

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 284
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 14, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1192S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 304.157, as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof one new section relating to the towing of motor vehicles.

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

Section A. Section 304.157, as enacted by senate bill no. 17, ninetieth general
2 assembly, first regular session, is repealed and one new section enacted in lieu thereof,
3 to be known as section 304.021, to read as follows:

**304.021. Any wrecker, tow truck, or rollback, requested by law
2 enforcement pursuant to this chapter, shall be considered an emergency
3 vehicle, after such vehicle arrives at the scene of a vehicle accident or
4 abandoned property pursuant to section 304.155. A vehicle containing
5 additional equipment for emergency clean-ups that arrives to assist the above
6 vehicles shall also be considered an emergency vehicle pursuant to this
7 section. The vehicles in this section shall only be considered emergency
8 vehicles after arriving and when working the scene at the direction and
9 supervision of law enforcement.**

[304.157. 1. If a person abandons property, as defined in section
2 304.001, on any real property owned by another without the consent of the
3 owner or person in possession of the property, at the request of the person
4 in possession of the real property, any member of the state highway patrol,
5 state water patrol, sheriff, or other law enforcement officer within his

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

6 jurisdiction may authorize a towing company to remove such abandoned
7 property from the property in the following circumstances:

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

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

13 2. The owner of real property or lessee or property or security
14 manager in lawful possession of the real property may authorize a towing
15 company to remove abandoned property or property parked in a restricted
16 or assigned area without authorization by a law enforcement officer only
17 when the owner, lessee or property or security manager of the real
18 property is present. A property or security manager must be a full-time
19 employee of a business entity. An authorization to tow under this
20 subsection may be made only under any of the following circumstances:

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

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

39 (3) The abandoned property is left unattended on private property,
40 and the owner, lessee or agent of the real property in lawful possession of
41 real property has notified the appropriate law enforcement agency, and

42 ten days have elapsed since that notification.

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

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

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

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

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

58 (5) The date the report is completed;

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

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

63 (8) The signature of the towing operator;

64 (9) The name of the law enforcement agency notified of the
65 abandoned property.

66 The department of revenue may design and make available to police
67 agencies throughout the state a uniform "Authorization to Tow" form. The
68 form shall contain lines for time, date, location, descriptive information of
69 the vehicle, reason for towing, the tow operator and company and
70 signature of authorizing officer. The cost of the forms shall be determined
71 by the department of revenue. The completed form shall be issued by the
72 authorizing officer to the tow operator for that company's records as proof
73 of authorization to tow a particular vehicle.

74 4. The law enforcement agency receiving such abandoned property
75 report must record the date the abandoned property report is filed with
76 such agency and within five days of such filing make an inquiry into the
77 national crime information center and any statewide Missouri law

78 enforcement computer system to determine if the abandoned property has
79 been reported as stolen. The law enforcement agency shall enter the
80 information pertaining to the towed property into the statewide
81 enforcement computer system. The department of revenue may design
82 and sell to towing companies informational brochures outlining owner or
83 lessee of real property obligations pursuant to this section.

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

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

94 7. The law enforcement agency receiving notification that
95 abandoned property has been towed by a towing company shall record the
96 date the property was towed and shall forward a copy of the abandoned
97 property report to the director of revenue.

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