

**SUBJECT:** Exempting certain car haulers from the Texas Towing and Booting Act

**COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment

**VOTE:** 7 ayes — S. Thompson, Kuempel, Darby, Fierro, Geren, Goldman, Hernandez

0 nays

4 absent — Ellzey, Guillen, Huberty, Pacheco

**SENATE VOTE:** On final passage, April 9 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** No public hearing.

**BACKGROUND:** Occupations Code ch. 2308 establishes the Texas Towing and Booting Act, which regulates the towing of motor vehicles. Sec. 2308.002(11) defines a “tow truck” as a motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another motor vehicle. The term does not 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.

**DIGEST:** SB 860 would specify that a car hauler that was used solely to transport motor vehicles in the course of a delivery transaction, including a commercial transaction for transport arranged or authorized by one business for the shipping or delivery of a damaged vehicle to another business, would not be considered a tow truck under the Texas Towing and Booting Act.

The bill would take effect September 1, 2021.

**SUPPORTERS SAY:** SB 860 would reduce delays in the transport of wrecked vehicles by vehicle reselling companies by clarifying that the requirements of the

Texas Towing and Booting Act did not apply to certain car haulers performing a prearranged shipping transaction.

Insurance companies often contract with vehicle reselling companies to pick up a damaged vehicle, transport the vehicle to a body shop, and move the vehicle back to a vehicle storage facility. This ensures vehicles are transported for repair quickly and can be sold as soon as possible.

Quick transport and repair is particularly important during and after disasters and severe weather events, when thousands of such vehicles are in need of transport. By excluding car haulers performing these transports from tow truck permit requirements, the bill would increase the efficiency with which vehicles were transported for repair, reducing wait times for consumers and insurance companies and creating costs savings for vehicle reselling companies.

The bill would not endanger public safety on Texas roads because car haulers already have protocols in place to ensure drivers are qualified to transport vehicles, including criminal background checks and drug tests. Also, many drivers for these companies already have a commercial driver's license, for which a driver must pass certain tests to qualify.

**CRITICS  
SAY:**

SB 860, by carving out a group of vehicle transporters from Texas Towing and Booting Act, could raise public safety issues on Texas roads. Losing vehicles or parts off a truck on the road can result in serious injury. Requiring car haulers to undergo training, criminal background checks, and drug tests to ensure they are capable of safely transporting damaged vehicles would be paramount.

**NOTES:**

The House companion bill, HB 3758 by Goldman, was considered by the House Committee on Licensing and Administrative Procedures in a public hearing on April 7 and left pending.