

By: Senator(s) Branning

To: Highways and  
Transportation

SENATE BILL NO. 2635  
(As Sent to Governor)

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.

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

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

43           (e) 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           (f) "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 officer or private property  
50 owner in exchange for a fee or charge.



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

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

61 (j) "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 (k) "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 (l) "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 (m) "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 (n) "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 Commissioner of the Mississippi Department of  
96 Public Safety, or his or her designee;

97 (b) The Director of the Mississippi Highway Patrol  
98 (Assistant Commissioner of the Mississippi Department of Public  
99 Safety), or his or her designee;



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

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

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

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

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

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



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

130 **SECTION 3.** (1) The Commercial Vehicle Towing Advisory  
131 Committee shall:

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

136 (b) Establish statewide maximum towing and storage  
137 rates for nonconsensual tows, including those for private  
138 property. The established maximum rates shall include maximum  
139 rates for administrative fees, provided as follows:

140 (i) A towing and recovery service may charge less  
141 than, but may not charge more than the approved statewide rates;

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

146 (iii) The statewide maximum towing and storage  
147 rates for nonconsensual tows shall be reviewed annually. Market  
148 fluctuations within the towing industry may be considered along



149 with current consensual towing market rates and their relationship  
150 to nonconsensual towing rates;

151 (c) Require the towing and recovery service to ban the  
152 use of per-pound billing for nonconsensual towing;

153 (d) Publish a Towing Service Standard Manual, with  
154 rules governing the use of towing and recovery services for  
155 nonconsensually towing of commercial vehicles no later than  
156 January 1, 2025. At a minimum, the rules shall include the  
157 following provisions to:

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

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

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

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



174 deadlines for issuing a formal decision adjudicating the service  
175 charge dispute;

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

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

182 (vii) Establish a process that the Department of  
183 Public Safety may use to suspend or remove a towing and recovery  
184 service from any tow list.

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

194 (2) The towing and recovery services shall provide a  
195 commercial vehicle owner or operator or owner's designee with  
196 reasonable access to the vehicle so that the vehicle owner and  
197 operator or the owner's designee may access and collect any  
198 personal property contained in the vehicle, regardless of whether





199 any payment has been made for the towing and recovery service  
200 charges.

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

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

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

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

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

221 (a) A law enforcement officer to:



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

225 (ii) Hold any financial interest in a towing and  
226 recovery service; and

227 (iii) Recommend any towing and recovery service in  
228 the performance of his or her duties;

229 (b) Any member of the Commercial Vehicle Towing  
230 Advisory Committee or Department of Transportation to receive  
231 compensation from a towing and recovery service for the privilege  
232 of being included on the tow list;

233 (c) A towing and recovery service to pay money or other  
234 valuable consideration for the privilege of nonconsensual towing  
235 commercial motor vehicles;

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

241 (2) Nonconsensual tows for unauthorized, illegally parked  
242 commercial motor vehicles on private property must be performed by  
243 Mississippi-based towers. Towed vehicles must be stored within  
244 the State of Mississippi.

245 **SECTION 7.** (1) (a) Before a towing and recovery service  
246 connects a commercial motor vehicle to a tow truck for a



247 nonconsensual tow, the towing and recovery service shall document  
248 the vehicle's condition and the reason for the tow by:

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

254 1. Show the entire vehicle from the required  
255 angle; and

256 2. Have the vehicle fill at least  
257 three-fourths (3/4) of the photograph, measured from side to side;  
258 and

259 (ii) Taking a photograph that shows the reason the  
260 vehicle is being towed nonconsensually. The photograph must show  
261 the portion of the vehicle in relation to the reason, including  
262 any sign that the vehicle was towed.

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

268 (c) A towing and recovery service's failure to produce  
269 the photographs shall create a rebuttable presumption that the  
270 towing and recovery service did not have the authority to tow a



271 vehicle from either a private property owner or operator or a law  
272 enforcement officer.

273 (2) Before a towing and recovery service connects a  
274 commercial motor vehicle to a tow truck for a nonconsensual tow,  
275 the towing and recovery service shall have authorization to  
276 nonconsensually tow a commercial motor vehicle. Authorization  
277 shall be found if:

278 (a) A law enforcement officer requests a  
279 police-initiated tow and requests that a towing and recovery  
280 service from the tow list provide towing; or

281 (b) The towing and recovery service has received  
282 permission to tow the commercial motor vehicle from the owner of  
283 the private property.

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

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



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

300 **SECTION 8.** A towing and recovery service shall not use  
301 vehicle immobilization devices except under the direction of law  
302 enforcement.

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

