

By: Senator(s) England

To: Judiciary, Division A

SENATE BILL NO. 2462

1 AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE NOTICE REQUIREMENT REQUIRED TO BE GIVEN BY TOWING
3 COMPANIES TO AN OWNER OR LIENHOLDER OF A TOWED VEHICLE; TO
4 AUTHORIZE A CIVIL PENALTY IMPOSED BY THE DEPARTMENT OF INSURANCE
5 FOR FAILURE TO MAKE A GOOD FAITH EFFORT TO COMPLY WITH THE
6 REQUIREMENTS OF THIS SECTION; AND FOR RELATED PURPOSES.

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

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

10 85-7-251. (1) The owner of a motor vehicle that has been
11 towed at his request or at the direction of a law enforcement
12 officer, or towed upon request of a real property owner upon whose
13 property a vehicle has been left without permission of the real
14 property owner, shall be liable for the reasonable price of towing
15 and storage of such vehicle; and the towing company to whom the
16 price of such labor and storage costs may be due shall have the
17 right to retain possession of such motor vehicle until the price
18 is paid.

19 (2) Within twenty-four (24) hours, the towing company shall
20 report to the local law enforcement agency having jurisdiction any



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



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

53 (3) The failure to make a good faith effort to comply with
54 the requirements of this section shall preclude the imposition of
55 any storage charges or towing charges against the towed vehicle
56 and subject the towing company to a civil penalty imposed by the
57 Department of Insurance of One Thousand Dollars (\$1000.00) for the
58 first occurrence and Two Thousand Dollars (\$2000.00) for the
59 second and subsequent offenses.

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

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

