

By: Representative Ellington

To: Transportation

HOUSE BILL NO. 631

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.