

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 21, by
2 inserting after said section and 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 property
30 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 within forty-eight hours of such person's arrest;

Action Taken _____ Date _____

1 (6) Any abandoned property which due to any other state law or local ordinance is subject to
2 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 pursuant to this section in which the
24 abandoned property is moved from the immediate vicinity shall complete a crime inquiry and
25 inspection report. Any state or federal government agency other than a law enforcement agency
26 authorizing a tow pursuant to this section in which the abandoned property is moved away from the
27 immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or
28 water patrol within two hours of the tow along with a crime inquiry and inspection report as
29 required in this section. Any local government agency, other than a law enforcement agency,
30 authorizing a tow pursuant to this section where property is towed away from the immediate vicinity
31 shall report the tow to the local law enforcement agency within two hours along with a crime
32 inquiry and inspection report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 10. Towing companies shall keep a record for three years on any abandoned property towed
45 and not reclaimed by the owner of the abandoned property. Such record shall contain information
46 regarding the authorization to tow, copies of all correspondence with the department of revenue
47 concerning the abandoned property, including copies of any online records of the towing company
48 accessed and information concerning the final disposition of the possession of the abandoned
49 property.

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

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

Further amend said bill, Page 5, Section 574.085, Line 34, by inserting after said section and line the following:

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

1 POST commission serving a full term of three years may be reappointed to the POST commission
2 until at least one year after the expiration of his most recent term.

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

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

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

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

21 6. The POST commission shall guide and advise the director concerning duties pursuant to
22 this chapter."; and
23

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