

SENATE BILL NO. 1426

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

6034S.011

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
2 one new section, to be known as section 304.162, to read as
3 follows:

304.162. 1. As used in this section, the following
2 terms mean:

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

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

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

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

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

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

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

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

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

47 (2) A process for the department to review a complaint
48 and any supporting facts and documentation and to render an

49 initial finding. The department shall ensure its process
50 includes an opportunity for the complainant or towing
51 company to appeal an initial decision before the department
52 makes a final determination on the matter;

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

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

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

79 (5) A disciplinary matrix for any towing company found
80 to be in violation of this section or the department of

81 transportation's towing services standards manual. The
82 matrix shall:

83 (a) Be weighted based on the severity and number of
84 violations;

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

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

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

96 (1) The board shall consist of seven members to be
97 appointed by the director of the department of
98 transportation, including:

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

100 (b) One member who is an employee of the Missouri
101 state highway patrol;

102 (c) One member representing local law enforcement
103 agencies in this state;

104 (d) One member representing motor carriers in this
105 state;

106 (e) One member representing towing companies in this
107 state;

108 (f) One member representing independent owner-operator
109 truck drivers in this state; and

110 (g) One member representing insurance companies in
111 this state.

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

115 (3) The board's primary functions shall include
116 assisting the department in reviewing each complaint,
117 identifying potential violations of the towing services
118 standards manual, making recommendations for the initial
119 determination, and approving or rejecting a final
120 determination of the department.

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

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

126 (2) A traffic safety problem exists and the requested
127 towing company cannot arrive at the location of the vehicle
128 within thirty minutes; or

129 (3) The commercial vehicle is disabled in the roadway
130 and the requested towing company cannot arrive at the
131 location of the vehicle within thirty minutes.

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

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

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

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

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

153 (1) Collection of personal property from within the
154 vehicle;

155 (2) Investigation or reconstruction of an accident
156 scene; or

157 (3) Retrieval of data from the commercial vehicle's
158 computer system.

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

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

168 13. The department of transportation shall promulgate
169 rules as necessary for the implementation of this section.
170 Any rule or portion of a rule, as that term is defined in
171 section 536.010, that is created under the authority
172 delegated in this section shall become effective only if it
173 complies with and is subject to all of the provisions of

chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

14. Actual costs to implement this section shall be appropriated to the department from the general revenue fund.

✓