

By: Representative Hines

To: Transportation; Banking
and Financial Services

HOUSE BILL NO. 121

1 AN ACT TO AMEND SECTION 85-7-107, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT MECHANICS TO WHOM THE PRICE OF LABOR AND MATERIAL
3 MAY BE DUE SHALL HAVE THE RIGHT TO SEEK TITLE OF A VEHICLE FROM A
4 TITLE LOAN COMPANY AFTER NONPAYMENT OF SERVICES, IF THE PERSON,
5 WHOSE VEHICLE WAS REPAIRED, ACQUIRED A TITLE LOAN ON THE VEHICLE
6 AFTER THE MECHANIC BEGAN REPAIRING THE VEHICLE; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 85-7-107, Mississippi Code of 1972, is
10 amended as follows:

11 85-7-107. (1) All motor vehicles repaired for any person,
12 and at his instance, shall be liable for the price of the labor
13 and material employed in constructing, manufacturing or repairing
14 the same; and the mechanic to whom the price of said labor and
15 material may be due shall have the right to retain possession of
16 such motor vehicles so repaired until the price be paid.

17 If such price shall not be paid within thirty (30) days, and
18 the person to whom such charges are payable and owing intends to
19 commence suit as provided in this section, such person shall
20 notify, by certified mail, the legal owner and the holder of any



21 lien of the amount of charges due thereon and provide an
22 opportunity for redemption.

23 If such property has not been redeemed within five (5) days
24 after the mailing of such certified letter, the person to whom
25 such charges are payable and owing may commence suit in any court
26 of competent jurisdiction, and upon proof of the value of the
27 labor and materials employed in such repairs, manufacture or
28 construction, and that such labor and materials furnished were
29 reasonably necessary to prevent deterioration, permit operation
30 and preserve the property, shall be entitled to judgment against
31 the party for whom such labor was done or materials furnished,
32 with costs, as in other cases, and to a special order for the sale
33 of the property retained in his possession for the payment
34 thereof, with costs, and to an execution, as in other cases, for
35 the residue of what remains unpaid after sale of the property.

36 The proceeds of the sale of such property in excess of the
37 amount needed to pay the judgment and necessary expenses of the
38 procedure required by this section shall be held by the person for
39 a period of six (6) months, and if not reclaimed by the owner
40 thereof within that time shall become the property of the county
41 and be paid over to the chancery clerk of the county in which the
42 sale was held to be deposited into the county general fund,
43 subject however to any rights of recorded lienholders.

44 (2) The mechanic to whom the price of the labor and material
45 may be due shall have the right to seek title of a vehicle from a



46 title loan company after nonpayment of services, if the person,
47 whose vehicle was repaired, acquired a title loan on the vehicle
48 after the mechanic began repairing the vehicle.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2024.

