

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/House Bill No. 225, Page 52, Section 304.022, Line 123,

2 by inserting after all of said line the following:

3 "304.153. 1. As used in this section, the following
4 terms shall mean:

5 (1) "Firefighter", any person, including a volunteer
6 firefighter, employed by the state or a political
7 subdivision or otherwise serving as a member or officer of a
8 fire department;

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

12 [(2)] (3) "Motor club", a legal entity that, in
13 consideration of dues, assessments, or periodic payments of
14 moneys, promises to provide motor club services to its
15 members or subscribers in accordance with section 385.450;

16 [(3)] (4) "Patrol officer", a Missouri state highway
17 patrol officer;

18 [(4)] (5) "Tow list", a list of approved towing
19 companies compiled, maintained, and utilized by the Missouri
20 state highway patrol or its designee;

21 [(5)] (6) "Tow management company", any sole
22 proprietorship, partnership, corporation, fiduciary,
23 association, or other business entity that manages towing
24 logistics for government agencies or motor clubs;

25 [(6)] (7) "Tow truck", a rollback or car carrier,
26 wrecker, or tow truck as defined under section 301.010;

27 [(7)] (8) "Towing", moving or removing, or the
28 preparation therefor, of a vehicle by another vehicle for
29 which a service charge is made, either directly or
30 indirectly, including any dues or other charges of clubs or
31 associations which provide towing services;

32 [(8)] (9) "Towing company", any person, partnership,
33 corporation, fiduciary, association, or other entity that
34 operates a wrecker or towing service as defined under
35 section 301.010.

36 2. In authorizing a towing company to perform
37 services, any patrol officer or law enforcement officer
38 within the officer's jurisdiction, firefighter in a city not
39 within a county, or Missouri department of transportation
40 employee[.] may utilize the services of a tow management
41 company or tow list, provided:

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

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

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

55 (b) The vehicle to be towed poses an immediate traffic
56 hazard, as determined by a law enforcement officer or by a
57 firefighter in a city not within a county.

58 3. A patrol officer, or firefighter in a city not
59 within a county, shall not use a towing company located

60 outside of Missouri under this section except under the
61 following circumstances:

- 62 (1) A state or federal emergency has been declared; or
63 (2) The driver or owner of the vehicle, or a motor
64 club of which the driver or owner is a member, requests a
65 specific out-of-state towing company.

66 4. A towing company shall not tow a vehicle to a
67 location outside of Missouri without the consent of the
68 driver or owner of the motor vehicle, or without the consent
69 of a motor club of which the driver or owner of the motor
70 vehicle is a member.

71 5. Any towing company or tow truck arriving at the
72 scene of an accident that has not been called by a patrol
73 officer, a law enforcement officer, a firefighter in a city
74 not within a county, a Missouri department of transportation
75 employee, or the driver or owner of the motor vehicle or his
76 or her authorized agent, including a motor club of which the
77 driver or owner is a member, shall be prohibited from towing
78 the vehicle from the scene of the accident, unless the
79 towing company or tow truck operator is rendering emergency
80 aid in the interest of public safety, or is operating during
81 a declared state of emergency under section 44.100.

82 6. A tow truck operator that stops and tows a vehicle
83 from the scene of an accident in violation of subsection 5
84 of this section shall be guilty of a class D misdemeanor
85 upon conviction or pleading guilty for the first violation,
86 and such tow truck shall be subject to impounding. The
87 penalty for a second violation shall be a class A
88 misdemeanor, and the penalty for any third or subsequent
89 violation shall be a class D felony. A violation of this
90 section shall not preclude the tow truck operator from being
91 charged with tampering under chapter 569.

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

94 8. The provisions of this section shall not apply to
95 counties of the third or fourth classification."; and

96 Further amend the title and enacting clause accordingly.