

FIRST REGULAR SESSION

HOUSE BILL NO. 581

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MUNTZEL.

0993H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 304.154, RSMo, and to enact in lieu thereof two new sections relating to towing companies, with penalty provisions.

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

Section A. Section 304.154, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 304.153 and 304.154, to read as follows:

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

(1) **“Patrol officer”, a Missouri state highway patrol officer;**

(2) **“Rotation list”, a list of approved, licensed towing companies compiled by the Missouri state highway patrol;**

(3) **“Tow truck”, a vehicle that tows, carries, or removes a vehicle for a fee charged either directly or indirectly including any dues or other charges of clubs or associations which provide towing services;**

(4) **“Towing”, moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made either directly or indirectly including any dues or other charges of clubs or associations which provide towing services;**

(5) **“Towing company”, any person, partnership, corporation, fiduciary, association, or other entity owning, operating, or conducting the business of towing subject to section 304.154.**

2. A patrol officer arriving at the scene of an accident shall call a towing company from an appropriate rotation list, if available, should a tow truck be needed to clear the scene of the accident. A patrol officer arriving at the scene of an accident where a tow

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 **truck is already present may call a towing company from such rotation list and dismiss the**
18 **tow truck at the scene of the accident.**

19 **3. A patrol officer shall not use a towing company located outside of Missouri**
20 **under this section except under the following circumstances:**

21 **(1) A state or federal emergency has been declared; or**

22 **(2) The driver or owner of the vehicle requests a specific out-of-state towing**
23 **company.**

24 **4. Any towing company or tow truck arriving at the scene of an accident that has**
25 **not been called by a patrol officer or the driver or owner of the vehicle or his or her**
26 **authorized agent shall be prohibited from towing the vehicle from the scene of the accident.**

27 **5. A tow truck operator that tows a vehicle from the scene of an accident in**
28 **violation of subsection 4 of this section shall be guilty of a class D misdemeanor for the first**
29 **violation, and such tow truck shall be subject to impounding. A second violation shall be**
30 **a class A misdemeanor, and any third or subsequent violation shall be a class D felony. A**
31 **violation of this section shall not preclude the tow truck operator from being charged with**
32 **tampering under chapter 569.**

33 **6. The provisions of this section shall also apply to motor vehicles towed under**
34 **section 304.155 or 304.157.**

304.154. 1. [Beginning January 1, 2005,] A towing company operating a tow truck
2 pursuant to the authority granted in section **304.153**, 304.155, or 304.157 shall:

3 **(1) Have and occupy a verifiable business address and display such address in a**
4 **location visible from the street or road;**

5 **(2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the**
6 **storage of motor vehicles with a total area for storing vehicles either inside or outside of at**
7 **least two thousand square feet and fencing a minimum of seven feet high. Such storage lot**
8 **shall be open for a minimum of eight hours per day between the hours of 7:00 a.m. and**
9 **7:00 p.m. Monday through Friday so that a customer or his or her authorized agent may**
10 **view or retrieve a vehicle with no additional fees charged to view or retrieve a vehicle**
11 **during these regular business hours;**

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

15 **(4) Have and maintain an operational telephone with the telephone number**
16 **published or available through directory assistance;**

17 **(5) Maintain a valid insurance policy issued by an insurer authorized to do business in**
18 **this state, or a bond or other acceptable surety providing coverage for the death of, or injury to,**

19 persons and damage to property for each accident or occurrence in the amount of at least five
20 hundred thousand dollars per incident;

21 ~~[(5)]~~ **(6)** Provide workers' compensation insurance for all employees of the towing
22 company if required by chapter 287; and

23 ~~[(6)]~~ **(7)** Maintain current motor vehicle registrations on all tow trucks currently operated
24 within the towing company fleet.

25 **2. The initial tow performed under section 304.153, 304.155, or 304.157 shall**
26 **remain in the state of Missouri unless authorized by the vehicle owner or his or her agent.**

27 **3. Tows performed under section 304.155 shall not be dispatched through a third**
28 **party dispatch system or management company unless hired by the towing company. The**
29 **provisions of this subsection shall not apply to any home rule city with more than four**
30 **hundred thousand inhabitants and located in more than one county.**

31 **4. Counties may adopt ordinances with respect to towing company standards in addition**
32 **to the minimum standards contained in this section. A towing company located in a county of**
33 **the second, third, [and] or fourth classification or located in any county of the first**
34 **classification with more than one hundred one thousand but fewer than one hundred**
35 **fifteen thousand inhabitants is exempt from the provisions of this section.**

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