

FIRST REGULAR SESSION

SENATE BILL NO. 441

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 28, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1779S.02I

AN ACT

To amend chapter 302, RSMo, by adding thereto one new section relating to the suspension of driver's licenses and motor vehicle registrations for failing to pay towing charges.

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

Section A. Chapter 302, RSMo, is amended by adding thereto one new section, to be known as section 302.289, 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.

2. The application shall also be accompanied by a copy of the crime inquiry and inspection report required to be retained by subsection 7 of section 304.155, RSMo. The applicant shall also attest that the towing company has complied with

all procedural requirements outlined in sections 304.155 to 304.158, RSMo.

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

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

5. The director shall promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

6. As used in this section, "reasonable storage charges" shall not exceed the charges for motor vehicles which have been towed with the consent of the owner

on a negotiated basis. For any application submitted pursuant to this section, reasonable storage charges shall not exceed ninety days.

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