

By: Representatives Holloway (76th), Gibbs
(72nd), Bell (65th), Mickens, Thompson

To: Judiciary B

HOUSE BILL NO. 1085

1 AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972,
2 TO CREATE A PROCEDURE FOR RECLAIMING MOTOR VEHICLES OR VESSELS
3 WHILE THEY ARE IN THE PROCESS OF BEING TOWED; AND FOR RELATED
4 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) The owner of a motor vehicle that has been
9 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, shall be liable for the reasonable price of towing
13 and storage of such vehicle; and the towing company to whom the
14 price of such labor and storage costs may be due shall have the
15 right to retain possession of such motor vehicle until the price
16 is paid.

17 (2) Within twenty-four (24) hours, the towing company shall
18 report to the local law enforcement agency having jurisdiction any
19 vehicle that has been towed unless the vehicle was towed at the



20 request of the owner of the vehicle. If the owner of a towed
21 vehicle has not contacted the towing company within five (5)
22 business days of the initial tow, the towing company shall obtain
23 from the appropriate authority the names and addresses of any
24 owner and lienholder. If the information from the appropriate
25 authority fails to disclose the owner or lienholder, a good faith
26 effort shall be made by the towing company to locate ownership,
27 including a check for tag information, inspection sticker, or any
28 papers in the vehicle that may indicate ownership. Upon location
29 of the owner and lienholder, the towing company shall notify them
30 by registered mail of the amount due for towing, postmarked no
31 later than the tenth day following the initial tow. If such
32 amount shall not be paid within thirty (30) days from the initial
33 tow, the towing company to whom such charges are payable shall
34 notify by certified mail any legal owner and holder of any lien,
35 as disclosed by the motor vehicle title records or other
36 investigation, of notice of sale of the property. If such
37 property has not been redeemed within ten (10) days after the
38 mailing of the certified letter, the towing company may commence
39 sale of the property at public auction. The towing company shall
40 publish for two (2) consecutive weeks a notice of sale in the
41 newspaper having circulation in the county where the vehicle was
42 initially towed. The proceeds of the sale of such property in
43 excess of the amount needed to pay the towing, reasonable storage
44 and necessary expenses of the procedures required by this section



45 shall be held by the towing company for a period of six (6)
46 months, and, if not reclaimed by the owner thereof within such
47 time, shall become the property of the county and be paid to the
48 chancery clerk of the county in which the sale was held to be
49 deposited into the county general fund, subject, however, to any
50 rights of the recorded lienholder.

51 (3) (a) Any person who is in the process of towing or
52 removing a vehicle or vessel from property as authorized by this
53 section shall stop such towing or removing if the owner or
54 person in control of the vehicle or vessel seeks return of the
55 vehicle or vessel and pays a reasonable service fee of not more
56 than one-half (1/2) of the posted rate for the towing or removal
57 service at the time the vehicle is being towed or removed. If
58 the owner or person in control of the vehicle does not pay the
59 required fee, the person may continue to tow or remove the
60 vehicle or vessel. If the owner or person in control of the
61 vehicle does pay the required fee, a signed, detailed receipt
62 must be given to the person redeeming the vehicle or vessel.

63 (b) A person may not pay or accept money or other
64 valuable consideration for the privilege of towing or removing a
65 vehicle.

66 (c) Except as otherwise provided for property
67 appurtenant to and a part of a single-family residence, and except
68 for instances when notice is personally given to the owner or
69 other legally authorized person in control of the vehicle or



70 vessel that the area in which that vehicle or vessel is parked is
71 reserved or otherwise unavailable for unauthorized vehicles or
72 vessels and that the vehicle or vessel is subject to being removed
73 at the owner's or operator's expense, any property owner or
74 lessee, or person authorized by the property owner or lessee,
75 prior to towing or removing any vehicle or vessel from private
76 property without the consent of the owner or other legally
77 authorized person in control of that vehicle or vessel, must post
78 a notice that meets the following requirements:

79 (i) The notice must be prominently placed at each
80 driveway access or curb cut that allows vehicular access to the
81 property, within five (5) feet from the public right-of-way line.
82 If there are no curbs or access barriers, the signs must be
83 posted not less than one (1) sign for each twenty-five (25) feet
84 of lot frontage.

85 (ii) The notice must clearly indicate, in not
86 less than two (2) inch high, light-reflective letters on a
87 contrasting background, that "unauthorized vehicles will be towed
88 away at the owner's expense". The words "tow-away zone" must be
89 included on the sign in not less than four (4) inch high letters.

90 (iii) The notice must also provide the name and
91 current telephone number of the person or firm towing or removing
92 the vehicles or vessels.

93 (iv) The sign structure containing the required
94 notices must be permanently installed with the words "tow-away



95 zone" not less than three (3) feet and not more than six (6) feet
96 above ground level and must be continuously maintained on the
97 property for not less than twenty-four (24) hours before the
98 vehicle or vessel is towed or removed.

99 (v) The local government may require permitting
100 and inspection of these signs before any vehicle or vessel is
101 towed or removed.

102 (vi) A business with twenty (20) or fewer parking
103 spaces satisfies the notice requirements of this subparagraph by
104 prominently displaying a sign stating "Reserved Parking for
105 Customers Only, Unauthorized Vehicles or Vessels Will be Towed
106 Away at the Owner's Expense" in not less than four (4) inch high,
107 light-reflective letters on a contrasting background.

108 (vii) A property owner towing or removing vessels
109 from real property must post notice, consistent with the
110 requirements in subparagraphs (i) through (vii), which apply to
111 vehicles or vessels, that unauthorized vehicles or vessels will
112 be towed away at the owner's expense.

113 (d) A business owner or lessee may authorize the
114 removal of a vehicle or vessel by a towing company when the
115 vehicle or vessel is parked in such a manner that restricts the
116 normal operation of business; and if a vehicle or vessel parked on
117 a public right-of-way obstructs access to a private driveway, the
118 owner, lessee or agent may have the vehicle or vessel removed by a



119 towing company upon signing an order that the vehicle or vessel be
120 removed without a posted tow-away zone sign.

121 (e) Any person or firm towing or removing any vehicles
122 or vessels from private property without the consent of the owner
123 or other legally authorized person in control of the vehicles or
124 vessels shall, on any trucks, wreckers as defined in current law,
125 or other vehicles used in the towing or removal, have the name,
126 address, and telephone number of the company performing such
127 service clearly printed in contrasting colors on the driver and
128 passenger sides of the vehicle. The name shall be in at least
129 three (3) inch permanently affixed letters, and the address and
130 telephone number shall be in at least one (1) inch permanently
131 affixed letters.

132 (f) Vehicle entry for the purpose of removing the
133 vehicle or vessel shall be allowed with reasonable care on the
134 part of the person or firm towing the vehicle or vessel. Such
135 person or firm shall be liable for any damage occasioned to the
136 vehicle or vessel if such entry is not in accordance with the
137 standard of reasonable care.

138 (g) When a vehicle or vessel has been towed or removed
139 pursuant to this section, it must be released to its owner or
140 custodian during regular business hours. Any vehicle or vessel
141 owner or agent shall have the right to inspect the vehicle or
142 vessel before accepting its return, and no release or waiver of
143 any kind which would release the person or firm towing the



144 vehicle or vessel from liability for damages noted by the owner
145 or other legally authorized person at the time of the redemption
146 may be required from any vehicle or vessel owner, custodian, or
147 agent as a condition of release of the vehicle or vessel to its
148 owner. A detailed, signed receipt showing the legal name of the
149 company or person towing or removing the vehicle or vessel must
150 be given to the person paying towing or storage charges at the
151 time of payment, whether requested or not. All charges paid by
152 the vehicle owner shall not exceed the reasonable posted rates of
153 the towing company.

154 (h) These requirements are minimum standards and do
155 not preclude enactment of additional regulations by any
156 municipality or county including the right to regulate rates when
157 vehicles or vessels are towed from private property.

158 (i) All towing companies engaging in towing vehicles or
159 vessels from private property must also meet the following
160 conditions:

161 (i) Maintain a minimum One Million Dollars
162 (\$1,000,000.00) in general liability insurance coverage;

163 (ii) Attend annual certified training;

164 (iii) Carry a valid business license; and

165 (iv) Must be owned by an individual or individuals
166 who are not convicted felons.

167 (4) The provisions of this section shall not apply to law
168 enforcement, firefighters, rescue squad, ambulance, or other



169 emergency vehicles or vessels that are marked as such or to
170 property owned by any governmental entity.

171 (5) When a person improperly causes a vehicle or vessel to
172 be removed, such person shall be liable to the owner or lessee of
173 the vehicle or vessel for the cost of removal, transportation,
174 and storage, any damages resulting from the removal,
175 transportation, or storage of the vehicle or vessel, attorney's
176 fees and court costs.

177 (* * *6) The failure to make a good faith effort to comply
178 with the requirements of this section shall preclude the
179 imposition of any storage charges or towing charges against the
180 towed vehicle.

181 (* * *7) Every towing company shall maintain accurate
182 records for a period of three (3) years, which records shall
183 identify the vehicles it has towed and stored and all procedures
184 that it has taken to comply with the provisions of this chapter.

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

