

By: Ellington

To: Transportation

HOUSE BILL NO. 51

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 take effect and be in force from  
61 and after July 1, 2000.