

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute No. 2 for Senate Substitute No. 2 for Senate Committee
2 Substitute for Senate Bill No. 1050, Pages 56 to 58, Section 304.153, Lines 1 to 106, by deleting all
3 of said section and lines and inserting in lieu thereof the following:
4

5 "304.153. 1. As used in this section, the following terms shall mean:

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

8 (2) "Motor club", an organization which motor vehicle drivers and owners may join that
9 provide certain benefits relating to driving a motor vehicle;

10 (3) "Nonconsensual tow", the transportation of a motor vehicle by tow truck if such
11 transportation is performed without the prior consent or authorization of the owner or operator of
12 the motor vehicle. For purposes of this section, all law enforcement-ordered tows are considered
13 nonconsensual;

14 (4) "Patrol officer", a Missouri state highway patrol officer;

15 [(4)] (5) "Tow list", a list of approved towing companies compiled, maintained, and utilized
16 by the Missouri state highway patrol or its designee;

17 [(5)] (6) "Tow management company", any sole proprietorship, partnership, corporation,
18 fiduciary, association, or other business entity that manages towing logistics for government
19 agencies or motor clubs;

20 [(6)] (7) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under
21 section 301.010;

22 [(7)] (8) "Towing", moving or removing, or the preparation therefor, of a vehicle by another
23 vehicle for which a service charge is made, either directly or indirectly, including any dues or other
24 charges of clubs or associations which provide towing services;

25 [(8)] (9) "Towing company", any person, partnership, corporation, fiduciary, association, or
26 other entity that operates a wrecker or towing service as defined under section 301.010.

27 2. In authorizing a towing company to perform services, any patrol officer or law
28 enforcement officer within the officer's jurisdiction, or Missouri department of transportation
29 employee, may utilize the services of a tow management company or tow list, provided:

30 (1) The Missouri state highway patrol is under no obligation to include or retain the services
31 of any towing company in any contract or agreement with a tow management company or any tow

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1 list established pursuant to this section. A towing company is subject to removal from a tow list at
2 any time;

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

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

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

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

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

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

15 4. A towing company shall not tow a vehicle to a location outside of Missouri without the
16 consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which
17 the driver or owner of the motor vehicle is a member.

18 5. Any towing company or tow truck arriving at the scene of an accident that has not been
19 called by a patrol officer, a law enforcement officer, a Missouri department of transportation
20 employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor
21 club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the
22 scene of the accident, unless the towing company or tow truck operator is rendering emergency aid
23 in the interest of public safety, or is operating during a declared state of emergency under section
24 44.100.

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

31 7. The provisions of this section shall also apply to motor vehicles towed under section
32 304.155 or 304.157.

33 8. The provisions of subsections 1 to 7 of this section shall not apply to counties of the third
34 or fourth classification.

35 9. (1) The Towing Task Force is hereby created. The task force shall make
36 recommendations as provided in this subsection with respect to tows involving vehicles with a gross
37 vehicle weight rating in excess of twenty-six thousand pounds. The task force shall consist of nine
38 members who shall be appointed as follows:

39 (a) One member of the general assembly appointed by the president pro tempore of the
40 senate;

41 (b) One member of the general assembly appointed by the speaker of the house of

1 representatives;

2 (c) One member, or the member's designee, appointed by the governor to represent the
3 department of revenue;

4 (d) One member, or the member's designee, appointed by the superintendent of the Missouri
5 state highway patrol;

6 (e) One member, or the member's designee, appointed by the governor to represent towing
7 companies within the state but who does not represent a towing association;

8 (f) One member who insures commercial motor vehicles, or the member's designee,
9 appointed by the governor to represent insurance companies within the state;

10 (g) One member, or the member's designee, appointed by the governor to represent an
11 association of motor carriers within the state;

12 (h) One member, or the member's designee, appointed by the director of the Missouri
13 department of revenue; and

14 (i) One member, appointed by the governor, who is a truck driver that resides in Missouri.

15 (2) The task force shall have the following duties and powers:

16 (a) To make comprehensive recommendations on matters related to the investigation of
17 overcharges made by towing companies in violation of the rules promulgated under this subsection,
18 including:

19 a. A process for the adjudication of consumer complaints regarding nonconsensual tow
20 charges; and

21 b. Factors to consider in determining whether a charge levied by a towing company is just,
22 fair, and reasonable; provided that, it shall be a violation of the rules promulgated under this
23 subsection for a towing company to charge for the use of unnecessary equipment and labor;

24 c. A process for the removal of towing companies from rotation lists for violations of the
25 rules; and

26 (b) To make comprehensive recommendations regarding information that should be
27 included on every invoice with respect to a nonconsensual tow.

28 (3) The task force shall make its first comprehensive recommendations in a report to the
29 general assembly no later than March 1, 2020.

30 (4) The members of the towing task force shall elect a chair from among their membership.
31 The chair shall set the times and frequency of the task force's meetings.

32 (5) The task force established under this subsection shall expire on January 1, 2021."; and
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34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.