

By: Representative Evans (45th)

To: Judiciary A

HOUSE BILL NO. 134

1 AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A TOWING COMPANY SHALL HAVE THE RIGHT TO RETAIN
3 POSSESSION OF ANY PERSONAL ITEMS CONTAINED IN A MOTOR VEHICLE
4 UNTIL TOWING AND STORAGE FEES HAVE BEEN PAID; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 85-7-251, Mississippi Code of 1972, is
8 amended as follows:

9 85-7-251. (1) The owner of a motor vehicle that has been
10 towed at his request or at the direction of a law enforcement
11 officer, or towed upon request of a real property owner upon whose
12 property a vehicle has been left without permission of the real
13 property owner for more than five (5) days, shall be liable for
14 the reasonable price of towing and storage of such vehicle; and
15 the towing company to whom the price of such labor and storage
16 costs may be due shall have the right to retain possession of such
17 motor vehicle and any personal items contained in such motor
18 vehicle until the price is paid. However, the owner of the motor
19 vehicle shall be allowed to retrieve his or her driver's license.



20 (2) Within twenty-four (24) hours, the towing company shall
21 report to the local law enforcement agency having jurisdiction any
22 vehicle that has been towed unless the vehicle was towed at the
23 request of the owner of the vehicle. If the owner of a towed
24 vehicle has not contacted the towing company within five (5)
25 business days of the initial tow, the towing company shall obtain
26 from the appropriate authority the names and addresses of any
27 owner and lienholder. If the information from the appropriate
28 authority fails to disclose the owner or lienholder, a good faith
29 effort shall be made by the towing company to locate ownership,
30 including a check for tag information, inspection sticker, or any
31 papers in the vehicle that may indicate ownership. Upon location
32 of the owner and lienholder, the towing company shall notify them
33 by registered mail of the amount due for towing, postmarked no
34 later than the tenth day following the initial tow. If such
35 amount shall not be paid within thirty (30) days from the initial
36 tow, the towing company to whom such charges are payable shall
37 notify by certified mail any legal owner and holder of any lien,
38 as disclosed by the motor vehicle title records or other
39 investigation, of notice of sale of the property. If such
40 property has not been redeemed within ten (10) days after the
41 mailing of the certified letter, the towing company may commence
42 sale of the property at public auction. The towing company shall
43 publish for two (2) consecutive weeks a notice of sale in the
44 newspaper having circulation in the county where the vehicle was



45 initially towed. The proceeds of the sale of such property in
46 excess of the amount needed to pay the towing, reasonable storage
47 and necessary expenses of the procedures required by this section
48 shall be held by the towing company for a period of six (6)
49 months, and, if not reclaimed by the owner thereof within such
50 time, shall become the property of the county and be paid to the
51 chancery clerk of the county in which the sale was held to be
52 deposited into the county general fund, subject, however, to any
53 rights of the recorded lienholder.

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

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

61 **SECTION 2.** This act shall take effect and be in force from
62 and after July 1, 2018.

