

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 568, Page 7, Section 304.022, Line 67,
by inserting after all of said section and line the following:

“304.158. 1. Notice as to the removal of any abandoned property pursuant to section
304.155 or 304.157 shall be made in writing within five working days to the registered owner and
any lienholder of the fact of the removal, the grounds for the removal, and the place to which the
property has been removed by either:

(1) The public agency authorizing the removal; or

(2) The towing company, where authorization was made by an owner or lessee of real
property. If the abandoned property is stored in any storage facility, a copy of the notice shall be
given to the operator of the facility. The notice provided for in this section shall include the
amount of mileage, if available, shown on the abandoned property at the time of removal.

2. Any owner of any private real property causing the removal of abandoned property
from that real property shall state the grounds for the removal of the abandoned property if
requested by the registered owner of that abandoned property. Any towing company that lawfully
removes abandoned property from private property with the written authorization of the property
owner or the property owner's agent who is present at the time of removal shall not be held
responsible in any situation relating to the validity of the removal. Any towing company that
removes abandoned property at the direction of the landowner shall be responsible for:

(1) Any damage caused by the towing company to the property in the transit and
subsequent storage of the property; and

(2) The removal of property other than the property specified by the owner of the private
property from which the abandoned property was removed.

3. The owner of abandoned property removed from private property may recover for any
damage to the property resulting from any act of any person causing the removal of, or removing,
the abandoned property.

4. Any owner of any private property causing the removal of abandoned property parked
on that property is liable to the owner of the abandoned property for double the storage or towing
charges whenever there has been a failure to comply with the requirements of this section or

1 section 304.157.

2 5. Any towing company which tows abandoned property for hire shall have the towing
3 company's name, city and state clearly printed in letters at least three inches in height on the sides
4 of the truck, wrecker or other vehicle used in the towing.

5 6. A towing company may impose a charge of not more than one-half of the regular
6 towing charge for the towing of abandoned property at the request of the owner of private property
7 or that owner's agent pursuant to this section if the owner of the abandoned property or the
8 owner's agent returns to the abandoned property before it is removed from the private property.
9 The regular towing charge may only be imposed after the abandoned property has been removed
10 from the property and is in transit.

11 7. Persons operating or in charge of any storage facility where the abandoned property is
12 stored pursuant to this section shall accept cash for payment of towing and storage by a registered
13 owner or the owner's agent claiming the abandoned property. In addition, persons operating or in
14 charge of the storage facility shall have sufficient moneys on the premises to accommodate, and
15 make change in, a reasonable monetary transaction.

16 8. Except for the removal of abandoned property authorized by a law enforcement agency
17 pursuant to section 304.157, a towing company shall not remove or commence the removal of
18 abandoned property from private property without first obtaining written authorization from the
19 property owner. All written authorizations shall be maintained for at least one year by the towing
20 company. General authorization to remove or commence removal of abandoned property at the
21 towing company's discretion shall not be delegated to a towing company or its affiliates except in
22 the case of abandoned property unlawfully parked within fifteen feet of a fire hydrant or in a fire
23 lane designated by a fire department or the state fire marshal.

24 9. Any towing company, or any affiliate of a towing company, which removes, or
25 commences removal of, abandoned property from private property without first obtaining written
26 authorization from the property owner or lessee, or an employee or agent thereof, who is present
27 at the time of removal or commencement of the removal, except as permitted in subsection 8 of
28 this section, is liable to the owner of the property for four times the amount of the towing and
29 storage charges, in addition to any applicable criminal penalty, for a violation of this section.

30 10. Any county, city, town or village may enact ordinances or orders which are consistent
31 with sections 304.155 to 304.158 and which may specify maximum reasonable towing, storage
32 and other charges which can be imposed by towing and storage companies operating within the
33 governmental entity's jurisdiction.

34 11. For any vehicle towed at the request of law enforcement officials under section
35 304.157, any title loan company holding a title loan on such vehicle shall be notified of the
36 location of the vehicle within forty-eight hours and be required to either pay the towing and

1 storage charges for such vehicle or provide to the towing company a title release for the vehicle.
2 If no action is taken by the title loan company within ten days of receiving notification by the
3 towing company that the vehicle has been towed pursuant to law enforcement request, the title
4 loan company shall be responsible for all towing costs and additional storage charges.

5 12. Any person who knowingly violates any provision of sections 304.155 to 304.158
6 shall be guilty of a class A misdemeanor. Any violation of the provisions of this section shall
7 constitute a violation of the provisions of section 407.020. In any proceeding brought by the
8 attorney general for a violation of the provisions of this section, the court may, in addition to
9 imposing the penalties provided for in this section order the revocation or suspension of the
10 registration or license of the towing company.”; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.