

By: Senator(s) Jackson (11th)

To: Judiciary, Division A

SENATE BILL NO. 2008

1 AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972,  
2 TO LIMIT THE TOWING AND STORAGE CHARGES FOR VEHICLES TOWED AT THE  
3 DIRECTION OF A LAW ENFORCEMENT OFFICER TO THOSE AMOUNTS CHARGED TO  
4 CUSTOMERS GENERALLY; AND FOR RELATED PURPOSES.

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

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

8 85-7-251. (1) (a) The owner of a motor vehicle that has  
9 been towed at his request or at the direction of a law enforcement  
10 officer, or towed upon request of a real property owner upon whose  
11 property a vehicle has been left without permission of the real  
12 property owner for more than five (5) days, shall be liable for  
13 the reasonable price of towing and storage of such vehicle; and  
14 the towing company to whom the price of such labor and storage  
15 costs may be due shall have the right to retain possession of such  
16 motor vehicle until the price is paid.

17 (b) A towing company may not charge more for the towing  
18 and storage of a vehicle that is towed at the direction of a law  
19 enforcement officer for any reason, including, but not limited to,



20 impoundment resulting from an alleged violation of Section  
21 63-11-30, than would be charged a customer who contacts the towing  
22 company directly.

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



45 sale of the property at public auction. The towing company shall  
46 publish for two (2) consecutive weeks a notice of sale in the  
47 newspaper having circulation in the county where the vehicle was  
48 initially towed. The proceeds of the sale of such property in  
49 excess of the amount needed to pay the towing, reasonable storage  
50 and necessary expenses of the procedures required by this section  
51 shall be held by the towing company for a period of six (6)  
52 months, and, if not reclaimed by the owner thereof within such  
53 time, shall become the property of the county and be paid to the  
54 chancery clerk of the county in which the sale was held to be  
55 deposited into the county general fund, subject, however, to any  
56 rights of the recorded lienholder.

57 (3) The failure to make a good faith effort to comply with  
58 the requirements of this section shall preclude the imposition of  
59 any storage charges or towing charges against the towed vehicle;  
60 this includes vehicles towed at the direction of a law enforcement  
61 officer.

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

66 **SECTION 2.** This act shall take effect and be in force from  
67 and after July 1, 2020.

