

SECOND REGULAR SESSION

HOUSE BILL NO. 1741

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

5532H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to towing of commercial vehicles, with penalty provisions.

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

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.162, to read as follows:

- 304.162. 1. As used in this section, the following terms mean:**
- (1) "Commercial vehicle", any self-propelled or towed vehicle that has a gross vehicle weight rating of more than ten thousand pounds;**
 - (2) "Department", the department of transportation;**
 - (3) "Gross vehicle weight rating", the same meaning given to the term in section 302.700;**
 - (4) "Nonconsensual tow", the movement or transportation of a commercial vehicle by a tow truck if such movement or transportation is performed without the prior consent or authorization of the owner or operator of the commercial vehicle. Such term also includes any tow of a commercial vehicle ordered by a law enforcement agency without the prior consent or authorization of the owner or operator of the commercial vehicle;**
 - (5) "Tow truck", the same meaning given to the term in section 304.153;**
 - (6) "Towing company", the same meaning given to the term in section 304.153.**
- 2. The department of transportation shall establish procedures to address nonconsensual towing, recovery, and cleanup practices related to the removal of commercial vehicles from roadways; procedures to receive, investigate, and adjudicate**

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

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

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

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

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

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

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

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

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

59 **(b) Include provisions for temporarily or permanently prohibiting a towing**
60 **company from performing nonconsensual tows; and**

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

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

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

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

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

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

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

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

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

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

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

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

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

85 **(1) The requested towing company cannot arrive at the location of the vehicle**
86 **within a reasonable time;**

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

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

91 **6. If the department of transportation or the towing and recovery review board**
92 **determines there is a genuine dispute as to the reasonableness or amount of the fees**
93 **assessed by a towing company for a nonconsensual tow, the towing company shall**
94 **release the commercial vehicle and cargo to the owner, operator, or insurer of the**
95 **commercial vehicle and cargo without the vehicle owner paying any portion of the fees**
96 **assessed.**

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

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

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

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

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

107 **(2) Investigation or reconstruction of an accident scene; or**

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

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

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

116 **13. The department of transportation shall promulgate rules as necessary for the**
117 **implementation of this section. Any rule or portion of a rule, as that term is defined in**
118 **section 536.010, that is created under the authority delegated in this section shall**
119 **become effective only if it complies with and is subject to all of the provisions of chapter**
120 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
121 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
122 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
123 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
124 **adopted after August 28, 2026, shall be invalid and void.**

125 **14. Actual costs to implement this section shall be appropriated to the**
126 **department from the general revenue fund.**

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