

SECOND REGULAR SESSION

SENATE BILL NO. 851

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 10, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5424S.011

AN ACT

To repeal section 304.154, RSMo, and to enact in lieu thereof two new sections relating to tow truck operations, 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Section A. Section 304.154, RSMo, is repealed and two new sections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) "Patrol officer", a Missouri state highway patrol officer or
4 local law enforcement officer;**

5 **(2) "Rotation list", a list of approved, licensed towing companies
6 compiled by the Missouri state highway patrol or a local law
7 enforcement agency;**

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

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

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

18 **2. A patrol officer arriving at the scene of an accident shall call**

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

19 a towing company from the rotation list should a tow truck be needed
20 to clear the scene of the accident. A patrol officer arriving at the scene
21 of the accident where a tow truck is already present may call a towing
22 company from the rotation list and dismiss the tow truck at the scene
23 of the accident.

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

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

28 (2) The driver or owner of the vehicle requests a specific out-of-
29 state towing company.

30 4. Any towing company or tow truck arriving at the scene of an
31 accident that has not been called by a patrol officer or the driver or
32 owner of the vehicle shall be prohibited from stopping and towing from
33 the scene of the accident.

34 5. A tow truck operator that stops and tows a vehicle from the
35 scene of an accident in violation of subsection 4 of this section shall be
36 guilty of a class D misdemeanor upon conviction or pleading guilty of
37 the first violation and such tow truck shall be subject to
38 impounding. The penalty for a second violation shall be a class A
39 misdemeanor and the penalty for third and subsequent violations shall
40 be a class D felony. This violation would not preclude the tow truck
41 operator from being charged with tampering under chapter 569.

304.154. 1. Beginning January 1, [2005] 2015, a towing company
2 operating a tow truck pursuant to the authority granted in section 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;

6 (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure
7 building for the storage of motor vehicles, with a total area for storing
8 vehicles, either inside or outside, of at least two thousand square feet
9 and fencing a minimum of seven feet high;

10 (3) Be open for a minimum of eight hours per day between the
11 hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, for a customer
12 or his or her authorized agent to view and retrieve a vehicle, with no
13 additional fees charged to view or retrieve a vehicle during these
14 regular business hours;

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

18 (5) **Have and maintain an operational telephone with the**
19 **telephone number published or available through directory assistance;**

20 [(4)] (6) Maintain a valid insurance policy issued by an insurer
21 authorized to do business in this state, or a bond or other acceptable surety
22 providing coverage for the death of, or injury to, persons and damage to property
23 for each accident or occurrence in the amount [of at least five hundred thousand
24 dollars per incident] **prescribed by the United States Department of**
25 **Transportation;**

26 [(5)] (7) Provide workers' compensation insurance for all employees of the
27 towing company if required by chapter 287; [and

28 (6)] (8) Maintain current motor vehicle registrations on all tow trucks
29 currently operated within the towing company fleet.

30 2. Counties may adopt ordinances with respect to towing company
31 standards in addition to the minimum standards contained in this section. A
32 towing company located in a county of the second, third, [and] or fourth
33 classification **or located in any county of the first classification with**
34 **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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