

SECOND REGULAR SESSION

HOUSE BILL NO. 2214

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

4872H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 304.155 and 304.156, RSMo, and to enact in lieu thereof two new sections relating to the towing of vehicles, with penalty provisions.

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

Section A. Sections 304.155 and 304.156, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 304.155 and 304.156, to read as follows:

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

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

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

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

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.

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

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

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

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

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

31 (5) Any abandoned property for which the person operating such property is arrested
32 for an alleged offense for which the officer takes the person into custody and where such
33 person is unable to arrange for the property's timely removal;

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

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

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

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

46 2. The department of transportation or any law enforcement officer within the
47 officer's jurisdiction may immediately remove any abandoned, unattended, wrecked, burned
48 or partially dismantled property, spilled cargo or other personal property from the right-of-
49 way of any interstate highway, freeway, or state highway if the abandoned property, cargo or
50 personal property is creating a traffic hazard because of its position in relation to the interstate
51 highway, freeway, or state highway. In the event the property creating a traffic hazard is a
52 commercial motor vehicle, as defined in section 302.700, the department's authority under
53 this subsection shall be limited to authorizing a towing company to remove the commercial

54 motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or
55 the owner's designated representative shall have a reasonable opportunity to contact a towing
56 company of choice. The provisions of this subsection shall not apply to vehicles transporting
57 any material which has been designated as hazardous under Section 5103(a) of Title 49,
58 U.S.C.

59 3. Any law enforcement agency authorizing a tow pursuant to this section in which
60 the abandoned property is moved from the immediate vicinity shall complete a crime inquiry
61 and inspection report. Any state or federal government agency other than a law enforcement
62 agency authorizing a tow pursuant to this section in which the abandoned property is moved
63 away from the immediate vicinity in which it was abandoned shall report the towing to the
64 state highway patrol or water patrol within two hours of the tow along with a crime inquiry
65 and inspection report as required in this section. Any local government agency, other than a
66 law enforcement agency, authorizing a tow pursuant to this section where property is towed
67 away from the immediate vicinity shall report the tow to the local law enforcement agency
68 within two hours along with a crime inquiry and inspection report.

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

75 5. The owner of abandoned property removed as provided in this section or in section
76 304.157 shall be responsible for payment of all reasonable charges for towing and storage of
77 such abandoned property as provided in section 304.158.

78 6. Upon the towing of any abandoned property pursuant to this section or under
79 authority of a law enforcement officer or local government agency pursuant to section
80 304.157, the law enforcement agency that authorized such towing or was properly notified by
81 another government agency of such towing shall promptly make an inquiry with the national
82 crime information center and any statewide Missouri law enforcement computer system to
83 determine if the abandoned property has been reported as stolen and shall enter the
84 information pertaining to the towed property into the statewide law enforcement computer
85 system. If the abandoned property is not claimed within ten working days of the towing, the
86 tower who has online access to the department of revenue's records shall make an inquiry to
87 determine the abandoned property owner and lienholder, if any, of record. In the event that
88 the records of the department of revenue fail to disclose the name of the owner or any
89 lienholder of record, the tower shall comply with the requirements of subsection 3 of section
90 304.156. If the tower does not have online access, the law enforcement agency shall submit a

91 crime inquiry and inspection report to the director of revenue. A towing company that does
92 not have online access to the department's records and that is in possession of abandoned
93 property after ten working days shall report such fact to the law enforcement agency with
94 which the crime inquiry and inspection report was filed. The crime inquiry and inspection
95 report shall be designed by the director of revenue and shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

121 9. Any person who removes abandoned property at the direction of a law enforcement
122 officer or an officer of a government agency where that agency's real property is concerned as
123 provided in this section shall have a lien for all reasonable charges for the towing and storage
124 of the abandoned property until possession of the abandoned property is voluntarily
125 relinquished to the owner of the abandoned property or to the holder of a valid security
126 interest of record.

127 **10.** Any personal property within ~~[the]~~ abandoned property ~~[need not]~~ **removed as**
128 **provided in this section or in section 304.157 shall** be released to the owner thereof ~~[until~~
129 ~~the reasonable or agreed charges for such recovery, transportation or safekeeping have been~~
130 ~~paid or satisfactory arrangements for payment have been made, except that]~~**including, but**
131 **not limited to,** any medication prescribed by a physician ~~[shall be released to the owner~~
132 ~~thereof upon request]~~. The company holding or storing the abandoned property shall ~~[either]~~
133 release the personal property to the owner of the abandoned property ~~[or allow the owner to~~
134 ~~inspect the property and]~~ **when requested. However, the company holding or storing the**
135 **abandoned property may require that the owner of the abandoned property complete**
136 **documentation evidencing the release of the personal property to such owner and the**
137 **company shall provide to the owner** an itemized receipt for the contents. The company
138 holding or storing the property shall be strictly liable for the condition and safe return of the
139 personal property~~[. Such lien shall be enforced in the manner provided under section~~
140 ~~304.156]~~ **while it remains in the company's control.**

141 ~~[10.]~~ **11.** Towing companies shall keep a record for three years on any abandoned
142 property towed and not reclaimed by the owner of the abandoned property. Such record shall
143 contain information regarding the authorization to tow, copies of all correspondence with the
144 department of revenue concerning the abandoned property, including copies of any online
145 records of the towing company accessed and information concerning the final disposition of
146 the possession of the abandoned property.

147 ~~[11.]~~ **12.** If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle,
148 outboard motor or vessel without the knowledge or cooperation of the owner, then the
149 reposessor shall notify the local law enforcement agency where the repossession occurred
150 within two hours of the repossession and shall further provide the local law enforcement
151 agency with any additional information the agency deems appropriate. The local law
152 enforcement agency shall make an inquiry with the national crime information center and the
153 Missouri statewide law enforcement computer system and shall enter the repossessed vehicle
154 into the statewide law enforcement computer system.

155 ~~[12.]~~ **13.** Notwithstanding the provisions of section 301.227, any towing company
156 who has complied with the notification provisions in section 304.156 including notice that
157 any property remaining unredeemed after thirty days may be sold as scrap property may then
158 dispose of such property as provided in this subsection. Such sale shall only occur if at least
159 thirty days has passed since the date of such notification, the abandoned property remains
160 unredeemed with no satisfactory arrangements made with the towing company for continued
161 storage, and the owner or holder of a security agreement has not requested a hearing as
162 provided in section 304.156. The towing company may dispose of such abandoned property
163 by selling the property on a bill of sale as prescribed by the director of revenue to a scrap

164 metal operator or licensed salvage dealer for destruction purposes only. The towing company
165 shall forward a copy of the bill of sale provided by the scrap metal operator or licensed
166 salvage dealer to the director of revenue within two weeks of the date of such sale. The
167 towing company shall keep a record of each such vehicle sold for destruction for three years
168 that shall be available for inspection by law enforcement and authorized department of
169 revenue officials. The record shall contain the year, make, identification number of the
170 property, date of sale, and name of the purchasing scrap metal operator or licensed salvage
171 dealer and copies of all notifications issued by the towing company as required in this chapter.
172 Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such
173 property as provided in section 301.227. Scrap metal operators and licensed salvage dealers
174 may obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of
175 sale pursuant to this section.

304.156. 1. Within five working days of receipt of the crime inquiry and inspection
2 report under section 304.155 or the abandoned property report under section 304.157, the
3 director of revenue shall search the records of the department of revenue, or initiate an inquiry
4 with another state, if the evidence presented indicated the abandoned property was registered
5 or titled in another state, to determine the name and address of the owner and lienholder, if
6 any. After ascertaining the name and address of the owner and lienholder, if any, the
7 department shall, within fifteen working days, notify the towing company. Any towing
8 company which comes into possession of abandoned property pursuant to section 304.155 or
9 304.157 and who claims a lien for recovering, towing or storing abandoned property shall
10 give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the
11 records of the department of revenue or of a corresponding agency in any other state. The
12 towing company shall notify the owner and any lienholder within ten business days of the
13 date of mailing indicated on the notice sent by the department of revenue, by certified mail,
14 return receipt requested. The notice shall contain the following:

- 15 (1) The name, address and telephone number of the storage facility;
- 16 (2) The date, reason and place from which the abandoned property was removed;
- 17 (3) A statement that the amount of the accrued towing, storage and administrative
18 costs are the responsibility of the owner, and that storage and/or administrative costs will
19 continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
- 20 (4) A statement that the storage firm claims a possessory lien for all such charges;
- 21 (5) A statement that the owner or holder of a valid security interest of record may
22 retake possession of the abandoned property at any time during business hours by proving
23 ownership or rights to a secured interest and paying all towing and storage charges;

24 (6) A statement that, should the owner consider that the towing or removal was
25 improper or not legally justified, the owner has a right to request a hearing as provided in this
26 section to contest the propriety of such towing or removal;

27 (7) A statement that if the abandoned property remains unclaimed for thirty days from
28 the date of mailing the notice, title to the abandoned property will be transferred to the person
29 or firm in possession of the abandoned property free of all prior liens; and

30 (8) A statement that any charges in excess of the value of the abandoned property at
31 the time of such transfer shall remain a liability of the owner.

32 2. A towing company may only assess reasonable storage charges for abandoned
33 property towed without the consent of the owner. Reasonable storage charges shall not
34 exceed the charges for vehicles which have been towed with the consent of the owner on a
35 negotiated basis. Storage charges may be assessed only for the time in which the towing
36 company complies with the procedural requirements of sections 304.155 to 304.158.

37 3. In the event that the records of the department of revenue fail to disclose the name
38 of the owner or any lienholder of record, the department shall notify the towing company
39 which shall attempt to locate documents or other evidence of ownership on or within the
40 abandoned property itself. The towing company must certify that a physical search of the
41 abandoned property disclosed that no ownership documents were found and a good faith
42 effort has been made. For purposes of this section, "good faith effort" means that the
43 following checks have been performed by the company to establish the prior state of
44 registration and title:

45 (1) Check of the abandoned property for any type of license plates, license plate
46 record, temporary permit, inspection sticker, decal or other evidence which may indicate a
47 state of possible registration and title;

48 (2) Check the law enforcement report for a license plate number or registration
49 number if the abandoned property was towed at the request of a law enforcement agency;

50 (3) Check the tow ticket/report of the tow truck operator to see if a license plate was
51 on the abandoned property at the beginning of the tow, if a private tow; and

52 (4) If there is no address of the owner on the impound report, check the law
53 enforcement report to see if an out-of-state address is indicated on the driver license
54 information.

55 4. If no ownership information is discovered, the director of revenue shall be notified
56 in writing and title obtained in accordance with subsection 7 of this section.

57 5. (1) The owner of the abandoned property removed pursuant to the provisions of
58 section 304.155 or 304.157 or any person claiming a lien, other than the towing company,
59 within ten days after the receipt of notification from the towing company pursuant to
60 subsection 1 of this section may file a petition in the associate circuit court in the county

61 where the abandoned property is stored to determine if the abandoned property was
62 wrongfully taken or withheld from the owner. The petition shall name the towing company
63 among the defendants. The petition may also name the agency ordering the tow or the owner,
64 lessee or agent of the real property from which the abandoned property was removed. The
65 director of revenue shall not be a party to such petition but a copy of the petition shall be
66 served on the director of revenue who shall not issue title to such abandoned property
67 pursuant to this section until the petition is finally decided.

68 (2) Upon filing of a petition in the associate circuit court, the owner or lienholder may
69 have the abandoned property released upon posting with the court a cash or surety bond or
70 other adequate security equal to the amount of the charges for towing and storage to ensure
71 the payment of such charges in the event he does not prevail. **Beginning October 1, 2024,**
72 **the security required for release of a commercial vehicle under this subdivision shall be**
73 **thirty percent of the charges for towing and storage.** Upon the posting of the bond and the
74 payment of the applicable fees, the court shall issue an order notifying the towing company of
75 the posting of the bond and directing the towing company to release the abandoned property.
76 At the time of such release, after reasonable inspection, the owner or lienholder shall give a
77 receipt to the towing company reciting any claims for loss or damage to the abandoned
78 property or the contents thereof.

79 (3) Upon determining the respective rights of the parties, the final order of the court
80 shall provide for immediate payment in full of recovery, towing, and storage fees by the
81 abandoned property owner or lienholder or the owner, lessee, or agent thereof of the real
82 property from which the abandoned property was removed.

83 6. A towing and storage lien shall be enforced as provided in subsection 7 of this
84 section.

85 7. Thirty days after the notification form has been mailed to the abandoned property
86 owner and holder of a security agreement and the property is unredeemed and no satisfactory
87 arrangement has been made with the lienholder in possession for continued storage, and the
88 owner or holder of a security agreement has not requested a hearing as provided in subsection
89 5 of this section, the lienholder in possession may apply to the director of revenue for a
90 certificate. The application for title shall be accompanied by:

91 (1) An affidavit from the lienholder in possession that he has been in possession of
92 the abandoned property for at least thirty days and the owner of the abandoned property or
93 holder of a security agreement has not made arrangements for payment of towing and storage
94 charges;

95 (2) An affidavit that the lienholder in possession has not been notified of any
96 application for hearing as provided in this section;

97 (3) A copy of the abandoned property report or crime inquiry and inspection report;

98 (4) A copy of the thirty-day notice given by certified mail to any owner and person
99 holding a valid security interest and a copy of the certified mail receipt indicating that the
100 owner and lienholder of record was sent a notice as required in this section; and

101 (5) A copy of the envelope or mailing container showing the address and postal
102 markings indicating that the notice was "not forwardable" or "address unknown".

103 8. If notice to the owner and holder of a security agreement has been returned marked
104 "not forwardable" or "addressee unknown", the lienholder in possession shall comply with
105 subsection 3 of this section.

106 9. Any municipality or county may adopt an ordinance regulating the removal and
107 sale of abandoned property provided such ordinance is consistent with sections 304.155 to
108 304.158, and, for a home rule city with more than four hundred thousand inhabitants and
109 located in more than one county, includes the following provisions:

110 (1) That the department of revenue records must be searched to determine the
111 registered owner or lienholder of the abandoned property;

112 (2) That if a registered owner or lienholder is disclosed in the records, that the owner
113 and lienholder or owner or lienholder are mailed a notice by the local governmental agency,
114 by U.S. mail, advising of the towing and impoundment;

115 (3) That if the vehicle is older than six years and more than fifty percent damaged by
116 collision, fire, or decay, and has a fair market value of less than two hundred dollars as
117 determined by using any nationally recognized appraisal book or method, it must be held no
118 less than ten days after the notice is sent pursuant to this section before being sold to a
119 licensed salvage or scrap business; provided however where a title is required under this
120 chapter an affidavit from a certified appraiser attesting that the value of the vehicle is less than
121 two hundred dollars;

122 (4) That all other vehicles must be held no less than thirty days after the notice is sent
123 pursuant to this subsection before they may be sold.

124 10. Any municipality or county which has physical possession of the abandoned
125 property and which sells abandoned property in accordance with a local ordinance may
126 transfer ownership by means of a bill of sale signed by the municipal or county clerk or
127 deputy and sealed with the official municipal or county seal. Such bill of sale shall contain
128 the make and model of the abandoned property, the complete abandoned property
129 identification number and the odometer reading of the abandoned property if available and
130 shall be lawful proof of ownership for any dealer registered under the provisions of section
131 301.218, or section 301.560, or for any other person. Any dealer or other person purchasing
132 such property from a municipality or county shall apply within thirty days of purchase for a
133 certificate. Anyone convicted of a violation of this section shall be guilty of an infraction.

134 11. Any persons who have towed abandoned property prior to August 28, 1996, may,
135 until January 1, 2000, apply to the department of revenue for a certificate. The application
136 shall be accompanied by:

137 (1) A notarized affidavit explaining the circumstances by which the abandoned
138 property came into their possession, including the name of the owner or possessor of real
139 property from which the abandoned property was removed;

140 (2) The date of the removal;

141 (3) The current location of the abandoned property;

142 (4) An inspection of the abandoned property as prescribed by the director; and

143 (5) A copy of the thirty-day notice given by certified mail to any owner and person
144 holding a valid security interest of record and a copy of the certified mail receipt.

145 12. If the director is satisfied with the genuineness of the application and supporting
146 documents submitted pursuant to this section, the director shall issue one of the following:

147 (1) An original certificate of title if the vehicle owner has obtained a vehicle
148 examination certificate as provided in section 301.190 which indicates that the vehicle was
149 not previously in a salvaged condition or rebuilt;

150 (2) An original certificate of title designated as prior salvage if the vehicle
151 examination certificate as provided in section 301.190 indicates the vehicle was previously in
152 a salvage condition or rebuilt;

153 (3) A salvage certificate of title designated with the words "salvage/abandoned
154 property" or junking certificate based on the condition of the abandoned property as stated in
155 the abandoned property report or crime inquiry and inspection report;

156 (4) Notwithstanding the provisions of section 301.573 to the contrary, if satisfied with
157 the genuineness of the application and supporting documents, the director shall issue an
158 original title to abandoned property previously issued a salvage title as provided in this
159 section, if the vehicle examination certificate as provided in section 301.190 does not indicate
160 the abandoned property was previously in a salvage condition or rebuilt.

161 13. If abandoned property is insured and the insurer of property regards the property
162 as a total loss and the insurer satisfies a claim by the owner for the property, then the insurer
163 or lienholder shall claim and remove the property from the storage facility or make
164 arrangements to transfer the title, and such transfer of title subject to agreement shall be in
165 complete satisfaction of all claims for towing and storage, to the towing company or storage
166 facility. The owner of the abandoned vehicle, lienholder or insurer, to the extent the vehicle
167 owner's insurance policy covers towing and storage charges, shall pay reasonable fees
168 assessed by the towing company and storage facility. The property shall be claimed and
169 removed or title transferred to the towing company or storage facility within thirty days of the
170 date that the insurer paid a claim for the total loss of the property or is notified as to the

171 location of the abandoned property, whichever is the later event. Upon request, the insurer of
172 the property shall supply the towing company and storage facility with the name, address and
173 phone number of the insurance company and of the insured and with a statement regarding
174 which party is responsible for the payment of towing and storage charges under the insurance
175 policy.

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