

SECOND REGULAR SESSION

# SENATE BILL NO. 1284

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5379S.011

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## 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.

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*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.**

21           2. The application shall also be accompanied by a copy of the  
22 crime inquiry and inspection report required to be retained by  
23 subsection 7 of section 304.155, RSMo. The applicant shall also attest  
24 that the towing company has complied with all procedural  
25 requirements outlined in sections 304.155 to 304.158, RSMo.

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

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

55           5. The director shall promulgate rules and regulations necessary  
56 to implement the provisions of this section. Any rule or portion of a  
57 rule, as that term is defined in section 536.010, RSMo, that is created

58 under the authority delegated in this section shall become effective  
59 only if it complies with and is subject to all of the provisions of chapter  
60 536, RSMo, and, if applicable, section 536.028, RSMo. This section and  
61 chapter 536, RSMo, are nonseverable and if any of the powers vested  
62 with the general assembly pursuant to chapter 536, RSMo, to review, to  
63 delay the effective date, or to disapprove and annul a rule are  
64 subsequently held unconstitutional, then the grant of rulemaking  
65 authority and any rule proposed or adopted after August 28, 2008, shall  
66 be invalid and void.

67 6. As used in this section, "reasonable storage charges" shall not  
68 exceed the charges for motor vehicles which have been towed with the  
69 consent of the owner on a negotiated basis. For any application  
70 submitted pursuant to this section, reasonable storage charges shall not  
71 exceed ninety days.

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Bill

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