

# SENATE BILL NO. 516

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

1782S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to towing of commercial vehicles, with penalty provisions.

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

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.163, to read as follows:

**304.163. 1. As used in this section, the following terms mean:**

(1) "Commercial vehicle", any self-propelled or towed vehicle that has a gross vehicle weight rating of more than ten thousand pounds;

(2) "Department", the department of transportation;

(3) "Gross vehicle weight rating", the same meaning given to the term in section 302.700;

(4) "Nonconsensual tow", the movement or transportation of a commercial vehicle by a tow truck if such movement or transportation is performed without the prior consent or authorization of the owner or operator of the commercial vehicle. Such term also includes any tow of a commercial vehicle ordered by a law enforcement agency;

(5) "Tow truck", the same meaning given to the term in section 304.153;

(6) "Towing company", the same meaning given to the term in section 304.153.

2. The department of transportation shall establish procedures to address nonconsensual towing, recovery, and

21 cleanup practices related to the removal of commercial  
22 vehicles from roadways; procedures to receive, investigate,  
23 and adjudicate complaints from an owner, operator, or  
24 insurer of a commercial vehicle involved in a nonconsensual  
25 tow; and procedures for prohibiting towing companies from  
26 performing nonconsensual tows if they are found to be in  
27 violation of this section. The procedures developed under  
28 this section shall be contained in the department of  
29 transportation's towing services standards manual. All  
30 nonconsensual towing and recovery services shall comply with  
31 this section, the department of transportation's towing  
32 services standards manual, and all other applicable laws and  
33 regulations.

34 3. The procedures established by the department under  
35 this section shall include, at a minimum:

36 (1) A process for an owner, operator, or insurer of a  
37 commercial vehicle to file a complaint against a towing  
38 company. All complaints filed under this section shall  
39 contain the name of the complainant; the complainant's  
40 address; the complainant's phone number; the complainant's  
41 email address, if available; the name of the towing company;  
42 the causes of the complaint; and any other facts and  
43 documentation determined by rule to be of assistance to the  
44 department in investigating the complaint;

45 (2) A process for the department to review a  
46 complaint, any supporting facts and documentation, and  
47 render an initial finding. The department shall ensure its  
48 process includes an opportunity for the complainant or  
49 towing company to appeal an initial decision before the  
50 department makes a final determination on the matter;

51 (3) Factors the department shall consider in  
52 determining whether a charge levied by a towing company was

53 fair and reasonable. Such factors may include, without  
54 limitation, whether the towing vehicles, all other  
55 equipment, and number of employees and contractors were  
56 required to complete the tow; whether the charges are fair,  
57 reasonable, and customary; whether the total amount of time  
58 required for the service was necessary; the location of the  
59 vehicle being recovered; materials or cargo involved; and  
60 any other information regarding the recovery, towing, or  
61 storage of a commercial vehicle;

62 (4) Requirements for information that shall be  
63 included on every nonconsensual towing and recovery invoice,  
64 such as the name, address, and telephone number of the  
65 towing company; the date and time that the request for  
66 service was received; contact information for the party that  
67 requested the service; and the time of dispatch, time of  
68 arrival at the scene, and time at which the scene was  
69 cleared. Every invoice for a nonconsensual tow shall  
70 include the words:

71 "Nonconsensual tows are regulated by the  
72 Missouri Department of Transportation. If you  
73 feel that you have been treated unfairly or  
74 provided a service that was unnecessary, you may  
75 file a complaint with the Missouri Department of  
76 Transportation.";

77 (5) A disciplinary matrix for any towing company found  
78 to be in violation of this section or the department of  
79 transportation towing services standards manual. The matrix  
80 shall:

81 (a) Be weighted based on the severity and number of  
82 violations;

83           (b) Include provisions for permanently or temporarily  
84 prohibiting a towing company from performing nonconsensual  
85 tows; and

86           (c) Include a process for the department to  
87 communicate to the highway patrol and other state and local  
88 law enforcement and emergency services agencies any  
89 suspension or revocation of a towing company's authority to  
90 perform nonconsensual tows.

91           4. To assist the department in implementing this  
92 section, the department may establish a "Towing and Recovery  
93 Review Board".

94           (1) The board shall consist of seven members to be  
95 appropriated by the director of the department of  
96 transportation, including:

97           (a) One member who is an employee of the department;

98           (b) One member who is an employee of the highway  
99 patrol;

100           (c) One member representing local law enforcement  
101 agencies;

102           (d) One member representing motor carriers in this  
103 state;

104           (e) One member representing towing companies in this  
105 state;

106           (f) One member representing independent owner-operator  
107 truck drivers; and

108           (g) One member representing insurance companies in  
109 this state.

110           (2) Members of the board shall serve without  
111 compensation, shall serve three year terms, and shall serve  
112 for no more than two consecutive terms.

113           (3) The board's primary functions shall include  
114 assisting the department in reviewing a complaint,

115 identifying potential violations of the towing services  
116 standards manual, making recommendations for the initial  
117 determination, and to approve or reject a final  
118 determination of the department.

119 5. If an owner or operator of a commercial vehicle  
120 requests the use of a specific towing company, law  
121 enforcement agencies shall honor that request, unless:

122 (1) The requested towing company cannot arrive at the  
123 location of the vehicle within a reasonable time;

124 (2) A traffic safety problem exists and the requested  
125 towing company can not arrive at the location of the vehicle  
126 within thirty minutes; or

127 (3) The commercial vehicle is disabled in the roadway  
128 and the requested towing company can not arrive at the  
129 location of the vehicle within thirty minutes.

130 6. If the department of transportation or the towing  
131 and recovery review board determines there is a genuine  
132 dispute as to the reasonableness or amount of the fees  
133 assessed by a towing company for a nonconsensual tow, the  
134 towing company shall release the commercial vehicle and  
135 cargo to the owner, operator, or insurer of the commercial  
136 vehicle and cargo without the vehicle owner paying any  
137 portion of the fees assessed.

138 7. No towing company shall use a per pound method of  
139 charging for a nonconsensual tow.

140 8. Storage charges for a nonconsensual tow shall cease  
141 accruing upon the date a complaint is filed with the  
142 department of transportation.

143 9. Notwithstanding any provision of law to the  
144 contrary, a nonconsensual tow or associated storage charges  
145 shall not create a lien on a commercial vehicle or cargo.

146           10. A towing company shall provide reasonable access  
147 to an owner, operator, or insurer of a commercial vehicle  
148 that is the subject of a nonconsensual tow for the following  
149 purposes:

150           (1) Collection of personal property from within the  
151 vehicle;

152           (2) Investigation or reconstruction of an accident  
153 scene; or

154           (3) Retrieval of data from the commercial vehicle's  
155 computer system.

156           11. No towing company shall perform a nonconsensual  
157 tow when it is prohibited by the department of  
158 transportation from performing nonconsensual tows. A towing  
159 company that violates this subsection shall be subject to a  
160 civil penalty of twenty-five thousand dollars per violation.

161           12. This section shall apply only to nonconsensual  
162 tows. This section shall not apply if an owner, operator,  
163 or insurer of a commercial vehicle requests the use of a  
164 specific towing company and the request is honored.

165           13. The department of transportation shall promulgate  
166 rules as necessary for the implementation of this section.  
167 Any rule or portion of a rule, as that term is defined in  
168 section 536.010, that is created under the authority  
169 delegated in this section shall become effective only if it  
170 complies with and is subject to all of the provisions of  
171 chapter 536 and, if applicable, section 536.028. This  
172 section and chapter 536 are nonseverable and if any of the  
173 powers vested with the general assembly pursuant to chapter  
174 536 to review, to delay the effective date, or to disapprove  
175 and annul a rule are subsequently held unconstitutional,

176 then the grant of rulemaking authority and any rule proposed  
177 or adopted after August 28, 2025, shall be invalid and void.

✓