

By: Representative Sanford

To: Judiciary A

HOUSE BILL NO. 1217

1 AN ACT TO AMEND SECTION 63-23-1, MISSISSIPPI CODE OF 1972, TO
 2 EXPAND THE INTENT OF THE ABANDONED MOTOR VEHICLES LAW TO PRIVATE
 3 LANDOWNERS; TO AMEND SECTION 63-23-3, MISSISSIPPI CODE OF 1972, TO
 4 INCLUDE VEHICLES LEFT UNATTENDED ON PRIVATE LANDS; TO AMEND
 5 SECTIONS 63-23-5 AND 63-23-7, MISSISSIPPI CODE OF 1972, TO
 6 AUTHORIZE PRIVATE LANDOWNERS TO SELL ABANDONED MOTOR VEHICLES; TO
 7 BRING FORWARD SECTION 63-23-9, MISSISSIPPI CODE OF 1972, WHICH
 8 PROVIDES THE PROCEDURE FOR NOTIFICATION OF LIENHOLDERS OF
 9 ABANDONED VEHICLES, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD
 10 SECTION 63-23-11, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
 11 CLAIM OF AN ABANDONED VEHICLE BEFORE SALE, FOR PURPOSES OF
 12 AMENDMENT; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 63-23-1, Mississippi Code of 1972, is
 15 amended as follows:

16 63-23-1. The intent of this chapter is to: (a) provide a
 17 means for removing abandoned motor vehicles from the right-of-way
 18 and open lands of the state to enhance the beauty of the
 19 countryside and the health and welfare of its citizens * * * ; (b)
 20 provide a means of relieving automobile dealers, repairmen, and
 21 others dealing in motor vehicles from unnecessary storage of
 22 deteriorated cars which prevent the use of such floorspace or
 23 property for storage for hire or use in their business * * * ; and



24 (c) provide a means for landowners to remove abandoned motor
25 vehicles from their property to preserve and enhance the value of
26 the property, and is therefore in the public interest.

27 **SECTION 2.** Section 63-23-3, Mississippi Code of 1972, is
28 amended as follows:

29 63-23-3. For the purposes of this chapter, an "abandoned
30 motor vehicle" shall mean a motor vehicle as defined by the
31 Mississippi Motor Vehicle Title Law:

32 (a) Which has been left by the owner, or some person
33 acting for the owner, with an automobile dealer, repairman or
34 wrecker service for repair or for some other reason and has not
35 been called for by such owner or other person within a period of
36 forty (40) days after the time agreed upon or within forty (40)
37 days after such vehicle is turned over to such dealer, repairman
38 or wrecker service when no time is agreed upon.

39 (b) Which is left unattended on a public street, road
40 or highway or other public property for a period of at least five
41 (5) days.

42 (c) Which has been lawfully towed onto the property of
43 another at the written request of a law enforcement officer and
44 left there for a period of not less than forty (40) days without
45 any one having made claim thereto.

46 (d) Which is left unattended on private property for a
47 period of at least sixty (60) days.



48 **SECTION 3.** Section 63-23-5, Mississippi Code of 1972, is
49 amended as follows:

50 63-23-5. (1) (a) Any automobile dealer, wrecker service,
51 or repair service owner, * * * any person or party on whose
52 property a motor vehicle is lawfully towed at the written request
53 of a law enforcement officer, or any landowner on whose private
54 property a motor vehicle is left unattended, who shall have an
55 abandoned motor vehicle on his property, may sell, free and clear
56 of all claims such motor vehicle by public auction, or if the
57 abandoned motor vehicle has no market value, may dispose of the
58 same after having received at least two (2) written statements
59 from licensed automobile dealers as to the worthlessness of such
60 motor vehicle and after compliance with subsection (2) of this
61 section and Section 63-23-9. An abandoned motor vehicle as
62 defined by Section 63-23-3(b) shall not be sold at auction until
63 thirty (30) days from date of removal from private property or a
64 public street, road or highway.

65 (b) In addition to the authority provided in paragraph
66 (a) of this subsection, a landowner on whose private property a
67 motor vehicle is left unattended, may sell, free and clear of all
68 claims such motor vehicle by private sale or otherwise dispose of
69 the abandoned vehicle as authorized by law.

70 (2) The person authorized to execute the sale or disposal of
71 an abandoned motor vehicle shall notify, within ten (10) days of
72 receipt of such vehicle, any Mississippi lienholder on such



73 vehicle that unless a claim on the vehicle is made within thirty
74 (30) days of such notice, the vehicle will be sold or destroyed.

75 (3) After the sale of any vehicle as set out hereinabove is
76 made, the person or officer designated and making the sale of such
77 property shall promptly upon completion of the sale deliver to the
78 chancery clerk a list or itemization of the property sold, the
79 amount paid for each item, the person to whom each item was sold,
80 and all monies received from such sale, the gross charges levied
81 by the person making the sale against the property sold and the
82 net amount paid over to the chancery clerk. Any sale made by any
83 person, officer, corporation or association, shall have attached
84 to the report of sale a sworn statement certifying as to the date
85 such personal property or items sold first came into his
86 possession or was abandoned on his or her premises and the
87 date * * * the personal property or item was sold.

88 (4) * * * (a) Except as otherwise provided for private
89 landowners, the proceeds of the sale in excess of repair, towing
90 and storage expenses and all expenses incurred in connection with
91 a sale when a sale is made under the provisions of this chapter,
92 shall escheat to the county and shall be paid over to the chancery
93 clerk to be placed into the general fund of the county in which
94 the vehicle is abandoned. However, in those municipalities
95 availing themselves of the provisions of Section 21-39-21, the
96 proceeds of the sale in excess of the repairs, towing, storage or



97 other necessary expenses incurred shall escheat to the general
98 fund of the municipality.

99 (b) The proceeds of the sale of an abandoned motor
100 vehicle by a private landowner shall be the property of the
101 private landowner.

102 **SECTION 4.** Section 63-23-7, Mississippi Code of 1972, is
103 amended as follows:

104 63-23-7. (1) Prior to disposition of an abandoned motor
105 vehicle any automobile dealer, wrecker service * * *, repair
106 service owner, * * * any person on whose property such a vehicle
107 is lawfully towed at the written request of a law enforcement
108 officer, or any attorney who represents a landowner on whose
109 private property a motor vehicle is left unattended shall inquire
110 of the State Tax Commission as to status of the vehicle in regard
111 to the Mississippi Motor Vehicle Title Law. Said inquiry shall
112 provide the description of the vehicle including the vehicle
113 identification number. Upon request of the State Tax Commission,
114 satisfactory evidence must be furnished as to abandonment in
115 compliance with this chapter. Upon receipt of notification of the
116 foregoing, the State Tax Commission shall advise any automobile
117 dealer, wrecker service or repair service owner, * * * any person
118 on whose property such a vehicle is lawfully towed at the written
119 request of a law enforcement officer, or any attorney who
120 represents a landowner on whose private property a motor vehicle



121 is left unattended of proper titling procedures, where indicated,
122 depending upon method of disposition of the vehicle.

123 (2) Any landowner on whose private property a motor vehicle
124 is left shall be represented by an attorney for purposes of
125 inquiries and receiving information under the provision of this
126 section.

127 **SECTION 5.** Section 63-23-9, Mississippi Code of 1972, is
128 brought forward as follows:

129 63-23-9. The last-known registered owner of an abandoned
130 motor vehicle and all lienholders of record, when such information
131 is reasonably obtainable, shall be notified by registered or
132 certified mail that such vehicle will be sold pursuant to the
133 provisions of this chapter. Said notice shall give such owner and
134 lienholders the date, time and place of sale and name of the
135 person or party who has custody of such vehicle.

136 If the identity of the last registered owner cannot be
137 determined, or if the registration contains no address for the
138 owner, or if it is impossible to determine with reasonable
139 certainty the identity and addresses of all lienholders, notice by
140 three publications once each week for three consecutive weeks in a
141 newspaper of general circulation in the county where the motor
142 vehicle was abandoned shall be sufficient to meet all requirements
143 of notice pursuant to this chapter.

144 **SECTION 6.** Section 63-23-11, Mississippi Code of 1972, is
145 brought forward as follows:



146 63-23-11. Any person proving ownership or any lienholder may
147 claim subject motor vehicle at any time prior to sale by paying
148 towing, repair, storage and other necessary expenses incurred.

149 **SECTION 7.** This act shall take effect and be in force from
150 and after July 1, 2024.

