

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 359**

**BY: Committee**

**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.

