

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1284, Page 1, Section 229.222, Line 6, by inserting after said section and
2 line the following:

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4 "304.162. 1. As used in this section, the following terms mean:

5 (1) "Commercial vehicle", any self-propelled or towed vehicle that has a gross vehicle
6 weight rating of more than ten thousand pounds;

7 (2) "Department", the department of transportation;

8 (3) "Gross vehicle weight rating", the same meaning given to the term in section 302.700;

9 (4) "Nonconsensual tow", the movement or transportation of a commercial vehicle by a tow
10 truck if such movement or transportation is performed without the prior consent or authorization of
11 the owner or operator of the commercial vehicle. Such term also includes any tow of a commercial
12 vehicle ordered by a law enforcement agency without the prior consent or authorization of the
13 owner or operator of the commercial vehicle;

14 (5) "Tow truck", the same meaning given to the term in section 304.153;

15 (6) "Towing company", the same meaning given to the term in section 304.153.

16 2. The department of transportation shall establish procedures to address nonconsensual
17 towing, recovery, and cleanup practices related to the removal of commercial vehicles from
18 roadways; procedures to receive, investigate, and adjudicate complaints from an owner, operator, or
19 insurer of a commercial vehicle involved in a nonconsensual tow; and procedures for prohibiting
20 towing companies from performing nonconsensual tows if they are found to be in violation of this
21 section. The procedures developed under this section shall be contained in the department of
22 transportation's towing services standards manual. All nonconsensual towing, recovery, and cleanup
23 practices shall comply with this section, the department of transportation's towing services standards
24 manual, and all other applicable laws and regulations.

25 3. The procedures established by the department under this section shall include, at a
26 minimum:

27 (1) A process for an owner, operator, or insurer of a commercial vehicle to file a complaint
28 against a towing company. All complaints filed under this section shall contain the name of the
29 complainant; the complainant's address; the complainant's phone number; the complainant's email
30 address, if available; the name of the towing company; the causes of the complaint; and any other

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1 facts and documentation determined by rule to be of assistance to the department in investigating the
2 complaint;

3 (2) A process for the department to review a complaint and any supporting facts and
4 documentation and to render an initial finding. The department shall ensure its process includes an
5 opportunity for the complainant or towing company to appeal an initial decision before the
6 department makes a final determination on the matter;

7 (3) Factors the department shall consider in determining whether a charge levied by a
8 towing company was fair and reasonable. Such factors may include, without limitation, whether the
9 towing vehicles, all other equipment, and number of employees and contractors were required to
10 complete the tow; whether the charges are fair, reasonable, and customary; whether the total amount
11 of time required for the service was necessary; the location of the vehicle being recovered; materials
12 or cargo involved; and any other information regarding the recovery, towing, or storage of a
13 commercial vehicle;

14 (4) Requirements for information that shall be included on every nonconsensual towing and
15 recovery invoice, such as the name, address, and telephone number of the towing company; the date
16 and time that the request for service was received; contact information for the party that requested
17 the service; and the time of dispatch, time of arrival at the scene, and time at which the scene was
18 cleared. Every invoice for a nonconsensual tow shall include the words:

19 "Nonconsensual tows are regulated by the Missouri Department of Transportation. If you
20 feel that you have been treated unfairly or provided a service that was unnecessary, you may
21 file a complaint with the Missouri Department of Transportation."; and

22 (5) A disciplinary matrix for any towing company found to be in violation of this section or
23 the department of transportation's towing services standards manual. The matrix shall:

24 (a) Be weighted based on the severity and number of violations;

25 (b) Include provisions for temporarily or permanently prohibiting a towing company from
26 performing nonconsensual tows; and

27 (c) Include a process for the department to communicate to the Missouri state highway
28 patrol and other state and local law enforcement and emergency services agencies any suspension or
29 revocation of a towing company's authority to perform nonconsensual tows.

30 4. To assist the department in implementing this section, the department may establish a
31 "Towing and Recovery Review Board".

32 (1) The board shall consist of seven members to be appointed by the director of the
33 department of transportation, including:

34 (a) One member who is an employee of the department;

35 (b) One member who is an employee of the Missouri state highway patrol;

36 (c) One member representing local law enforcement agencies in this state;

37 (d) One member representing motor carriers in this state;

38 (e) One member representing towing companies in this state;

39 (f) One member representing independent owner-operator truck drivers in this state; and

1 (g) One member representing insurance companies in this state.

2 (2) Members of the board shall serve without compensation, shall serve three-year terms,
3 and shall serve for no more than two consecutive terms.

4 (3) The board's primary functions shall include assisting the department in reviewing each
5 complaint, identifying potential violations of the towing services standards manual, making
6 recommendations for the initial determination, and approving or rejecting a final determination of
7 the department.

8 5. If an owner or operator of a commercial vehicle requests the use of a specific towing
9 company, law enforcement agencies shall honor that request, unless:

10 (1) The requested towing company cannot arrive at the location of the vehicle within a
11 reasonable time;

12 (2) A traffic safety problem exists and the requested towing company cannot arrive at the
13 location of the vehicle within thirty minutes; or

14 (3) The commercial vehicle is disabled in the roadway and the requested towing company
15 cannot arrive at the location of the vehicle within thirty minutes.

16 6. If the department of transportation or the towing and recovery review board determines
17 there is a genuine dispute as to the reasonableness or amount of the fees assessed by a towing
18 company for a nonconsensual tow, the towing company shall release the commercial vehicle and
19 cargo to the owner, operator, or insurer of the commercial vehicle and cargo without the vehicle
20 owner paying any portion of the fees assessed.

21 7. No towing company shall use a per pound method of charging for a nonconsensual tow.

22 8. Storage charges for a nonconsensual tow shall cease accruing upon the date a complaint
23 is filed with the department of transportation.

24 9. Notwithstanding any provision of law to the contrary, a nonconsensual tow or associated
25 storage charges shall not create a lien on a commercial vehicle or its cargo.

26 10. A towing company shall provide reasonable access to an owner, operator, or insurer of a
27 commercial vehicle that is the subject of a nonconsensual tow for the following purposes:

28 (1) Collection of personal property from within the vehicle;

29 (2) Investigation or reconstruction of an accident scene; or

30 (3) Retrieval of data from the commercial vehicle's computer system.

31 11. No towing company shall perform a nonconsensual tow when it is prohibited by the
32 department of transportation from performing nonconsensual tows. A towing company that violates
33 this subsection shall be subject to a civil penalty of twenty-five thousand dollars per violation.

34 12. This section shall apply only to nonconsensual tows. This section shall not apply if an
35 owner, operator, or insurer of a commercial vehicle requests the use of a specific towing company
36 and the request is honored.

37 13. The department of transportation shall promulgate rules as necessary for the
38 implementation of this section. Any rule or portion of a rule, as that term is defined in section
39 536.010, that is created under the authority delegated in this section shall become effective only if it

1 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
2 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
3 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
4 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
5 rule proposed or adopted after August 28, 2025, shall be invalid and void.

6 14. Actual costs to implement this section shall be appropriated to the department from the
7 general revenue fund."; and

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