

FIRST REGULAR SESSION

# HOUSE BILL NO. 264

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FRANZ (Sponsor) AND WALLACE (Co-sponsor).

0387L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to law enforcement rotation lists for towing truck companies.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.153, to read as follows:

**304.153. 1. As used in this section, the following terms mean:**

(1) "First responder", any person defined as a first responder in section 192.800, RSMo;

(2) "Law enforcement agency", the Missouri state highway patrol, the sheriff of each county, and the police department or sheriff of each city, town, or village.

2. Each law enforcement agency may establish a rotation list of towing truck companies to be called to tow or remove disabled vehicles within such law enforcement agency's jurisdiction. Such towing truck companies shall comply with all criteria established by the law enforcement agency for inclusion on the law enforcement agency's rotation list. Such criteria shall include the following requirements:

(1) That no towing truck company called to tow or remove a disabled vehicle has any connection to any first responder at the location of the disabled vehicle;

(2) That no towing truck company shall respond to the location of a disabled vehicle if such towing truck company was called to the location by any first responder other than an employee of the law enforcement agency with jurisdiction over the location of the disabled vehicle;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **(3) That no towing truck company shall respond to the location of a disabled**  
18 **vehicle as a result of monitoring emergency radio transmissions;**

19           **(4) That no towing truck company shall be included on the rotation list or shall be**  
20 **called to respond to the location of a disabled vehicle if such towing truck company is**  
21 **unable to respond within a reasonable time;**

22           **(5) That the towing truck company has the necessary equipment and qualified**  
23 **personnel to respond to calls.**

24           **3. Any towing truck company that violates the criteria established for inclusion on**  
25 **the rotation list shall be removed from the rotation list of the law enforcement agency with**  
26 **jurisdiction over the location of the disabled vehicle as follows:**

27           **(1) The first violation of this subsection shall result in a six-month removal;**

28           **(2) The second violation of this subsection shall result in a one-year removal;**

29           **(3) The third violation of this subsection shall result in a three-year removal;**

30           **(4) The fourth and following violations of this subsection shall result in a five-year**  
31 **removal.**

32           **4. Each law enforcement agency shall provide a procedure by which a towing truck**  
33 **company may appeal any exclusion or removal from the rotation list.**

34           **5. No law enforcement agency shall call a towing truck company from the rotation**  
35 **list if the owner of the disabled vehicle requests a specific towing truck company.**

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