HOUSE BILL NO.   98

1   AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE REQUIREMENT THAT A MOTOR VEHICLE WHICH HAS BEEN LEFT
3 WITHOUT PERMISSION ON THE REAL PROPERTY OF ANY PERSON MUST HAVE
4 BEEN LEFT FOR AT LEAST FIVE DAYS IN ORDER FOR A TOWING OR STORAGE
5 COMPANY TO BE ENTITLED TO A LIEN ON THE VEHICLE FOR THE COSTS OF
6 TOWING AND STORAGE; AND FOR RELATED PURPOSES.

7   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8   SECTION 1. Section 85-7-251, Mississippi Code of 1972, is

9 amended as follows:

10   85-7-251. (1) The owner of a motor vehicle that has been

11 towed at his request or at the direction of a law enforcement

12 officer, or towed upon request of a real property owner upon whose

13 property a vehicle has been left without permission of the real

14 property owner * * *, shall be liable for the reasonable price of

15 towing and storage of such vehicle; and the towing company to whom

16 the price of such labor and storage costs may be due shall have

17 the right to retain possession of such motor vehicle until the

18 price is paid.

19   (2) Within twenty-four (24) hours, the towing company shall

20 report to the local law enforcement agency having jurisdiction any

21 vehicle that has been towed unless the vehicle was towed at the

22 request of the owner of the vehicle. If the owner of a towed

23 vehicle has not contacted the towing company within five (5)

24 business days of the initial tow, the towing company shall obtain

25 from the appropriate authority the names and addresses of any

26 owner and lienholder. If the information from the appropriate

27 authority fails to disclose the owner or lienholder, a good faith

28 effort shall be made by the towing company to locate ownership,

29   including a check for tag information, inspection sticker, or any

30   papers in the vehicle that may indicate ownership. Upon location

31   of the owner and lienholder, the towing company shall notify them

32   by registered mail of the amount due for towing, postmarked no

33   later than the tenth day following the initial tow. If such

34   amount shall not be paid within thirty (30) days from the initial

35   tow, the towing company to whom such charges are payable shall

36   notify by certified mail any legal owner and holder of any lien,

37   as disclosed by the motor vehicle title records or other

38   investigation, of notice of sale of the property. If such

39   property has not been redeemed within ten (10) days after the

40   mailing of the certified letter, the towing company may commence

41   sale of the property at public auction. The towing company shall

42   publish for two (2) consecutive weeks a notice of sale in the

43   newspaper having circulation in the county where the vehicle was

44   initially towed. The proceeds of the sale of such property in

45   excess of the amount needed to pay the towing, reasonable storage

46   and necessary expenses of the procedures required by this section

47   shall be held by the towing company for a period of six (6)

48   months, and, if not reclaimed by the owner thereof within such

49   time, shall become the property of the county and be paid to the

50   chancery clerk of the county in which the sale was held to be

51   deposited into the county general fund, subject, however, to any

52   rights of the recorded lienholder.

53   (3) The failure to make a good faith effort to comply with

54   the requirements of this section shall preclude the imposition of

55   any storage charges or towing charges against the towed vehicle.

56   (4) Every towing company shall maintain accurate records for

57   a period of three (3) years, which records shall identify the

58   vehicles it has towed and stored and all procedures that it has

59   taken to comply with the provisions of this chapter.

60   SECTION 2. This act shall be codified within Chapter 7 of

61   Title 85, Mississippi Code of 1972.

62   SECTION 3. This act shall take effect and be in force from

63   and after July 1, 1999.