

FIRST REGULAR SESSION

# SENATE BILL NO. 471

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 24, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1808S.011

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## AN ACT

To amend chapters 302 and 304, RSMo, by adding thereto three new sections relating to the regulation of highways.

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

Section A. Chapters 302 and 304, RSMo, are amended by adding thereto  
2 three new sections, to be known as sections 302.289, 304.033, and 304.162, to  
3 read as follows:

**302.289. 1. Any person or towing company directed by law**  
2 **enforcement to remove or tow abandoned property from public**  
3 **property under section 304.155, RSMo, may, within thirty days, but not**  
4 **more than forty-five days after the removal of such property, file an**  
5 **affidavit with the department of revenue attesting that such person or**  
6 **towing company has removed abandoned property pursuant to section**  
7 **304.155, RSMo, and has incurred costs associated with the removal of**  
8 **the abandoned property. In addition to filing an affidavit, the person**  
9 **or towing company shall submit an application, in a format prescribed**  
10 **by the director of the department of revenue, which shall include the**  
11 **following information:**

12       (1) The name and address of the person or towing company that  
13 removed the abandoned property pursuant to section 304.155, RSMo;

14       (2) The date the person or towing company performed a law  
15 enforcement authorized tow of abandoned property under section  
16 304.155, RSMo;

17       (3) An itemized accounting of the reasonable towing and storage  
18 charges associated with removing the abandoned property; and

19       (4) Any other relevant information the director of the

20 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, and for these services, the department shall charge a fee not  
48 to exceed ten dollars.

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

56           **5. The director shall promulgate rules and regulations necessary**  
57 **to implement the provisions of this section. Any rule or portion of a**  
58 **rule, as that term is defined in section 536.010, RSMo, that is created**  
59 **under the authority delegated in this section shall become effective**  
60 **only if it complies with and is subject to all of the provisions of chapter**  
61 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and**  
62 **chapter 536, RSMo, are nonseverable and if any of the powers vested**  
63 **with the general assembly pursuant to chapter 536, RSMo, to review, to**  
64 **delay the effective date, or to disapprove and annul a rule are**  
65 **subsequently held unconstitutional, then the grant of rulemaking**  
66 **authority and any rule proposed or adopted after August 28, 2009, shall**  
67 **be invalid and void.**

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

**304.033. Notwithstanding the provisions of section 304.022, any**  
2 **vehicle responding to an emergency, motor vehicle accident, incident,**  
3 **other traffic hazard, or other critical situation on the state highway**  
4 **system where there is the threat of serious physical injury or death**  
5 **resulting from the emergency, accident, incident, traffic hazard, or**  
6 **other critical situation, may use amber lights instead of red or blue**  
7 **lights.**

**304.162. 1. Notwithstanding any other law, the Missouri highway**  
2 **patrol may use rotation lists when requesting wrecker or towing**  
3 **services for removal of a vehicle from property for reasons listed in**  
4 **section 304.155 or 304.157.**

5           **2. The department of public safety may promulgate rules to**  
6 **administer the provisions of this section. Any rule or portion of a rule,**  
7 **as that term is defined in section 536.010, RSMo, that is created under**  
8 **the authority delegated in this section shall become effective only if it**  
9 **complies with and is subject to all of the provisions of chapter 536,**  
10 **RSMo, and, if applicable, section 536.028, RSMo. This section and**  
11 **chapter 536, RSMo, are nonseverable and if any of the powers vested**  
12 **with the general assembly pursuant to chapter 536, RSMo, to review, to**

13 delay the effective date, or to disapprove and annul a rule are  
14 subsequently held unconstitutional, then the grant of rulemaking  
15 authority and any rule proposed or adopted after August 28, 2009, shall  
16 be invalid and void.

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