

By: Senator(s) Fillingane

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2182

1 AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PROCEDURE FOR THE SALE OF A MOTOR VEHICLE FOR TOWING
3 AND STORAGE COSTS TO INCLUDE THE RIGHT TO RETAIN AND SELL THE
4 PERSONAL PROPERTY CONTENTS OF THE TOWED VEHICLE THAT ARE
5 DETERMINED BY THE TOWING COMPANY TO SATISFY THE PRICE OF TOWING
6 AND STORING THE VEHICLE; TO PROVIDE THAT THE OWNER MAY RETRIEVE
7 CERTAIN PERSONAL PROPERTY PRIOR TO PAYING THE TOWING OR STORAGE
8 COSTS; AND FOR RELATED PURPOSES.

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

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

12 85-7-251. (1) The owner of a motor vehicle that has been
13 towed at his request or at the direction of a law enforcement
14 officer, or towed upon request of a real property owner upon whose
15 property a vehicle has been left without permission of the real
16 property owner for more than five (5) days, shall be liable for
17 the reasonable price of towing and storage of such vehicle; and
18 the towing company to whom the price of such labor and storage
19 costs may be due shall have the right to retain, until the price
20 is paid, possession of * * *~~such the~~ motor vehicle * * *~~until the~~
21 price is paid and, if there is no superior ownership right in an



22 innocent third party, any personal property contents of the motor
23 vehicle that the towing company determines to be reasonably
24 necessary to satisfy the price of towing and storage of the motor
25 vehicle. The provisions of this section that allow a towing
26 company to retain possession of a motor vehicle and any personal
27 property contents of the motor vehicle to satisfy the reasonable
28 price of towing and storage, shall not apply when a repossession
29 is initiated by a lien holder of record as listed on the
30 certificate of title of the vehicle.

31 (2) Within twenty-four (24) hours, the towing company shall
32 report to the local law enforcement agency having jurisdiction any
33 vehicle that has been towed unless the vehicle was towed at the
34 request of the owner of the vehicle. If the owner of a towed
35 vehicle has not contacted the towing company within five (5)
36 business days of the initial tow, the towing company shall obtain
37 from the appropriate authority the names and addresses of any
38 owner and lienholder of the vehicle and of any owner and
39 lienholder of the personal property contents of the vehicle. If
40 the information from the appropriate authority fails to disclose
41 the owner or lienholder, a good faith effort shall be made by the
42 towing company to locate ownership, including a check for tag
43 information, inspection sticker, or any papers in the vehicle that
44 may indicate ownership of the vehicle or the personal property
45 contents of the vehicle. Upon location of the owner and
46 lienholder, the towing company shall notify them by registered



47 mail of the amount due for towing, postmarked no later than the
48 tenth day following the initial tow. If such amount shall not be
49 paid within thirty (30) days from the initial tow, the towing
50 company to whom such charges are payable shall notify by certified
51 mail any legal owner and holder of any lien, as disclosed by the
52 motor vehicle title records or other investigation, of notice of
53 sale of the vehicle or the personal property contents of the
54 vehicle, or both. If such property has not been redeemed within
55 ten (10) days after the mailing of the certified letter, the
56 towing company may commence sale of the property at public
57 auction. The towing company shall publish for two (2) consecutive
58 weeks a notice of sale in the newspaper having circulation in the
59 county where the vehicle was initially towed. The proceeds of the
60 sale of * * *~~such~~ the vehicle and any personal property contents
61 in excess of the amount needed to pay the towing, reasonable
62 storage and necessary expenses of the procedures required by this
63 section shall be held by the towing company for a period of six
64 (6) months, and, if not reclaimed by the owner thereof within such
65 time, shall become the property of the county and be paid to the
66 chancery clerk of the county in which the sale was held to be
67 deposited into the county general fund, subject, however, to any
68 rights of the recorded lienholder.

69 (3) Notwithstanding the provisions of subsections (1) and
70 (2) of this section, the owner of a motor vehicle that has been
71 towed at his request, or at the direction of a law enforcement



72 officer or upon request of a real property owner upon whose
73 property a vehicle has been left without permission, shall have
74 the exclusive right to retrieve the following personal property
75 contents in the vehicle prior to paying any towing or storage
76 costs:

77 (a) Prescription medication in its proper container;

78 (b) Personal medical supplies and equipment or records;

79 (c) Educational materials, including, but not limited
80 to, books, papers, and school supplies, excluding electronic
81 devices;

82 (d) Child restraint or child booster seats;

83 (e) Mail addressed to vehicle owner; and

84 (f) Checks, checkbooks, debit or credit cards, money
85 orders, stocks, bonds, insurance information, or state-issued
86 identification.

87 (* * *34) The failure to make a good faith effort to comply
88 with the requirements of this section shall preclude the
89 imposition of any storage charges or towing charges against the
90 towed vehicle.

91 (* * *45) Every towing company shall maintain accurate
92 records for a period of three (3) years, which records shall
93 identify the vehicles it has towed and stored and all procedures
94 that it has taken to comply with the provisions of this chapter.



95 **SECTION 2.** This act shall take effect and be in force from
96 and after July 1, 2019, and shall be repealed from and after June
97 30, 2019.

