

By: Representative Smith (39th)

To: Insurance

HOUSE BILL NO. 307

1 AN ACT TO AMEND SECTION 83-11-301, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE INSURER OF A MOTOR VEHICLE OF THE PARTY AT  
3 FAULT IN A MOTOR VEHICLE ACCIDENT SHALL BE RESPONSIBLE FOR PAYING  
4 CERTAIN EXPENSES, INCLUDING TOWING AND STORAGE CHARGES, INCURRED  
5 BY THE OTHER INNOCENT PARTY AS A RESULT OF THE ACCIDENT; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 83-11-301, Mississippi Code of 1972, is  
9 amended as follows:

10 83-11-301. (1) An automobile insurance policy shall not be  
11 construed to allow an insurer to assume or accede to the legal  
12 title of a motor vehicle without assuming credit obligations of  
13 the insured owner of the motor vehicle for reasonable and  
14 customary charges for towing and storage services associated with  
15 the incident from which the insurance coverage arises.

16 (2) An insurer which has succeeded to the title of a motor  
17 vehicle is not authorized to abandon such vehicle to a towing or  
18 storage service without consent of the provider of such service.

19 (3) (a) A debt incurred by or on behalf of a named insured  
20 for towing or storage services may be collected from an insurer  
21 which succeeds to the legal title of the motor vehicle covered  
22 under the policy for physical damage, property damage or uninsured  
23 motorist coverage.

24 (b) An insurer may be authorized by the provisions of  
25 an automobile insurance policy to act for a named insured in any  
26 matter regarding the towing and storage of a covered disabled  
27 vehicle.

28 (4) An insurer of the motor vehicle of the party that is  
29 determined to be at fault in a motor vehicle accident is liable



30 for all expenses of the other innocent party, including, but not  
31 limited to, reasonable and customary charges for towing and  
32 storage services and attorney's fees associated with the incident  
33 from which the insurance coverage arises.

34       **SECTION 2.** This act shall take effect and be in force from  
35 and after July 1, 2003.

