

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 250709

Amending Chapter 76, Code of Ordinances, by repealing and replacing Sections 76-289, 76-423 and 76-427, and amending Chapter 70, Code of Ordinances, by repealing and replacing Section 70-273, for the purpose of amending regulations relating to tow truck operators within the City.

WHEREAS, City Council passed Committee Substitute for Ordinance No. 250367 on May 1, 2025, which amended the City's ordinances regulating the towing of vehicles within the City; and

WHEREAS, Committee Substitute for Ordinance No. 250367 also directed the City Manager to develop a Bill of Rights for Towed Vehicles, identify an online platform for reporting tows City-wide, and report back to Council in 30 days; and

WHEREAS, the City Manager has developed a Bill of Rights for Towed Vehicles for publication to inform individuals of the City's regulations pertaining to tow truck businesses; and

WHEREAS, the City Manager has identified an appropriate online platform to facilitate the reporting of all tows within the City; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 76, Code of Ordinances of the City of Kansas City, is hereby amended by repealing Section 76-289, Price schedule and authorization for tow, Section 76-423, Notice of tow; procedure for removal of vehicles left unattended or improperly parked on private property, and Section 76-427, Tow service business requirements, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

Sec. 76-289. Price schedule and authorization for tow.

(a) The owners of all tow vehicles operating in the city shall prepare and file with the director a schedule of prices to be charged for the towing and storage of vehicles. Such schedule may be based on the time, mileage, weight or a combination thereof. In addition, the schedule must include the minimum charge for any undertaking involving towing and storage. The director shall forward the schedule to the police department.

(b) It shall be unlawful to charge a sum in excess of that listed in the schedule filed with the director.

(c) Prior to the undertaking of any tow, the tow vehicle operator shall present the schedule of prices to the customer for their examination. The tow vehicle operator shall also present a copy

of the City's Bill of Rights for Towed Vehicles to the vehicle owner when such owner is present upon the undertaking of the tow.

(d) The price schedule for a city tow will be determined by the director. Nothing in this article shall prevent the director from authorizing a contractor to oversee city tows of vehicles within the city.

Sec. 76-423. Notice of tow; procedure for removal of vehicles left unattended or improperly parked on private property of another.

(a) Prior to towing any motor vehicle, the tow service business or operator shall contact the city's police department and provide the following information:

- (1) The name of the tow service business and operator;
- (2) A description of the vehicle to be towed, including its year, make, model, vehicle identification number and license plate number;
- (3) The date and time of the tow;
- (4) The reason for effectuating the vehicle tow;
- (5) The address of the location from which the vehicle is being towed;
- (6) The name and address of the facility to which the vehicle is to be delivered and stored, and from which the vehicle may be retrieved; and
- (7) If the vehicle to be towed is reported as stolen the tow company shall not remove the vehicle and provide the location and description to the Police.

(b) Any towing company which tows abandoned property without authorization from a law enforcement officer shall report the tow to the City via the online reporting platform as designated by the City Manager.

- (1) Such report shall be completed via the online platform as designated by the City Manager within two hours if the tow was made from a signed location pursuant to 76-423(c)(1). For all other tows, the report shall be completed within 24 hours.

(c) Notwithstanding Section 76-422, if a person abandons property on any real property owned by another without the consent of the owner of person in possession of the property, at the request of the person in possession of the real property, a Kansas City Police Department officer may authorize a towing company to remove such abandoned property from the real property in the following circumstances:

- (1) The abandoned property is left unattended for more than forty-eight hours; or

- (2) In the judgement 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.

(d) The owner of real property or lessee in lawful possession of the real property or the property or security manager 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 property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances:

- (1) There is displayed, in plain view at all entrances to the property, signage in accordance with Section 76-429;
- (2) The abandoned property is left unattended on owner-occupied residential property with four residential units or less, and the owner, lessee, or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since the notification; or
- (3) The abandoned property is left unattended on private property, and the owner, lessee, or agent in lawful possession of the real property has notified the appropriate law enforcement agency, and ninety-six hours have elapsed since that notification.

Sec. 76-427. Tow service business requirements.

A tow service business operating a tow vehicle pursuant to the authority granted in this article shall:

- (1) Have and occupy a verifiable business address; and
- (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the storage of motor vehicles. The City's Bill of Rights for Towed Vehicles shall be displayed, in a conspicuous place, at the service desk and/or window of the tow service business; and
- (3) Be available 24 hours a day, seven-days a week, Availability shall mean that an employee of the towing company or an answering service answered by a person is able to respond to a tow request; and
- (4) Maintain a valid insurance policy issued by an insurer authorized to do business in this state, or a bond or other acceptable surety providing coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least \$750,000.00 per incident; and
- (5) Provide workers' compensation insurance for all employees of the towing company if required by RSMo Ch. 287; and

- (6) Maintain current motor vehicle registrations on all tow vehicles currently operated within the tow service business fleet; and
- (7) Maintain the business name, address and phone number on all tow vehicles operated within the tow service business fleet; and
- (8) All towing company employees, agents, and representatives operating within the City shall cooperate fully with law enforcement officers by promptly providing their true full name, valid government-issued identification, employer and position, and producing for inspection any documentation authorizing the tow or impoundment of a vehicle, including but not limited to a completed Form 4669 or equivalent authorization including the documentation required by section 76-290.

Section 2. That Chapter 70, Code of Ordinances of the City of Kansas City, is hereby amended by repealing Section 70-273, Tow vehicles and accident scene, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 70-273. Tow vehicles and accident scene.

(a) No owner of a tow vehicle or tow vehicle operator shall:

- (1) Stop, stand or park a tow vehicle at a location where an accident has occurred to solicit business unless:
 - a. The owner of a tow vehicle or tow vehicle operator has been requested by the police officer in charge at the location where an accident has occurred; or
 - b. The owner of a tow vehicle or tow operator has been requested by one of the operators, owner, or agent of the vehicles involved in the accident; or
 - c. The owner of a tow vehicle or tow operator has been requested by the dispatcher of the police officer in charge at the location where an accident has occurred.
- (2) Remain at a location where an accident has occurred after being directed to leave by a police officer.
- (3) Fail to provide any police officer, upon request, at the location where an accident has occurred with the name and telephone number of the person requesting the tow truck operator, or the police officers name and serial number requesting the tow truck operator or the dispatchers name and serial number requesting the tow truck operator.

(b) Failure by the owner of a tow vehicle or tow vehicle operator to provide the police officer's name and serial number or the police officer's dispatcher's name and serial number or the name and telephone number of the operator of the vehicle involved in the traffic accident requesting the tow truck operator to be present at the scene of the accident to any police officer shall be prima facie evidence that the owner of a tow vehicle or tow vehicle operator had not been requested to stop, stand or park a tow vehicle at a location where an accident occurred.

(c) Any towing company or tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, a Missouri department of transportation employee, a Kansas City Public Works Department employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the scene of the accident, unless the towing company or tow truck operator is rendering emergency aid in the interest of public safety, or is operating during a declared state of emergency. A tow truck operator that stops and tows a vehicle from the scene of an accident in violation of this subsection shall be guilty of an ordinance violation upon conviction, and pursuant to Chapter 304.153.6, RSMo. such tow truck shall be subject to impounding.

(d) Any person operating a tow vehicle in violation of any part of this section, upon conviction, shall be punished, in addition to other penalties specifically provided by code, by a fine of not less than \$250.00 and not more than \$500.00, or by imprisonment of not more than 180 days, or by both such fine and imprisonment.

Approved as to form:

Andrew Bonkowski
Assistant City Attorney