

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By _____

1 AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute No. 2
2 for Senate Bill No. 26, Page 6, Line 43, by deleting said line and inserting in lieu thereof the
3 following:

4
5 "to 210.1286 shall be invalid and void.

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

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

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

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

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

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

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

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

34 (4) Any abandoned property which has been reported as stolen or taken without consent of

Action Taken _____ Date _____

1 the owner;

2 (5) Any abandoned property for which the person operating such property is arrested for an
3 alleged offense for which the officer takes the person into custody and where such person is unable
4 to arrange for the property's [timely] removal within forty-eight hours of such person's arrest;

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

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

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

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

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

27 3. Any law enforcement agency authorizing a tow pursuant to this section in which the
28 abandoned property is moved from the immediate vicinity shall complete a crime inquiry and
29 inspection report. Any state or federal government agency other than a law enforcement agency
30 authorizing a tow pursuant to this section in which the abandoned property is moved away from the
31 immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or
32 water patrol within two hours of the tow along with a crime inquiry and inspection report as
33 required in this section. Any local government agency, other than a law enforcement agency,
34 authorizing a tow pursuant to this section where property is towed away from the immediate vicinity
35 shall report the tow to the local law enforcement agency within two hours along with a crime
36 inquiry and inspection report.

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

42 5. The owner of abandoned property removed as provided in this section or in section
43 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such
44 abandoned property as provided in section 304.158.

45 6. Upon the towing of any abandoned property pursuant to this section or under authority of
46 a law enforcement officer or local government agency pursuant to section 304.157, the law
47 enforcement agency that authorized such towing or was properly notified by another government
48 agency of such towing shall promptly make an inquiry with the national crime information center
49 and any statewide Missouri law enforcement computer system to determine if the abandoned

property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten working days of the towing, the tower who has online access to the department of revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of subsection 3 of section 304.156. If the tower does not have online access, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the director of revenue and shall include the following:

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

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

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

(4) The storage location of the towed property;

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

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

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

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

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

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

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

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

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

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information

1 regarding the authorization to tow, copies of all correspondence with the department of revenue
 2 concerning the abandoned property, including copies of any online records of the towing company
 3 accessed and information concerning the final disposition of the possession of the abandoned
 4 property.

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

12 12. Notwithstanding the provisions of section 301.227, any towing company who has
 13 complied with the notification provisions in section 304.156 including notice that any property
 14 remaining unredeemed after thirty days may be sold as scrap property may then dispose of such
 15 property as provided in this subsection. Such sale shall only occur if at least thirty days has passed
 16 since the date of such notification, the abandoned property remains unredeemed with no satisfactory
 17 arrangements made with the towing company for continued storage, and the owner or holder of a
 18 security agreement has not requested a hearing as provided in section 304.156. The towing
 19 company may dispose of such abandoned property by selling the property on a bill of sale as
 20 prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for
 21 destruction purposes only. The towing company shall forward a copy of the bill of sale provided by
 22 the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of
 23 the date of such sale. The towing company shall keep a record of each such vehicle sold for
 24 destruction for three years that shall be available for inspection by law enforcement and authorized
 25 department of revenue officials. The record shall contain the year, make, identification number of
 26 the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage
 27 dealer and copies of all notifications issued by the towing company as required in this chapter.
 28 Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such
 29 property as provided in section 301.227. Scrap metal operators and licensed salvage dealers may
 30 obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of sale
 31 pursuant to this section."; and
 32

33 Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the
 34 following:
 35

36 "590.120. 1. There is hereby established within the department of public safety a "Peace
 37 Officer Standards and Training Commission" which shall be composed of eleven members,
 38 including a voting public member, appointed by the governor, by and with the advice and consent of
 39 the senate, from a list of qualified candidates submitted to the governor by the director of the
 40 department of public safety. No more than two members of the POST commission shall reside in
 41 the same congressional district as any other at the time of their appointments but this provision shall
 42 not apply to the public member. Three members of the POST commission shall be police chiefs,
 43 three members shall be sheriffs, one member shall represent a state law enforcement agency covered
 44 by the provisions of this chapter, two members shall be peace officers at or below the rank of
 45 sergeant employed by a political subdivision, and one member shall be a chief executive officer of a
 46 certified training academy. The public member shall be at the time of appointment a registered
 47 voter; a person who is not and never has been a member of any profession certified or regulated
 48 under this chapter or the spouse of such person; and a person who does not have and never has had a
 49 material financial interest in either the providing of the professional services regulated by this

1 chapter, or an activity or organization directly related to any profession certified or regulated under
2 this chapter. Each member of the POST commission shall have been at the time of his appointment
3 a citizen of the United States and a resident of this state for a period of at least one year, and
4 members who are peace officers shall be qualified as established by this chapter. No member of the
5 POST commission serving a full term of three years may be reappointed to the POST commission
6 until at least one year after the expiration of his most recent term.

7 2. Three of the original members of the POST commission shall be appointed for terms of
8 one year, three of the original members shall be appointed for terms of two years, and three of the
9 original members shall be appointed for terms of three years. Thereafter the terms of the members
10 of the POST commission shall be for three years or until their successors are appointed. The
11 director may remove any member of the POST commission for misconduct or neglect of office.
12 Any member of the POST commission may be removed for cause by the director but such member
13 shall first be presented with a written statement of the reasons thereof, and shall have a hearing
14 before the POST commission if the member so requests. Any vacancy in the membership of the
15 commission shall be filled by appointment for the unexpired term. No two members of the POST
16 commission shall be employees of the same law enforcement agency.

17 3. Annually the director shall appoint one of the members as chairperson. The POST
18 commission shall meet at least twice each year as determined by the director or a majority of the
19 members to perform its duties. A majority of the members of the POST commission shall constitute
20 a quorum.

21 4. No member of the POST commission shall receive any compensation for the performance
22 of his official duties.

23 5. The director shall employ staff as the director deems necessary including, but not limited
24 to, no fewer than one POST investigator for each administrative hearing commissioner.

25 6. The POST commission shall guide and advise the director concerning duties pursuant to
26 this chapter."; and"; and
27

28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.
30

31 THIS AMENDMENT AMENDS 0828H05.55H.