HOUSE DOCKET, NO. 1622 FILED ON: 1/19/2017

HOUSE . . . . . No. 995

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:
Donald H. Wong	*9th Essex*	*1/19/2017*

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HOUSE . . . . . No. 995

By Mr. Wong of Saugus, a petition (accompanied by bill, House, No. 995) of Donald H. Wong relative to the towing and storage of motor vehicles. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1675* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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:

SECTION 1. Section 39A of chapter 255 of the General Laws, as appearing in the 2014 Official 1 Edition is hereby amended by inserting, in line 6 after "said motor vehicle" the following: and the name and address of all lienholders of the motor vehicle.

SECTION 2. Said section 39A is further amended by inserting, after the second paragraph, the following paragraphs;

The owner of the garage shall mail by certified mail, return receipt requested, a notice to every lienholder of such motor vehicle within 14 days of the first day of storage of the motor vehicle. Such notice shall include the name of the garage owner, the amount being claimed for such storage, the address where the vehicle is being stored, and the times at which the motor vehicle may be recovered.

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

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

SECTION 4. Said section 39A is further amended by inserting, after the last paragraph, the following paragraph:

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

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

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