

HOUSE No. 1675

The Commonwealth of Massachusetts

PRESENTED BY:

Donald H. Wong

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to towing and storage of a motor vehicle.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>1/15/2015</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/2/2015</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>	<i>1/26/2015</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/26/2015</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/30/2015</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/4/2015</i>

HOUSE No. 1675

By Mr. Wong of Saugus, a petition (accompanied by bill, House, No. 1675) of Donald H. Wong and others relative to the towing and storage of motor vehicles. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to towing and storage of a motor vehicle.

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 39A of chapter 255 of the General Laws, as appearing in the 2014
2 Official 1 Edition is hereby amended by inserting, in line 6 after “said motor vehicle” the
3 following: 2

4 3

5 and the name and address of all lienholders of the motor vehicle 4

6 5

7 SECTION 2. Said section 39A is further amended by inserting, after the second
8 paragraph, the 6 following paragraphs:- 7

9 8

10 The owner of the garage shall mail by certified mail, return receipt requested, a notice to
11 every 9 lienholder of such motor vehicle within 14 days of the first day of storage of the motor

12 vehicle. 10 Such notice shall include the name of the garage owner, the amount being claimed
13 for such 11 storage, the address where the vehicle is being stored, and the times at which the
14 motor vehicle 12 may be recovered. 13

15 14

16 If the owner of the garage fails to provide notice to the lienholders as described above,
17 the owner 15 of the garage's lien shall not exceed 14 days of storage charges at the statutory rate,
18 and the sale 16 remedies available in this statute shall not be available to the owner of the garage.

19 17

20 18

21 SECTION 3. Said section 39A is further amended by inserting, in line 20 after "assents"
22 the 19 following words, "in writing". 20

23 21

24 SECTION 4. Said section 39A is further amended by inserting, after the last paragraph,
25 the 22 following paragraph:- 23

26 24

27 The garage owner must exercise due care to prevent negligent acts while the motor
28 vehicle is in 25 the garage owner's possession. 26

29 27

30 SECTION 5. Section 25 of chapter 255 of the General Laws, as so appearing, is hereby
31 amended 28 by inserting the following paragraph after the first paragraph:- 29

32

30

33 If a motor vehicle remains in the care of a person maintaining a public garage for more
34 than 14 31 days of storage or more than 14 days after work is complete, the person maintaining
35 the public 32 garage shall mail by certified mail, return receipt requested, a notice to every
36 lienholder listed on 33 the vehicle's registration. Such notice shall include the name of the person
37 or entity providing 34 storage of the motor vehicle, the amount being claimed for such storage,
38 and the address where 35 the vehicle is stored and the times at which the motor vehicle may be
39 recovered. Such notice 36 shall be mailed no later than the 21 days from the first day of storage
40 of the motor vehicle or the 37 first day after the work is complete on the motor vehicle. Such
41 notice shall be a prerequisite to 38 the enforcement procedures provided in section 26. 39