

SECOND REGULAR SESSION

HOUSE BILL NO. 1889

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DENISON.

6101L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 304.154, RSMo, and to enact in lieu thereof one new section relating to towing operations.

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

Section A. Section 304.154, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.154, to read as follows:

304.154. 1. Beginning January 1, 2005, a towing company operating a tow truck pursuant to the authority granted in section 304.155 or 304.157 shall:

(1) Have and occupy a verifiable business address **and display such address in a location visible from the street;**

(2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the storage of motor vehicles, **with a total area for storing vehicles, either inside or outside, of at least two thousand square feet, and fencing a minimum of seven feet high;**

(3) **Maintain regular business hours for the business office of 8:00 a.m. to 5:00 p.m., Monday through Friday, for customers or their authorized agent to view and retrieve vehicles, with no additional fees charged to view or retrieve a vehicle during these regular business hours;**

(4) Be available twenty-four hours a day, seven days a week. Availability shall mean that an employee of the towing company or an answering service answered by a person is able to respond to a tow request;

(5) **Have and maintain an operational land-line phone at the place of business;**

[(4)] (6) Maintain a valid insurance policy issued by an insurer authorized to do business in this state, or a bond or other acceptable surety providing coverage for the death of, or injury

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 to, persons and damage to property for each accident or occurrence in the amount [of at least five
19 hundred thousand dollars per incident] **prescribed by the United States Department of**
20 **Transportation;**

21 **(7) Maintain liability insurance as follows: garage coverage liability of one million**
22 **dollars per occurrence with an aggregate of two million dollars or greater, garage keeper**
23 **policy with a fifty thousand dollar minimum, and hook and cargo insurance with a fifty**
24 **thousand dollar minimum;**

25 ~~[(5)]~~ **(8) Provide workers' compensation insurance for all employees of the towing**
26 **company if required by chapter 287; [and]**

27 ~~[(6)]~~ **(9) Maintain current motor vehicle registrations on all tow trucks currently operated**
28 **within the towing company fleet;**

29 **(10) Provide a twenty-five thousand dollar surety bond by a company licensed to**
30 **do business in the state, or provide an irrevocable letter of credit from a financial**
31 **institution licensed to do business in the state; and**

32 **(11) Require tow drivers to be certified by the Towing and Recovery Association**
33 **of America (TRAA), or any state or federally funded program, as follows:**

34 **(a) Beginning August 28, 2013, light-duty operators shall have at least TRAA Level**
35 **1 Certification or equivalent;**

36 **(b) Beginning March 1, 2014, medium-duty operators shall have at least TRAA**
37 **Level 2 Certification or equivalent; and**

38 **(c) Beginning August 28, 2014, heavy-duty operators shall have at least TRAA**
39 **Level 3 Certification or equivalent.**

40 2. Counties may adopt ordinances with respect to towing company standards in addition
41 to the minimum standards contained in this section. [A towing company located in a county of
42 the second, third, and fourth classification is exempt from the provisions of this section.]

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