

By: Horhn

To: Municipalities;
County Affairs

SENATE BILL NO. 2710
(As Passed the Senate)

1 AN ACT TO CREATE NEW CODE SECTION 17-25-1, MISSISSIPPI CODE
2 OF 1972, TO PROHIBIT LOCAL GOVERNMENTS FROM CHARGING AN IMPOUND OR
3 TOWING FEE TO THE VICTIM OF A MOTOR VEHICLE THEFT UPON RECOVERY OF
4 THE STOLEN VEHICLE; TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF
5 1972, TO REVISE THE IMPOSITION OF STORAGE CHARGES AGAINST TOWED
6 VEHICLES; AND FOR RELATED PURPOSES.

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

8 SECTION 1. The following shall be codified as Section
9 17-25-1, Mississippi Code of 1972:

10 17-25-1. The governing authority of any municipality or
11 county is prohibited from assessing any fee whatsoever to any
12 owner of a motor vehicle either for impounding or storage of the
13 vehicle or for towing charges when the owner retrieves the stolen
14 vehicle within eight (8) working days after the postmarked date of
15 written notification of the exact location of the vehicle mailed
16 to the owner's last known address subsequent to recovery of the
17 vehicle by law enforcement officers or other employees of the
18 local government, regardless of whether the towing or storage is
19 performed by the local government or by a private towing company
20 under contract with the local government. Any towing or storage
21 provided by a private towing company under contract with the local
22 government shall be at the expense of the local government.

23 Any such fees, however, may be assessed against any person
24 subsequently convicted of the larceny or carjacking of the
25 vehicle.

26 After the expiration of the eight-day grace period, the owner
27 of the vehicle may be required to pay towing and impound fees to
28 the local government, and may receive amounts in restitution

29 ordered against any person subsequently convicted of the larceny
30 or carjacking of the vehicle incurring imposition of towing or
31 storage charges.

32 Towing companies shall comply with all the requirements of
33 Section 85-7-251, Mississippi Code of 1972.

34 SECTION 2. Section 85-7-251, Mississippi Code of 1972, is
35 amended as follows:[CSQ1]

36 85-7-251. (1) The owner of a motor vehicle that has been
37 towed at his request or at the direction of a law enforcement
38 officer, or towed upon request of a real property owner upon whose
39 property a vehicle has been left without permission of the real
40 property owner for more than five (5) days, shall be liable for
41 the reasonable price of towing and storage of such vehicle
42 provided that the towing company has complied with the
43 requirements of this section; and the towing company to whom the
44 price of such labor and storage costs may be due shall have the
45 right to retain possession of such motor vehicle until the price
46 is paid unless it has not complied with the requirements of this
47 section.

48 (2) Within twenty-four (24) hours, the towing company shall
49 report to the local law enforcement agency having jurisdiction any
50 vehicle that has been towed unless the vehicle was towed at the
51 request of the owner of the vehicle. If the owner of a towed
52 vehicle has not contacted the towing company within five (5)
53 business days of any initial tow that was not at the request of
54 the owner of the vehicle, the towing company shall obtain from the
55 appropriate authority the names and addresses of any owner and
56 lienholder. If the information from the appropriate authority
57 fails to disclose the owner or lienholder, a good faith effort
58 shall be made by the towing company to locate ownership, including
59 a check for tag information, inspection sticker, or any papers in
60 the vehicle that may indicate ownership. Upon location of the
61 owner and lienholder, the towing company shall notify them by
62 registered mail of the amount due for towing and the amount
63 accruing daily for storage and all other charges, postmarked no
64 later than seven (7) days following the initial tow. If such
65 amount shall not be paid within thirty (30) days from the initial

66 tow, the towing company to whom such charges are payable shall
67 notify by certified mail any legal owner and holder of any lien,
68 as disclosed by the motor vehicle title records or other
69 investigation, of notice of sale of the property. If such
70 property has not been redeemed within ten (10) days after the
71 mailing of the certified letter, the towing company may commence
72 sale of the property at public auction. The towing company shall
73 publish for two (2) consecutive weeks a notice of sale in the
74 newspaper having circulation in the county where the vehicle was
75 initially towed. The proceeds of the sale of such property in
76 excess of the amount needed to pay the towing, reasonable storage
77 and necessary expenses of the procedures required by this section
78 shall be held by the towing company for a period of six (6)
79 months, and, if not reclaimed by the owner thereof within such
80 time, shall become the property of the county and be paid to the
81 chancery clerk of the county in which the sale was held to be
82 deposited into the county general fund, subject, however, to any
83 rights of the recorded lienholder.

84 (3) The failure to make a good faith effort to comply with
85 the requirements of this section shall preclude the imposition of
86 any storage charges or towing charges whatsoever against the towed
87 vehicle.

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

92 SECTION 3. This act shall take effect and be in force from
93 and after July 1, 2000.