

FIRST REGULAR SESSION

# HOUSE BILL NO. 705

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ADAMS.

1431H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 304.157, RSMo, and to enact in lieu thereof one new section relating to the towing of motor vehicles or vessels.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 304.157, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.157, to read as follows:

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. A local government agency may also provide for the towing of motor vehicles or vessels from real property under the authority of any local ordinance providing for the towing of vehicles or vessels which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report pursuant to section 304.155.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           3. Neither the law enforcement officer, local government agency nor anyone having  
19 custody of abandoned property under his or her direction shall be liable for any damage to  
20 such abandoned property occasioned by a removal authorized by this section other than  
21 damages occasioned by negligence or by willful or wanton acts or omissions.

22           4. The owner of real property or lessee in lawful possession of the real property or the  
23 property or security manager of the real property may authorize a towing company to remove  
24 abandoned property or property parked in a restricted or assigned area without authorization  
25 by a law enforcement officer only when the owner, lessee or property or security manager of  
26 the real property is present. A property or security manager must be a full-time employee of a  
27 business entity. An authorization to tow pursuant to this subsection may be made only under  
28 any of the following circumstances:

29           (1) There is displayed, in plain view at all entrances to the property, a sign not less  
30 than seventeen by twenty-two inches in size, with lettering not less than one inch in height,  
31 prohibiting public parking and indicating that unauthorized abandoned property or property  
32 parked in a restricted or assigned area will be removed at the owner's expense, disclosing the  
33 maximum fee for all charges related to towing and storage, and containing the telephone  
34 number of the local traffic law enforcement agency where information can be obtained or a  
35 twenty-four-hour staffed emergency information telephone number by which the owner of the  
36 abandoned property or property parked in a restricted or assigned area may call to receive  
37 information regarding the location of such owner's property;

38           (2) The abandoned property is left unattended on owner-occupied residential property  
39 with four residential units or less, and the owner, lessee or agent of the real property in lawful  
40 possession has notified the appropriate law enforcement agency, and ten hours have elapsed  
41 since that notification; or

42           (3) The abandoned property is left unattended on private property, and the owner,  
43 lessee or agent of the real property in lawful possession of real property has notified the  
44 appropriate law enforcement agency, and ninety-six hours have elapsed since that  
45 notification.

46           5. Pursuant to this section, any owner or lessee in lawful possession of real property  
47 that requests a towing company to tow abandoned property without authorization from a law  
48 enforcement officer shall at that time complete an abandoned property report which shall be  
49 considered a legal declaration subject to criminal penalty pursuant to section 575.060. The  
50 report shall be in the form designed, printed and distributed by the director of revenue and  
51 shall contain the following:

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

54 (2) A description of any damage to the abandoned property noted by owner, lessee or  
55 property or security manager in possession of the real property;

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

57 (4) The physical location of the property and the reason for requesting the property to  
58 be towed;

59 (5) The date the report is completed;

60 (6) The printed name, address and phone number of the owner, lessee or property or  
61 security manager in possession of the real property;

62 (7) The towing company's name and address;

63 (8) The signature of the towing operator;

64 (9) The signature of the owner, lessee or property or security manager attesting to the  
65 facts that the property has been abandoned for the time required by this section and that all  
66 statements on the report are true and correct to the best of the person's knowledge and belief  
67 and that the person is subject to the penalties for making false statements;

68 (10) Space for the name of the law enforcement agency notified of the towing of the  
69 abandoned property and for the signature of the law enforcement official receiving the report;  
70 and

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

72 6. Any towing company which tows abandoned property without authorization from a  
73 law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the  
74 abandoned property report to the local law enforcement agency having jurisdiction over the  
75 location from which the abandoned property was towed. The copy may be produced and sent  
76 by facsimile machine or other device which produces a near exact likeness of the print and  
77 signatures required, but only if the law enforcement agency receiving the report has the  
78 technological capability of receiving such copy and has registered the towing company for  
79 such purpose. The registration requirements shall not apply to law enforcement agencies  
80 located in counties of the third or fourth classification. The report shall be delivered within  
81 two hours if the tow was made from a signed location pursuant to subdivision (1) of  
82 subsection 4 of this section, otherwise the report shall be delivered within twenty-four hours.

83 7. The law enforcement agency receiving such abandoned property report must  
84 record the date on which the abandoned property report is filed with such agency and shall  
85 promptly make an inquiry into the national crime information center and any statewide  
86 Missouri law enforcement computer system to determine if the abandoned property has been  
87 reported as stolen. The law enforcement agency shall enter the information pertaining to the  
88 towed property into the statewide law enforcement computer system, and an officer shall sign  
89 the abandoned property report and provide the towing company with a signed copy. The

90 department of revenue may design and sell to towing companies informational brochures  
91 outlining owner or lessee of real property obligations pursuant to this section.

92 8. The law enforcement agency receiving notification that abandoned property has  
93 been towed by a towing company shall search the records of the department of revenue and  
94 provide the towing company with the latest owner and lienholder information, if available, on  
95 the abandoned property, and if the tower has online access to the department of revenue's  
96 records, the tower shall comply with the requirements of section 301.155. If the abandoned  
97 property is not claimed within ten working days, the towing company shall send a copy of the  
98 abandoned property report signed by a law enforcement officer to the department of revenue.

99 9. **The owner or driver of a vehicle or vessel that is not considered abandoned**  
100 **under this chapter who requests that such vehicle or vessel be taken to a towing or**  
101 **storage lot on a transitory basis shall make arrangements within ten days of the original**  
102 **tow for the vehicle or vessel to be reclaimed or relocated or for the vehicle or vessel to**  
103 **remain on the towing storage lot for a specified period of time. If the ten-day period**  
104 **expires and no action is taken by the owner or driver of the vehicle or vessel, the vehicle**  
105 **or vessel shall be declared abandoned on the towing storage lot under this chapter and**  
106 **the provisions of this section shall apply, including the requirement that the towing**  
107 **company notify the local law enforcement agency with jurisdiction over the location of**  
108 **the towing storage lot.**

109 10. If any owner or lessee of real property knowingly authorizes the removal of  
110 abandoned property in violation of this section, then the owner or lessee shall be deemed  
111 guilty of a class C misdemeanor.

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