

SECOND REGULAR SESSION

# HOUSE BILL NO. 1617

## 95TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES STORCH (Sponsor), LeVOTA, TALBOY, WEBB,  
WALTON GRAY, STILL, NASHEED, ATKINS, GRILL, SCHUPP, SCHIEFFER,  
OXFORD AND YAEGER (Co-sponsors).

3905L.01I

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal sections 304.154 and 304.155, RSMo, and to enact in lieu thereof two new sections relating to towing.

---

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

Section A. Sections 304.154 and 304.155, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 304.154 and 304.155, to read as follows:

304.154. 1. Beginning January 1, 2005, a towing company operating a tow truck  
2 pursuant to the authority granted in section 304.155 or 304.157 shall:

3 (1) Have and occupy a verifiable business address;

4 (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the  
5 storage of motor vehicles;

6 (3) Be available twenty-four hours a day, seven days a week. Availability shall mean that  
7 an employee of the towing company or an answering service answered by a person is able to  
8 respond to a tow request;

9 (4) Maintain a valid insurance policy issued by an insurer authorized to do business in  
10 this state, or a bond or other acceptable surety providing coverage for the death of, or injury to,  
11 persons and damage to property for each accident or occurrence in the amount of at least five  
12 hundred thousand dollars per incident;

13 (5) Provide workers' compensation insurance for all employees of the towing company  
14 if required by chapter 287, RSMo; and

15 (6) Maintain current motor vehicle registrations on all tow trucks currently operated  
16 within the towing company fleet.

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           2. Counties may adopt ordinances with respect to towing company standards in addition  
18 to the minimum standards contained in this section. A towing company located in a county of  
19 the second, third, and fourth classification is exempt from the provisions of **subsections 1 and**  
20 **2** of this section.

21           **3. Notwithstanding any provision of sections 304.155 to 304.159, no towing**  
22 **company shall charge a vehicle storage fee exceeding seventy-five dollars per day and a**  
23 **company shall only charge vehicle owners for days the storage facility is open for vehicle**  
24 **retrieval.**

          304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer  
2 of a government agency where that agency's real property is concerned, may authorize a towing  
3 company to remove to a place of safety:

4           (1) Any abandoned property on the right-of-way of:

5           (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours,  
6 or immediately if a law enforcement officer determines that the abandoned property is a serious  
7 hazard to other motorists, provided that commercial motor vehicles not hauling materials  
8 designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision  
9 to a place of safety until the owner or owner's representative has had a reasonable opportunity  
10 to contact a towing company of choice;

11           (b) Any interstate highway or freeway outside of an urbanized area, left unattended for  
12 twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned  
13 property is a serious hazard to other motorists, provided that commercial motor vehicles not  
14 hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under  
15 this subdivision to a place of safety until the owner or owner's representative has had a  
16 reasonable opportunity to contact a towing company of choice;

17           (c) Any state highway other than an interstate highway or freeway in an urbanized area,  
18 left unattended for more than ten hours; or

19           (d) Any state highway other than an interstate highway or freeway outside of an  
20 urbanized area, left unattended for more than twenty-four hours; provided that commercial motor  
21 vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be  
22 removed under this subdivision to a place of safety until the owner or owner's representative has  
23 had a reasonable opportunity to contact a towing company of choice;

24           (2) Any unattended abandoned property illegally left standing upon any highway or  
25 bridge if the abandoned property is left in a position or under such circumstances as to obstruct  
26 the normal movement of traffic where there is no reasonable indication that the person in control  
27 of the property is arranging for its immediate control or removal;

28           (3) Any abandoned property which has been abandoned under section 577.080, RSMo;

29 (4) Any abandoned property which has been reported as stolen or taken without consent  
30 of the owner;

31 (5) Any abandoned property for which the person operating such property is arrested for  
32 an alleged offense for which the officer takes the person into custody and where such person is  
33 unable to arrange for the property's timely removal;

34 (6) Any abandoned property which due to any other state law or local ordinance is  
35 subject to towing because of the owner's outstanding traffic or parking violations;

36 (7) Any abandoned property left unattended in violation of a state law or local ordinance  
37 where signs have been posted giving notice of the law or where the violation causes a safety  
38 hazard;

39 (8) Any abandoned property illegally left standing on the waters of this state as defined  
40 in section 306.010, RSMo, where the abandoned property is obstructing the normal movement  
41 of traffic, or where the abandoned property has been unattended for more than ten hours or is  
42 floating loose on the water; or

43 (9) Any abandoned property for which the person operating such property or vehicle  
44 eludes arrest for an alleged offense for which the officer would have taken the offender into  
45 custody.

46 2. The department of transportation or any law enforcement officer within the officer's  
47 jurisdiction may immediately remove any abandoned, unattended, wrecked, burned or partially  
48 dismantled property, spilled cargo or other personal property from the right-of-way of any  
49 interstate highway, freeway, or state highway if the abandoned property, cargo or personal  
50 property is creating a traffic hazard because of its position in relation to the interstate highway,  
51 freeway, or state highway. In the event the property creating a traffic hazard is a commercial  
52 motor vehicle, as defined in section 302.700, RSMo, the department's authority under this  
53 subsection shall be limited to authorizing a towing company to remove the commercial motor  
54 vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's  
55 designated representative shall have a reasonable opportunity to contact a towing company of  
56 choice. The provisions of this subsection shall not apply to vehicles transporting any material  
57 which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C.

58 3. Any law enforcement agency authorizing a tow pursuant to this section in which the  
59 abandoned property is moved from the immediate vicinity shall complete a crime inquiry and  
60 inspection report. Any state or federal government agency other than a law enforcement agency  
61 authorizing a tow pursuant to this section in which the abandoned property is moved away from  
62 the immediate vicinity in which it was abandoned shall report the towing to the state highway  
63 patrol or water patrol within two hours of the tow along with a crime inquiry and inspection  
64 report as required in this section. Any local government agency, other than a law enforcement  
65 agency, authorizing a tow pursuant to this section where property is towed away from the

66 immediate vicinity shall report the tow to the local law enforcement agency within two hours  
67 along with a crime inquiry and inspection report.

68 4. Neither the law enforcement officer, government agency official nor anyone having  
69 custody of abandoned property under his direction shall be liable for any damage to such  
70 abandoned property occasioned by a removal authorized by this section or by ordinance of a  
71 county or municipality licensing and regulating the sale of abandoned property by the  
72 municipality, other than damages occasioned by negligence or by willful or wanton acts or  
73 omissions.

74 5. The owner of abandoned property removed as provided in this section or in section  
75 304.157 shall be responsible for payment of all reasonable charges for towing and storage of  
76 such abandoned property as provided in section 304.158, **unless the abandoned property was**  
77 **parked in a tow-away zone that was not visibly marked. If a vehicle is towed from a tow-**  
78 **away zone that is not visibly marked, the entity that created the tow-away zone shall be**  
79 **liable for all charges associated with towing and storage of the towed vehicle.**

80 6. Upon the towing of any abandoned property pursuant to this section or under authority  
81 of a law enforcement officer or local government agency pursuant to section 304.157, the law  
82 enforcement agency that authorized such towing or was properly notified by another government  
83 agency of such towing shall promptly make an inquiry with the national crime information center  
84 and any statewide Missouri law enforcement computer system to determine if the abandoned  
85 property has been reported as stolen and shall enter the information pertaining to the towed  
86 property into the statewide law enforcement computer system. If the abandoned property is not  
87 claimed within ten working days of the towing, the tower who has on-line access to the  
88 department of revenue's records shall make an inquiry to determine the abandoned property  
89 owner and lienholder, if any, of record. In the event that the records of the department of  
90 revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply  
91 with the requirements of subsection 3 of section 304.156. If the tower does not have on-line  
92 access, the law enforcement agency shall submit a crime inquiry and inspection report to the  
93 director of revenue. A towing company that does not have on-line access to the department's  
94 records and that is in possession of abandoned property after ten working days shall report such  
95 fact to the law enforcement agency with which the crime inquiry and inspection report was filed.  
96 The crime inquiry and inspection report shall be designed by the director of revenue and shall  
97 include the following:

98 (1) The year, model, make and property identification number of the property and the  
99 owner and any lienholders, if known;

100 (2) A description of any damage to the property noted by the officer authorizing the tow;

101 (3) The license plate or registration number and the state of issuance, if available;

102 (4) The storage location of the towed property;

- 103 (5) The name, telephone number and address of the towing company;
- 104 (6) The date, place and reason for the towing of the abandoned property;
- 105 (7) The date of the inquiry of the national crime information center, any statewide  
106 Missouri law enforcement computer system and any other similar system which has titling and  
107 registration information to determine if the abandoned property had been stolen. This  
108 information shall be entered only by the law enforcement agency making the inquiry;
- 109 (8) The signature and printed name of the officer authorizing the tow;
- 110 (9) The name of the towing company, the signature and printed name of the towing  
111 operator, and an indicator disclosing whether the tower has on-line access to the department's  
112 records; and
- 113 (10) Any additional information the director of revenue deems appropriate.
- 114 7. One copy of the crime inquiry and inspection report shall remain with the agency  
115 which authorized the tow. One copy shall be provided to and retained by the storage facility and  
116 one copy shall be retained by the towing facility in an accessible format in the business records  
117 for a period of three years from the date of the tow or removal.
- 118 8. The owner of such abandoned property, or the holder of a valid security interest of  
119 record, may reclaim it from the towing company upon proof of ownership or valid security  
120 interest of record and payment of all reasonable charges for the towing and storage of the  
121 abandoned property.
- 122 9. Any person who removes abandoned property at the direction of a law enforcement  
123 officer or an officer of a government agency where that agency's real property is concerned as  
124 provided in this section shall have a lien for all reasonable charges for the towing and storage of  
125 the abandoned property until possession of the abandoned property is voluntarily relinquished  
126 to the owner of the abandoned property or to the holder of a valid security interest of record.  
127 Any personal property within the abandoned property need not be released to the owner thereof  
128 until the reasonable or agreed charges for such recovery, transportation or safekeeping have been  
129 paid or satisfactory arrangements for payment have been made, except that any medication  
130 prescribed by a physician shall be released to the owner thereof upon request. The company  
131 holding or storing the abandoned property shall either release the personal property to the owner  
132 of the abandoned property or allow the owner to inspect the property and provide an itemized  
133 receipt for the contents. The company holding or storing the property shall be strictly liable for  
134 the condition and safe return of the personal property. Such lien shall be enforced in the manner  
135 provided under section 304.156.
- 136 10. Towing companies shall keep a record for three years on any abandoned property  
137 towed and not reclaimed by the owner of the abandoned property. Such record shall contain  
138 information regarding the authorization to tow, copies of all correspondence with the department  
139 of revenue concerning the abandoned property, including copies of any online records of the

140 towing company accessed and information concerning the final disposition of the possession of  
141 the abandoned property.

142         11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard  
143 motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall  
144 notify the local law enforcement agency where the repossession occurred within two hours of  
145 the repossession and shall further provide the local law enforcement agency with any additional  
146 information the agency deems appropriate. The local law enforcement agency shall make an  
147 inquiry with the national crime information center and the Missouri statewide law enforcement  
148 computer system and shall enter the repossessed vehicle into the statewide law enforcement  
149 computer system.

150         12. Notwithstanding the provisions of section 301.227, RSMo, any towing company who  
151 has complied with the notification provisions in section 304.156 including notice that any  
152 property remaining unredeemed after thirty days may be sold as scrap property may then dispose  
153 of such property as provided in this subsection. Such sale shall only occur if at least thirty days  
154 has passed since the date of such notification, the abandoned property remains unredeemed with  
155 no satisfactory arrangements made with the towing company for continued storage, and the  
156 owner or holder of a security agreement has not requested a hearing as provided in section  
157 304.156. The towing company may dispose of such abandoned property by selling the property  
158 on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed  
159 salvage dealer for destruction purposes only. The towing company shall forward a copy of the  
160 bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of  
161 revenue within two weeks of the date of such sale. The towing company shall keep a record of  
162 each such vehicle sold for destruction for three years that shall be available for inspection by law  
163 enforcement and authorized department of revenue officials. The record shall contain the year,  
164 make, identification number of the property, date of sale, and name of the purchasing scrap metal  
165 operator or licensed salvage dealer and copies of all notifications issued by the towing company  
166 as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record  
167 of the purchase of such property as provided in section 301.227, RSMo. Scrap metal operators  
168 and licensed salvage dealers may obtain a junk certificate as provided in section 301.227, RSMo,  
169 on vehicles purchased on a bill of sale pursuant to this section.

✓