

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1622

BY: Committee

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

23 **SECTION 1.** For the purposes of this act, the following terms
24 shall have the following meanings, unless context clearly provides
25 otherwise:

26 (a) "Motor vehicle" means a vehicle which self-propels,
27 and is intended primarily for use and operation on public roads
28 and highways.

29 (b) "Nonconsensual towing" means the moving,
30 transporting or recovery of a commercial vehicle by a towing and
31 recovery service without the prior consent or authorization of the



32 owner or operator of the motor vehicle from private property
33 and/or by police-initiated towing.

34 (c) "Towing" means the moving, transporting or recovery
35 from public or private property, or from a storage facility of a
36 person's commercial motor vehicle, the moving or removing of an
37 unclaimed commercial vehicle, or the immobilization of or
38 preparation for moving or removing of the commercial motor
39 vehicle, for which a fee is charged either directly or indirectly.

40 (i) Heavy-duty towing shall be the towing of a
41 vehicle, including trailers and semitrailers, with a gross vehicle
42 rating over twenty-six thousand (26,000) pounds.

43 (ii) Medium-duty towing shall be the towing of a
44 vehicle, including trailers and semitrailers with a gross vehicle
45 rating of over fifteen thousand (15,000) pounds to twenty-six
46 thousand (26,000) pounds.

47 (d) "Towing and recovery service" means an individual
48 or business entity that provides towing and recovery services at
49 the direction of a law enforcement office or private property
50 owner in exchange for a fee or charge.

51 (e) "Law enforcement officer" means any law enforcement
52 public servant and/or State Highway Patrol Officer.

53 (f) "Tow list" means a list of approved towing
54 companies compiled, maintained and utilized by a law enforcement
55 officer or his or her designee, and as authorized by the



56 Department of Public Safety to perform police-initiated towing
57 services of disabled or abandoned commercial motor vehicles.

58 (g) "Police initiated towing" means towing of a
59 commercial motor vehicle which was authorized, requested or
60 dispatched by a law enforcement officer.

61 (h) "Vehicle immobilization device" means a mechanical
62 device that is designated or adapted to be attached to a wheel,
63 tire or other part of a parked commercial motor vehicle to
64 prohibit the vehicle's usual manner of movement or operation.

65 (i) "Per pound billing" means a method of calculating a
66 fee for towing using a formula that considers the weight of the
67 commercial motor vehicle, equipment or cargo that is the subject
68 of the towing and multiplies the weight of the vehicle, equipment
69 or cargo by a monetary amount.

70 (j) "Drop fee" means a fee that a towing and recovery
71 service charges to unhook a commercial motor vehicle from a tow
72 truck.

73 (k) "Cargo" means goods and materials transported by a
74 commercial motor vehicle as defined in 49 CFR Section 390.5,
75 including, without limitation:

- 76 (i) Pallets;
- 77 (ii) Containers;
- 78 (iii) Bracing;
- 79 (iv) Air pillows;



80 (v) Tie-down assemblies and other securement
81 systems;

82 (vi) Cradles;

83 (vii) Chocks; and

84 (viii) All other dunnage and packaging.

85 (1) "Commercial vehicle" means any self-propelled or
86 motored device designed to be used or used primarily for the
87 transportation of passengers or property, or both, and have a
88 gross vehicular weight rating of fifteen thousand (15,000) pounds
89 or more.

90 **SECTION 2.** (1) The Department of Public Safety, Public
91 Commercial Transportation Enforcement Division, shall create
92 within the department a "Commercial Vehicle Towing Advisory
93 Committee." The Commercial Vehicle Towing Advisory Committee
94 shall consist of the following members:

95 (a) The Director of the Department of Public Safety, or
96 his or her designee;

97 (b) The Director of the State Highway Patrol, or his or
98 her designee;

99 (c) Two (2) members, the President of the Mississippi
100 Towing Association, and his or her appointee, to represent the
101 towing and recovery services within the state;

102 (d) Two (2) members, appointed by the President of the
103 Mississippi Trucking Association, to represent the commercial
104 motor carriers within the state; and



105 (e) One (1) member, appointed by the Governor, to
106 represent the local police jurisdictions.

107 (2) Members of the Commercial Vehicle Towing Advisory
108 Committee shall serve for a term of two (2) years. Members may
109 serve consecutive terms. Members shall serve without
110 compensation.

111 (3) At the first meeting, the Commercial Vehicle Towing
112 Advisory Committee shall elect a chairperson from its membership
113 to serve for a term of two (2) years. A chairperson may serve
114 consecutive terms.

115 (4) The Commercial Vehicle Towing Advisory Committee shall
116 hold its first meeting no later than September 1, 2024, at a time
117 and location within the state to be determined by the Director of
118 the Department of Public Safety. Thereafter, meetings shall be
119 held on dates and at times and locations within the state and
120 selected by the chairperson in consultation with the other members
121 or by the Director of the Department of Public Safety if the most
122 recent chairperson's term has expired.

123 (5) The Commercial Vehicle Towing Advisory Committee shall
124 keep and maintain a record of all proceedings of the Commercial
125 Vehicle Towing Advisory Committee, and copies of all orders and/or
126 recommendations issued by the Commercial Vehicle Towing Advisory
127 Committee.

128 **SECTION 3.** (1) The Commercial Vehicle Towing Advisory
129 Committee shall:



130 (a) Establish regulations and standards for the
131 inclusion of a towing and recovery service on the tow list,
132 including application procedures and minimum qualification
133 requirements.

134 (b) Establish statewide maximum towing and storage
135 rates for nonconsensual tows, including those for private
136 property. The established maximum rates shall include maximum
137 rates for administrative fees.

138 (i) A towing and recovery service may charge less
139 than, but may not charge more than the approved statewide rates.

140 (ii) The towing and recovery service shall not
141 charge or retain any fees not indicated by the committee for the
142 maximum rates for towing and storage of a commercial motor vehicle
143 after the nonconsensual tow from private property.

144 (iii) The statewide maximum towing and storage
145 rates for nonconsensual tows shall be reviewed annually. Market
146 fluctuations within the towing industry may be considered along
147 with current consensual towing market rates and their relationship
148 to nonconsensual towing rates.

149 (c) Require the towing and recovery service to ban the
150 use of per-pound billing for nonconsensual towing.

151 (d) Publish a Towing Service Standard Manual, with
152 rules governing the use of towing and recovery services for
153 nonconsensually towing of commercial vehicles no later than



154 January 1, 2025. At a minimum, the rules shall include the
155 following provisions:

156 (i) Establish the information required to be
157 included on any invoice associated with the towing of a commercial
158 motor vehicle, including, but not limited to, requiring that the
159 invoice be itemized;

160 (ii) Establish factors that shall be considered in
161 determining whether a charge levied by a towing and recovery
162 service is fair, equitable and reasonable;

163 (iii) Establish a process the committee shall use
164 to receive, investigate and adjudicate complaints against a towing
165 and recovery service;

166 (iv) Establish a service charge dispute resolution
167 process that includes, at minimum, provisions requiring completion
168 of a written complaint form, deadlines for initiating a complaint
169 after receiving an itemized invoice, deadlines for responding to a
170 complaint, cessation of storage fees during the complaint
171 resolution process, a hearing on the complaint and deadlines for
172 issuing a formal decision adjudicating the service charge dispute;

173 (v) Establish an appeals process for the appeal of
174 any determination of order of the committee under this subsection;

175 (vi) Establish a disciplinary procedure for
176 violations of the rules by the towing and recovery service,
177 including the suspension or removal of a towing and recovery
178 service from the tow list; and



179 (vii) Establish a process the Department of Public
180 Safety may use to suspend or remove a towing and recovery service
181 from any tow list.

182 **SECTION 4.** (1) Upon nonconsensual towing and recovery of a
183 commercial towing vehicle and movement of the commercial motor
184 vehicle to a storage facility, a towing and recovery service shall
185 allow an owner of a commercial motor vehicle or a designee of the
186 owner of the commercial motor vehicle to access the vehicle in a
187 reasonable manner as established by rules adopted by the
188 Commercial Vehicle Towing Advisory Committee. Any vehicle towed
189 nonconsensually in Mississippi must be stored in the State of
190 Mississippi.

191 (2) The towing and recovery services shall provide a
192 commercial vehicle owner or operator or owner's designee with
193 reasonable access to the vehicle so that the vehicle owner and
194 operator or the owner's designee may access and collect any
195 personal property contained in the vehicle, regardless of whether
196 any payment has been made for the towing and recovery service
197 charges.

198 (3) If there is no dispute as to the charges assessed by the
199 towing and recovery service for the nonconsensual towing of the
200 commercial motor vehicle, the vehicle owner or operator or the
201 owner's designee shall pay the towing service invoice and the
202 towing and recovery service shall release the vehicle immediately.



203 **SECTION 5.** In authorizing a towing and recovery service to
204 perform towing services, any law enforcement officer may utilize
205 the services of a tow list, provided:

206 (a) They are under no obligation to include or retain
207 the services of any towing and recovery service in any contract or
208 agreement with respect to any tow list established pursuant to
209 this subsection. A towing and recovery service is subject to
210 removal from a towing list at any time; and

211 (b) An owner or operator of a commercial motor vehicle
212 may request a specific towing and recovery service and that
213 request shall be honored by the law enforcement officer unless the
214 requested towing and recovery service cannot perform the requested
215 towing and recovery service or does not respond in a reasonable
216 time, as determined by the law enforcement officer.

217 **SECTION 6.** (1) It shall be unlawful for:

218 (a) A law enforcement officer to:

219 (i) Receive compensation or receive any other
220 incentive, monetary or otherwise, to select a particular towing
221 and recovery service from the list;

222 (ii) Hold any financial interest in a towing and
223 recovery service; and

224 (iii) Recommend any towing and recovery service in
225 the performance of his or her duties.

226 (2) Any member of the Commercial Vehicle Towing Advisory
227 Committee or Department of Transportation to receive compensation



228 from a towing and recovery service for the privilege of being
229 included on the tow list.

230 (3) A towing and recovery service to pay money or other
231 valuable consideration for the privilege of nonconsensual towing
232 commercial motor vehicles.

233 (4) A towing and recovery service to employ or otherwise
234 compensate individuals, commonly referred to as "spotters," whose
235 primary task is to report the presence of unauthorized, improperly
236 or illegally parked commercial motor vehicles for the purpose of
237 towing or removal and storage.

238 (5) Nonconsensual tows for unauthorized, illegally parked
239 commercial motor vehicles on private property must be performed by
240 Mississippi-based towers. Towed vehicles must be stored within
241 the State of Mississippi.

242 **SECTION 7.** (1) Before a towing and recovery service
243 connects a commercial motor vehicle to a tow truck for a
244 nonconsensual tow, the towing and recovery service shall:

245 (a) Document the vehicle's condition and the reason for
246 the tow by:

247 (i) Taking at least four (4) photographs of the
248 vehicle, with at least one (1) photograph taken from the front,
249 one (1) photograph taken from the rear, one (1) photograph taken
250 from the driver's side and one (1) taken from the passenger's
251 side. These photographs must:



252 1. Show the entire vehicle from the required
253 angle; and

254 2. Have the vehicle fill at least
255 three-fourths (3/4) of the photograph, measured from side to side.

256 (ii) Take a photograph that shows the reason the
257 vehicle is being towed nonconsensually. The photograph must show
258 the portion of the vehicle in relation to the reason, including
259 any sign that the vehicle was towed.

260 (b) Upon demand of the owner or operator of the
261 commercial motor vehicle or the owner's designee, the Department
262 of Transportation or the Commercial Vehicle Towing Advisory
263 Committee, the towing and recovery service shall provide copies of
264 the photographs.

265 (c) A towing and recovery service's failure to produce
266 the photographs shall create a rebuttable presumption that the
267 towing and recovery service did not have the authority to tow a
268 vehicle from either a private property owner or operator or a law
269 enforcement officer.

270 (2) Have authorization to nonconsensually tow a commercial
271 motor vehicle. Authorization shall be found if:

272 (a) A law enforcement officer requests a
273 police-initiated tow and requests that a towing and recovery
274 service from the tow list provide towing.



275 (b) The towing and recovery service has received
276 permission to tow the commercial motor vehicle from the owner of
277 the private property.

278 A towing service shall not tow a commercial motor vehicle
279 from private property without the owner or operator of the private
280 property giving the tower service written permission.

281 (c) In order for the towing and recovery service to
282 conduct a nonconsensual tow, the private property owner must have
283 posted signage visible and facing the driver at each entryway into
284 the property stating that vehicles parked on the property without
285 authorization or inappropriately or illegally parked are subject
286 to being towed. The sign must also contain the international
287 towing symbol no smaller than four (4) inches by four (4) inches
288 and be permanently mounted in a position that is no lower than
289 five (5) feet and no higher than eight (8) feet.

290 (3) The towing and recovery service shall not assess a drop
291 fee to release the commercial motor vehicle after the vehicle is
292 hooked up to the tow truck but before the vehicle is removed from
293 the private property.

294 **SECTION 8.** A towing and recovery service shall not use
295 vehicle immobilization devices except under the direction of law
296 enforcement.

297 **SECTION 9.** This act shall take effect and be in force from
298 and after July 1, 2024, and shall stand repealed on July 1, 2029.



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

1 AN ACT TO PROVIDE FOR THE REGULATION OF NONCONSENSUAL TOWING
2 AND CHARGES FOR COMMERCIAL MOTOR VEHICLES; TO CREATE THE
3 COMMERCIAL VEHICLE TOWING ADVISORY COMMITTEE; TO ESTABLISH
4 REGULATIONS FOR TOWING AND RECOVERY SERVICE PROVIDERS; TO
5 ESTABLISH A RESOLUTION PROCESS FOR COMMERCIAL MOTOR VEHICLE OWNERS
6 WHO DISPUTE THE AMOUNT OF TOWING AND RECOVERY FEES AND CHARGES; TO
7 REQUIRE THE COMMERCIAL VEHICLE TOWING ADVISORY COMMITTEE TO
8 PROVIDE TOWING RATES BASED ON CERTAIN STANDARDS; TO PROVIDE FOR
9 DISCIPLINARY ACTION AGAINST TOWING AND RECOVERY SERVICE PROVIDERS
10 FOR VIOLATIONS; TO REQUIRE TOWING AND RECOVERY SERVICES THAT HAVE
11 PERFORMED A NONCONSENSUAL TOW TO STORE THE VEHICLE IN MISSISSIPPI
12 AND ALLOW THE VEHICLE OWNER REASONABLE ACCESS TO THE COMMERCIAL
13 VEHICLE TO COLLECT PERSONAL PROPERTY; TO PROVIDE HOW A POLICE
14 OFFICER MAY UTILIZE A TOW LIST; TO PROVIDE THAT MEMBERS OF THE
15 COMMITTEE MAY NOT RECEIVE A BENEFIT FOR PLACING TOWING AND
16 RECOVERY COMPANIES ON THE TOW LIST; TO PROVIDE PROCEDURES FOR WHAT
17 A TOWING AND RECOVERY SERVICE MUST DO BEFORE PERFORMING A
18 NONCONSENSUAL TOW; TO REQUIRE PRIVATE PROPERTY OWNERS TO DISPLAY
19 SIGNAGE WARNING VEHICLE OPERATORS OF THE POTENTIAL OF BEING TOWED;
20 TO PROHIBIT THE USE OF VEHICLE IMMOBILIZATION DEVICES, EXCEPT WHEN
21 DIRECTED BY LAW ENFORCEMENT; AND FOR RELATED PURPOSES.

