



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1741		DATE: 2/24/2026	
COMMITTEE: Transportation			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: JAMES HARRIS		PHONE NUMBER: 573-761-7875	
REPRESENTING: OWNER OPERATOR INDEPENDENT DRIVERS ASSOCIATION (OUIDA)		TITLE:	
ADDRESS: 122 E. HIGH., SUITE 200			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/24/2026 12:00 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: LEWIE PUGH		PHONE NUMBER: 330-795-0482	
BUSINESS/ORGANIZATION NAME: OWNER OPERATOR INDEPENDENT DRIVERS ASSOCIATION (OOIDA)		TITLE: EXECUTIVE VICE PRESIDENT	
ADDRESS: 1 NW OOIDA DRIVE			
CITY: GRAIN VALLEY		STATE: MO	ZIP: 64024
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/24/2026 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: STEVEN RYUN		PHONE NUMBER: 816-204-1150	
BUSINESS/ORGANIZATION NAME: COMMERCIAL TRUCK CLAIMS MANAGEMENT		TITLE: CLAIMS ASSISTANT MANAGER	
ADDRESS: 301 W HIGH STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/24/2026 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: TOM CRAWFORD		PHONE NUMBER: 573-634-3388	
REPRESENTING: MISSOURI TRUCKING ASSOCIATION		TITLE: PRESIDENT & CEO	
ADDRESS: 102 E HIGH ST			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: tom@motrucking.org	ATTENDANCE: Written	SUBMIT DATE: 2/24/2026 2:58 PM	
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I have a few handouts. We support efforts to provide some structure to non-consensual tows involving commercial motor vehicles. We don't have too many issues with towing requests that we call and arrange for ourselves, but have a number of issues when tows are requested for us.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: In-Person	SUBMIT DATE: 2/24/2026 11:49 PM
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I am Opposed to this Bill. We do not need, yet another Commission and to grow our Government, especially when we are facing a \$2-Billion Crisis.



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: RALPH GODSY		PHONE NUMBER: 636-271-4001
BUSINESS/ORGANIZATION NAME: MISSOURI TOW TRUCK ASSOCIATION		TITLE: EXECUTIVE DIRECTOR
ADDRESS:		
CITY: EUREKA	STATE: MO	ZIP: 63025
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/24/2026 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/24/2026 9:57 AM	

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I oppose HB 1741 because it is constitutionally vulnerable, federally preempted in material respects, and structurally defective in its treatment of property rights and lien interests.

I. Federal Preemption – Interstate Motor Carrier Regulation

Commercial motor vehicle operations are federally regulated under the Motor Carrier Act and related federal statutes governing interstate transportation and motor carrier services.

HB 1741 regulates:

- Recovery practices involving commercial motor vehicles,
- Charges assessed in connection with commercial transport incidents,
- Release conditions for commercial vehicles and cargo,
- The elimination of lien rights arising from nonconsensual tows.

To the extent this bill regulates prices, services, or enforcement mechanisms related to motor carrier transportation in interstate commerce, it risks preemption under 49 U.S.C. § 14501(c), which broadly preempts state laws related to a price, route, or service of any motor carrier with respect to the transportation of property.

The bill’s prohibitions on charging methods (e.g., per-pound billing), its forced release provisions, and its elimination of lien rights directly affect pricing and service structures in the commercial recovery market.

Federal courts routinely invalidate state regulations that intrude into pricing or service mechanics of motor carrier transportation.

This bill invites that challenge.

II. Forced Release Without Payment – Takings Clause Exposure

Section 6 requires a towing company to release a commercial vehicle and cargo without payment if the Department or Board determines there is a “genuine dispute” as to reasonableness of fees.

Section 9 eliminates any lien on the commercial vehicle or its cargo for nonconsensual tows.

Together, these provisions:
Require performance of labor,
Permit seizure and recovery activity,
Mandate release of property,
Remove the statutory lien securing payment,
Provide no guaranteed escrow or bond mechanism.

This is constitutionally dangerous.

Towing and recovery services create possessory lien interests under traditional common law and statutory frameworks. Eliminating the ability to secure payment while simultaneously mandating release may constitute:

A regulatory taking of a secured property interest,

A deprivation of property without due process,

An unconstitutional impairment of vested lien rights.

The state may regulate reasonableness of charges. It may not require uncompensated release while extinguishing the security interest that protects payment.

III. Arbitrary Fee Controls Without Clear Standards

HB 1741:
Prohibits per-pound charging,
Requires “fair, reasonable, and customary” charges,
Suspends storage accrual upon complaint filing,
Allows prohibition from performing nonconsensual tows,
Imposes a \$25,000 civil penalty per violation.

However, it does not:
Establish objective rate benchmarks,
Provide a uniform statewide rate schedule,
Provide defined evidentiary standards,
Guarantee a neutral adjudicator separate from regulatory influence.

The Department and Review Board are empowered to determine reasonableness under broad discretion.

When civil penalties of \$25,000 per violation attach to subjective reasonableness determinations, due process concerns arise.

Administrative discretion must be guided by clear standards. This bill leaves material enforcement decisions open-ended.

IV. Elimination of Lien Rights – Structural Legal Conflict

Section 9 states:
A nonconsensual tow or associated storage charges shall not create a lien on a commercial vehicle or its cargo.

This is a sweeping departure from traditional secured-interest principles.

Nonconsensual towing is often initiated by law enforcement for public safety reasons.

Removing lien rights:
Shifts financial risk entirely to towing companies,
Disincentivizes response to emergency recovery,
Creates constitutional exposure for impairment of property interests,
Potentially conflicts with existing lien statutes.

The state cannot simultaneously require performance of emergency services and strip the lawful security mechanism that ensures payment.

V. Operational Interference and Liability Shield

The bill provides:

**Mandatory cargo transfer within 12 hours,
Immunity language for state and cargo owner,
Prohibition from performing nonconsensual tows,
State-controlled standards manual incorporated by reference.**

This structure creates operational instability for emergency response contractors while shielding the state from liability arising from forced release or cargo handling decisions.

If harm occurs during cargo transfer mandated by statute, litigation exposure will follow.

VI. Separation of Powers / Nondelegation Risk

The bill gives the Department authority to:

**Define standards in a “towing services standards manual,”
Create disciplinary matrices,
Prohibit participation in nonconsensual tows,
Impose functional economic exclusion from a regulated market.**

Yet core pricing and lien structures are effectively rewritten by administrative rule.

When rulemaking authority materially reshapes private property rights and economic access, courts scrutinize whether adequate legislative standards exist.

The bill’s standards are broad and discretionary.

Legislative Notice:

**Passage of HB 1741 places the General Assembly on notice of foreseeable litigation under:
49 U.S.C. § 14501(c) federal preemption,
The Takings Clause (U.S. Const. amend. V),
Due process principles governing deprivation of property,
Impairment of secured interests,
Administrative law challenges to discretionary enforcement.
These vulnerabilities are structural and not speculative.**



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: SHAWN RHOADS		PHONE NUMBER:
REPRESENTING: PROFESSIONAL TOWING ASSOCIATION OF MISSOURI		TITLE:
ADDRESS: 2806 FARM ROAD 115		
CITY: BROOKLINE		STATE: MO
		ZIP: 65619
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/24/2026 12:00 AM
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