

By: Senator(s) Dearing

To: Judiciary

SENATE BILL NO. 2240

1 AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE A PENALTY FOR TOWING COMPANIES THAT FAIL TO FOLLOW
3 STATUTORY PROCEDURES REGARDING THE SALE OF A MOTOR VEHICLE IN THE
4 EVENT THE OWNER OF SUCH MOTOR VEHICLE FAILS TO PAY FOR THE COST OF
5 TOWING OF SUCH MOTOR VEHICLE AND REASONABLE STORAGE AND OTHER
6 EXPENSES RELATED TO THE TOWING OF SUCH MOTOR VEHICLE; AND FOR
7 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE
8 OF MISSISSIPPI:

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10 SECTION 1. Section 85-7-251, Mississippi Code of 1972, is
11 amended as follows:

12 85-7-251. (1) The owner of a motor vehicle that has been
13 towed at his request or at the direction of a law enforcement
14 officer, or towed upon request of a real property owner upon whose
15 property a vehicle has been left without permission of the real
16 property owner for more than five (5) days, shall be liable for
17 the reasonable price of towing and storage of such vehicle; and
18 the towing company to whom the price of such labor and storage
19 costs may be due shall have the right to retain possession of such
20 motor vehicle until the price is paid.

21 (2) Within twenty-four (24) hours, the towing company shall
22 report to the local law enforcement agency having jurisdiction any
23 vehicle that has been towed unless the vehicle was towed at the
24 request of the owner of the vehicle. If the owner of a towed
25 vehicle has not contacted the towing company within five (5)
26 business days of the initial tow, the towing company shall obtain
27 from the appropriate authority the names and addresses of any
28 owner and lienholder. If the information from the appropriate
29 authority fails to disclose the owner or lienholder, a good faith

30 effort shall be made by the towing company to locate ownership,
31 including a check for tag information, inspection sticker, or any
32 papers in the vehicle that may indicate ownership. Upon location
33 of the owner and lienholder, the towing company shall notify them
34 by registered mail of the amount due for towing, postmarked no
35 later than the tenth day following the initial tow. If such
36 amount shall not be paid within thirty (30) days from the initial
37 tow, the towing company to whom such charges are payable shall
38 notify by certified mail any legal owner and holder of any lien,
39 as disclosed by the motor vehicle title records or other
40 investigation, of notice of sale of the property. If such
41 property has not been redeemed within ten (10) days after the
42 mailing of the certified letter, the towing company may commence
43 sale of the property at public auction. The towing company shall
44 publish for two (2) consecutive weeks a notice of sale in the
45 newspaper having circulation in the county where the vehicle was
46 initially towed. The proceeds of the sale of such property in
47 excess of the amount needed to pay the towing, reasonable storage
48 and necessary expenses of the procedures required by this section
49 shall be held by the towing company for a period of six (6)
50 months, and, if not reclaimed by the owner thereof within such
51 time, shall become the property of the county and be paid to the
52 chancery clerk of the county in which the sale was held to be
53 deposited into the county general fund, subject, however, to any
54 rights of the recorded lienholder.

55 (3) The failure to make a good faith effort to comply with
56 the requirements of this section shall preclude the imposition of
57 any storage charges or towing charges against the towed vehicle.

58 (4) Every towing company shall maintain accurate records for
59 a period of three (3) years, which records shall identify the
60 vehicles it has towed and stored and all procedures that it has
61 taken to comply with the provisions of this chapter.

62 (5) Any towing company failing to comply with the provisions
63 of this section shall be guilty of a misdemeanor and, upon
64 conviction thereof, shall be punished by a fine of One Thousand
65 Dollars (\$1,000.00).

66 SECTION 2. This act shall take effect and be in force from

67 and after July 1, 1999.