

HCS HB 2320 -- TOWING COMPANY REGULATIONS

SPONSOR: McGaugh

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Emerging Issues by a vote of 12 to 0. Voted "Do Pass with HCS" by the Select Committee on General Laws by a vote of 9 to 0.

This bill establishes several new regulations concerning the Missouri State Highway Patrol and tow truck companies.

In authorizing a towing company to perform services, a patrol officer may utilize the services of a tow management company or tow list. The Missouri State Highway Patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list. A towing company is subject to removal from a tow list at any time. A patrol officer shall not use a towing company located outside of Missouri, except under specific circumstances. A tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, or the driver or owner of the vehicle or his or her authorized agent or motor club, shall be prohibited from towing the vehicle from the scene, unless the tow truck operator is rendering emergency aid in the interest of public safety, or operating during a declared state of emergency. A tow truck operator convicted of, or pleading guilty to, violating this provision is guilty of a class D misdemeanor for the first violation, with the tow truck subject to impounding. A second violation shall be a class A misdemeanor and the third and any subsequent offense, a class D felony.

A tow truck company must display their business address at their location and in such a way that it is visible from the street or road. The lot must be open for a minimum of eight hours per day between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, for customers to view or retrieve vehicles. Customers cannot be charged additional fees to view or retrieve their vehicles during these regular business hours. Having towed a vehicle, the towing company cannot remove said vehicle from the state of Missouri unless authorized to do so by the vehicle owner or his or her agent. When a motor vehicle has been transferred to a towing company's storage lot or vehicle storage facility, such vehicle shall not be transferred without providing the owner twenty-four hours advanced notice, including the address where the vehicle is being transferred and all costs associated with moving the vehicle.

Unless notified by a law enforcement agency that a motor vehicle is being preserved as evidence, a storage lot facility or towing

company shall allow insurance adjusters access to and allow inspection of a motor vehicle.

This bill is similar to HB 581 (2015).

PROPONENTS: Supporters say that this bill will protect Missouri residents from predatory towing practices.

Testifying for the bill were Representative McGaugh; Ron Harvey, Ron's Auto & Truck Towing; John Borowski, Auto Return; Towing & Recovery Association Of Missouri; Jared K. Innis, Missouri Tow Truck Association; and the City Of Kansas City.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill agree that it is important to stop predatory towing practices but want to ensure that large trucks requiring special towing equipment be considered.

Testifying on the bill were Property Casualty Insurers Association Of America and the Missouri Trucking Association.