HOUSE . . . . . No. 4981

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 28, 2026.

The committee on Consumer Protection and Professional Licensure, to whom were referred the petition (accompanied by bill, House, No. 354) of Mark J. Cusack relative to notifying automobile lien holders of certain towing and storage costs; and the petition (accompanied by bill, House, No. 441) of Paul McMurtry relative to notifying automobile lien holders of certain towing and storage costs, reports recommending that the accompanying bill (House, No. 4981) ought to pass.

For the committee,

TACKEY CHAN.

FILED ON: 1/9/2026

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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. Chapter 255 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out section 39A and inserting in place thereof the following section:-

Section 39A. Any motor vehicle involuntarily towed 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. At the time such motor vehicle is so placed the officer or person placing it shall furnish the owner or operator of such garage the name and address of the registered owner and lienholder, if any, of said motor vehicle; and if such information is not then available, said officer or person shall obtain such information and within seven days notify in writing the said owner or operator.

Upon receipt of such information the owner of the garage shall notify the registered owner and lienholder, if any, of the motor vehicle by registered mail, return receipt requested, that such motor vehicle has been placed in his care as provided by this section, and shall inform him of the storage rates therefor, and shall inquire if he is to continue to hold the motor vehicle subject to such storage rates.

If the registered owner of the motor vehicle assents to the continued storage of such motor vehicle, the owner of the garage shall continue to hold said motor vehicle in storage and shall have a lien thereon, as provided in section 25.

If the registered owner or the lienholder, if any, of the motor vehicle fails to answer said notice within twenty-one days after receipt thereof, the motor vehicle shall continue to be stored at the prevailing rates.

If, after the expiration of sixty days from the date when the vehicle was brought to the garage or placed in the care of the owner of said garage, the registered owner of the motor vehicle or the lienholder, if any, has not claimed said vehicle, the owner of the garage may give notice to the registered owner or the lienholder, if any, by registered mail at his last known address of record stating the amount of the storage charges and informing him that if the vehicle is not claimed within twenty-one days the vehicle will be sold. If the registered owner or the lienholder, if any, does not claim the vehicle within said twenty-one days, the owner of the garage may sell said motor vehicle at public or private sale after publishing notice of such sale for three successive weeks in a newspaper published or having a circulation in the city or town in which the motor vehicle is located; provided that he shall notify the chief of police in the city or

town in which the garage is located at least five days prior to such sale that the vehicle is to be sold.

Upon such sale the owner of the garage may deduct therefrom his charges and the costs of sending notices and of holding the sale, and shall furnish the registered owner and lienholder, if any, of such motor vehicle a statement of the amount received at such sale, together with the amount of his charges and costs, and the balance, if any. The owner of the garage shall deposit the same with the clerk of the district court who shall give him a receipt therefor and deposit said balance in a savings bank in the name of the justice of the district court in trust for said registered owner or lienholder, if any, of the motor vehicle.