

SECOND REGULAR SESSION

HOUSE BILL NO. 2407

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ERVIN.

Read 1st time March 11, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5357L.01I

AN ACT

To amend chapter 302, RSMo, by adding thereto one new section relating to the suspension of driver's licenses and motor vehicle registrations for failing to pay towing charges.

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

Section A. Chapter 302, RSMo, is amended by adding thereto one new section, to be
2 known as section 302.289, to read as follows:

**302.289. 1. Any person or towing company directed by law enforcement to remove
2 or tow abandoned property from public property under section 304.155, RSMo, may,
3 within thirty days, but not more than forty-five days after the removal of such property,
4 file an affidavit with the department of revenue, accompanied by a filing fee of five dollars,
5 attesting that such person or towing company has removed abandoned property under
6 section 304.155, RSMo, and has incurred costs associated with the removal of the
7 abandoned property. In addition to filing an affidavit, the person or towing company shall
8 submit an application, in a format prescribed by the director of the department of revenue,
9 which shall include the following information:**

10 **(1) The name and address of the person or tow company that removed the
11 abandoned property under section 304.155, RSMo;**

12 **(2) The date the person or tow company performed a law enforcement authorized
13 tow of abandoned property under section 304.155, RSMo;**

14 **(3) An itemized accounting of the reasonable towing and storage charges associated
15 with removing the abandoned property; and**

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.

16 (4) Any other relevant information the director of the department of revenue may
17 prescribe by rule.

18 2. The application shall also be accompanied by a copy of the crime inquiry and
19 inspection report required to be retained by subsection 7 of section 304.155, RSMo. The
20 applicant shall also attest that the towing company has complied with all procedural
21 requirements outlined in sections 304.155 to 304.158, RSMo.

22 3. Within five business days of receiving the application submitted under subsection
23 1 of this section, the director of the department of revenue, or the director's designee, shall
24 send notice to the registered owner of the abandoned motor vehicle, as revealed by the
25 department's records, that a claim for reasonable towing and storage charges has been
26 filed with the department. The notice shall further state that if the registered owner of the
27 abandoned motor vehicle does not provide satisfactory proof to the department that such
28 charges have been satisfied within thirty days of receiving the notice, the department shall
29 suspend the owner's driver's license or driving privileges and any motor vehicle
30 registrations registered in the owner's name. The notice of suspension shall be mailed to
31 the registered owner at the last known address shown on the department's records. The
32 notice of suspension is deemed received three days after mailing. The notice of suspension
33 shall clearly specify the reason and statutory grounds for the suspension and the effective
34 date of the suspension, the right of the person to request a hearing, the procedure for
35 requesting a hearing, and the date by which that request for a hearing must be made. If
36 the request for a hearing is received by the department prior to the effective date of the
37 suspension, the effective date of the suspension will be stayed until a final order is issued
38 following the hearing.

39 4. The suspension shall become effective thirty days after the registered owner of
40 the abandoned motor vehicle is deemed to have received the notice as provided in
41 subsection 3 of this section. The period of the suspension shall continue until the registered
42 owner of the abandoned motor vehicle submits proof that he or she has satisfied all
43 reasonable towing and storage charges associated with the abandonment of such property.

44 5. The director shall promulgate rules and regulations necessary to implement the
45 provisions of this section. Any rule or portion of a rule, as that term is defined in section
46 536.010, RSMo, that is created under the authority delegated in this section shall become
47 effective only if it complies with and is subject to all of the provisions of chapter 536,
48 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
49 nonseverable and if any of the powers vested with the general assembly pursuant to
50 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule

51 are subsequently held unconstitutional, then the grant of rulemaking authority and any
52 rule proposed or adopted after August 28, 2008, shall be invalid and void.

53 6. As used in this section, "reasonable storage charges" shall not exceed the charges
54 for motor vehicles which have been towed with the consent of the owner on a negotiated
55 basis. For any application submitted under this section, reasonable storage charges shall
56 not exceed ninety days.

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