

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 \* \* \* the motor vehicle \* \* \* and, if there  
21 is no superior ownership right in an innocent third party, any



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

30 (2) Within twenty-four (24) hours, the towing company shall  
31 report to the local law enforcement agency having jurisdiction any  
32 vehicle that has been towed unless the vehicle was towed at the  
33 request of the owner of the vehicle. If the owner of a towed  
34 vehicle has not contacted the towing company within five (5)  
35 business days of the initial tow, the towing company shall obtain  
36 from the appropriate authority the names and addresses of any  
37 owner and lienholder of the vehicle and of any owner and  
38 lienholder of the personal property contents of the vehicle. If  
39 the information from the appropriate authority fails to disclose  
40 the owner or lienholder, a good faith effort shall be made by the  
41 towing company to locate ownership, including a check for tag  
42 information, inspection sticker, or any papers in the vehicle that  
43 may indicate ownership of the vehicle or the personal property  
44 contents of the vehicle. Upon location of the owner and  
45 lienholder, the towing company shall notify them by registered  
46 mail of the amount due for towing, postmarked no later than the



47 tenth day following the initial tow. If such amount shall not be  
48 paid within thirty (30) days from the initial tow, the towing  
49 company to whom such charges are payable shall notify by certified  
50 mail any legal owner and holder of any lien, as disclosed by the  
51 motor vehicle title records or other investigation, of notice of  
52 sale of the vehicle or the personal property contents of the  
53 vehicle, or both. If such property has not been redeemed within  
54 ten (10) days after the mailing of the certified letter, the  
55 towing company may commence sale of the property at public  
56 auction. The towing company shall publish for two (2) consecutive  
57 weeks a notice of sale in the newspaper having circulation in the  
58 county where the vehicle was initially towed. The proceeds of the  
59 sale of \* \* \* the vehicle and any personal property contents in  
60 excess of the amount needed to pay the towing, reasonable storage  
61 and necessary expenses of the procedures required by this section  
62 shall be held by the towing company for a period of six (6)  
63 months, and, if not reclaimed by the owner thereof within such  
64 time, shall become the property of the county and be paid to the  
65 chancery clerk of the county in which the sale was held to be  
66 deposited into the county general fund, subject, however, to any  
67 rights of the recorded lienholder.

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



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

76 (a) Prescription medication in its proper container;

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

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

81 (d) Child restraint or child booster seats;

82 (e) Mail addressed to vehicle owner; and

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

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

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

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

