

By: Representative Johnson

To: Judiciary A

HOUSE BILL NO. 641

1 AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A TOWING COMPANY TO NOTIFY THE OWNER AND LIENHOLDER OF
3 A VEHICLE OF THE AMOUNT DUE FOR TOWING AND STORAGE BY THE MOST
4 IMMEDIATE MEANS OF CONTACT AVAILABLE WITHIN FIVE BUSINESS DAYS OF
5 THE INITIAL TOW; TO PRECLUDE A TOWING COMPANY FAILING TO TIMELY
6 COMPLY WITH THE NOTICE REQUIREMENTS FROM COLLECTING TOWING AND
7 STORAGE CHARGES UNLESS A GOOD FAITH EFFORT TO IDENTIFY AND CONTACT
8 THE OWNER IS DEMONSTRATED; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 85-7-251, Mississippi Code of 1972, is
11 amended as follows:

12 85-7-251. (1) The owner of a motor vehicle that has been
13 towed at his request or at the direction of a law enforcement
14 officer, or towed upon request of a real property owner upon whose
15 property a vehicle has been left without permission of the real
16 property owner, shall be liable for the reasonable price of towing
17 and storage of such vehicle; and the towing company to whom the
18 price of such labor and storage costs may be due shall have the
19 right to retain possession of such motor vehicle until the price
20 is paid.



21 (2) Within twenty-four (24) hours, the towing company shall
22 report to the local law enforcement agency having jurisdiction any
23 vehicle that has been towed unless the vehicle was towed at the
24 request of the owner of the vehicle. If the owner of a towed
25 vehicle has not contacted the towing company * * *, the towing
26 company shall obtain from the appropriate authority the
27 names * * *, addresses, phone numbers, email addresses and other
28 available contact information of any owner and lienholder. If the
29 information from the appropriate authority fails to disclose the
30 owner or lienholder, a good faith effort shall be made by the
31 towing company to locate ownership, including a check for tag
32 information, inspection sticker, or any papers in the vehicle that
33 may indicate ownership. Upon location of the owner and
34 lienholder, the towing company shall notify them of the amount due
35 for towing and storage, using the most immediate means of contact
36 available, no later than five (5) business days following the
37 initial tow and by registered mail * * * postmarked no later than
38 the * * * fifth business day following the initial tow. If such
39 amount shall not be paid within thirty (30) days from the initial
40 tow, the towing company to whom such charges are payable shall
41 notify by certified mail any legal owner and holder of any lien,
42 as disclosed by the motor vehicle title records or other
43 investigation, of notice of sale of the property. If such
44 property has not been redeemed within ten (10) days after the
45 mailing of the certified letter, the towing company may commence

46 sale of the property at public auction. The towing company shall
47 publish for two (2) consecutive weeks a notice of sale in the
48 newspaper having circulation in the county where the vehicle was
49 initially towed. The proceeds of the sale of such property in
50 excess of the amount needed to pay the towing, reasonable storage
51 and necessary expenses of the procedures required by this section
52 shall be held by the towing company for a period of six (6)
53 months, and, if not reclaimed by the owner thereof within such
54 time, shall become the property of the county and be paid to the
55 chancery clerk of the county in which the sale was held to be
56 deposited into the county general fund, subject, however, to any
57 rights of the recorded lienholder.

58 (3) The failure of the towing company * * * to timely comply
59 with the notice requirements prescribed under subsection (2) of
60 this section shall preclude the imposition of any storage charges
61 or towing charges against the towed vehicle unless the towing
62 company demonstrates that a good faith effort was made, but
63 unsuccessful, to identify and contact the vehicle owner and
64 lienholder.

65 (4) Every towing company shall maintain accurate records for
66 a period of three (3) years, which records shall identify the
67 vehicles it has towed and stored and all procedures that it has
68 taken to comply with the provisions of this chapter.

69 **SECTION 2.** This act shall take effect and be in force from
70 and after July 1, 2025.

