

FIRST REGULAR SESSION

HOUSE BILL NO. 853

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

1260H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 304.001, 304.155, 304.156, and 304.157, RSMo, and to enact in lieu thereof four new sections relating to towing abandoned property.

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

Section A. Sections 304.001, 304.155, 304.156, and 304.157, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 304.001, 304.155, 304.156, and 304.157, to read as follows:

304.001. As used in this chapter and chapter 307, the following terms shall mean:

- (1) "Abandoned property", any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in sections 304.155 and 304.157, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five days of the accident, the **reporting** agency [requesting the tow] shall be required to write an abandoned property report or a crime inquiry and inspection report;
- (2) "Commercial vehicle enforcement officers", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles;
- (3) "Commercial vehicle inspectors", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to supervise or operate permanent or portable weigh stations in the enforcement of commercial vehicle laws;
- (4) "Commission", the state highways and transportation commission;

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.

- 17 (5) "Department", the state transportation department;
- 18 (6) "Freeway", a divided state highway with four or more lanes, with no access to the
19 throughways except the established interchanges and with no at-grade crossings;
- 20 (7) "Interstate highway", a state highway included in the national system of interstate
21 highways located within the boundaries of Missouri, as officially designated or as may be
22 hereafter designated by the state highways and transportation commission with the approval of
23 the Secretary of Transportation, pursuant to Title 23, U.S.C., as amended;
- 24 (8) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains,
25 director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state highway
26 patrol;
- 27 (9) "Off-road vehicle", any vehicle designed for or capable of cross-country travel on or
28 immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without
29 benefit of a road or trail:
- 30 (a) Including, without limitation, the following:
- 31 a. Jeeps;
- 32 b. All-terrain vehicles;
- 33 c. Dune buggies;
- 34 d. Multiwheel drive or low-pressure tire vehicles;
- 35 e. Vehicle using an endless belt, or tread or treads, or a combination of tread and
36 low-pressure tires;
- 37 f. Motorcycles, trail bikes, minibikes and related vehicles;
- 38 g. Any other means of transportation deriving power from any source other than muscle
39 or wind; and
- 40 (b) Excluding the following:
- 41 a. Registered motorboats;
- 42 b. Aircraft;
- 43 c. Any military, fire or law enforcement vehicle;
- 44 d. Farm-type tractors and other self-propelled equipment for harvesting and transporting
45 farm or forest products;
- 46 e. Any vehicle being used for farm purposes, earth moving, or construction while being
47 used for such purposes on the work site;
- 48 f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used
49 exclusively for their designed purpose; and
- 50 g. Any vehicle being used for the purpose of transporting a handicapped person;
- 51 (10) "Person", any natural person, corporation, or other legal entity;

52 (11) "Right-of-way", the entire width of land between the boundary lines of a state
53 highway, including any roadway;

54 (12) "Roadway", that portion of a state highway ordinarily used for vehicular travel,
55 exclusive of the berm or shoulder;

56 (13) "State highway", a highway constructed or maintained by the state highways and
57 transportation commission with the aid of state funds or United States government funds, or any
58 highway included by authority of law in the state highway system, including all right-of-way;

59 (14) "Towing company", any person or entity which tows, removes or stores abandoned
60 property;

61 (15) "Urbanized area", an area with a population of fifty thousand or more designated
62 by the Bureau of the Census, within boundaries to be fixed by the state highways and
63 transportation commission and local officials in cooperation with each other and approved by
64 the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum,
65 encompass the entire urbanized area as designed by the Bureau of the Census.

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer
2 of a government agency where that agency's real property is concerned, may authorize a towing
3 company to remove to a place of safety:

4 (1) Any abandoned property on the right-of-way of:

5 (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours,
6 or immediately if a law enforcement officer determines that the abandoned property is a serious
7 hazard to other motorists, provided that commercial motor vehicles not hauling materials
8 designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision
9 to a place of safety until the owner or owner's representative has had a reasonable opportunity
10 to contact a towing company of choice;

11 (b) Any interstate highway or freeway outside of an urbanized area, left unattended for
12 twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned
13 property is a serious hazard to other motorists, provided that commercial motor vehicles not
14 hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under
15 this subdivision to a place of safety until the owner or owner's representative has had a
16 reasonable opportunity to contact a towing company of choice;

17 (c) Any state highway other than an interstate highway or freeway in an urbanized area,
18 left unattended for more than ten hours; or

19 (d) Any state highway other than an interstate highway or freeway outside of an
20 urbanized area, left unattended for more than twenty-four hours; provided that commercial motor
21 vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be

22 removed under this subdivision to a place of safety until the owner or owner's representative has
23 had a reasonable opportunity to contact a towing company of choice;

24 (2) Any unattended abandoned property illegally left standing upon any highway or
25 bridge if the abandoned property is left in a position or under such circumstances as to obstruct
26 the normal movement of traffic where there is no reasonable indication that the person in control
27 of the property is arranging for its immediate control or removal;

28 (3) Any abandoned property which has been abandoned under section 577.080;

29 (4) Any abandoned property which has been reported as stolen or taken without consent
30 of the owner;

31 (5) Any abandoned property for which the person operating such property is arrested for
32 an alleged offense for which the officer takes the person into custody and where such person is
33 unable to arrange for the property's timely removal;

34 (6) Any abandoned property which due to any other state law or local ordinance is
35 subject to towing because of the owner's outstanding traffic or parking violations;

36 (7) Any abandoned property left unattended in violation of a state law or local ordinance
37 where signs have been posted giving notice of the law or where the violation causes a safety
38 hazard;

39 (8) Any abandoned property illegally left standing on the waters of this state as defined
40 in section 306.010 where the abandoned property is obstructing the normal movement of traffic,
41 or where the abandoned property has been unattended for more than ten hours or is floating loose
42 on the water; or

43 (9) Any abandoned property for which the person operating such property or vehicle
44 eludes arrest for an alleged offense for which the officer would have taken the offender into
45 custody.

46 2. The department of transportation or any law enforcement officer within the officer's
47 jurisdiction may immediately remove any abandoned, unattended, wrecked, burned or partially
48 dismantled property, spilled cargo or other personal property from the right-of-way of any
49 interstate highway, freeway, or state highway if the abandoned property, cargo or personal
50 property is creating a traffic hazard because of its position in relation to the interstate highway,
51 freeway, or state highway. In the event the property creating a traffic hazard is a commercial
52 motor vehicle, as defined in section 302.700, the department's authority under this subsection
53 shall be limited to authorizing a towing company to remove the commercial motor vehicle to a
54 place of safety, except that the owner of the commercial motor vehicle or the owner's designated
55 representative shall have a reasonable opportunity to contact a towing company of choice. The
56 provisions of this subsection shall not apply to vehicles transporting any material which has been
57 designated as hazardous under Section 5103(a) of Title 49, U.S.C.

58 3. Any law enforcement agency authorizing a tow pursuant to this section in which the
59 abandoned property is moved from the immediate vicinity shall complete a crime inquiry and
60 inspection report. Any state or federal government agency other than a law enforcement agency
61 authorizing a tow pursuant to this section in which the abandoned property is moved away from
62 the immediate vicinity in which it was abandoned shall report the towing to the state highway
63 patrol or water patrol within two hours of the tow along with a crime inquiry and inspection
64 report as required in this section. Any local government agency, other than a law enforcement
65 agency, authorizing a tow pursuant to this section where property is towed away from the
66 immediate vicinity shall report the tow to the local law enforcement agency within two hours
67 along with a crime inquiry and inspection report.

68 4. Neither the law enforcement officer, government agency official nor anyone having
69 custody of abandoned property under his direction shall be liable for any damage to such
70 abandoned property occasioned by a removal authorized by this section or by ordinance of a
71 county or municipality licensing and regulating the sale of abandoned property by the
72 municipality, other than damages occasioned by negligence or by willful or wanton acts or
73 omissions.

74 5. The owner of abandoned property removed as provided in this section or in section
75 304.157 shall be responsible for payment of all reasonable charges for towing and storage of
76 such abandoned property as provided in section 304.158.

77 6. Upon the towing of any abandoned property pursuant to this section or under authority
78 of a law enforcement officer or local government agency pursuant to section 304.157, the law
79 enforcement agency that authorized such towing or was properly notified by another government
80 agency of such towing shall promptly make an inquiry with the national crime information center
81 and any statewide Missouri law enforcement computer system to determine if the abandoned
82 property has been reported as stolen and shall enter the information pertaining to the towed
83 property into the statewide law enforcement computer system. If the abandoned property is not
84 claimed within ten working days of the towing, the tower who has online access to the
85 department of revenue's records shall make an inquiry to determine the abandoned property
86 owner and lienholder, if any, of record. In the event that the records of the department of
87 revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply
88 with the requirements of subsection 3 of section 304.156. If the tower does not have online
89 access, the law enforcement agency shall submit a crime inquiry and inspection report to the
90 director of revenue. A towing company that does not have online access to the department's
91 records and that is in possession of abandoned property after ten working days shall report such
92 fact to the law enforcement agency with which the crime inquiry and inspection report was filed.

93 The crime inquiry and inspection report shall be designed by the director of revenue and shall
94 include the following:

95 (1) The year, model, make and property identification number of the property and the
96 owner and any lienholders, if known;

97 (2) A description of any damage to the property noted by the officer authorizing the tow;

98 (3) The license plate or registration number and the state of issuance, if available;

99 (4) The storage location of the towed property;

100 (5) The name, telephone number and address of the towing company;

101 (6) The date, place and reason for the towing of the abandoned property;

102 (7) The date of the inquiry of the national crime information center, any statewide
103 Missouri law enforcement computer system and any other similar system which has titling and
104 registration information to determine if the abandoned property had been stolen. This
105 information shall be entered only by the law enforcement agency making the inquiry;

106 (8) The signature and printed name of the officer authorizing the tow;

107 (9) The name of the towing company, the signature and printed name of the towing
108 operator, and an indicator disclosing whether the tower has online access to the department's
109 records; and

110 (10) Any additional information the director of revenue deems appropriate.

111 7. One copy of the crime inquiry and inspection report shall remain with the agency
112 which authorized the tow. One copy shall be provided to and retained by the storage facility and
113 one copy shall be retained by the towing facility in an accessible format in the business records
114 for a period of three years from the date of the tow or removal.

115 8. The owner of such abandoned property, or the holder of a valid security interest of
116 record, may reclaim it from the towing company upon proof of ownership or valid security
117 interest of record and payment of all reasonable charges for the towing and storage of the
118 abandoned property.

119 9. Any person who removes abandoned property at the direction of a law enforcement
120 officer [or] , an officer of a government agency where that agency's real property is concerned,
121 **or any other individual** as provided in this section shall have a lien for all reasonable charges
122 for the towing and storage of the abandoned property until possession of the abandoned property
123 is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid
124 security interest of record. Any personal property within the abandoned property need not be
125 released to the owner thereof until the reasonable or agreed charges for such recovery,
126 transportation or safekeeping have been paid or satisfactory arrangements for payment have been
127 made, except that any medication prescribed by a physician shall be released to the owner thereof
128 upon request. The company holding or storing the abandoned property shall either release the

129 personal property to the owner of the abandoned property or allow the owner to inspect the
130 property and provide an itemized receipt for the contents. The company holding or storing the
131 property shall be strictly liable for the condition and safe return of the personal property. Such
132 lien shall be enforced in the manner provided under section 304.156 **and shall not preclude any**
133 **other rights of the towing agency.**

134 10. Towing companies shall keep a record for three years on any abandoned property
135 towed and not reclaimed by the owner of the abandoned property. Such record shall contain
136 information regarding the authorization to tow, copies of all correspondence with the department
137 of revenue concerning the abandoned property, including copies of any online records of the
138 towing company accessed and information concerning the final disposition of the possession of
139 the abandoned property.

140 11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard
141 motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall
142 notify the local law enforcement agency where the repossession occurred within two hours of
143 the repossession and shall further provide the local law enforcement agency with any additional
144 information the agency deems appropriate. The local law enforcement agency shall make an
145 inquiry with the national crime information center and the Missouri statewide law enforcement
146 computer system and shall enter the repossessed vehicle into the statewide law enforcement
147 computer system.

148 12. Notwithstanding the provisions of section 301.227, any towing company who has
149 complied with the notification provisions in section 304.156 including notice that any property
150 remaining unredeemed after thirty days may be sold as scrap property may then dispose of such
151 property as provided in this subsection. Such sale shall only occur if at least thirty days has
152 passed since the date of such notification, the abandoned property remains unredeemed with no
153 satisfactory arrangements made with the towing company for continued storage, and the owner
154 or holder of a security agreement has not [requested a hearing] **filed a petition** as provided in
155 section 304.156. The towing company may dispose of such abandoned property by selling the
156 property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or
157 licensed salvage dealer for destruction purposes only. The towing company shall forward a copy
158 of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director
159 of revenue within two weeks of the date of such sale. The towing company shall keep a record
160 of each such vehicle sold for destruction for three years that shall be available for inspection by
161 law enforcement and authorized department of revenue officials. The record shall contain the
162 year, make, identification number of the property, date of sale, and name of the purchasing scrap
163 metal operator or licensed salvage dealer and copies of all notifications issued by the towing
164 company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep

165 a record of the purchase of such property as provided in section 301.227. Scrap metal operators
166 and licensed salvage dealers may obtain a junk certificate as provided in section 301.227 on
167 vehicles purchased on a bill of sale pursuant to this section.

304.156. 1. Within five working days of receipt of the crime inquiry and inspection
2 report under section 304.155 or the abandoned property report under section 304.157, the
3 director of revenue shall search the records of the department of revenue, or initiate an inquiry
4 with another state, if the evidence presented indicated the abandoned property was registered or
5 titled in another state, to determine the name and address of the owner and lienholder, if any.
6 After ascertaining the name and address of the owner and lienholder, if any, the department shall,
7 within fifteen working days, notify the towing company. Any towing company which comes into
8 possession of abandoned property pursuant to section 304.155 or 304.157 and who claims a lien
9 for recovering, towing or storing abandoned property shall give notice to the title owner and to
10 all persons claiming a lien thereon, as disclosed by the records of the department of revenue or
11 of a corresponding agency in any other state. The towing company shall notify the owner and
12 any lienholder within ten business days of the date of mailing indicated on the notice sent by the
13 department of revenue, by certified mail, return receipt requested. The notice shall contain the
14 following:

- 15 (1) The name, address and telephone number of the storage facility;
- 16 (2) The date, reason and place from which the abandoned property was removed;
- 17 (3) A statement that the amount of the accrued towing, storage and administrative costs
18 are the responsibility of the owner, and that storage and/or administrative costs will continue to
19 accrue as a legal liability of the owner until the abandoned property is redeemed;
- 20 (4) A statement that the storage firm claims a possessory lien for all such charges;
- 21 (5) A statement that the owner or holder of a valid security interest of record may retake
22 possession of the abandoned property at any time during business hours by proving ownership
23 or rights to a secured interest and paying all towing and storage charges;
- 24 (6) A statement that, should the owner consider that the towing or removal was improper
25 or not legally justified, the owner has a right to request a hearing as provided in this section to
26 contest the propriety of such towing or removal;
- 27 (7) A statement that if the abandoned property remains unclaimed for thirty days from
28 the date of mailing the notice, title to the abandoned property will be transferred to the person
29 or firm in possession of the abandoned property free of all prior liens; and
- 30 (8) A statement that any charges in excess of the value of the abandoned property at the
31 time of such transfer shall remain a liability of the owner.

32 2. A towing company may only assess reasonable storage charges for abandoned
33 property towed without the consent of the owner. Reasonable storage charges shall not exceed

34 the charges for vehicles which have been towed with the consent of the owner on a negotiated
35 basis. Storage charges may be assessed only for the time in which the towing company complies
36 with the procedural requirements of sections 304.155 to 304.158.

37 3. In the event that the records of the department of revenue fail to disclose the name of
38 the owner or any lienholder of record, the department shall notify the towing company which
39 shall attempt to locate documents or other evidence of ownership on or within the abandoned
40 property itself. The towing company must certify that a physical search of the abandoned
41 property disclosed that no ownership documents were found and a good faith effort has been
42 made. For purposes of this section, "good faith effort" means that the following checks have
43 been performed by the company to establish the prior state of registration and title:

44 (1) Check of the abandoned property for any type of license plates, license plate record,
45 temporary permit, inspection sticker, decal or other evidence which may indicate a state of
46 possible registration and title;

47 (2) Check the law enforcement report for a license plate number or registration number
48 if the abandoned property was towed at the request of a law enforcement agency;

49 (3) Check the tow ticket/report of the tow truck operator to see if a license plate was on
50 the abandoned property at the beginning of the tow, if a private tow; and

51 (4) If there is no address of the owner on the impound report, check the law enforcement
52 report to see if an out-of-state address is indicated on the driver license information.

53 4. If no ownership information is discovered, the director of revenue shall be notified in
54 writing and title obtained in accordance with subsection 7 of this section.

55 5. (1) The owner of the abandoned property removed pursuant to the provisions of
56 section 304.155 or 304.157 or any person claiming a lien, other than the towing company, within
57 ten days after the receipt of notification from the towing company pursuant to subsection 1 of
58 this section may file a petition in the associate circuit court in the county where the abandoned
59 property is stored to determine if the abandoned property was wrongfully taken or withheld from
60 the owner. The petition shall name the towing company among the defendants. The petition
61 may also name the agency ordering the tow or the owner, lessee or agent of the real property
62 from which the abandoned property was removed. The director of revenue shall not be a party
63 to such petition but a copy of the petition shall be served on the director of revenue who shall not
64 issue title to such abandoned property pursuant to this section until the petition is finally decided.

65 (2) Upon filing of a petition in the associate circuit court, the owner or lienholder may
66 have the abandoned property released upon posting with the court a cash or surety bond or other
67 adequate security equal to the amount of the charges for towing and storage to ensure the
68 payment of such charges in the event he does not prevail. Upon the posting of the bond and the
69 payment of the applicable fees, the court shall issue an order notifying the towing company of

70 the posting of the bond and directing the towing company to release the abandoned property. At
71 the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt
72 to the towing company reciting any claims for loss or damage to the abandoned property or the
73 contents thereof.

74 (3) Upon determining the respective rights of the parties, the final order of the court shall
75 provide for immediate payment in full of recovery, towing, and storage fees by the abandoned
76 property owner or lienholder or the owner, lessee, or agent thereof of the real property from
77 which the abandoned property was removed.

78 6. A towing and storage lien shall be enforced as provided in subsection 7 of this section.

79 7. Thirty days after the notification form has been mailed to the abandoned property
80 owner and holder of a security agreement and the property is unredeemed and no satisfactory
81 arrangement has been made with the lienholder in possession for continued storage, and the
82 owner or holder of a security agreement has not requested a hearing as provided in subsection
83 5 of this section, the lienholder in possession may apply to the director of revenue for a
84 certificate. The application for title shall be accompanied by:

85 (1) An affidavit from the lienholder in possession that he has been in possession of the
86 abandoned property for at least thirty days and the owner of the abandoned property or holder
87 of a security agreement has not made arrangements for payment of towing and storage charges;

88 (2) An affidavit that the lienholder in possession has not been notified of any application
89 for hearing as provided in this section;

90 (3) A copy of the abandoned property report or crime inquiry and inspection report;

91 (4) A copy of the thirty-day notice given by certified mail to any owner and person
92 holding a valid security interest and a copy of the certified mail receipt indicating that the owner
93 and lienholder of record was sent a notice as required in this section; and

94 (5) A copy of the envelope or mailing container showing the address and postal markings
95 indicating that the notice was "not forwardable" or "address unknown".

96 8. If notice to the owner and holder of a security agreement has been returned marked
97 "not forwardable" or "addressee unknown", the lienholder in possession shall comply with
98 subsection 3 of this section.

99 9. **If the law enforcement agency with jurisdiction over the location from which the**
100 **abandoned property was towed or with jurisdiction over the towing lot fails to provide the**
101 **towing agency with a signed copy of the abandoned property report under subsection 7 of**
102 **section 304.157, the towing agency may submit a complete copy of the abandoned property**
103 **report that has not been signed by an authorized agent of the law enforcement agency with**
104 **an affidavit stating that the towing company sent a copy of the abandoned property report**
105 **via certified mail and that the law enforcement agency failed to respond within thirty days.**

106 Any municipality or county may adopt an ordinance regulating the removal and sale of
107 abandoned property provided such ordinance is consistent with sections 304.155 to 304.158, and,
108 for a home rule city with more than four hundred thousand inhabitants and located in more than
109 one county, includes the following provisions:

110 (1) That the department of revenue records must be searched to determine the registered
111 owner or lienholder of the abandoned property;

112 (2) That if a registered owner or lienholder is disclosed in the records, that the owner and
113 lienholder or owner or lienholder are mailed a notice by the local governmental agency, by U.S.
114 mail, advising of the towing and impoundment;

115 (3) That if the vehicle is older than six years and more than fifty percent damaged by
116 collision, fire, or decay, and has a fair market value of less than two hundred dollars as
117 determined by using any nationally recognized appraisal book or method, it must be held no less
118 than ten days after the notice is sent pursuant to this section before being sold to a licensed
119 salvage or scrap business; provided however where a title is required under this chapter an
120 affidavit from a certified appraiser attesting that the value of the vehicle is less than two hundred
121 dollars;

122 (4) That all other vehicles must be held no less than thirty days after the notice is sent
123 pursuant to this subsection before they may be sold.

124 10. Any municipality or county which has physical possession of the abandoned property
125 and which sells abandoned property in accordance with a local ordinance may transfer ownership
126 by means of a bill of sale signed by the municipal or county clerk or deputy and sealed with the
127 official municipal or county seal. Such bill of sale shall contain the make and model of the
128 abandoned property, the complete abandoned property identification number and the odometer
129 reading of the abandoned property if available and shall be lawful proof of ownership for any
130 dealer registered under the provisions of section 301.218, or section 301.560, or for any other
131 person. Any dealer or other person purchasing such property from a municipality or county shall
132 apply within thirty days of purchase for a certificate. Anyone convicted of a violation of this
133 section shall be guilty of an infraction.

134 11. Any persons who have towed abandoned property prior to August 28, 1996, may,
135 until January 1, 2000, apply to the department of revenue for a certificate. The application shall
136 be accompanied by:

137 (1) A notarized affidavit explaining the circumstances by which the abandoned property
138 came into their possession, including the name of the owner or possessor of real property from
139 which the abandoned property was removed;

140 (2) The date of the removal;

141 (3) The current location of the abandoned property;

142 (4) An inspection of the abandoned property as prescribed by the director; and

143 (5) A copy of the thirty-day notice given by certified mail to any owner and person
144 holding a valid security interest of record and a copy of the certified mail receipt.

145 12. If the director is satisfied with the genuineness of the application and supporting
146 documents submitted pursuant to this section, the director shall issue one of the following:

147 (1) An original certificate of title if the vehicle owner has obtained a vehicle examination
148 certificate as provided in section 301.190 which indicates that the vehicle was not previously in
149 a salvaged condition or rebuilt;

150 (2) An original certificate of title designated as prior salvage if the vehicle examination
151 certificate as provided in section 301.190 indicates the vehicle was previously in a salvage
152 condition or rebuilt;

153 (3) A salvage certificate of title designated with the words "salvage/abandoned property"
154 or junking certificate based on the condition of the abandoned property as stated in the
155 abandoned property report or crime inquiry and inspection report;

156 (4) Notwithstanding the provisions of section 301.573 to the contrary, if satisfied with
157 the genuineness of the application and supporting documents, the director shall issue an original
158 title to abandoned property previously issued a salvage title as provided in this section, if the
159 vehicle examination certificate as provided in section 301.190 does not indicate the abandoned
160 property was previously in a salvage condition or rebuilt.

161 13. If abandoned property is insured and the insurer of property regards the property as
162 a total loss and the insurer satisfies a claim by the owner for the property, then the insurer or
163 lienholder shall claim and remove the property from the storage facility or make arrangements
164 to transfer the title, and such transfer of title subject to agreement shall be in complete
165 satisfaction of all claims for towing and storage, to the towing company or storage facility. The
166 owner of the abandoned vehicle, lienholder or insurer, to the extent the vehicle owner's insurance
167 policy covers towing and storage charges, shall pay reasonable fees assessed by the towing
168 company and storage facility. The property shall be claimed and removed or title transferred to
169 the towing company or storage facility within thirty days of the date that the insurer paid a claim
170 for the total loss of the property or is notified as to the location of the abandoned property,
171 whichever is the later event. Upon request, the insurer of the property shall supply the towing
172 company and storage facility with the name, address and phone number of the insurance
173 company and of the insured and with a statement regarding which party is responsible for the
174 payment of towing and storage charges under the insurance policy.

304.157. 1. If a person abandons property, as defined in section 304.001, on any real
2 property owned by another without the consent of the owner or person in possession of the
3 property, at the request of the person in possession of the real property, any member of the state

4 highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction
5 may authorize a towing company to remove such abandoned property from the property in the
6 following circumstances:

7 (1) The abandoned property is left unattended for more than forty-eight hours; or

8 (2) In the judgment of a law enforcement officer, the abandoned property constitutes a
9 safety hazard or unreasonably interferes with the use of the real property by the person in
10 possession.

11 2. A local government agency may also provide for the towing of motor vehicles or
12 vessels from real property under the authority of any local ordinance providing for the towing
13 of vehicles or vessels which are derelict, junk, scrapped, disassembled or otherwise harmful to
14 the public health under the terms of the ordinance. Any local government agency authorizing
15 a tow under this subsection shall report the tow to the local law enforcement agency within two
16 hours with a crime inquiry and inspection report pursuant to section 304.155.

17 3. Neither the law enforcement officer, local government agency nor anyone having
18 custody of abandoned property under his or her direction shall be liable for any damage to such
19 abandoned property occasioned by a removal authorized by this section other than damages
20 occasioned by negligence or by willful or wanton acts or omissions.

21 4. The owner of real property or lessee in lawful possession of the real property or the
22 property or security manager of the real property may authorize a towing company to remove
23 abandoned property or property parked in a restricted or assigned area without authorization by
24 a law enforcement officer only when the owner, lessee or property or security manager of the real
25 property is present. A property or security manager must be a full-time employee of a business
26 entity. An authorization to tow pursuant to this subsection may be made only under any of the
27 following circumstances:

28 (1) There is displayed, in plain view at all entrances to the property, a sign not less than
29 seventeen by twenty-two inches in size, with lettering not less than one inch in height,
30 prohibiting public parking and indicating that unauthorized abandoned property or property
31 parked in a restricted or assigned area will be removed at the owner's expense, disclosing the
32 maximum fee for all charges related to towing and storage, and containing the telephone number
33 of the local traffic law enforcement agency where information can be obtained or a
34 twenty-four-hour staffed emergency information telephone number by which the owner of the
35 abandoned property or property parked in a restricted or assigned area may call to receive
36 information regarding the location of such owner's property;

37 (2) The abandoned property is left unattended on owner-occupied residential property
38 with four residential units or less, and the owner, lessee or agent of the real property in lawful

39 possession has notified the appropriate law enforcement agency, and ten hours have elapsed
40 since that notification; or

41 (3) The abandoned property is left unattended on private property, and the owner, lessee
42 or agent of the real property in lawful possession of real property has notified the appropriate law
43 enforcement agency, and ninety-six hours have elapsed since that notification.

44 5. Pursuant to this section, any owner or lessee in lawful possession of real property that
45 requests a towing company to tow abandoned property without authorization from a law
46 enforcement officer shall at that time complete an abandoned property report which shall be
47 considered a legal declaration subject to criminal penalty pursuant to section 575.060. The report
48 shall be in the form designed, printed and distributed by the director of revenue and shall contain
49 the following:

50 (1) The year, model, make and abandoned property identification number of the property
51 and the owner and any lienholders, if known;

52 (2) A description of any damage to the abandoned property noted by owner, lessee or
53 property or security manager in possession of the real property;

54 (3) The license plate or registration number and the state of issuance, if available;

55 (4) The physical location of the property and the reason for requesting the property to
56 be towed;

57 (5) The date the report is completed;

58 (6) The printed name, address and phone number of the owner, lessee or property or
59 security manager in possession of the real property;

60 (7) The towing company's name and address;

61 (8) The signature of the towing operator;

62 (9) The signature of the owner, lessee or property or security manager attesting to the
63 facts that the property has been abandoned for the time required by this section and that all
64 statements on the report are true and correct to the best of the person's knowledge and belief and
65 that the person is subject to the penalties for making false statements;

66 (10) Space for the name of the law enforcement agency notified of the towing of the
67 abandoned property and for the signature of the law enforcement official receiving the report;
68 and

69 (11) Any additional information the director of revenue deems appropriate.

70 6. Any towing company which tows abandoned property without authorization from a
71 law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the
72 abandoned property report to the local law enforcement agency having jurisdiction over the
73 location from which the abandoned property was towed **or the towing lot**. The copy may be
74 produced and sent by facsimile machine or other device which produces a near exact likeness

75 of the print and signatures required, but only if the law enforcement agency receiving the report
76 has the technological capability of receiving such copy and has registered the towing company
77 for such purpose. The registration requirements shall not apply to law enforcement agencies
78 located in counties of the third or fourth classification. The report shall be delivered within two
79 hours if the tow was made from a signed location pursuant to subdivision (1) of subsection 4 of
80 this section, otherwise the report shall be delivered within twenty-four hours.

81 7. The law enforcement agency receiving such abandoned property report must record
82 the date on which the abandoned property report is filed with such agency and shall promptly
83 make an inquiry into the national crime information center and any statewide Missouri law
84 enforcement computer system to determine if the abandoned property has been reported as
85 stolen. The law enforcement agency shall enter the information pertaining to the towed property
86 into the statewide law enforcement computer system, and an officer shall sign the abandoned
87 property report and provide the towing company with a signed copy **within twenty-four hours**.
88 The department of revenue may design and sell to towing companies informational brochures
89 outlining owner or lessee of real property obligations pursuant to this section.

90 8. The law enforcement agency receiving notification that abandoned property has been
91 towed by a towing company shall search the records of the department of revenue and provide
92 the towing company with the latest owner and lienholder information, if available, on the
93 abandoned property, and if the tower has online access to the department of revenue's records,
94 the tower shall comply with the requirements of section 301.155. If the abandoned property is
95 not claimed within ten working days, the towing company shall send a copy of the abandoned
96 property report signed by a law enforcement officer to the department of revenue.

97 9. If any owner or lessee of real property knowingly authorizes the removal of abandoned
98 property in violation of this section, then the owner or lessee shall be deemed guilty of a class
99 C misdemeanor.

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