

HOUSE BILL NO. 2647

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

5558H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to the removal of commercial motor vehicles from roadways.

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 304.960, to read as follows:

304.960. 1. For purposes of this section, "nonconsensual tow" means the movement or transportation of a commercial motor vehicle by tow truck if such movement or transportation is performed without the prior consent or authorization of the owner or operator of the commercial motor vehicle. For purposes of this section, all tows ordered by law enforcement are considered nonconsensual.

2. The department of transportation shall establish procedures and standards for the safe and efficient removal of commercial motor vehicles from roadways, which shall be based on the *Missouri Department of Transportation Towing Services Standards Manual* and shall include, but not be limited to, the following:

(1) Procedures and standards for towing companies that wish to be dispatched by a state law enforcement agency for a nonconsensual tow, including, but not limited to, minimum equipment standards a towing company shall have to meet to respond to a nonconsensual tow;

(2) Maximum rates that towing companies may charge for services relating to the towing, recovery, and storage of a commercial motor vehicle;

(3) Provisions for the temporary or permanent disqualification of a towing company to conduct nonconsensual tows when the towing company has violated provisions

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 of the *Missouri Department of Transportation Towing Services Standards Manual*, or any
19 other federal or state laws;

20 (4) Procedures for an owner, operator, or insurer of a commercial vehicle to file a
21 complaint against a towing company and a process for the adjudication and appeal of a
22 complaint;

23 (5) Factors the department shall consider in determining whether a charge levied
24 by a towing company is just, fair, and reasonable. Such factors shall include, but not be
25 limited to:

26 (a) Towing vehicles and special equipment required to complete the recovery or
27 tow;

28 (b) Total time to complete the recovery or tow;

29 (c) Number of regular and extra employees required to complete the recovery or
30 tow;

31 (d) Location of the vehicle recovered or towed;

32 (e) Materials or cargo involved in the recovery or tow;

33 (f) Weather conditions; and

34 (g) Any other relevant information having a direct relationship on the pricing of
35 the recovery, towing, and storage of a commercial vehicle; and

36 (6) Information that shall be included on every nonconsensual towing and recovery
37 invoice including, but not limited to, the following:

38 (a) The name, address, and telephone number of the towing company;

39 (b) The date and time that the request for service was received and the name,
40 address, and telephone number of the law enforcement agency or individual who requested
41 the service;

42 (c) The license plate number and the date, time, and place of departure of every tow
43 truck;

44 (d) The date and time that each tow truck arrived at the place where the vehicle to
45 be recovered or towed was located;

46 (e) The place to which the towed vehicle was transported and the time that it
47 arrived at such place;

48 (f) The date and time that each tow truck returned to its base of operations; and

49 (g) An itemization of the charges for the towing, recovery, storage, and any other
50 service rendered.

51 3. It shall be a violation of this section for a towing company to charge a rate for
52 a service that is not listed in the list of established maximum rates required under
53 subdivision (2) of subsection 2 of this section. In any action where the fees charged or

54 services provided by a towing company are in question, the burden of proof to show that
55 the fees are reasonable and that services are necessary shall be on the towing company. In
56 the event a complaint is filed, storage fees shall not accrue beyond the date of such
57 complaint.

58 4. The following shall appear on each invoice for a nonconsensual tow: "The rates
59 and charges for nonconsensual tows are regulated by the Missouri Department of
60 Transportation. If you feel that you have been charged unfairly, you may file a complaint
61 with the Department at the following address: 105 W. Capitol Avenue; Jefferson City, MO
62 65102."

63 5. Except as authorized by law enforcement, it shall be a violation of this section
64 for a towing company to remove a commercial motor vehicle from any public or private
65 property under the motor vehicle's own power. Any charge levied by a towing company
66 for such a drive-away tow, unless authorized by law enforcement, shall be null and void.

67 6. The director of the department of transportation may promulgate all necessary
68 rules and regulations for the administration of this section. Any rule or portion of a rule,
69 as that term is defined in section 536.010, that is created under the authority delegated in
70 this section shall become effective only if it complies with and is subject to all of the
71 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
72 are nonseverable, and if any of the powers vested with the general assembly pursuant to
73 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
74 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
75 proposed or adopted after August 28, 2020, shall be invalid and void.

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