

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, Page 8, Line 5, by inserting after the word "void." the following:

"304.153. 1. As used in this section, the following terms shall mean:

(1) "Law enforcement officer", any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) "Motor club", an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle;

(3) "Nonconsensual tow", the transportation of a motor vehicle by tow truck if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle. For purposes of this section, all law enforcement-ordered tows are considered nonconsensual;

(4) "Patrol officer", a Missouri state highway patrol officer;

[(4)] (5) "Tow list", a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

[(5)] (6) "Tow management company", any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

[(6)] (7) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

[(7)] (8) "Towing", moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;

[(8)] (9) "Towing company", any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010.

2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer's jurisdiction, or Missouri department of transportation employee, may utilize the services of a tow management company or tow list, provided:

(1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time;

(2) Notwithstanding any other provision of law or any regulation established pursuant to this section, an owner or operator's request for a specific towing company shall be honored by the

Action Taken _____ Date _____

1 Missouri state highway patrol unless:

2 (a) The requested towing company cannot or does not respond in a reasonable time, as
3 determined by a law enforcement officer; or

4 (b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law
5 enforcement officer.

6 3. A patrol officer shall not use a towing company located outside of Missouri under this
7 section except under the following circumstances:

8 (1) A state or federal emergency has been declared; or

9 (2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a
10 member, requests a specific out-of-state towing company.

11 4. A towing company shall not tow a vehicle to a location outside of Missouri without the
12 consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which
13 the driver or owner of the motor vehicle is a member.

14 5. Any towing company or tow truck arriving at the scene of an accident that has not been
15 called by a patrol officer, a law enforcement officer, a Missouri department of transportation
16 employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor
17 club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the
18 scene of the accident, unless the towing company or tow truck operator is rendering emergency aid
19 in the interest of public safety, or is operating during a declared state of emergency under section
20 44.100.

21 6. A tow truck operator that stops and tows a vehicle from the scene of an accident in
22 violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or
23 pleading guilty for the first violation, and such tow truck shall be subject to impounding. The
24 penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or
25 subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow
26 truck operator from being charged with tampering under chapter 569.

27 7. The provisions of this section shall also apply to motor vehicles towed under section
28 304.155 or 304.157.

29 8. The provisions of subsections 1 to 7 of this section shall not apply to counties of the third
30 or fourth classification.

31 9. (1) The "Towing Task Force" is hereby created. The task force shall make
32 recommendations as provided in this subsection with respect to tows involving vehicles with a gross
33 vehicle weight rating in excess of twenty-six thousand pounds. The task force shall consist of nine
34 members, who shall be appointed as follows:

35 (a) Two members of the senate appointed by the president pro tempore of the senate, with
36 one member appointed from the minority party and one member appointed from the majority party;

37 (b) Two members of the house of representatives appointed by the speaker of the house of
38 representatives, with one member appointed from the minority party and one member appointed
39 from the majority party;

40 (c) One member, or the member's designee, appointed by the director of the Department
41 Public Safety or their designee;

42 (d) One member, or the members' designee, appointed by the speaker of the house of
43 representatives to represent the heavy duty towing and recovery industry within the state;

44 (e) One member, or the members' designee, appointed by the president pro tempore of the
45 senate to represent the heavy duty towing and recovery industry within the state;

46 (f) One member, or the member's designee, appointed by the speaker of the house of
47 representatives to represent an association of motor carriers within the state; and

48 (g) One member, appointed by president pro tempore of the senate, who is representing an
49 association of owner-operator truck drivers within the state.

1 (2) The task force shall have the following duties and powers:

2 (a) To make comprehensive recommendations on matters related to the investigation of
3 overcharges made by towing companies, including:

4 a. A process for the adjudication of consumer complaints regarding nonconsensual tow
5 charges;

6 b. Factors to consider in determining whether a charge levied by a towing company is just,
7 fair, and reasonable, including charges for the use of unnecessary equipment and labor; and

8 c. A process for the removal of towing companies from rotation lists for violations of the
9 rules; and

10 (b) To make comprehensive recommendations regarding information that should be
11 included on every invoice with respect to a nonconsensual tow.

12 (3) The task force shall make its first comprehensive recommendations in a report to the
13 general assembly no later than January 31, 2020.

14 (4) The members of the towing task force shall elect a chair from among their membership.
15 The chair shall set the times and frequency of the task force's meetings.

16 (5) The task force established under this subsection shall expire on May 31, 2020."; and
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18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.

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21 THIS AMENDS 0387H03.17H