

HOUSE BILL NO. 961

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ATKINS.

2068L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 304.160, RSMo, and to enact in lieu thereof two new sections relating to towing truck companies, with penalty provisions.

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

Section A. Section 304.160, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 304.160 and 304.163, to read as follows:

304.160. 1. **Except as provided in subsection 3 of this section**, any person who has purposely, accidentally, or by reason of an accident, dropped any tacks, nails, wire, scrap metal, glass, crockery, sharp stones, or other substances injurious to the feet of persons or animals, or to the tires or wheels of vehicles, including motor vehicles, upon any highway shall immediately make all reasonable efforts to clear the highway of the substances.

2. Violation of **subsection 1 of this section** shall be deemed a class C misdemeanor.

3. In the event a towing truck company is called to tow or remove disabled vehicles following an accident, the towing truck operator shall immediately make all reasonable efforts to clear the highway of any debris. Any towing company that violates this subsection shall be removed from the rotation list of the law enforcement agency with jurisdiction over the location of the disabled vehicle as follows:

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

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

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

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

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.

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

20 **304.163. 1.** Notwithstanding any other law, the Missouri highway patrol and any
21 local law enforcement agency may use rotation lists when requesting wrecker or towing
22 services for removal of a vehicle from property for reasons listed in section 304.155 or
23 304.157.

24 **2.** The department of public safety may promulgate rules to administer the
25 provisions of this section. Any rule or portion of a rule, as that term is defined in section
26 536.010, that is created under the authority delegated in this section shall become effective
27 only if it complies with and is subject to all of the provisions of chapter 536 and, if
28 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
29 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
30 the effective date, or to disapprove and annul a rule are subsequently held
31 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
32 after August 28, 2011, shall be invalid and void.