

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 630
101ST GENERAL ASSEMBLY

1411H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 304.153, 385.220, and 385.320, RSMo, and to enact in lieu thereof four new sections relating to motor clubs.

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

Section A. Sections 304.153, 385.220, and 385.320, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 304.153, 385.220, 385.320, and
3 385.450, to read as follows:

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

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

4 (2) "Motor club", ~~[an organization which motor vehicle drivers and owners may join that~~
5 ~~provide certain benefits relating to driving a motor vehicle]~~ **a legal entity that, in consideration**
6 **of dues, assessments, or periodic payments of moneys, promises to provide motor club**
7 **services to its members or subscribers in accordance with section 385.450;**

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

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

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

14 (6) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section
15 301.010;

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.

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

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

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

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

28 (2) Notwithstanding any other provision of law or any regulation established pursuant
29 to this section, an owner or operator's request for a specific towing company shall be honored
30 by the Missouri state highway patrol unless:

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

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

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

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

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

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

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

50 6. A tow truck operator that stops and tows a vehicle from the scene of an accident in
51 violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction

52 or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The
53 penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or
54 subsequent violation shall be a class D felony. A violation of this section shall not preclude the
55 tow truck operator from being charged with tampering under chapter 569.

56 7. The provisions of this section shall also apply to motor vehicles towed under section
57 304.155 or 304.157.

58 8. The provisions of this section shall not apply to counties of the third or fourth
59 classification.

385.220. 1. The provisions of sections 385.200 to 385.220 shall not apply to:

- 2 (1) Warranties;
- 3 (2) Maintenance agreements;
- 4 (3) Commercial transactions; [~~and~~]
- 5 (4) Service contracts sold or offered for sale to persons other than consumers; **or**
- 6 **(5) Motor club contracts, as defined in section 385.450.**

7 2. Manufacturer's contracts on the manufacturer's products need only comply with the
8 provisions of sections 385.206, 385.208, and 385.216.

385.320. 1. Sections 385.300 to 385.320 shall not apply to:

- 2 (1) Warranties;
- 3 (2) Maintenance agreements;
- 4 (3) Warranties, service contracts, or maintenance agreements offered by public utilities
5 on their transmission devices to the extent they are regulated under the laws of this state;
- 6 (4) Service contracts sold or offered for sale to persons other than consumers;
- 7 (5) Service contracts sold or offered to nonresidents of this state regardless of whether
8 the entity selling or offering such contracts is located or doing business in this state;
- 9 (6) Motor vehicle extended service contracts, as defined in section 385.200; [~~and~~]
- 10 **(7) Motor club contracts, as defined in section 385.450; or**
- 11 **(8) Agreements or warranties which provide for the service, repair, replacement, or**
12 **maintenance of the systems, appliances, and structural components of residential or commercial**
13 **real property.**

14 2. Manufacturer's service contracts on the manufacturer's products need only comply
15 with the provisions of sections 385.306, 385.308, and 385.316.

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

- 2 **(1) "Motor club", a legal entity that, in consideration of dues, assessments, or**
3 **periodic payments of moneys, promises to provide motor club services to its members or**
4 **subscribers;**

5 **(2) "Motor club contract", an agreement whereby a motor club promises to render,**
6 **furnish, or procure motor club services to or for its members or subscribers;**

7 **(3) "Motor club services", services that assist a member or subscriber of a motor**
8 **club in matters relating to motor travel or the operation, use, or maintenance of a motor**
9 **vehicle by supplying services that may include, but are not limited to, towing service,**
10 **emergency road service, bail and guaranteed arrest bond certificate service, discount**
11 **service, theft service, map service, touring service, legal fee reimbursement service in the**
12 **defense of traffic offenses, and participation in an accident and sickness or accidental death**
13 **insurance benefit program issued by an insurance company authorized to do business in**
14 **this state.**

15 **2. Fees collected from the sale of motor club contracts shall not be subject to**
16 **taxation of premiums under chapter 148.**

17 **3. Motor clubs complying with the provisions of this section shall not be required**
18 **to comply with the provisions of chapter 374 or 375, or any other provisions governing**
19 **insurance companies, except as specifically provided.**

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