HOUSE BILL NO. 307

AN ACT TO AMEND SECTION 83-11-301, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE INSURER OF A MOTOR VEHICLE OF THE PARTY AT FAULT IN A MOTOR VEHICLE ACCIDENT SHALL BE RESPONSIBLE FOR PAYING CERTAIN EXPENSES, INCLUDING TOWING AND STORAGE CHARGES, INCURRED BY THE OTHER INNOCENT PARTY AS A RESULT OF THE ACCIDENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 83-11-301, Mississippi Code of 1972, is amended as follows:

83-11-301. (1) An automobile insurance policy shall not be construed to allow an insurer to assume or accede to the legal title of a motor vehicle without assuming credit obligations of the insured owner of the motor vehicle for reasonable and customary charges for towing and storage services associated with the incident from which the insurance coverage arises.

(2) An insurer which has succeeded to the title of a motor vehicle is not authorized to abandon such vehicle to a towing or storage service without consent of the provider of such service.

(3) (a) A debt incurred by or on behalf of a named insured for towing or storage services may be collected from an insurer which succeeds to the legal title of the motor vehicle covered under the policy for physical damage, property damage or uninsured motorist coverage.

(b) An insurer may be authorized by the provisions of an automobile insurance policy to act for a named insured in any matter regarding the towing and storage of a covered disabled vehicle.

(4) An insurer of the motor vehicle of the party that is determined to be at fault in a motor vehicle accident is liable...
for all expenses of the other innocent party, including, but not limited to, reasonable and customary charges for towing and storage services and attorney's fees associated with the incident from which the insurance coverage arises.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.