

SECOND REGULAR SESSION

SENATE BILL NO. 1013

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time February 17, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5336S.011

AN ACT

To repeal section 304.153, RSMo, and to enact in lieu thereof two new sections relating to motor clubs, with existing penalty provisions.

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

Section A. Section 304.153, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 304.153 and 385.450, to read as follows:

304.153. 1. As used in this section, the following terms shall mean:

(1) "Law enforcement officer", any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) "Motor club", [an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle] **a legal entity that, in consideration of dues, assessments, or periodic payments of money, promises to provide motor club services to its members or subscribers in accordance with section 385.450;**

(3) "Patrol officer", a Missouri state highway patrol officer;

(4) "Tow list", a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

(5) "Tow management company", any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

(6) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

(7) "Towing", moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 indirectly, including any dues or other charges of clubs or associations which
20 provide towing services;

21 (8) "Towing company", any person, partnership, corporation, fiduciary,
22 association, or other entity that operates a wrecker or towing service as defined
23 under section 301.010.

24 2. In authorizing a towing company to perform services, any patrol officer
25 or law enforcement officer within the officer's jurisdiction, or Missouri department
26 of transportation employee, may utilize the services of a tow management
27 company or tow list, provided:

28 (1) The Missouri state highway patrol is under no obligation to include or
29 retain the services of any towing company in any contract or agreement with a
30 tow management company or any tow list established pursuant to this section.
31 A towing company is subject to removal from a tow list at any time;

32 (2) Notwithstanding any other provision of law or any regulation
33 established pursuant to this section, an owner or operator's request for a specific
34 towing company shall be honored by the Missouri state highway patrol unless:

35 (a) The requested towing company cannot or does not respond in a
36 reasonable time, as determined by a law enforcement officer; or

37 (b) The vehicle to be towed poses an immediate traffic hazard, as
38 determined by a law enforcement officer.

39 3. A patrol officer shall not use a towing company located outside of
40 Missouri under this section except under the following circumstances:

41 (1) A state or federal emergency has been declared; or

42 (2) The driver or owner of the vehicle, or a motor club of which the driver
43 or owner is a member, requests a specific out-of-state towing company.

44 4. A towing company shall not tow a vehicle to a location outside of
45 Missouri without the consent of the driver or owner of the motor vehicle, or
46 without the consent of a motor club of which the driver or owner of the motor
47 vehicle is a member.

48 5. Any towing company or tow truck arriving at the scene of an accident
49 that has not been called by a patrol officer, a law enforcement officer, a Missouri
50 department of transportation employee, the driver or owner of the motor vehicle
51 or his or her authorized agent, including a motor club of which the driver or
52 owner is a member, shall be prohibited from towing the vehicle from the scene of
53 the accident, unless the towing company or tow truck operator is rendering
54 emergency aid in the interest of public safety, or is operating during a declared

55 state of emergency under section 44.100.

56 6. A tow truck operator that stops and tows a vehicle from the scene of an
57 accident in violation of subsection 5 of this section shall be guilty of a class D
58 misdemeanor upon conviction or pleading guilty for the first violation, and such
59 tow truck shall be subject to impounding. The penalty for a second violation shall
60 be a class A misdemeanor, and the penalty for any third or subsequent violation
61 shall be a class D felony. A violation of this section shall not preclude the tow
62 truck operator from being charged with tampering under chapter 569.

63 7. The provisions of this section shall also apply to motor vehicles towed
64 under section 304.155 or 304.157.

65 8. The provisions of this section shall not apply to counties of the third or
66 fourth classification.

**385.450. 1. As used in this section, the following terms shall
2 mean:**

3 **(1) "Motor club", a legal entity that, in consideration of dues,
4 assessments, or periodic payments of money, promises to provide motor
5 club services to its members or subscribers;**

6 **(2) "Motor club contract", an agreement whereby a motor club
7 promises to render, furnish, or procure motor club services to or for its
8 members or subscribers;**

9 **(3) "Motor club services", services that assist a member or
10 subscriber of a motor club in matters relating to motor travel or the
11 operation, use, or maintenance of a motor vehicle by supplying services
12 that may include, but are not limited to, towing service, emergency
13 road service, bail and guaranteed arrest bond certificate service,
14 discount service, theft service, map service, touring service, legal fee
15 reimbursement service in the defense of traffic offenses, and the
16 participation in an accident and sickness or accidental death insurance
17 benefit program.**

18 **2. Fees collected from the sale of motor club contracts shall not
19 be subject to taxation of premiums under chapter 148.**

20 **3. Motor clubs complying with the provisions of this section shall
21 not be required to comply with the provisions of chapter 374 or 375, or
22 any other provisions governing insurance companies, except as
23 specifically provided.**

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