

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1777, 2203, 2059 & 2502, Page 6,  
2 Section 221.523, Line 20, by 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;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

6           5. The owner of abandoned property removed as provided in this section or in section  
7 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such  
8 abandoned property as provided in section 304.158.

9           6. Upon the towing of any abandoned property pursuant to this section or under authority of  
10 a law enforcement officer or local government agency pursuant to section 304.157, the law  
11 enforcement agency that authorized such towing or was properly notified by another government  
12 agency of such towing shall promptly make an inquiry with the national crime information center  
13 and any statewide Missouri law enforcement computer system to determine if the abandoned  
14 property has been reported as stolen and shall enter the information pertaining to the towed property  
15 into the statewide law enforcement computer system. If the abandoned property is not claimed  
16 within ten working days of the towing, the tower who has online access to the department of  
17 revenue's records shall make an inquiry to determine the abandoned property owner and lienholder,  
18 if any, of record. In the event that the records of the department of revenue fail to disclose the name  
19 of the owner or any lienholder of record, the tower shall comply with the requirements of subsection  
20 3 of section 304.156. If the tower does not have online access, the law enforcement agency shall  
21 submit a crime inquiry and inspection report to the director of revenue. A towing company that  
22 does not have online access to the department's records and that is in possession of abandoned  
23 property after ten working days shall report such fact to the law enforcement agency with which the  
24 crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be  
25 designed by the director of revenue and shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

22 10. Towing companies shall keep a record for three years on any abandoned property towed  
23 and not reclaimed by the owner of the abandoned property. Such record shall contain information  
24 regarding the authorization to tow, copies of all correspondence with the department of revenue  
25 concerning the abandoned property, including copies of any online records of the towing company  
26 accessed and information concerning the final disposition of the possession of the abandoned  
27 property.

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

35 12. Notwithstanding the provisions of section 301.227, any towing company who has  
36 complied with the notification provisions in section 304.156 including notice that any property  
37 remaining unredeemed after thirty days may be sold as scrap property may then dispose of such  
38 property as provided in this subsection. Such sale shall only occur if at least thirty days has passed  
39 since the date of such notification, the abandoned property remains unredeemed with no satisfactory

1 arrangements made with the towing company for continued storage, and the owner or holder of a  
2 security agreement has not requested a hearing as provided in section 304.156. The towing  
3 company may dispose of such abandoned property by selling the property on a bill of sale as  
4 prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for  
5 destruction purposes only. The towing company shall forward a copy of the bill of sale provided by  
6 the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of  
7 the date of such sale. The towing company shall keep a record of each such vehicle sold for  
8 destruction for three years that shall be available for inspection by law enforcement and authorized  
9 department of revenue officials. The record shall contain the year, make, identification number of  
10 the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage  
11 dealer and copies of all notifications issued by the towing company as required in this chapter.  
12 Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such  
13 property as provided in section 301.227. Scrap metal operators and licensed salvage dealers may  
14 obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of sale  
15 pursuant to this section."; and  
16  
17 Further amend said bill by amending the title, enacting clause, and intersectional references  
18 accordingly.