

*****Adopted*****

AMENDMENT No. 2 PROPOSED TO

Committee Sub. for SB NO. 2710

By Senator(s) Carmichael

AMEND by inserting after line 33 the following section and renumbering subsequent sections accordingly:

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

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

(2) Within twenty-four (24) hours, the towing company shall report to the local law enforcement agency having jurisdiction any vehicle that has been towed unless the vehicle was towed at the request of the owner of the vehicle. If the owner of a towed vehicle has not contacted the towing company within five (5) business days of any initial tow that was not at the request of the owner of the vehicle, the towing company shall obtain from the

appropriate authority the names and addresses of any owner and lienholder. If the information from the appropriate authority fails to disclose the owner or lienholder, a good faith effort shall be made by the towing company to locate ownership, including a check for tag information, inspection sticker, or any papers in the vehicle that may indicate ownership. Upon location of the owner and lienholder, the towing company shall notify them by registered mail of the amount due for towing and the amount accruing daily for storage and all other charges, postmarked no later than seven (7) days following the initial tow. If such amount shall not be paid within thirty (30) days from the initial tow, the towing company to whom such charges are payable shall notify by certified mail any legal owner and holder of any lien, as disclosed by the motor vehicle title records or other investigation, of notice of sale of the property. If such property has not been redeemed within ten (10) days after the mailing of the certified letter, the towing company may commence sale of the property at public auction. The towing company shall publish for two (2) consecutive weeks a notice of sale in the newspaper having circulation in the county where the vehicle was initially towed. The proceeds of the sale of such property in excess of the amount needed to pay the towing, reasonable storage and necessary expenses of the procedures required by this section shall be held by the towing company for a period of six (6) months, and, if not reclaimed by the owner thereof within such time, shall become the property of the county and be paid to the chancery clerk of the county in which the sale was held to be deposited into the county general fund, subject, however, to any rights of the recorded lienholder.

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

(4) Every towing company shall maintain accurate records for a period of three (3) years, which records shall identify the

vehicles it has towed and stored and all procedures that it has taken to comply with the provisions of this chapter.

FURTHER amend the title on line 4 by inserting after the semicolon the following:

TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972, TO REVISE THE IMPOSITION OF STORAGE CHARGES AGAINST TOWED VEHICLES;