

HOUSE BILL NO. 1408

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIMBLE.

2340H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 304.153, RSMo, and to enact in lieu thereof one new section relating to towing authorization.

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

Section A. Section 304.153, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.153, to read as follows:

304.153. 1. As used in this section, the following terms shall mean:

(1) **"Firefighter", any person, including a volunteer firefighter, employed by the state or a political subdivision or otherwise serving as a member or officer of a fire department;**

(2) "Law enforcement officer", any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

~~[(2)]~~ (3) "Motor club", a legal entity that, in consideration of dues, assessments, or periodic payments of moneys, promises to provide motor club services to its members or subscribers in accordance with section 385.450;

~~[(3)]~~ (4) "Patrol officer", a Missouri state highway patrol officer;

~~[(4)]~~ (5) "Tow list", a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

~~[(5)]~~ (6) "Tow management company", any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

~~[(6)]~~ (7) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

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 ~~[(7)]~~ (8) "Towing", moving or removing, or the preparation therefor, of a vehicle by
19 another vehicle for which a service charge is made, either directly or indirectly, including any
20 dues or other charges of clubs or associations which provide towing services;

21 ~~[(8)]~~ (9) "Towing company", any person, partnership, corporation, fiduciary,
22 association, or other entity that operates a wrecker or towing service as defined under section
23 301.010.

24 2. In authorizing a towing company to perform services, any patrol officer or law
25 enforcement officer within the officer's jurisdiction, **firefighter**, or Missouri department of
26 transportation employee~~;~~ may utilize the services of a tow management company or tow list,
27 provided:

28 (1) The Missouri state highway patrol is under no obligation to include or retain the
29 services of any towing company in any contract or agreement with a tow management
30 company or any tow list established pursuant to this section. A towing company is subject to
31 removal from a tow list at any time;

32 (2) Notwithstanding any other provision of law or any regulation established pursuant
33 to this section, an owner or operator's request for a specific towing company shall be honored
34 by the Missouri state highway patrol unless:

35 (a) The requested towing company cannot or does not respond in a reasonable time,
36 as determined by a law enforcement officer; or

37 (b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law
38 enforcement officer **or firefighter**.

39 3. A patrol officer **or firefighter** shall not use a towing company located outside of
40 Missouri under this section except under the following circumstances:

41 (1) A state or federal emergency has been declared; or

42 (2) The driver or owner of the vehicle, or a motor club of which the driver or owner is
43 a member, requests a specific out-of-state towing company.

44 4. A towing company shall not tow a vehicle to a location outside of Missouri without
45 the consent of the driver or owner of the motor vehicle, or without the consent of a motor club
46 of which the driver or owner of the motor vehicle is a member.

47 5. Any towing company or tow truck arriving at the scene of an accident that has not
48 been called by a patrol officer, a law enforcement officer, **a firefighter**, a Missouri department
49 of transportation employee, the driver or owner of the motor vehicle or his or her authorized
50 agent, including a motor club of which the driver or owner is a member, shall be prohibited
51 from towing the vehicle from the scene of the accident, unless the towing company or tow
52 truck operator is rendering emergency aid in the interest of public safety, or is operating
53 during a declared state of emergency under section 44.100.

54 6. A tow truck operator that stops and tows a vehicle from the scene of an accident in
55 violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon
56 conviction or pleading guilty for the first violation, and such tow truck shall be subject to
57 impounding. The penalty for a second violation shall be a class A misdemeanor, and the
58 penalty for any third or subsequent violation shall be a class D felony. A violation of this
59 section shall not preclude the tow truck operator from being charged with tampering under
60 chapter 569.

61 7. The provisions of this section shall also apply to motor vehicles towed under
62 section 304.155 or 304.157.

63 8. The provisions of this section shall not apply to counties of the third or fourth
64 classification.

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