

## Chapter 385

### ABANDONED VEHICLES

#### **Section 385.010. Abandoned Vehicles or Trailers Prohibited.** <sup>1</sup>

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway as set out in Section 217.020 of this Code.

#### **Section 385.020. Obstructing the Flow of Traffic Prohibited.** <sup>2</sup>

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

#### **Section 385.030. Towing of Abandoned Property on Public Real Property.** <sup>3</sup>

A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:

1. Any abandoned property on the right-of-way of:
  - a. Any interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours, or immediately if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
  - b. Any interstate highway or freeway outside of an urbanized area of the City left unattended for twenty-four (24) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
  - c. Any State highway, other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four (24) hours;

provided that commercial motor vehicles referred to in Subparagraphs (a — c) not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this

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1. State Law Reference — For similar provisions, §577.080, RSMo.

2. State Law Reference — For similar provisions, §304.151, RSMo.

3. State Law References — For similar provisions, §§304.155.1, 304.155.3, RSMo.

Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; or

- d. Any State highway, other than an interstate highway or freeway in an urbanized area, left unattended for more than ten (10) hours.
  2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
  3. Any abandoned property which has been abandoned under Section 385.010 herein or Section 577.080, RSMo.
  4. Any abandoned property which has been reported as stolen or taken without consent of the owner.
  5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's timely removal.
  6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
  7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
  8. Any abandoned property illegally left standing on the waters of this State as defined in Section 306.010, RSMo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten (10) hours or is floating loose on the water.
  9. Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.
- B. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- C. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

#### **Section 385.040. General Provisions and Procedures. <sup>4</sup>**

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4. State Law References — For similar provisions, §§304.155.5 — 6, 304.155.11 — 12, 304.158.1, 304.158.5, 304.158.7, RSMo.

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 385.030 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 217.040, the City Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the tower does not have online access, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:
1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;
  2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
  3. The license plate or registration number and the State of issuance, if available;
  4. The storage location of the towed property;
  5. The name, telephone number and address of the towing company;
  6. The date, place and reason for the towing of the abandoned property;
  7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;
  8. The signature and printed name of the Law Enforcement Officer authorizing the tow;
  9. The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and

10. Any additional information the Missouri Director of Revenue deems appropriate.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;
  2. The date, reason and place from which the abandoned property was removed;
  3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
  4. A statement that the storage firm claims a possessory lien for all such charges;
  5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
  6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
  7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property, free of all prior liens; and
  8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

- F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "*good faith effort*" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
  2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
  3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
  4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
1. The public agency authorizing the removal; or
  2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

**Section 385.050. Maximum Charges.** <sup>5</sup>

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Chapter.
- B. The Board of Aldermen may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Chapter and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.220.
- C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Chapter if the owner of the abandoned

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5. State Law References — For similar provisions, §§304.156.2, 304.158.6, 304.158.10, RSMo.

property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

**Section 385.060. Sale of Abandoned Property by City.** <sup>6</sup>

When the City has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number, and the odometer reading of the abandoned property, if available, and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person.

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<sup>6</sup>. State Law Reference — For similar provisions, §304.156, RSMo.