

SECOND REGULAR SESSION

SENATE BILL NO. 606

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3728S.011

AN ACT

To amend chapter 302, RSMo, by adding thereto one new section relating to the suspension of driver's licenses and motor vehicle registrations for failing to pay towing charges.

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

Section A. Chapter 302, RSMo, is amended by adding thereto one new section, to be known as section 302.289, to read as follows:

302.289. 1. Any person or towing company directed by law enforcement to remove or tow abandoned property from public property under section 304.155, RSMo, may, within thirty days, but not more than forty-five days after the removal of such property, file an affidavit with the department of revenue attesting that such person or towing company has removed abandoned property pursuant to section 304.155, RSMo, and has incurred costs associated with the removal of the abandoned property. In addition to filing an affidavit, the person or towing company shall submit an application, in a format prescribed by the director of the department of revenue, which shall include the following information:

(1) The name and address of the person or tow company that removed the abandoned property pursuant to section 304.155, RSMo;

(2) The date the person or tow company performed a law enforcement authorized tow of abandoned property under section 304.155, RSMo;

(3) An itemized accounting of the reasonable towing and storage charges associated with removing the abandoned property; and

(4) Any other relevant information the director of the department of revenue may prescribe by rule.

21 2. The application shall also be accompanied by a copy of the
22 crime inquiry and inspection report required to be retained by
23 subsection 7 of section 304.155, RSMo. The applicant shall also attest
24 that the towing company has complied with all procedural
25 requirements outlined in sections 304.155 to 304.158, RSMo.

26 3. Within five business days of receiving the application
27 submitted under subsection 1 of this section, the director of the
28 department of revenue, or the director's designee, shall send notice to
29 the registered owner of the abandoned motor vehicle, as revealed by
30 the department's records, that a claim for reasonable towing and
31 storage charges has been filed with the department. The notice shall
32 further state that if the registered owner of the abandoned motor
33 vehicle does not provide satisfactory proof to the department that such
34 charges have been satisfied within thirty days of receiving the notice,
35 the department shall suspend the owner's driver's license or driving
36 privileges and any motor vehicle registrations registered in the owner's
37 name. The notice of suspension shall be mailed to the registered owner
38 at the last known address shown on the department's records. The
39 notice of suspension is deemed received three days after mailing. The
40 notice of suspension shall clearly specify the reason and statutory
41 grounds for the suspension and the effective date of the suspension, the
42 right of the person to request a hearing, the procedure for requesting
43 a hearing, and the date by which that request for a hearing must be
44 made. If the request for a hearing is received by the department prior
45 to the effective date of the suspension, the effective date of the
46 suspension will be stayed until a final order is issued following the
47 hearing.

48 4. The suspension shall become effective thirty days after the
49 registered owner of the abandoned motor vehicle is deemed to have
50 received the notice as provided in subsection 3 of this section. The
51 period of the suspension shall continue until the registered owner of
52 the abandoned motor vehicle submits proof that he or she has satisfied
53 all reasonable towing and storage charges associated with the
54 abandonment of such property.

55 5. The director shall promulgate rules and regulations necessary
56 to implement the provisions of this section. Any rule or portion of a
57 rule, as that term is defined in section 536.010, RSMo, that is created

58 under the authority delegated in this section shall become effective
59 only if it complies with and is subject to all of the provisions of chapter
60 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
61 chapter 536, RSMo, are nonseverable and if any of the powers vested
62 with the general assembly pursuant to chapter 536, RSMo, to review, to
63 delay the effective date, or to disapprove and annul a rule are
64 subsequently held unconstitutional, then the grant of rulemaking
65 authority and any rule proposed or adopted after August 28, 2005, shall
66 be invalid and void.

67 6. As used in this section, "reasonable storage charges" shall not
68 exceed the charges for motor vehicles which have been towed with the
69 consent of the owner on a negotiated basis. For any application
70 submitted pursuant to this section, reasonable storage charges shall not
71 exceed ninety days.

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Bill

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