

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1976, Page 1, In the title, Line 3, by
2 deleting the words, "service contracts" and inserting in lieu thereof the words, "motor vehicle
3 services"; and

4
5 Further amend said bill, Page 9, Section 385.306, Line 59, by inserting immediately after said line
6 the following:

7 "385.500. 1. As used in this section, the following terms shall mean:

8 (1) "Law enforcement officer", any public servant, other than a patrol officer, who is
9 defined as a law enforcement officer under section 556.061;

10 (2) "Motor club", any person, partnership, corporation, fiduciary, association or other entity
11 that, for consideration, promises services, including emergency roadside assistance and towing
12 services, to persons who are members of the motor club;

13 (3) "Patrol officer", a Missouri state highway patrol officer;

14 (4) "Tow list", a list of approved towing companies compiled, maintained, and utilized by
15 the Missouri state highway patrol or its designee;

16 (5) "Tow management company", any sole proprietorship, partnership, corporation,
17 fiduciary, association, or other business entity that manages towing logistics for government
18 agencies or motor clubs;

19 (6) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section
20 301.010;

21 (7) "Towing", moving or removing, or the preparation therefor, of a vehicle by another
22 vehicle for which a service charge is made, either directly or indirectly, including any dues or other
23 charges of clubs or associations which provide towing services;

24 (8) "Towing company", any person, partnership, corporation, fiduciary, association, or other
25 entity that operates a wrecker or towing service as defined under section 301.010.

26 2. In authorizing a towing company to perform services, any patrol officer within the
27 officer's jurisdiction may utilize the services of a tow management company or tow list, provided:

28 (1) The Missouri state highway patrol is under no obligation to include or retain the services
29 of any towing company in any contract or agreement with a tow management company or any tow
30 list established pursuant to this section. A towing company is subject to removal from a tow list at
31 any time;

32 (2) Notwithstanding any other provision of law or any regulation established pursuant to
33 this section, an owner or operator's request for a specific towing company shall be honored by the
34 Missouri state highway patrol unless:

35 (a) The requested towing company cannot or does not respond in a reasonable time, as
36 determined by a law enforcement officer; or

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 (b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement
2 officer.

3 3. A patrol officer shall not use a towing company located outside of Missouri under this
4 section except under the following circumstances:

5 (1) A state or federal emergency has been declared; or

6 (2) The driver or owner of the vehicle or a motor club, of which the driver or owner is a
7 member requests a specific out-of-state towing company.

8 4. Any towing company or tow truck arriving at the scene of an accident that has not been
9 called by a patrol officer, a law enforcement officer, or the driver or owner of the vehicle or his or
10 her authorized agent or a motor club, of which the driver or owner is a member shall be prohibited
11 from towing the vehicle from the scene of the accident, unless the towing company or tow truck
12 operator is rendering emergency aid in the interest of public safety, or is operating during a declared
13 state of emergency under section 44.100.

14 5. A tow truck operator that stops and tows a vehicle from the scene of an accident in
15 violation of subsection 4 of this section shall be guilty of a class D misdemeanor upon conviction or
16 pleading guilty for the first violation, and such tow truck shall be subject to impounding. The
17 penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or
18 subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow
19 truck operator from being charged with tampering under chapter 569.

20 6. The provisions of this section shall also apply to motor vehicles towed under section
21 304.155 or 304.157.

22 385.505. 1. A towing company operating a tow truck pursuant to the authority granted in
23 section, 304.155, 304.157, or 385.500 shall:

24 (1) Have and occupy a verifiable business address and display such address in a location
25 visible from the street or road;

26 (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the
27 storage of motor vehicles;

28 (3) Be open or available for a minimum of eight hours per day between the hours of 7:00
29 a.m. and 7:00 p.m. Monday through Friday for a customer or his or her authorized agent to view or
30 retrieve a vehicle with no additional fees charged to view or retrieve a vehicle during these regular
31 business hours;

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

35 (5) Have and maintain an operational telephone with the telephone number published or
36 available through directory assistance;

37 (6) Maintain a valid insurance policy issued by an insurer authorized to do business in this
38 state, or a bond or other acceptable surety providing coverage for the death of, or injury to, persons
39 and damage to property for each accident or occurrence in the amount of at least five hundred
40 thousand dollars per incident;

41 (7) Provide workers' compensation insurance for all employees of the towing company if
42 required by chapter 287;

43 (8) Maintain current motor vehicle registrations on all tow trucks currently operated within
44 the towing company fleet; and

45 (9) Post at its place of business and make available upon request to consumers a rate sheet
46 listing all current rates applicable to towing services provided under this chapter.

47 2. The initial tow performed under section 304.155, 304.157, or 385.500 shall remain in the
48 state of Missouri unless authorized by the vehicle owner or his or her agent.

1 3. Counties may adopt ordinances with respect to towing company standards in addition to
2 the minimum standards contained in this section.

3 4. Notwithstanding any provision of the law to the contrary, unless notified by a law
4 enforcement agency that a motor vehicle is being preserved as evidence, a storage lot facility or
5 towing company shall allow insurance adjusters access to and allow inspection of a motor vehicle,
6 without charge, at any time during the towing company's or storage lot facility's normal working
7 hours.

8 5. When a motor vehicle has been transferred to a towing company storage lot or a vehicle
9 storage facility, such vehicle shall not be transferred from the towing company storage lot or vehicle
10 storage facility without providing the owner of such vehicle twenty-four hours advance notice of the
11 planned transfer. The notification shall include the address of where the vehicle is being transferred
12 to and all costs associated with moving the vehicle to a different storage lot or vehicle storage
13 facility."; and

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15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.
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