meets the registration requirements prescribed by department rule and who pays the registration fee.

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

SECTION 3. POWERS AND DUTIES OF DEPARTMENT. (a) The department shall adopt rules regarding only the minimum insurance requirements for the operation of tow trucks and minimum safety standards regarding the operation of tow trucks.

(b) The department shall impose fees for the original registration and renewal registration of all tow trucks operated for compensation. The department shall set the fees in

amounts that are reasonable and necessary to cover the costs of the administration of this Act.

(c) The department shall prescribe application forms for original and renewal certificates of registration.

SECTION 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 department shall adopt rules relating to the identification requirement imposed under this section.

SECTION 5. EFFECT OF MUNICIPAL REGULATION. No municipality in the state may require a tow truck registered under the provisions of this Act to obtain a municipal registration, license, or permit for consent tows unless the tow truck owner has a place of business located within the boundaries of that municipality. A municipality may require a municipal registration, license, or permit for all tow trucks performing nonconsent tows within the boundaries of the municipality without regard to the location of the place of business of the tow truck owner. The municipal registration, license, or permit will be in addition to the requirements of this Act.

SECTION 6. RENEWAL. (a) A certificate of registration is valid for one year and may be renewed annually on or before February 1 on payment of the required renewal fee.

(b) If a tow truck owner fails to renew the registration by the required date, the owner may renew the registration on payment of the renewal fee and a late fee set by the department. If an application for renewal of the registration is not submitted to the department before the 31st day after the expiration date of the registration, the registration may not be renewed. To reinstate the certificate of registration, the owner must comply with the requirements for an original certificate.

SECTION 7. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. (a) The department may deny, suspend, revoke, or reinstate a certificate of registration.

(b) The department 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 department.

(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 8. PENALTY. (a) A person commits an offense if the person operates for compensation a tow truck that does not have a valid certificate of registration issued under this Act.

(b) An offense under this section is a Class C misdemeanor.

SECTION 9. CONFORMING AMENDMENT. Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-1 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 5i to read as follows:

Sec. 5i. (a) In this section:

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

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

(b) The department shall design and provide for the issuance of special license plates for commercial motor vehicles used as tow trucks. The license plates shall bear the words "Tow Truck."

(c) The department shall issue license plates under this section to a tow truck owner who:

(1) applies to the county tax collector in the county of the owner's residence on a form approved by the department;

(2) *submits with the application a certified copy of the certificate of registration issued by the Texas Department of Labor and Standards for that tow truck; and*

(3) *pays the fee prescribed by Subsection (e) of this section.*

(d) *Registration under this section is valid for one year and expires in the same manner as regular motor vehicle registrations.*

(e) *The fee for license plates issued under this section is \$15, in addition to the fee imposed by Section 6 of this Act.*

(f) *On Monday of each week, each county tax collector shall submit all fees imposed by this section that were collected during the preceding week to the department for deposit in the State Highway Fund.*

SECTION 10. RAILROAD COMMISSION JURISDICTION. Nothing in this Act shall limit any authority of the Railroad Commission of Texas to regulate motor carriers under Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes). The requirements of this Act shall be in addition to that authority.

SECTION 11. EFFECTIVE DATE FOR REGISTRATION REQUIREMENT. A person who is engaged in business as a tow truck owner on September 1, 1987, is not required to obtain a certificate of registration under this Act for that tow truck until February 1, 1988.

SECTION 12. EFFECTIVE DATE. This Act takes effect September 1, 1987.

SECTION 13. EMERGENCY. 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 April 30, 1987, by a viva-voce vote; and that the Senate concurred in House amendments on May 31, 1987, by a viva-voce vote. Passed the House, with amendments, on May 29, 1987, by a non-record vote.

Approved June 20, 1987.

Effective Sept. 1, 1987.