

HOUSE No. 1788

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to lien holder notices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6B of Chapter 159B of the General Laws, as appearing
2 in the 1996 Official Edition as amended, is hereby further amended by adding
3 thereto the following:-

4 At the time any motor vehicle voluntarily or involuntarily recovered,
5 towed, transported and stored, as above described is so placed, the officer or
6 person placing it shall furnish the owner or operator of such garage the name
7 and address of the registered owner of said motor vehicle. Such information
8 shall be furnished by providing the owner or operator of the garage with a
9 copy of the registry of motor vehicles' teletype containing information
10 adduced from the vehicle identification number and plate number, if any. If any
11 information is not then available, said officer or person shall obtain such

12 information as early as possible and notify the owner and operator as set
13 forth above.

14 Within five days of receipt of such information, the owner or operator of
15 the garage shall notify the registered owner of the motor vehicle by certified
16 mail, return receipt requested, that such motor vehicle has been placed in his
17 care as provided by this section, and shall inform said registered owner of the
18 recovery, transportation and storage rates therefor, and shall inquire if he is
19 to continue to hold the motor vehicle subject to storage rates.

20 If said registered owner of said motor vehicle assents to the continued
21 storage of such motor vehicle, the owner of the garage shall continue to hold
22 said motor vehicle in storage.

23 If said registered owner fails to answer said notice or to remove said
24 vehicle after paying the recovery, transportation and storage charges therefor
25 within fourteen days after receipt thereof, the motor vehicle shall continue to
26 be stored at the prevailing rates and the owner or operator of the garage shall
27 notify the lienholder of said motor vehicle by certified mail, return receipt
28 requested, furnishing information regarding the location of said vehicle and

29 the recovery, transportation and storage charges therefor.

30 The garage or carrier or storage facility shall have a possessory lien
31 on said motor vehicle for its charges for recovery, transportation and storage
32 of said vehicle.

33 If, after the expiration of twenty-one days from the date when the
34 vehicle was brought to the garage or placed in the care of the owner of said
35 garage, the owner or lienholder of the motor vehicle has not claimed said
36 vehicle, the owner of the garage may give notice to the owner and lienholder
37 by certified mail his known place of abode stating the amount of the storage
38 charges and informing them that if the vehicle is not claimed within ten days,
39 the vehicle will be sold. If the owner or lienholder does not claim the vehicle
40 within said ten days, the owner of the garage may sell said motor vehicle at
41 public or private sale after publishing notice of said sale three times in a
42 newspaper published or having circulation in the city or town in which the
43 property is located with the third notice at least five days prior to such
44 sale that the vehicle is to be sold. Upon such sale, the owner of the garage
45 may deduct from the proceeds of such sale his charges for recovery,

46 transportation and storage of said motor vehicle, and the costs of sending
47 notices and of holding the sale, and shall furnish the registered owner and
48 lienholder of such motor vehicle a statement of the amount received at such
49 sale, together with the amount of his charges and costs, and the balance, if
50 any. If the owner of the garage knows the address of the registered owner or
51 lienholder of said motor vehicle, she shall pay such balance first to the
52 lienholder, if none, then to the registered owner. If neither address is known,
53 he shall deposit the same with the clerk of the said balance in a bank in the
54 name of the justice of the district court in trust for said owner of the motor
55 vehicle.

56 SECTION 2. Section 39A of chapter 255 of the General Laws, as appearing
57 in the 1996 Official Edition, is hereby amended by striking out all of the
58 sections after the first sentence ending in line 8 and inserting thereof the
59 following sentence:-

60 "Provisions for notification of owners and lienholders of such vehicles,
61 and for lien thereon and disposition thereof by sale shall be the same as
62 those contained in G.L. c. 159B, section 6B."

63 SECTION 3. Section 29 of chapter 266 of the General Laws, as appearing
64 in the 1996 Official Edition, is hereby amended by striking out lines 6-52 and
65 inserting in place thereof the following:-

66 "Whenever a stolen or misappropriated motor vehicle is recovered by a
67 police officer or other law enforcement officer, the police department shall
68 notify the registry of motor vehicles. Provisions for notification of owners
69 and lienholders of such vehicles and for lien thereon and disposition thereof
70 by sale shall be the same as those contained in G.L. c. 159B, section 6B."