

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 387

AN ACT

To repeal section 21.795, RSMo, and to enact in lieu thereof one new section relating to the towing of commercial vehicles.

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

Section A. Section 21.795, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 21.795, to read as follows:

21.795. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. The seven senate members shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. No major party shall be represented by more than four members from the house of representatives. The ex officio members shall be the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration or the designee of such

auditor, director or commissioner. The joint committee shall be chaired jointly by both chairs of the senate and house transportation committees. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

2. The department of transportation shall submit a written report prior to December thirty-first of each year to the governor and the lieutenant governor. The report shall be posted to the department's internet website so that general assembly members may elect to access a copy of the report electronically. The written report shall contain the following:

(1) A comprehensive financial report of all funds for the preceding state fiscal year which shall include a report by independent certified public accountants, selected by the commissioner of the office of administration, attesting that the financial statements present fairly the financial position of the department in conformity with generally accepted government accounting principles;

(2) A copy of the department's most current and annual publication titled "Citizen's Guide to Transportation Funding in Missouri";

(3) A copy of the department's most current and annual publication titled "Financial Snapshot - An appendix to the Citizen's Guide to Transportation Funding in Missouri";

(4) A copy of the department's most current and annual publication titled "MoDOT Results: Accountability. Innovation. Efficiency.".

3. Prior to February fifteenth of each year, the committee shall hold an annual meeting and call before its members, officials or employees of the state highways and

transportation commission or department of transportation, as determined by the committee, for the [sole] purpose of receiving and examining the report required pursuant to subsection 2 of this section. The committee shall not have the power to modify projects or priorities of the state highways and transportation commission or department of transportation. The committee may make recommendations to the state highways and transportation commission or the department of transportation. Disposition of those recommendations shall be reported by the commission or the department to the joint committee on transportation oversight.

4. In addition to the annual meeting required by subsection 3 of this section, the committee shall meet two times each year. The co-chairs of the committee shall establish an agenda for each meeting that may include, but not be limited to, the following items to be discussed with the committee members throughout the year during the scheduled meeting:

(1) Presentation of a prioritized plan for all modes of transportation;

(2) Discussion of department efficiencies and expenditure of cost-savings within the department;

(3) Presentation of a status report on department of transportation revenues and expenditures, including a detailed summary of projects funded by new state revenue as provided in paragraph (a) of subdivision (1) of subsection 2 of this section; and

(4) Implementation of any actions as may be deemed necessary by the committee as authorized by law. The co-chairs of the committee may call special meetings of the committee with ten days' notice to the members of the

committee, the director of the department of transportation, and the department of transportation.

5. (1) The committee shall ensure towing companies charge fair, equitable, and reasonable rates for services rendered in connection with the towing of commercial motor vehicles, and shall:

(a) Establish a process the committee shall use to receive, investigate, and adjudicate complaints against a towing company regarding the towing of a commercial motor vehicle, and a process the commercial motor vehicle towing adjudicative board established in subdivision (4) of this subsection shall use to investigate and adjudicate any complaints referred to it by the committee;

(b) Establish factors the committee and the commercial motor vehicle towing adjudication board shall consider in determining whether a charge levied by a towing company in connection with the towing of a commercial motor vehicle is fair, equitable, and reasonable;

(c) Establish a process the Missouri state highway patrol or any other law enforcement agency in the state may use to suspend or remove a towing company from their towing rotation list with regard to the towing of commercial motor vehicles; and

(d) Establish information required to be included on any invoice associated with the towing of a commercial motor vehicle.

(2) The committee shall, in consultation with the department of transportation and the Missouri state highway patrol, promulgate rules as necessary for the implementation of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of

the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

(3) The committee shall meet as necessary to carry out the requirements of this subsection and the requirements of any rules promulgated in accordance with this subsection. The meetings required under this subsection may be held concurrently with the meetings held in accordance with subsections 3 or 4 of this section.

(4) If the committee determines a violation of the rules promulgated in accordance with this subsection may have occurred, the complaint shall be referred to the "Commercial Motor Vehicle Towing Adjudicative Board" for adjudication. The commercial motor vehicle towing adjudicative board shall consist of the chair and vice chair of the committee, the two ranking minority members of the committee, the director of the department of transportation or his or her designee, the superintendent of the Missouri state highway patrol or his or her designee, and the director of the department of revenue or his or her designee, provided that any member of the board may recuse himself or herself from participation in any investigation or adjudication which may present a conflict of interest. If the commercial motor vehicle towing adjudicative board determines a violation of the rules promulgated in accordance with this subsection has occurred, the towing company that committed the violation shall be removed from the Missouri state highway patrol's tow list for a period of

six months for a first violation, a period of twelve months for a second violation, and permanently for a third violation.

(5) The committee shall keep and maintain a record of any proceedings that occur as a result of this subsection.

(6) The committee may, at the discretion of the committee, make recommendations to the governor or the general assembly regarding statutes governing the nonconsensual towing of commercial motor vehicles.

(7) As used in this subsection, the following terms shall mean:

(a) "Commercial motor vehicle", the same meaning as defined in section 301.010;

(b) "Nonconsensual tow", the towing or recovery of a commercial motor vehicle which was authorized, requested, or dispatched by any law enforcement agency in the state. When an owner or operator of a commercial motor vehicle requests a law enforcement officer or other public agency to initiate a tow, the tow shall be considered a nonconsensual tow;

(c) "Towing company", the same meaning as defined in section 304.153.

6. The committee shall also review all applications for the development of specialty plates submitted to it by the department of revenue. The committee shall approve such application by a majority vote. The committee shall approve any application unless the committee receives:

(1) A signed petition from five house members or two senators that they are opposed to the approval of the proposed license plate and the reason for such opposition;

(2) Notification that the organization seeking authorization to establish a new specialty license plate has not met all the requirements of section 301.3150;

(3) A proposed new specialty license plate containing objectionable language or design;

(4) A proposed license plate not meeting the requirements of any reason promulgated by rule.

The committee shall notify the director of the department of revenue upon approval or denial of an application for the development of a specialty plate.

**[6.]** 7. The committee shall submit records of its meetings to the secretary of the senate and the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023.