

BILL ANALYSIS

S.B. 1820
By: Taylor, Van
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the Texas Towing and Booting Act is unclear on whether a truck-trailer combination owned or operated by a licensed automobile dealer transporting a new car to a purchaser is considered a tow truck and whether a car hauler that transports motor vehicles as cargo in certain prearranged shipping transactions or for use in mining, drilling, or construction operations is considered a tow truck. According to the parties, the Texas Department of Licensing and Regulation (TDLR), which is responsible for administering the act, does not interpret these vehicles as being tow trucks for purposes of the act. Nevertheless, as the parties note, some law enforcement officials have cited operators of these types of vehicles for failing to register the vehicles with TDLR as tow trucks. S.B. 1820 seeks to clarify this situation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1820 amends the Occupations Code to expand the definition of "tow truck," for purposes of the Texas Towing and Booting Act, to include a truck-trailer combination that is owned or operated by a dealer licensed to sell or lease a motor vehicle and used to transport new vehicles during the normal course of a documented transaction in which the dealer is a party and ownership or the right of possession of the transported vehicle is conveyed or transferred and to include a car hauler that is used solely to transport, other than in a consent or nonconsent tow, motor vehicles as cargo in the course of a prearranged shipping transaction or for use in mining, drilling, or construction operations.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.