

By: Representative Denny

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 721

1 AN ACT TO AMEND SECTION 85-7-107, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A MECHANICS LIEN IS APPLICABLE TO ALL MOTOR
3 VEHICLES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 85-7-107, Mississippi Code of 1972, is
6 amended as follows:

7 85-7-107. All motor vehicles * * * repaired for any person,
8 and at his instance, shall be liable for the price of the labor
9 and material employed in constructing, manufacturing or repairing
10 the same; and the mechanic to whom the price of said labor and
11 material may be due shall have the right to retain possession of
12 such motor vehicles so repaired until the price be paid. If such
13 price shall not be paid within thirty (30) days, and the person to
14 whom such charges are payable and owing intends to commence suit
15 as provided in this section, such person shall notify, by
16 certified mail, the legal owner and the holder of any lien of the
17 amount of charges due thereon and provide an opportunity for
18 redemption. If such property has not been redeemed within five
19 (5) days after the mailing of such certified letter, the person to
20 whom such charges are payable and owing may commence suit in any
21 court of competent jurisdiction, and upon proof of the value of
22 the labor and materials employed in such repairs, manufacture or
23 construction, and that such labor and materials furnished were
24 reasonably necessary to prevent deterioration, permit operation
25 and preserve the property, shall be entitled to judgment against
26 the party for whom such labor was done or materials furnished,
27 with costs, as in other cases, and to a special order for the sale

28 of the property retained in his possession for the payment
29 thereof, with costs, and to an execution, as in other cases, for
30 the residue of what remains unpaid after sale of the property.
31 The proceeds of the sale of such property in excess of the amount
32 needed to pay the judgment and necessary expenses of the procedure
33 required by this section shall be held by the person for a period
34 of six (6) months, and if not reclaimed by the owner thereof
35 within that time shall become the property of the county and be
36 paid over to the chancery clerk of the county in which the sale
37 was held to be deposited into the county general fund, subject
38 however to any rights of recorded lienholders.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2005.