

HCS HB 389 -- COMMERCIAL VEHICLE TOWING COMMITTEE

SPONSOR: Griffith

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Transportation by a vote of 13 to 0.

The following is a summary of the House Committee Substitute for HB 389.

This bill requires the Joint Committee on Transportation Oversight to promulgate rules regarding the towing of commercial motor vehicles. The Committee must ensure towing companies charge fair, equitable, and reasonable rates for services rendered in connection with the towing of commercial motor vehicles, and shall promulgate rules that:

- (1) Establish a process for complaints against a towing company regarding the towing of a commercial vehicle;
- (2) Establish factors used in determining whether a rate charged in connection with the towing of a commercial motor vehicle is fair, equitable, and reasonable;
- (3) Establish a process for suspending or removing a towing company from a tow list with regard to the towing of commercial motor vehicles; and
- (4) Establish information required to be included on invoices or notices associated with the towing of a commercial motor vehicle.

The Committee will meet as necessary for the implementation of these provisions, and the meetings may be held concurrently with existing meetings required of the Committee.

If the Committee determines a violation may have occurred, the complaint must be referred to the "Commercial Motor Vehicle Towing Adjudicative Board", established in the bill. If the Board determines a violation has occurred, the towing company that committed the violation will be removed from the Highway Patrol's tow list for six months for a first violation, 12 months for a second violation, and permanently for a third violation.

The Committee may make recommendations to the Governor and General Assembly regarding statutes governing the nonconsensual towing of commercial motor vehicles.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced

version of the bill.

PROPONENTS: Supporters say that the towing bills are outrageous, cause truckers to go out of business, and represent a serious threat to all truckers.

Testifying for the bill were Representative Griffith; Arnie C. Dienoff-State Public Advocate; Missouri Trucking Association; Owner Operator Independent Drivers Association ; and Lewie Pugh, Owner Operator Independent Drivers Association.

OPPONENTS: Those who oppose the bill say that this bill is an attempt to establish another government entity regulating the private sector service industry. The bill will incur a significant and unknown cost to the Department of Transportation.

Testifying against the bill were MTTA; Missouri Department of Transportation; and Paul S. Lewis, Towing and Recovery Association of Missouri.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.