

SECOND REGULAR SESSION

SENATE BILL NO. 1043

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time February 9, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6395S.011

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Section A. Section 304.154, RSMo, is repealed and two new sections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

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

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

6 **(2) "Motor club", an organization which motor vehicle drivers and
7 owners may join that provide certain benefits relating to driving a
8 motor vehicle;**

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

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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

26 2. In authorizing a towing company to perform services, any
27 patrol officer or law enforcement officer within the officer's
28 jurisdiction may utilize the services of a tow management company or
29 tow list.

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

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

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

37 4. A towing company shall not tow a vehicle to a location outside
38 of Missouri without the consent of the driver or owner of the motor
39 vehicle.

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

48 6. A tow truck operator that stops and tows a vehicle from the
49 scene of an accident in violation of subsection 5 of this section shall be
50 guilty of a class D misdemeanor upon conviction or pleading guilty for
51 the first violation, and such tow truck shall be subject to
52 impounding. The penalty for a second violation shall be a class A
53 misdemeanor, and the penalty for any third or subsequent violation
54 shall be a class D felony. A violation of this section shall not preclude
55 the tow truck operator from being charged with tampering under

56 chapter 569.

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

304.154. 1. [Beginning January 1, 2005,] A towing company operating a
2 tow truck pursuant to the authority granted in section **304.153**, 304.155, or
3 304.157 shall:

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

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

8 **(3) Be open or available for a minimum of eight hours per day**
9 **between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday for**
10 **a customer or his or her authorized agent or an insurance adjuster, as**
11 **defined in section 324.1100, to view or retrieve items from a vehicle**
12 **with no additional fees charged to view or retrieve items from a vehicle**
13 **during these regular business hours;**

14 **(4) Notify the owner of a motor vehicle of the location of such**
15 **motor vehicle within twenty-four hours after being contacted by such**
16 **owner;**

17 [(3)] **(5) Be available twenty-four hours a day, seven days a week.**
18 Availability shall mean that an employee of the towing company or an answering
19 service answered by a person is able to respond to a tow request;

20 [(4)] **(6) Have and maintain an operational telephone with the**
21 **telephone number published or available through directory assistance;**

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

27 [(5)] **(8) Provide workers' compensation insurance for all employees of the**
28 **towing company if required by chapter 287; [and]**

29 [(6)] **(9) Maintain current motor vehicle registrations on all tow trucks**
30 **currently operated within the towing company fleet; and**

31 **(10) Post at its place of business and make available upon**
32 **request to consumers a rate sheet listing all current rates applicable to**
33 **towing services provided under this chapter.**

34 2. **The initial tow performed under section 304.153, 304.155, or**
35 **304.157 shall remain in the state of Missouri unless authorized by the**
36 **vehicle owner or his or her agent.**

37 3. Counties may adopt ordinances with respect to towing company
38 standards in addition to the minimum standards contained in this section. A
39 towing company located in a county of the second, third, [and] **or** fourth
40 classification is exempt from the provisions of this section.

✓
Unofficial

Bill

Copy