

By: Representative Denny

To: Judiciary B

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

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

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