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4430L08.01F SB 0470

HOUSE _____ AMENDMENT NO. _____

Denson Offered By 135

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 470, Page ~~18~~³³ through ~~20~~³⁶, Section 304.154, Line 1 through 62, by deleting all of said
3 Section and inserting in lieu thereof the following:
4

5 "304.154. 1. Beginning [January 1, 2005] August 28, 2012,
6 a towing company operating a tow truck [pursuant to the authority
7 granted in section 304.155 or 304.157 shall] as defined in
8 section 301.010 shall be licensed by the division of professional
9 registration as provided in subsection 2 of this section and:

10 (1) Have and occupy a verifiable business address and
11 display such address in a location visible from the street;

12 (2) Have a fenced, secure, and lighted storage lot or an
13 enclosed, secure building for the storage of motor vehicles, with
14 a total area for storing vehicles, either inside or outside, of
15 at least two thousand square feet, and fencing a minimum of six
16 feet high;

17 (3) Maintain regular business hours for the business office
18 of 8:00 a.m. to 5:00 p.m., Monday through Friday, for customers
19 or their authorized agent to view and retrieve vehicles, with no
20 additional fees charged to view or retrieve a vehicle during
21 these regular business hours;

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

26 (5) Have and maintain a phone number which is published in
27 the local phone book and accessible through directory assistance;

28 [(4)] (6) Maintain a valid insurance policy issued by an
29 insurer authorized to do business in this state, or a bond or
30 other acceptable surety providing coverage for the death of, or
31 injury to, persons and damage to property for each accident or

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1 occurrence in the amount [of at least five hundred thousand
2 dollars per incident] prescribed by the United States Department
3 of Transportation;

4 (7) Maintain liability insurance as follows: garage
5 coverage liability of one million dollars per occurrence with an
6 aggregate of two million dollars or greater, garage keeper policy
7 with a fifty thousand dollar minimum, and hook and cargo
8 insurance with a one hundred fifty thousand dollar minimum;

9 [(5)] (8) Provide workers' compensation insurance for all
10 employees of the towing company if required by chapter 287; [and]

11 [(6)] (9) Maintain current motor vehicle registrations on
12 all tow trucks currently operated within the towing company
13 fleet;

14 (10) Provide a twenty-five thousand dollar surety bond by a
15 company licensed to do business in the state, or provide an
16 irrevocable letter of credit from a financial institution
17 licensed to do business in the state; and

18 (11) Require tow drivers to be certified by the Towing and
19 Recovery Association of America (TRAA), or any state or federally
20 funded program, as follows:

21 (a) Beginning August 28, 2013, light-duty operators shall
22 have at least TRAA Level 1 Certification or equivalent;

23 (b) Beginning March 1, 2014, medium-duty operators shall
24 have at least TRAA Level 2 Certification or equivalent; and

25 (c) Beginning August 28, 2014, there shall be at least one
26 TRAA Level 3 certified operator per company engaged in heavy-duty
27 towing. Anyone who provides a five-year employment history with
28 a towing or wrecking service shall be exempt from the provisions
29 of this subdivision.

30 2. Notwithstanding any other law, in order to operate a
31 towing or wrecker service within this state, operators shall be
32 licensed by the division of professional registration.
33 Applicants for licensure shall provide proof of compliance with
34 requirements of subsection 1 of this section to the division and
35 upon presentation of satisfactory proof shall be granted
36 documentation issued by the division indicating that the towing
37 or wrecker service has met state licensing requirements. Local
38 governmental entities shall not contract with any towing or
39 wrecker service not licensed with the division under this
40 section. The provisions of this section may be enforced by local

1 law enforcement and the highway patrol.

2 3. The director of the division of professional
3 registration may promulgate all necessary rules and regulations
4 for the administration of this section. Any rule or portion of a
5 rule, as that term is defined in section 536.010, that is created
6 under the authority delegated in this section shall become
7 effective only if it complies with and is subject to all of the
8 provisions of chapter 536 and, if applicable, section 536.028.
9 This section and chapter 536 are nonseverable and if any of the
10 powers vested with the general assembly pursuant to chapter 536
11 to review, to delay the effective date, or to disapprove and
12 annul a rule are subsequently held unconstitutional, then the
13 grant of rulemaking authority and any rule proposed or adopted
14 after August 28, 2012, shall be invalid and void.

15 4. Counties may adopt ordinances with respect to towing
16 company standards in addition to the minimum standards contained
17 in this section. A towing company located in a county of the
18 second, third, and fourth classification is exempt from the
19 provisions of this section.

20 5. A towing or wrecker service licensed by the state under
21 this section shall not be required to pay a duplicative fee, or
22 obtain a duplicative permit or license under Section 301.344.";
23 and

24
25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.

