HOUSE DOCKET, NO. 3259 FILED ON: 1/20/2023

HOUSE . . . . . No. 370

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 notifying automobile lien holders of certain towing and storage costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Paul McMurtry	*11th Norfolk*	*1/20/2023*

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HOUSE . . . . . No. 370

By Representative McMurtry of Dedham, a petition (accompanied by bill, House, No. 370) of Paul McMurtry relative to notifying automobile lien holders of certain towing and storage costs. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *435* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to notifying automobile lien holders of certain towing and storage costs.

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 6B of chapter 159B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 28 and 29, the words “section thirty-nine A of chapter two hundred and fifty-five” and inserting in place thereof the following words:- "this section."

SECTION 2. Said section 6B of said chapter 159B, as so appearing, is hereby further amended by adding the following 2 paragraphs: - "

The owner or operator of a motor vehicle storage facility to which a motor vehicle is involuntarily recovered, towed, transported and stored, pursuant to this section shall use the vehicle identification number or plate number to identify the registered owner and any lienholder

of the motor vehicle through the registry of motor vehicles motor vehicle database system. The owner or operator of a motor vehicle storage facility shall within 5 business days of storing such vehicle notify the registered owner of the motor vehicle and any lienholder by certified mail, return receipt requested, that such motor vehicle has been placed in his care as provided by this section, and shall inform the registered owner and any lienholder of the recovery, transportation and storage rates therefor, and shall inquire if he is to continue to hold the motor vehicle subject to the storage rates. If the registered owner of the motor vehicle assents to the continued storage, the owner of the motor vehicle storage facility shall continue to hold said motor vehicle in storage: ; provided, however that if the lienholder pays the current charges for recovery, transportation and storage rates to the owner or operator of the motor vehicle storage facility, the vehicle shall be released to the lienholder. ..

If: (1) the registered owner of a motor vehicle fails to answer the notice within 14 days of the receipt thereof; (2) the registered owner of a motor vehicle fails to remove the motor vehicle after paying the recovery, transportation and storage charges therefor within fourteen days after such payment; or (3) the certified mail notice was returned as undeliverable at least 3 days prior, the motor vehicle shall continue to be stored at the prevailing rates and the owner or operator of the motor vehicle storage facility shall notify again any lienholder of the motor vehicle by certified mail, return receipt requested, that the motor vehicle has been placed in his care as provided by this section and shall inform the lienholder of the recovery, transportation and storage charges therefor. If, after the expiration of 30 days from the date when the vehicle was brought to the motor vehicle storage facility or placed in the care of the owner or operator of said facility, the owner or lienholder of the motor vehicle has not claimed the motor vehicle, the owner or operator of the motor vehicle storage facility shall give notice to the owner and

lienholder of the motor vehicle by certified mail, his known place of abode, stating the amount of the storage charges and informing them that if the vehicle is not claimed within 14 days, the vehicle will be sold. If the owner or lienholder does not claim the vehicle within said 14 days, the owner of the motor vehicle storage facility may sell said motor vehicle at public or private sale after publishing notice of said sale 3 times in a newspaper published or having circulation in the city or town in which the property is located with the third notice published at least 5 days prior to the date of the sale. Upon such sale, the owner of the motor vehicle storage facility may deduct from the proceeds of the sale all charges for recovery, transportation and storage of said motor vehicle, the costs of sending notices, and the costs of holding the sale. The owner or operator of the motor vehicle storage facility shall furnish the registered owner and lienholder of the motor vehicle a statement of the amount received at the sale, together with the amount of his all charges and costs, and the balance of the proceeds of the sale, if any. If the owner or operator of the motor vehicle storage facility knows the address of the registered owner or lienholder of the motor vehicle, he shall pay the balance first to any lienholder, and then to the registered owner. If neither address is known, the owner or operator shall deposit the same with the clerk of the district court wherein the property is located. The clerk shall give the owner or operator a receipt for the deposit and shall deposit the same in a savings bank in the name of the justice of the district court to be held in trust for the owner and any lienholder of the motor vehicle.

Nothing in this section shall be construed to affect the rights or responsibilities of any registered owner of a motor vehicle or lienholder as they relate to the possession, repossession, or other property interest in a motor vehicle.

SECTION 3. Chapter 255 of the General Laws is hereby amended by striking out section 39A and inserting in place thereof the following section:-

Section 39A. Any motor vehicle removed from the scene of an accident and placed for storage in the care of a garage, which in this section shall also include a parking lot or other place for the storage of motor vehicles, by a member of the state police force, by a member of the metropolitan district police, by a member of the police force of any city or town or by any inspector, supervisor, investigator, examiner or instructor appointed by the registrar of motor vehicles under section 29 of chapter 90, shall be so stored at the prevailing rates.

The registered owner and lienholder of a motor vehicle stored pursuant to this section shall be notified, and the motor vehicle may be disposed of by sale, pursuant to the sixth and seventh paragraphs of section 6B of chapter 159B.

SECTION 4. Section 29 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking the second paragraph and inserting in place thereof the following paragraph:- "

Whenever a stolen or misappropriated motor vehicle is recovered by a police officer or other law enforcement officer, the police department shall notify the registry of motor vehicles. In the event the vehicle is placed in a garage or other motor vehicle storage facility, the owner the garage or facility shall notify the registered owner and any lienholder of such vehicle, and may dispose of the vehicle by sale, pursuant to the sixth and seventh paragraphs of section 6B of chapter 159B.