

FIRST REGULAR SESSION

SENATE BILL NO. 572

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

2172S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 304.155, RSMo, and to enact in lieu thereof one new section relating to abandoned property.

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

Section A. Section 304.155, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 304.155,
3 to read as follows:

304.155. 1. Any law enforcement officer within the
2 officer's jurisdiction, or an officer of a government agency
3 where that agency's real property is concerned, may
4 authorize a towing company to remove to a place of safety:

5 (1) Any abandoned property on the right-of-way of:

6 (a) Any interstate highway or freeway in an urbanized
7 area, left unattended for ten hours, or immediately if a law
8 enforcement officer determines that the abandoned property
9 is a serious hazard to other motorists, provided that
10 commercial motor vehicles not hauling materials designated
11 as hazardous under 49 U.S.C. 5103(a) may only be removed
12 under this subdivision to a place of safety until the owner
13 or owner's representative has had a reasonable opportunity
14 to contact a towing company of choice;

15 (b) Any interstate highway or freeway outside of an
16 urbanized area, left unattended for twenty-four hours, or
17 after four hours if a law enforcement officer determines
18 that the abandoned property is a serious hazard to other

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

19 motorists, provided that commercial motor vehicles not
20 hauling materials designated as hazardous under 49 U.S.C.
21 5103(a) may only be removed under this subdivision to a
22 place of safety until the owner or owner's representative
23 has had a reasonable opportunity to contact a towing company
24 of choice;

25 (c) Any state highway other than an interstate highway
26 or freeway in an urbanized area, left unattended for more
27 than ten hours; or

28 (d) Any state highway other than an interstate highway
29 or freeway outside of an urbanized area, left unattended for
30 more than twenty-four hours; provided that commercial motor
31 vehicles not hauling waste designated as hazardous under 49
32 U.S.C. 5103(a) may only be removed under this subdivision to
33 a place of safety until the owner or owner's representative
34 has had a reasonable opportunity to contact a towing company
35 of choice;

36 (2) Any unattended abandoned property illegally left
37 standing upon any highway or bridge if the abandoned
38 property is left in a position or under such circumstances
39 as to obstruct the normal movement of traffic where there is
40 no reasonable indication that the person in control of the
41 property is arranging for its immediate control or removal;

42 (3) Any abandoned property which has been abandoned
43 under section 577.080;

44 (4) Any abandoned property which has been reported as
45 stolen or taken without consent of the owner;

46 (5) Any abandoned property for which the person
47 operating such property is arrested for an alleged offense
48 for which the officer takes the person into custody and
49 where such person is unable to arrange for the property's
50 timely removal;

51 (6) Any abandoned property which due to any other
52 state law or local ordinance is subject to towing because of
53 the owner's outstanding traffic or parking violations;

54 (7) Any abandoned property left unattended in
55 violation of a state law or local ordinance where signs have
56 been posted giving notice of the law or where the violation
57 causes a safety hazard;

58 (8) Any abandoned property illegally left standing on
59 the waters of this state as defined in section 306.010 where
60 the abandoned property is obstructing the normal movement of
61 traffic, or where the abandoned property has been unattended
62 for more than ten hours or is floating loose on the water; or

63 (9) Any abandoned property for which the person
64 operating such property or vehicle eludes arrest for an
65 alleged offense for which the officer would have taken the
66 offender into custody.

67 2. The department of transportation or any law
68 enforcement officer within the officer's jurisdiction may
69 immediately remove any abandoned, unattended, wrecked,
70 burned or partially dismantled property, spilled cargo or
71 other personal property from the right-of-way of any
72 interstate highway, freeway, or state highway if the
73 abandoned property, cargo or personal property is creating a
74 traffic hazard because of its position in relation to the
75 interstate highway, freeway, or state highway. In the event
76 the property creating a traffic hazard is a commercial motor
77 vehicle, as defined in section 302.700, the department's
78 authority under this subsection shall be limited to
79 authorizing a towing company to remove the commercial motor
80 vehicle to a place of safety, except that the owner of the
81 commercial motor vehicle or the owner's designated
82 representative shall have a reasonable opportunity to

83 contact a towing company of choice. The provisions of this
84 subsection shall not apply to vehicles transporting any
85 material which has been designated as hazardous under
86 Section 5103(a) of Title 49, U.S.C.

87 3. Any law enforcement agency authorizing a tow
88 pursuant to this section in which the abandoned property is
89 moved from the immediate vicinity shall complete a crime
90 inquiry and inspection report. Any state or federal
91 government agency other than a law enforcement agency
92 authorizing a tow pursuant to this section in which the
93 abandoned property is moved away from the immediate vicinity
94 in which it was abandoned shall report the towing to the
95 state highway patrol or water patrol within two hours of the
96 tow along with a crime inquiry and inspection report as
97 required in this section. Any local government agency,
98 other than a law enforcement agency, authorizing a tow
99 pursuant to this section where property is towed away from
100 the immediate vicinity shall report the tow to the local law
101 enforcement agency within two hours along with a crime
102 inquiry and inspection report.

103 4. Neither the law enforcement officer, government
104 agency official nor anyone having custody of abandoned
105 property under his direction shall be liable for any damage
106 to such abandoned property occasioned by a removal
107 authorized by this section or by ordinance of a county or
108 municipality licensing and regulating the sale of abandoned
109 property by the municipality, other than damages occasioned
110 by negligence or by willful or wanton acts or omissions.

111 5. The owner of abandoned property removed as provided
112 in this section or in section 304.157 shall be responsible
113 for payment of all reasonable charges for towing and storage
114 of such abandoned property as provided in section 304.158.

115 6. Upon the towing of any abandoned property pursuant
116 to this section or under authority of a law enforcement
117 officer or local government agency pursuant to section
118 304.157, the law enforcement agency that authorized such
119 towing or was properly notified by another government agency
120 of such towing shall promptly make an inquiry with the
121 national crime information center and any statewide Missouri
122 law enforcement computer system to determine if the
123 abandoned property has been reported as stolen and shall
124 enter the information pertaining to the towed property into
125 the statewide law enforcement computer system. If the
126 abandoned property is not claimed within ten working days of
127 the towing, the tower who has online access to the
128 department of revenue's records shall make an inquiry to
129 determine the abandoned property owner and lienholder, if
130 any, of record. In the event that the records of the
131 department of revenue fail to disclose the name of the owner
132 or any lienholder of record, the tower shall comply with the
133 requirements of subsection 3 of section 304.156. If the
134 tower does not have online access, the law enforcement
135 agency shall submit a crime inquiry and inspection report to
136 the director of revenue. A towing company that does not
137 have online access to the department's records and that is
138 in possession of abandoned property after ten working days
139 shall report such fact to the law enforcement agency with
140 which the crime inquiry and inspection report was filed.
141 The crime inquiry and inspection report shall be designed by
142 the director of revenue and shall include the following:

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

146 (2) A description of any damage to the property noted
147 by the officer authorizing the tow;

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

150 (4) The storage location of the towed property;

151 (5) The name, telephone number and address of the
152 towing company;

153 (6) The date, place and reason for the towing of the
154 abandoned property;

155 (7) The date of the inquiry of the national crime
156 information center, any statewide Missouri law enforcement
157 computer system and any other similar system which has
158 titling and registration information to determine if the
159 abandoned property had been stolen. This information shall
160 be entered only by the law enforcement agency making the
161 inquiry;

162 (8) The signature and printed name of the officer
163 authorizing the tow;

164 (9) The name of the towing company, the signature and
165 printed name of the towing operator, and an indicator
166 disclosing whether the tower has online access to the
167 department's records; and

168 (10) Any additional information the director of
169 revenue deems appropriate.

170 7. One copy of the crime inquiry and inspection report
171 shall remain with the agency which authorized the tow. One
172 copy shall be provided to and retained by the storage
173 facility and one copy shall be retained by the towing
174 facility in an accessible format in the business records for
175 a period of three years from the date of the tow or removal.

176 8. The owner of such abandoned property, or the holder
177 of a valid security interest of record, may reclaim it from

178 the towing company upon proof of ownership or valid security
179 interest of record and payment of all reasonable charges for
180 the towing and storage of the abandoned property.

181 9. Any person who removes abandoned property at the
182 direction of a law enforcement officer or an officer of a
183 government agency where that agency's real property is
184 concerned as provided in this section shall have a lien for
185 all reasonable charges for the towing and storage of the
186 abandoned property until possession of the abandoned
187 property is voluntarily relinquished to the owner of the
188 abandoned property or to the holder of a valid security
189 interest of record. **Such lien should be enforced in the**
190 **manner provided under section 304.156.**

191 10. Any personal property within [the] abandoned
192 property [need not] **removed as provided in this section or**
193 **in section 304.157 shall** be released to the owner thereof,
194 [until the reasonable or agreed charges for such recovery,
195 transportation or safekeeping have been paid or satisfactory
196 arrangements for payment have been made, except that]
197 **including but not limited to** any medication prescribed by a
198 physician [shall be released to the owner thereof upon
199 request]. The company holding or storing the abandoned
200 property shall [either] release the personal property to the
201 owner of the abandoned property [or allow the owner to
202 inspect the property and] **when requested. However, the**
203 **company holding or storing the abandoned property may**
204 **require that the owner of the abandoned property complete**
205 **documentation evidencing the release of the personal**
206 **property to such owner and shall** provide an itemized receipt
207 for the contents. The company holding or storing the
208 property shall be strictly liable for the condition and safe
209 return of the personal property **while it remains in their**

210 **possession or control.** [Such lien shall be enforced in the
211 manner provided under section 304.156.

212 [10.] **11.** Towing companies shall keep a record for
213 three years on any abandoned property towed and not
214 reclaimed by the owner of the abandoned property. Such
215 record shall contain information regarding the authorization
216 to tow, copies of all correspondence with the department of
217 revenue concerning the abandoned property, including copies
218 of any online records of the towing company accessed and
219 information concerning the final disposition of the
220 possession of the abandoned property.

221 [11.] **12.** If a lienholder repossesses any motor
222 vehicle, trailer, all-terrain vehicle, outboard motor or
223 vessel without the knowledge or cooperation of the owner,
224 then the reposessor shall notify the local law enforcement
225 agency where the repossession occurred within two hours of
226 the repossession and shall further provide the local law
227 enforcement agency with any additional information the
228 agency deems appropriate. The local law enforcement agency
229 shall make an inquiry with the national crime information
230 center and the Missouri statewide law enforcement computer
231 system and shall enter the repossessed vehicle into the
232 statewide law enforcement computer system.

233 [12.] **13.** Notwithstanding the provisions of section
234 301.227, any towing company who has complied with the
235 notification provisions in section 304.156 including notice
236 that any property remaining unredeemed after thirty days may
237 be sold as scrap property may then dispose of such property
238 as provided in this subsection. Such sale shall only occur
239 if at least thirty days has passed since the date of such
240 notification, the abandoned property remains unredeemed with
241 no satisfactory arrangements made with the towing company

242 for continued storage, and the owner or holder of a security
243 agreement has not requested a hearing as provided in section
244 304.156. The towing company may dispose of such abandoned
245 property by selling the property on a bill of sale as
246 prescribed by the director of revenue to a scrap metal
247 operator or licensed salvage dealer for destruction purposes
248 only. The towing company shall forward a copy of the bill
249 of sale provided by the scrap metal operator or licensed
250 salvage dealer to the director of revenue within two weeks
251 of the date of such sale. The towing company shall keep a
252 record of each such vehicle sold for destruction for three
253 years that shall be available for inspection by law
254 enforcement and authorized department of revenue officials.
255 The record shall contain the year, make, identification
256 number of the property, date of sale, and name of the
257 purchasing scrap metal operator or licensed salvage dealer
258 and copies of all notifications issued by the towing company
259 as required in this chapter. Scrap metal operators or
260 licensed salvage dealers shall keep a record of the purchase
261 of such property as provided in section 301.227. Scrap
262 metal operators and licensed salvage dealers may obtain a
263 junk certificate as provided in section 301.227 on vehicles
264 purchased on a bill of sale pursuant to this section.

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