

FIRST REGULAR SESSION

# HOUSE BILL NO. 284

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CRAWFORD.

Read 1<sup>st</sup> time January 23, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1192L.011

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### AN ACT

To repeal section 304.157, as enacted by senate bill no. 17, ninetieth general assembly, first regular session, relating to vehicles left unattended or improperly parked on private property of another.

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

Section A. Section 304.157, RSMo, as enacted by senate bill no. 17, ninetieth general assembly, first regular session, is repealed.

[304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee or property or security manager in lawful possession of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow under this

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.**

18 subsection may be made only under any of the following circumstances:

19 (1) There is displayed, in plain view at all entrances to the property, a sign  
20 not less than seventeen by twenty-two inches in size, with lettering not less than one  
21 inch in height, prohibiting public parking and indicating that unauthorized abandoned  
22 property or property improperly parked in a restricted or assigned area will be  
23 removed at the owner's expense, disclosing the maximum fee for all charges related  
24 to towing and storage, and containing the telephone number of the local traffic law  
25 enforcement agency where information can be obtained; or a twenty-four-hour staffed  
26 emergency information telephone number, other than the number of a towing  
27 company, by which the owner of the abandoned property or improperly parked  
28 property may call to receive information regarding the location of such owner's  
29 property; or

30 (2) The abandoned property is on private property and lacks an engine,  
31 transmission, wheels, tires, doors, windshield or any other major part or equipment  
32 necessary to operate safely on the highways, the owner or lessee of the private  
33 property has notified the city police or county sheriff, as appropriate, and ninety-six  
34 hours have elapsed since that notification; or

35 (3) The abandoned property is left unattended on private property, and the  
36 owner, lessee or agent of the real property in lawful possession of real property has  
37 notified the appropriate law enforcement agency, and ten days have elapsed since that  
38 notification.

39 3. Pursuant to this section, any owner or lessee in lawful possession of real  
40 property that requests a towing company to tow abandoned property without  
41 authorization from a law enforcement officer shall within one hour of the tow file an  
42 abandoned property report with the appropriate law enforcement agency where the  
43 property is located. The report shall contain the following:

44 (1) The year, model, make and abandoned property identification number of  
45 the property and the owner and any lienholders, if known;

46 (2) A description of any damage to the abandoned property noted by owner,  
47 lessee or property or security manager in possession of the real property;

48 (3) The license plate or registration number and the state of issuance, if  
49 available;

50 (4) The physical location of the property and the reason for requesting the  
51 property to be towed;

52 (5) The date the report is completed;

53 (6) The signature and printed name, address and phone number of the owner,  
54 lessee or property or security manager in possession of the real property;

55 (7) The towing company's name and address;

56 (8) The signature of the towing operator;

57 (9) The name of the law enforcement agency notified of the abandoned  
58 property.

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60 The department of revenue may design and make available to police agencies

61 throughout the state a uniform "Authorization to Tow" form. The form shall contain  
62 lines for time, date, location, descriptive information of the vehicle, reason for  
63 towing, the tow operator and company and signature of authorizing officer. The cost  
64 of the forms shall be determined by the department of revenue. The completed form  
65 shall be issued by the authorizing officer to the tow operator for that company's  
66 records as proof of authorization to tow a particular vehicle.

67 4. The law enforcement agency receiving such abandoned property report  
68 must record the date the abandoned property report is filed with such agency and  
69 within five days of such filing make an inquiry into the national crime information  
70 center and any statewide Missouri law enforcement computer system to determine  
71 if the abandoned property has been reported as stolen. The law enforcement agency  
72 shall enter the information pertaining to the towed property into the statewide  
73 enforcement computer system. The department of revenue may design and sell to  
74 towing companies informational brochures outlining owner or lessee of real property  
75 obligations pursuant to this section.

76 5. Neither the law enforcement officer nor anyone having custody of  
77 abandoned property under his direction shall be liable for any damage to such  
78 abandoned property occasioned by a removal authorized by this section other than  
79 damages occasioned by negligence or by willful or wanton acts or omissions.

80 6. Any towing company which tows abandoned property without  
81 authorization from a law enforcement officer pursuant to subdivision (1) of  
82 subsection 2 of this section shall within one hour of the tow report the event and the  
83 circumstances to the local law enforcement agency where the abandoned property  
84 report was filed.

85 7. The law enforcement agency receiving notification that abandoned  
86 property has been towed by a towing company shall record the date the property was  
87 towed and shall forward a copy of the abandoned property report to the director of  
88 revenue.

89 8. If any owner or lessee of real property authorizes the removal of  
90 abandoned property pursuant to subsection 2 of this section and such property is so  
91 removed and no sign is displayed prior to such removal as required pursuant to  
92 subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class  
93 C misdemeanor.]