

HOUSE No. 3590

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:

Paul McMurtry

DISTRICT/ADDRESS:

11th Norfolk

HOUSE No. 3590

By Mr. McMurtry of Dedham, a petition (subject to Joint Rule 12) of Paul McMurtry relative to notifying automobile lien holders of certain towing and storage costs. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

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:

1 SECTION 1. Section 6B of chapter 159B of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out, in lines 28 and 29, the words “section thirty-
3 nine A of chapter two hundred and fifty-five” and inserting in place thereof the following
4 words:- "this section."

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

7 The owner or operator of a motor vehicle storage facility to which a motor vehicle is
8 involuntarily recovered, towed, transported and stored, pursuant to this section shall use the
9 vehicle identification number or plate number to identify the registered owner and any lienholder
10 of the motor vehicle through the registry of motor vehicles motor vehicle database system. The
11 owner or operator of a motor vehicle storage facility shall within 5 business days of storing such
12 vehicle notify the registered owner of the motor vehicle and any lienholder by certified mail,

13 return receipt requested, that such motor vehicle has been placed in his care as provided by this
14 section, and shall inform the registered owner and any lienholder of the recovery, transportation
15 and storage rates therefor, and shall inquire if he is to continue to hold the motor vehicle subject
16 to the storage rates. If the registered owner of the motor vehicle assents to the continued storage,
17 the owner of the motor vehicle storage facility shall continue to hold said motor vehicle in
18 storage: ; provided, however that if the lienholder pays the current charges for recovery,
19 transportation and storage rates to the owner or operator of the motor vehicle storage facility, the
20 vehicle shall be released to the lienholder. ..

21 If: (1) the registered owner of a motor vehicle fails to answer the notice within 14 days of
22 the receipt thereof; (2) the registered owner of a motor vehicle fails to remove the motor vehicle
23 after paying the recovery, transportation and storage charges therefor within fourteen days after
24 such payment; or (3) the certified mail notice was returned as undeliverable at least 3 days prior,
25 the motor vehicle shall continue to be stored at the prevailing rates and the owner or operator of
26 the motor vehicle storage facility shall notify again any lienholder of the motor vehicle by
27 certified mail, return receipt requested, that the motor vehicle has been placed in his care as
28 provided by this section and shall inform the lienholder of the recovery, transportation and
29 storage charges therefor. If, after the expiration of 30 days from the date when the vehicle was
30 brought to the motor vehicle storage facility or placed in the care of the owner or operator of said
31 facility, the owner or lienholder of the motor vehicle has not claimed the motor vehicle, the
32 owner or operator of the motor vehicle storage facility shall give notice to the owner and
33 lienholder of the motor vehicle by certified mail, his known place of abode, stating the amount of
34 the storage charges and informing them that if the vehicle is not claimed within 14 days, the
35 vehicle will be sold. If the owner or lienholder does not claim the vehicle within said 14 days, the

36 owner of the motor vehicle storage facility may sell said motor vehicle at public or private sale
37 after publishing notice of said sale 3 times in a newspaper published or having circulation in the
38 city or town in which the property is located with the third notice published at least 5 days prior
39 to the date of the sale. Upon such sale, the owner of the motor vehicle storage facility may
40 deduct from the proceeds of the sale all charges for recovery, transportation and storage of said
41 motor vehicle, the costs of sending notices, and the costs of holding the sale. The owner or
42 operator of the motor vehicle storage facility shall furnish the registered owner and lienholder of
43 the motor vehicle a statement of the amount received at the sale, together with the amount of his
44 all charges and costs, and the balance of the proceeds of the sale, if any. If the owner or operator
45 of the motor vehicle storage facility knows the address of the registered owner or lienholder of
46 the motor vehicle, he shall pay the balance first to any lienholder, and then to the registered
47 owner. If neither address is known, the owner or operator shall deposit the same with the clerk of
48 the district court wherein the property is located. The clerk shall give the owner or operator a
49 receipt for the deposit and shall deposit the same in a savings bank in the name of the justice of
50 the district court to be held in trust for the owner and any lienholder of the motor vehicle.

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

54 SECTION 3. Chapter 255 of the General Laws is hereby amended by striking out section
55 39A and inserting in place thereof the following section:-

56 Section 39A. Any motor vehicle removed from the scene of an accident and placed for
57 storage in the care of a garage, which in this section shall also include a parking lot or other place

58 for the storage of motor vehicles, by a member of the state police force, by a member of the
59 metropolitan district police, by a member of the police force of any city or town or by any
60 inspector, supervisor, investigator, examiner or instructor appointed by the registrar of motor
61 vehicles under section 29 of chapter 90, shall be so stored at the prevailing rates.

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

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

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