

By: Senator(s) Ross

To: Finance

SENATE BILL NO. 2823

1 AN ACT TO AMEND SECTION 85-7-107, MISSISSIPPI CODE OF 1972,  
2 TO DELETE THE REQUIREMENT THAT A MOTOR VEHICLE BE TITLED IN  
3 MISSISSIPPI IN ORDER FOR THE PRICE OF LABOR AND MATERIALS TO  
4 CONSTITUTE A LIEN ON THE MOTOR VEHICLE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 85-7-107, Mississippi Code of 1972, is  
7 amended as follows:

8 85-7-107. All motor vehicles \* \* \* repaired for any person,  
9 and at his instance, shall be liable for the price of the labor  
10 and material employed in constructing, manufacturing or repairing  
11 the same; and the mechanic to whom the price of said labor and  
12 material may be due shall have the right to retain possession of  
13 such motor vehicles so repaired until the price be paid. If such  
14 price shall not be paid within thirty (30) days, and the person to  
15 whom such charges are payable and owing intends to commence suit  
16 as provided in this section, such person shall notify, by  
17 certified mail, the legal owner and the holder of any lien of the  
18 amount of charges due thereon and provide an opportunity for  
19 redemption. If such property has not been redeemed within five  
20 (5) days after the mailing of such certified letter, the person to  
21 whom such charges are payable and owing may commence suit in any  
22 court of competent jurisdiction, and upon proof of the value of  
23 the labor and materials employed in such repairs, manufacture or  
24 construction, and that such labor and materials furnished were  
25 reasonably necessary to prevent deterioration, permit operation  
26 and preserve the property, shall be entitled to judgment against  
27 the party for whom such labor was done or materials furnished,  
28 with costs, as in other cases, and to a special order for the sale

29 of the property retained in his possession for the payment  
30 thereof, with costs, and to an execution, as in other cases, for  
31 the residue of what remains unpaid after sale of the property.  
32 The proceeds of the sale of such property in excess of the amount  
33 needed to pay the judgment and necessary expenses of the procedure  
34 required by this section shall be held by the person for a period  
35 of six (6) months, and if not reclaimed by the owner thereof  
36 within that time shall become the property of the county and be  
37 paid over to the chancery clerk of the county in which the sale  
38 was held to be deposited into the county general fund, subject  
39 however to any rights of recorded lienholders.

40       **SECTION 2.** This act shall take effect and be in force from  
41 and after July 1, 2005.