

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 32,
2 Section 302.170, Line 163, by inserting after all of said line the following:

3
4 "304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a
5 government agency where that agency's real property is concerned, may authorize a towing
6 company to remove to a place of safety:

7 (1) Any abandoned property on the right-of-way of:

8 (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or
9 immediately if a law enforcement officer determines that the abandoned property is a serious hazard
10 to other motorists, provided that commercial motor vehicles not hauling materials designated as
11 hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety
12 until the owner or owner's representative has had a reasonable opportunity to contact a towing
13 company of choice;

14 (b) Any interstate highway or freeway outside of an urbanized area, left unattended for
15 twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned
16 property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling
17 materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this
18 subdivision to a place of safety until the owner or owner's representative has had a reasonable
19 opportunity to contact a towing company of choice;

20 (c) Any state highway other than an interstate highway or freeway in an urbanized area, left
21 unattended for more than ten hours; or

22 (d) Any state highway other than an interstate highway or freeway outside of an urbanized
23 area, left unattended for more than twenty-four hours; provided that commercial motor vehicles not
24 hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this
25 subdivision to a place of safety until the owner or owner's representative has had a reasonable
26 opportunity to contact a towing company of choice;

27 (2) Any unattended abandoned property illegally left standing upon any highway or bridge
28 if the abandoned property is left in a position or under such circumstances as to obstruct the normal
29 movement of traffic where there is no reasonable indication that the person in control of the
30 property is arranging for its immediate control or removal;

31 (3) Any abandoned property which has been abandoned under section 577.080;

32 (4) Any abandoned property which has been reported as stolen or taken without consent of
33 the owner;

34 (5) Any abandoned property for which the person operating such property is arrested for an
35 alleged offense for which the officer takes the person into custody and where such person is unable
36 to arrange for the property's timely removal;

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1 (6) Any abandoned property which due to any other state law or local ordinance is subject
2 to towing because of the owner's outstanding traffic or parking violations;

3 (7) Any abandoned property left unattended in violation of a state law or local ordinance
4 where signs have been posted giving notice of the law or where the violation causes a safety hazard;

5 (8) Any abandoned property illegally left standing on the waters of this state as defined in
6 section 306.010 where the abandoned property is obstructing the normal movement of traffic, or
7 where the abandoned property has been unattended for more than ten hours or is floating loose on
8 the water; or

9 (9) Any abandoned property for which the person operating such property or vehicle eludes
10 arrest for an alleged offense for which the officer would have taken the offender into custody.

11 2. The department of transportation or any law enforcement officer within the officer's
12 jurisdiction may immediately remove any abandoned, unattended, wrecked, burned or partially
13 dismantled property, spilled cargo or other personal property from the right-of-way of any interstate
14 highway, freeway, or state highway if the abandoned property, cargo or personal property is creating
15 a traffic hazard because of its position in relation to the interstate highway, freeway, or state
16 highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as
17 defined in section 302.700, the department's authority under this subsection shall be limited to
18 authorizing a towing company to remove the commercial motor vehicle to a place of safety, except
19 that the owner of the commercial motor vehicle or the owner's designated representative shall have a
20 reasonable opportunity to contact a towing company of choice. The provisions of this subsection
21 shall not apply to vehicles transporting any material which has been designated as hazardous under
22 Section 5103(a) of Title 49, U.S.C.

23 3. Any law enforcement agency authorizing a tow or involved in an incident in which a tow
24 is conducted pursuant to this section in which the abandoned property is moved from the immediate
25 vicinity shall complete a crime inquiry and inspection report~~[-Any state or federal government~~
26 ~~agency other than a law enforcement agency authorizing a tow pursuant to this section in which the~~
27 ~~abandoned property is moved away from the immediate vicinity in which it was abandoned shall~~
28 ~~report the towing to the state highway patrol or water patrol within two hours of the tow along with~~
29 ~~a crime inquiry and inspection report as required in this section. Any local government agency,~~
30 ~~other than a law enforcement agency, authorizing a tow pursuant to this section where property is~~
31 ~~towed away from the immediate vicinity shall report the tow to the local law enforcement agency~~
32 ~~within two hours along with a crime inquiry and inspection report] any time a tow is conducted,~~
33 regardless of whether a tow is initiated by a law enforcement officer or requested by another party.

34 4. Neither the law enforcement officer, government agency official nor anyone having
35 custody of abandoned property under his direction shall be liable for any damage to such abandoned
36 property occasioned by a removal authorized by this section or by ordinance of a county or
37 municipality licensing and regulating the sale of abandoned property by the municipality, other than
38 damages occasioned by negligence or by willful or wanton acts or omissions.

39 5. The owner of abandoned property removed as provided in this section or in section
40 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such
41 abandoned property as provided in section 304.158.

42 6. Upon the towing of any abandoned property pursuant to this section or under authority of
43 a law enforcement officer or local government agency pursuant to section 304.157, the law
44 enforcement agency that authorized such towing or was properly notified by another government
45 agency of such towing shall promptly make an inquiry with the national crime information center
46 and any statewide Missouri law enforcement computer system to determine if the abandoned
47 property has been reported as stolen and shall enter the information pertaining to the towed property
48 into the statewide law enforcement computer system. If the abandoned property is not claimed

1 within ten working days of the towing, the tower who has online access to the department of
2 revenue's records shall make an inquiry to determine the abandoned property owner and lienholder,
3 if any, of record. In the event that the records of the department of revenue fail to disclose the name
4 of the owner or any lienholder of record, the tower shall comply with the requirements of subsection
5 3 of section 304.156. If the tower does not have online access, the law enforcement agency shall
6 submit a crime inquiry and inspection report to the director of revenue. A towing company that
7 does not have online access to the department's records and that is in possession of abandoned
8 property after ten working days shall report such fact to the law enforcement agency with which the
9 crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be
10 designed by the director of revenue and shall include the following:

11 (1) The year, model, make and property identification number of the property and the owner
12 and any lienholders, if known;

13 (2) A description of any damage to the property noted by the officer authorizing the tow;

14 (3) The license plate or registration number and the state of issuance, if available;

15 (4) The storage location of the towed property;

16 (5) The name, telephone number and address of the towing company;

17 (6) The date, place and reason for the towing of the abandoned property;

18 (7) The date of the inquiry of the national crime information center, any statewide Missouri
19 law enforcement computer system and any other similar system which has titling and registration
20 information to determine if the abandoned property had been stolen. This information shall be
21 entered only by the law enforcement agency making the inquiry;

22 (8) The signature and printed name of the officer authorizing the tow;

23 (9) The name of the towing company, the signature and printed name of the towing
24 operator, and an indicator disclosing whether the tower has online access to the department's
25 records; and

26 (10) Any additional information the director of revenue deems appropriate.

27 7. One copy of the crime inquiry and inspection report shall remain with the agency which
28 authorized the tow. One copy shall be provided to and retained by the storage facility and one copy
29 shall be retained by the towing facility in an accessible format in the business records for a period of
30 three years from the date of the tow or removal.

31 8. The owner of such abandoned property, or the holder of a valid security interest of
32 record, may reclaim it from the towing company upon proof of ownership or valid security interest
33 of record and payment of all reasonable charges for the towing and storage of the abandoned
34 property.

35 9. Any person who removes abandoned property at the direction of a law enforcement
36 officer or an officer of a government agency where that agency's real property is concerned as
37 provided in this section shall have a lien for all reasonable charges for the towing and storage of the
38 abandoned property until possession of the abandoned property is voluntarily relinquished to the
39 owner of the abandoned property or to the holder of a valid security interest of record. Any
40 personal property within the abandoned property need not be released to the owner thereof until the
41 reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or
42 satisfactory arrangements for payment have been made, except that any medication prescribed by a
43 physician shall be released to the owner thereof upon request. The company holding or storing the
44 abandoned property shall either release the personal property to the owner of the abandoned
45 property or allow the owner to inspect the property and provide an itemized receipt for the contents.
46 The company holding or storing the property shall be strictly liable for the condition and safe return
47 of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

48 10. Towing companies shall keep a record for three years on any abandoned property towed

1 and not reclaimed by the owner of the abandoned property. Such record shall contain information
2 regarding the authorization to tow, copies of all correspondence with the department of revenue
3 concerning the abandoned property, including copies of any online records of the towing company
4 accessed and information concerning the final disposition of the possession of the abandoned
5 property.

6 11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor
7 or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the
8 local law enforcement agency where the repossession occurred within two hours of the repossession
9 and shall further provide the local law enforcement agency with any additional information the
10 agency deems appropriate. The local law enforcement agency shall make an inquiry with the
11 national crime information center and the Missouri statewide law enforcement computer system and
12 shall enter the repossessed vehicle into the statewide law enforcement computer system.

13 12. Notwithstanding the provisions of section 301.227, any towing company who has
14 complied with the notification provisions in section 304.156 including notice that any property
15 remaining unredeemed after thirty days may be sold as scrap property may then dispose of such
16 property as provided in this subsection. Such sale shall only occur if at least thirty days has passed
17 since the date of such notification, the abandoned property remains unredeemed with no satisfactory
18 arrangements made with the towing company for continued storage, and the owner or holder of a
19 security agreement has not requested a hearing as provided in section 304.156. The towing
20 company may dispose of such abandoned property by selling the property on a bill of sale as
21 prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for
22 destruction purposes only. The towing company shall forward a copy of the bill of sale provided by
23 the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of
24 the date of such sale. The towing company shall keep a record of each such vehicle sold for
25 destruction for three years that shall be available for inspection by law enforcement and authorized
26 department of revenue officials.

27 The record shall contain the year, make, identification number of the property, date of sale, and
28 name of the purchasing scrap metal operator or licensed salvage dealer and copies of all
29 notifications issued by the towing company as required in this chapter. Scrap metal operators or
30 licensed salvage dealers shall keep a record of the purchase of such property as provided in section
31 301.227. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as
32 provided in section 301.227 on vehicles purchased on a bill of sale pursuant to this section."; and
33

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