

SENATE CONCURRENT RESOLUTION NO. 37

Whereas, the majority of tow truck operators in the state of Missouri are reputable service providers; and

Whereas, some unscrupulous towing companies are engaged in predatory practices victimizing consumers whose motor vehicles are parked on public streets and private property; and

Whereas, predatory towing practices include charging unwarranted or excessive fees, particularly in connection with towing vehicles from private parking lots which do not display any warnings to the vehicle owners, or overcharging motorists for towing services provided under circumstances where the consumer has no meaningful opportunity to withhold his or her consent; and

Whereas, predatory towing often involves tow truck operators removing motor vehicles without a contract or a direct dispatch from the property owner; and

Whereas, the legitimate business interests of tow truck operators and the needs of private property owners for relief from unauthorized parking must be balanced with the interest in providing appropriate protection to the motoring public; and

Whereas, whatever authority exists in the law to regulate towing and towing companies is fragmented among various state agencies, most notably the Missouri Highway Patrol, and local governments, so that inconsistent or inadequate regulation often results, with insufficient recourse provided to the consumer under the law; and

Whereas, previous attempts to reform the towing industry through rotation lists established by the Missouri Highway Patrol have been thwarted by the courts; and

Whereas, it is in the public interest and the legitimate towing industry's interest in general to create a coordinated, comprehensive framework to establish and enforce minimum standards for tow truck operators:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establishes the Missouri Predatory Towing Practices Task Force; and

Be It Further Resolved that the mission of the Task Force shall be to fully consider and make recommendations in a report to the General Assembly on developing strategies to combat predatory towing practices by unscrupulous towing companies; and

Be It Further Resolved that the Task Force shall conduct a comprehensive analysis of the towing industry, including the predatory practices performed by some of its members, the response by local governments to combat the predatory practices within its jurisdiction, the problems encountered by the insurance industry in paying exorbitant towing and storage fees, and examine any other issues that the Task Force deems relevant to improving the towing industry, and make any recommendations for improving the towing industry and curbing predatory towing practices in Missouri; and

Be It Further Resolved that the Task Force shall consist of the following members:

(1) Two members of the Senate, one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Minority Leader of the Senate;

(2) Two members of the House of Representatives, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the Minority Leader of the House of Representatives;

(3) The Superintendent of the Missouri Highway Patrol, or his or her designee, to serve as a member of the Task Force;

(4) Three tow truck operators from the towing industry, with two members appointed by the President Pro Tempore of the Senate from a list of recommendations submitted by the Missouri Tow Truck Association and one member appointed by the Speaker of the House of Representatives, from a list of recommendations submitted by the Towing and Recovery Association of Missouri;

(5) Two members of the insurance industry representing insurers that write automobile insurance in the state of Missouri and are members of the Missouri Insurance Coalition, with one member appointed by the President Pro Tempore of the Senate and one member appointed by the Speaker of the House of Representatives, from a list of recommendations submitted by the Missouri Insurance Coalition;

(6) Two members of the general public, with one member appointed by the President Pro Tempore of the Senate and one member appointed by the Speaker of the House of Representatives;

(7) Four members of local law enforcement, one from the St. Louis Police Department, one member from the Kansas City Police Department, one member from the St. Louis County Sheriff Department, and one member from a law enforcement office in rural Missouri, with two members appointed by the President Pro Tempore of the Senate and two members appointed by the Speaker of the House of Representatives; and

Be It Further Resolved that the Task Force shall not hold any public hearings until the General Assembly reconvenes for veto session in 2015; and

Be It Further Resolved that the Task Force be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

Be It Further Resolved that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Task Force may require in the performance of its duties; and

Be It Further Resolved that the Task Force, its members, and any staff assigned to the Task Force shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Task Force or any subcommittee thereof; and

Be It Further Resolved that the Task Force shall deliver a report of its findings and recommendations to the Missouri General Assembly by January 1, 2016; and

Be It Further Resolved that the Task Force shall terminate by either a majority of the members voting for termination or by January 1, 2016, whichever occurs first; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Superintendent of the Missouri Highway Patrol.