

SECOND REGULAR SESSION

HOUSE BILL NO. 2465

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (32).

5419H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 304.153, RSMo, and to enact in lieu thereof two new sections relating to motor clubs.

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

Section A. Section 304.153, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 304.153 and 385.450, to read as follows:

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

(1) "Law enforcement officer", any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) "Motor club", ~~[an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle]~~ **a legal entity that, in consideration of dues, assessments, or periodic payments of money, promises to provide motor club services to its members or subscribers in accordance with section 385.450;**

(3) "Patrol officer", a Missouri state highway patrol officer;

(4) "Tow list", a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

(5) "Tow management company", any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

(6) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

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.

16 (7) "Towing", moving or removing, or the preparation therefor, of a vehicle by another
17 vehicle for which a service charge is made, either directly or indirectly, including any dues or
18 other charges of clubs or associations which provide towing services;

19 (8) "Towing company", any person, partnership, corporation, fiduciary, association, or
20 other entity that operates a wrecker or towing service as defined under section 301.010.

21 2. In authorizing a towing company to perform services, any patrol officer or law
22 enforcement officer within the officer's jurisdiction, or Missouri department of transportation
23 employee, may utilize the services of a tow management company or tow list, provided:

24 (1) The Missouri state highway patrol is under no obligation to include or retain the
25 services of any towing company in any contract or agreement with a tow management company
26 or any tow list established pursuant to this section. A towing company is subject to removal
27 from a tow list at any time;

28 (2) Notwithstanding any other provision of law or any regulation established pursuant
29 to this section, an owner or operator's request for a specific towing company shall be honored
30 by the Missouri state highway patrol unless:

31 (a) The requested towing company cannot or does not respond in a reasonable time, as
32 determined by a law enforcement officer; or

33 (b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law
34 enforcement officer.

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

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

38 (2) The driver or owner of the vehicle, or a motor club of which the driver or owner is
39 a member, requests a specific out-of-state towing company.

40 4. A towing company shall not tow a vehicle to a location outside of Missouri without
41 the consent of the driver or owner of the motor vehicle, or without the consent of a motor club
42 of which the driver or owner of the motor vehicle is a member.

43 5. Any towing company or tow truck arriving at the scene of an accident that has not
44 been called by a patrol officer, a law enforcement officer, a Missouri department of
45 transportation employee, the driver or owner of the motor vehicle or his or her authorized agent,
46 including a motor club of which the driver or owner is a member, shall be prohibited from
47 towing the vehicle from the scene of the accident, unless the towing company or tow truck
48 operator is rendering emergency aid in the interest of public safety, or is operating during a
49 declared state of emergency under section 44.100.

50 6. A tow truck operator that stops and tows a vehicle from the scene of an accident in
51 violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction

52 or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The
53 penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or
54 subsequent violation shall be a class D felony. A violation of this section shall not preclude the
55 tow truck operator from being charged with tampering under chapter 569.

56 7. The provisions of this section shall also apply to motor vehicles towed under section
57 304.155 or 304.157.

58 8. The provisions of this section shall not apply to counties of the third or fourth
59 classification.

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

2 (1) "Motor club", a legal entity that, in consideration of dues, assessments, or
3 periodic payments of money, promises to provide motor club services to its members or
4 subscribers;

5 (2) "Motor club contract", an agreement whereby a motor club promises to render,
6 furnish, or procure motor club services to or for its members or subscribers;

7 (3) "Motor club services", services that assist a member or subscriber of a motor
8 club in matters relating to motor travel or the operation, use, or maintenance of a motor
9 vehicle by supplying services that may include, but are not limited to, towing service,
10 emergency road service, bail and guaranteed arrest bond certificate service, discount
11 service, theft service, map service, touring service, legal fee reimbursement service in the
12 defense of traffic offenses, and the participation in an accident and sickness or accidental
13 death insurance benefit program.

14 2. Fees collected from the sale of motor club contracts shall not be subject to
15 taxation of premiums under chapter 148.

16 3. Motor clubs complying with the provisions of this section shall not be required
17 to comply with the provisions of chapter 374 or 375, or any other provisions governing
18 insurance companies, except as specifically provided.

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