

Senate Amendments to House Bill No. 359

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 * * * twenty-four (24) hours, shall
14 be liable for the reasonable price of towing and storage of such
15 vehicle; and the towing company to whom the price of such labor
16 and storage costs may be due shall have the right to retain
17 possession of such motor vehicle until the price is paid.

18 (2) Within twenty-four (24) hours, the towing company shall
19 report to the local law enforcement agency having jurisdiction any
20 vehicle that has been towed unless the vehicle was towed at the
21 request of the owner of the vehicle. If the owner of a towed
22 vehicle has not contacted the towing company within five (5)
23 business days of the initial tow, the towing company shall obtain

24 from the appropriate authority the names and addresses of any
25 owner and lienholder. If the information from the appropriate
26 authority fails to disclose the owner or lienholder, a good faith
27 effort shall be made by the towing company to locate ownership,
28 including a check for tag information, inspection sticker, or any
29 papers in the vehicle that may indicate ownership. Upon location
30 of the owner and lienholder, the towing company shall notify them
31 by registered mail of the amount due for towing, postmarked no
32 later than the tenth day following the initial tow. If such
33 amount shall not be paid within thirty (30) days from the initial
34 tow, the towing company to whom such charges are payable shall
35 notify by certified mail any legal owner and holder of any lien,
36 as disclosed by the motor vehicle title records or other
37 investigation, of notice of sale of the property. If such
38 property has not been redeemed within ten (10) days after the
39 mailing of the certified letter, the towing company may commence
40 sale of the property at public auction. The towing company shall
41 publish for two (2) consecutive weeks a notice of sale in the
42 newspaper having circulation in the county where the vehicle was
43 initially towed. The proceeds of the sale of such property in
44 excess of the amount needed to pay the towing, reasonable storage
45 and necessary expenses of the procedures required by this section
46 shall be held by the towing company for a period of six (6)
47 months, and, if not reclaimed by the owner thereof within such
48 time, shall become the property of the county and be paid to the
49 chancery clerk of the county in which the sale was held to be

50 deposited into the county general fund, subject, however, to any
51 rights of the recorded lienholder.

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

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

59 **SECTION 2.** Section 63-3-915, Mississippi Code of 1972, is
60 amended as follows:

61 63-3-915. A motor vehicle that is located upon private
62 property may not be towed except when authorized by the owner of
63 the motor vehicle, the lienholder of the motor vehicle, the owner
64 of the property upon which the motor vehicle is located in a case
65 where the real property owner did not give permission for the
66 vehicle to be parked on the property, or the towing is authorized
67 by other local, state or federal law.

68 **SECTION 3.** This act shall take effect and be in force from
69 and after July 1, 2020.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 85-7-251 AND 63-3-915, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE CONDITIONS UNDER WHICH A REAL PROPERTY
3 OWNER MAY DIRECT THE TOWING OF A MOTOR VEHICLE NOT OWNED BY THE
4 REAL PROPERTY OWNER BUT LOCATED ON THE LAND OWNED BY THE REAL
5 PROPERTY OWNER; AND FOR RELATED PURPOSES.

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Eugene S. Clarke
Secretary of the Senate