

# HOUSE BILL NO. 2320

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

6071H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 304.154, RSMo, and to enact in lieu thereof two new sections relating to towing companies, with penalty provisions.

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*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Section A. Section 304.154, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 304.153 and 304.154, to read as follows: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) **“Patrol officer”, a Missouri state highway patrol officer;**

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

(4) **“Tow management company”, any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies;**

(5) **“Tow truck”, a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;**

(6) **“Towing”, moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;**

(7) **“Towing company”, any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service 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.

18           **2. In authorizing a towing company to perform services, any patrol officer within**  
19 **the officer's jurisdiction may utilize the services of a tow management company or tow list.**

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

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

23           **(2) The driver or owner of the vehicle requests a specific out-of-state towing**  
24 **company.**

25           **4. Any towing company or tow truck arriving at the scene of an accident that has**  
26 **not been called by a patrol officer, a law enforcement officer, or the driver or owner of the**  
27 **vehicle or his or her authorized agent shall be prohibited from towing the vehicle from the**  
28 **scene of the accident, unless the towing company or tow truck operator is rendering**  
29 **emergency aid in the interest of public safety, or is operating during a declared state of**  
30 **emergency under section 44.100.**

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

38           **6. The provisions of this section shall also apply to motor vehicles towed under**  
39 **section 304.155 or 304.157.**

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

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

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

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

12           **[(3)] (4) Be available twenty-four hours a day, seven days a week. Availability shall**  
13 **mean that an employee of the towing company or an answering service answered by a person is**  
14 **able to respond to a tow request;**

15            ~~[(4)]~~ **(5) Have and maintain an operational telephone with the telephone number**  
16 **published or available through directory assistance;**

17            ~~(6)~~ Maintain a valid insurance policy issued by an insurer authorized to do business in  
18 this state, or a bond or other acceptable surety providing coverage for the death of, or injury to,  
19 persons and damage to property for each accident or occurrence in the amount of at least five  
20 hundred thousand dollars per incident;

21            ~~[(5)]~~ **(7) Provide workers' compensation insurance for all employees of the towing**  
22 **company if required by chapter 287; [and]**

23            ~~[(6)]~~ **(8) Maintain current motor vehicle registrations on all tow trucks currently operated**  
24 **within the towing company fleet; and**

25            **(9) Post at its place of business and make available upon request to consumers a**  
26 **rate sheet listing all current rates applicable to towing services provided under this**  
27 **chapter.**

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

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

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