

FIRST REGULAR SESSION

HOUSE BILL NO. 360

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ERVIN.

0172L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 302 and 304, RSMo, by adding thereto three new sections relating to the regulation of highways.

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

Section A. Chapters 302 and 304, RSMo, are amended by adding thereto three new sections, to be known as sections 302.289, 304.033, and 304.162, to read as follows:

302.289. 1. Any person or towing company directed by law enforcement to remove or tow abandoned property from public property under section 304.155, RSMo, may, within thirty days, but not more than forty-five days after the removal of such property, file an affidavit with the department of revenue attesting that such person or towing company has removed abandoned property pursuant to section 304.155, RSMo, and has incurred costs associated with the removal of the abandoned property. In addition to filing an affidavit, the person or towing company shall submit an application, in a format prescribed by the director of the department of revenue, which shall include the following information:

(1) The name and address of the person or tow company that removed the abandoned property pursuant to section 304.155, RSMo;

(2) The date the person or tow company performed a law enforcement authorized tow of abandoned property under section 304.155, RSMo;

(3) An itemized accounting of the reasonable towing and storage charges associated with removing the abandoned property; and

(4) Any other relevant information the director of the department of revenue may prescribe by rule.

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 2. The application shall also be accompanied by a copy of the crime inquiry and
19 inspection report required to be retained by subsection 7 of section 304.155, RSMo. The
20 applicant shall also attest that the towing company has complied with all procedural
21 requirements outlined in sections 304.155 to 304.158, RSMo.

22 3. Within five business days of receiving the application submitted under subsection
23 1 of this section, the director of the department of revenue, or the director's designee, shall
24 send notice to the registered owner of the abandoned motor vehicle, as revealed by the
25 department's records, that a claim for reasonable towing and storage charges has been
26 filed with the department. The notice shall further state that if the registered owner of the
27 abandoned motor vehicle does not provide satisfactory proof to the department that such
28 charges have been satisfied within thirty days of receiving the notice, the department shall
29 suspend the owner's driver's license or driving privileges and any motor vehicle
30 registrations registered in the owner's name. The notice of suspension shall be mailed to
31 the registered owner at the last known address shown on the department's records. The
32 notice of suspension is deemed received three days after mailing. The notice of suspension
33 shall clearly specify the reason and statutory grounds for the suspension and the effective
34 date of the suspension, the right of the person to request a hearing, the procedure for
35 requesting a hearing, and the date by which that request for a hearing must be made. If
36 the request for a hearing is received by the department prior to the effective date of the
37 suspension, the effective date of the suspension will be stayed until a final order is issued
38 following the hearing, and for these services, the department shall charge a fee not to
39 exceed ten dollars.

40 4. The suspension shall become effective thirty days after the registered owner of
41 the abandoned motor vehicle is deemed to have received the notice as provided in
42 subsection 3 of this section. The period of the suspension shall continue until the registered
43 owner of the abandoned motor vehicle submits proof that he or she has satisfied all
44 reasonable towing and storage charges associated with the abandonment of such property.

45 5. The director shall promulgate rules and regulations necessary to implement the
46 provisions of this section. Any rule or portion of a rule, as that term is defined in section
47 536.010, RSMo, that is created under the authority delegated in this section shall become
48 effective only if it complies with and is subject to all of the provisions of chapter 536,
49 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
50 nonseverable and if any of the powers vested with the general assembly pursuant to
51 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
52 are subsequently held unconstitutional, then the grant of rulemaking authority and any
53 rule proposed or adopted after August 28, 2009, shall be invalid and void.

54 **6. As used in this section, "reasonable storage charges" shall not exceed the charges**
55 **for motor vehicles which have been towed with the consent of the owner on a negotiated**
56 **basis. For any application submitted pursuant to this section, reasonable storage charges**
57 **shall not exceed ninety days.**

304.033. Notwithstanding the provisions of section 304.022, any vehicle responding
2 **to an emergency, motor vehicle accident, incident, other traffic hazard, or other critical**
3 **situation on the state highway system where there is the threat of serious physical injury**
4 **or death resulting from the emergency, accident, incident, traffic hazard, or other critical**
5 **situation, may use amber lights instead of red or blue lights.**

304.162. 1. Notwithstanding any other law, the Missouri highway patrol may use
2 **rotation lists when requesting wrecker or towing services for removal of a vehicle from**
3 **property for reasons listed in section 304.155 or 304.157.**

4 **2. The department of public safety may promulgate rules to administer the**
5 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
6 **536.010, RSMo, that is created under the authority delegated in this section shall become**
7 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
8 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
9 **nonseverable and if any of the powers vested with the general assembly pursuant to**
10 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
11 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
12 **rule proposed or adopted after August 28, 2009, shall be invalid and void.**

✓