

SECOND REGULAR SESSION

SENATE BILL NO. 956

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR QUICK.

Read 1st time February 25, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

L4013.011

AN ACT

To repeal section 304.157, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 304.157, RSMo Supp. 1997, is repealed and one new section enacted in lieu thereof, to be known as section 304.157, to read as follows:

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or
(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee in lawful possession of the real property may authorize a towing company to remove abandoned property **or property parked in a restricted or assigned area** without authorization by a law enforcement officer only when the owner, lessee or [agent] **property or security manager** of the real property is present [and]. **A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made** only under any of the following circumstances:

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

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property **or property improperly parked in a restricted or assigned area** will be removed at the owner's expense[, disclosing the maximum fee for all charges related to towing and storage.] and containing the telephone number of the local traffic law enforcement agency where information can be obtained[;] **or a twenty-four-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property; or**

(2) The abandoned property is **left unattended** on private property **for over ninety-six hours** and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways[, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification]; or

(3) The abandoned property is left unattended on private property[, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification] **for over ten days.**

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall [within one hour of the tow file] **at that time complete** an abandoned property report [with the appropriate law enforcement agency where the property is located] **which shall be considered a legal declaration subject to criminal penalty pursuant to section 575.060, RSMo.** The report shall **be in the form prescribed by the director of revenue and shall** contain the following:

(1) The year, model, make and abandoned property identification number of the property **and the owner and any lienholders, if known;**

(2) A description of any damage to the **abandoned** property noted by owner [or lessee], **lessee or property or security manager** in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The signature and printed name, **address and phone number** of the owner [or lessee], **lessee or property or security manager** in possession of the real property; [and]

(7) The towing company's name and address;

(8) The signature of the towing operator;

[(7)] **(9) Space for** the name of the law enforcement agency notified of the **towing of the abandoned property and for the signature of the law enforcement official receiving the report; and**

(10) Any additional information the director of revenue deems appropriate. [The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.]

4. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two hours if the tow was made from a signed location pursuant to subdivision (1) of subsection 2 of this section; otherwise, the report shall be delivered within twenty-four hours.

[4.] **5.** The law enforcement agency receiving such abandoned property report must record the date **on which** the abandoned property report is filed with such agency and [within five days of such filing] **shall promptly** make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide **law** enforcement computer system, **and an officer shall sign the abandoned property report and provide the towing company with a signed copy.** The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

[5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the

abandoned property report was filed.

7.] **6.** The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall [record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.] **search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.**

[8.] **7.** If any owner or lessee of real property **knowingly** authorizes the removal of abandoned property [pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2] **in violation** of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.

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Bill

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