

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. For the purposes of this act, the following terms shall have the following meanings, unless context clearly provides otherwise:

(a) "Motor vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, has a gross vehicular weight rating less than fifteen thousand (15,000) pounds, and is intended primarily for use and operation on public roads and highways.

(b) "Nonconsensual towing" means the moving, transporting or recovery of a motor vehicle by a towing and recovery service without the prior consent or authorization of the owner or operator of the motor vehicle from private property and/or by police-initiated towing.

(c) "Towing" means the moving, transporting or recovery from public or private property, or from a storage facility of a person's motor vehicle, the moving or removing of an unclaimed motor vehicle, or the immobilization of or preparation for moving or removing of the motor vehicle, for which a fee is charged either directly or indirectly.

(d) "Towing and recovery service" means an individual or business entity that provides towing and recovery services at the direction of a law enforcement officer or private property owner in exchange for a fee or charge.

(e) "Law enforcement officer" means any law enforcement public servant and/or State Highway Patrol Officer.

(f) "Tow list" means a list of approved towing companies compiled, maintained and utilized by a law enforcement officer or his or her designee, and as authorized by the Department of Public Safety to perform police-initiated towing services of disabled or abandoned motor vehicles.

(g) "Police initiated towing" means towing of a motor vehicle which was authorized, requested or dispatched by a law enforcement officer.

(h) "Vehicle immobilization device" means a mechanical device that is designated or adapted to be attached to a wheel, tire or other part of a parked motor vehicle to prohibit the vehicle's usual manner of movement or operation.

(i) "Drop fee" means a fee that a towing and recovery service charges to unhook a motor vehicle from a tow truck.

SECTION 2. (1) The Department of Insurance shall create within the Department a "Personal Motor Vehicle Towing Advisory Committee." The Personal Motor Vehicle Towing Advisory Committee shall consist of the following members:

- (a) The Commissioner of Insurance, or his or her designee;
 - (b) The Director of the Mississippi Highway Patrol, or his or her designee;
 - (c) The President of the Mississippi Towing Association and one (1) member appointed by the President of the Mississippi Towing Association to represent the towing and recovery services within the state;
 - (d) Two (2) members, appointed by the Executive Director of the Insurance Coalition of Mississippi, to represent the property and casualty insurance industry within the state;
 - (e) One (1) member, appointed by the Governor, to represent the rental car industry within the state;
 - (f) One (1) member, appointed by the Governor, to represent the local police jurisdictions.
- (2) Members of the Personal Vehicle Towing Advisory Committee shall serve for a term of two (2) years. Members may serve consecutive terms. Members shall serve without compensation.
- (3) At the first meeting, the Personal Vehicle Towing Advisory Committee shall elect a chairperson from its membership to serve for a term of two (2) years. A chairperson may serve consecutive terms.
- (4) The Personal Vehicle Towing Advisory Committee shall hold its first meeting no later than September 1, 2026, at a time and location within the state to be determined by the Commissioner of Insurance. Thereafter, meetings shall be held on dates and at times and locations within the state and selected by the chairperson in consultation with the other members or by the Commissioner of Insurance, if the most recent chairperson's term has expired.
- (5) The Personal Vehicle Towing Advisory Committee shall keep and maintain a record of all proceedings of the Personal Vehicle Towing Advisory Committee, and copies of all orders and/or recommendations issued by the Personal Vehicle Towing Advisory Committee.

SECTION 3. (1) The Personal Vehicle Towing Advisory Committee shall:

- (a) Establish regulations and standards for the inclusion of a towing and recovery service on the tow list, including application procedures and minimum qualification requirements;
- (b) Establish statewide maximum towing and storage rates for nonconsensual tows of motor vehicles, including those from private property. The established maximum rates shall include maximum rates for administrative fees, provided as follows:

(i) A towing and recovery service may charge less than, but may not charge more than the approved statewide rates;

(ii) The towing and recovery service shall not charge or retain any fees not indicated by the committee for the maximum rates for towing and storage of a motor vehicle after the nonconsensual tow from private property; and

(iii) The statewide maximum towing and storage rates for nonconsensual tows shall be reviewed annually. Market fluctuations within the towing industry may be considered along with current consensual towing market rates and their relationship to nonconsensual towing rates;

(c) Publish a Towing Service Standard Manual, with rules governing the use of towing and recovery services for nonconsensually towing of motor vehicles no later than January 1, 2027. At a minimum, the rules shall include the following provisions to:

(i) Establish the information required to be included on any invoice associated with the towing of a motor vehicle, including, but not limited to, the requirements set forth in Section 7 of this Act;

(ii) Establish factors that shall be considered in determining whether a charge levied by a towing and recovery service is fair, equitable, and reasonable;

(iii) Establish a process the committee shall use to receive, investigate, and adjudicate complaints against a towing and recovery service;

(iv) Establish a service charge dispute resolution process that includes, at a minimum, provisions requiring completion of a written complaint form, deadlines for initiating a complaint after receiving an itemized invoice, deadlines for responding to a complaint, cessation of storage fees during the complaint resolution process, a hearing on the complaint, and deadlines for issuing a formal decision adjudicating the service charge dispute;

(v) Establish an appeals process for the appeal of any determination or order of the committee under this subsection;

(vi) Establish a disciplinary procedure for violations of the rules by the towing and recovery service, including the suspension or removal of a towing and recovery service from the tow list; and

(vii) Establish a process that the Department of Insurance may use to suspend or remove a towing and recovery service from any tow list.

SECTION 4. (1) Any vehicle towed nonconsensually in Mississippi must be stored in the State of Mississippi.

(2) Upon the nonconsensual towing and recovery of a motor vehicle and movement of the motor vehicle to a storage facility, a towing and recovery service shall allow an owner of a motor vehicle or a designee of the owner of the motor vehicle to access the vehicle in a reasonable manner as established by rules adopted by the Personal Vehicle Towing Advisory Committee. The vehicle owner and operator or the owner's designee may access and collect any personal property contained in the vehicle, regardless of whether any payment has been made for the towing and recovery service charges.

(3) If there is no dispute as to the charges assessed by the towing and recovery service for the nonconsensual towing of the motor vehicle, the vehicle owner or operator or the owner's designee shall pay the towing service invoice and the towing and recovery service shall release the vehicle immediately.

SECTION 5. In authorizing a towing and recovery service to perform towing services, any law enforcement officer may utilize the services of a tow list, provided:

(a) They are under no obligation to include or retain the services of any towing and recovery service in any contract or agreement with respect to any tow list established pursuant to this subsection. A towing and recovery service is subject to removal from a towing list at any time;

(b) An owner or operator of a motor vehicle may request a specific towing and recovery service and that request shall be honored by the law enforcement officer unless the requested towing and recovery service cannot perform the requested towing and recovery service or does not respond in a reasonable time, as determined by the law enforcement officer.

(c) Any owner and/or operator of a towing and recovery service having been convicted of a felony as defined by Sections 97-17-42 and 63-25-5 of the Mississippi Code shall not be added to a tow list.

SECTION 6. (1) It shall be unlawful for:

(a) A law enforcement officer to:

(i) Receive compensation or receive any other incentive, monetary or otherwise, to select a particular towing and recovery service from the list;

(ii) Hold any financial interest in a towing and recovery service; and

(iii) Recommend any towing and recovery service in the performance of his or her duties;

(b) Any member of the Personal Vehicle Towing Advisory Committee or Department of Insurance to receive compensation from a towing and recovery service for the privilege of being included on the tow list;

(c) A towing and recovery service to pay money or other valuable consideration for the privilege of nonconsensual towing of motor vehicles;

(d) A towing and recovery service to employ or otherwise compensate individuals, commonly referred to as "spotters," whose primary task is to report the presence of unauthorized, improperly, or illegally parked motor vehicles for the purpose of towing or removal and storage; and

(2) Nonconsensual tows for unauthorized, illegally parked motor vehicles on private property must be performed by Mississippi-based towers. Towed vehicles must be stored within the State of Mississippi.

SECTION 7. (1) (a) Before a towing and recovery service connects a motor vehicle to a tow truck for a nonconsensual tow, the towing and recovery service shall document the motor vehicle's condition and the reason for the tow by:

(i) Taking at least four (4) photographs of the vehicle, with at least one (1) photograph taken from the front, one (1) photograph taken from the rear, one (1) photograph taken from the driver's side and one (1) taken from the passenger's side. These photographs must:

1. Show the entire vehicle from the required angle; and
2. Have the vehicle fill at least three-fourths (3/4) of the photograph, measured from side to side; and

(ii) Taking a photograph that shows the reason the vehicle is being towed nonconsensually. The photograph must show the portion of the vehicle in relation to the reason, including any sign that the vehicle was towed.

(b) Upon demand of the owner or operator of the motor vehicle or the owner's designee, the Department of Insurance or the Personal Vehicle Towing Advisory Committee, the towing and recovery service shall provide copies of the photographs.

(c) A towing and recovery service's failure to produce the photographs shall create a rebuttable presumption that the towing and recovery service did not have the authority to tow a vehicle from either a private property owner or operator or a law enforcement officer.

(2) Before a towing and recovery service connects a motor vehicle to a tow truck for a nonconsensual tow, the towing and recovery service shall have authorization to nonconsensually tow a motor vehicle. Authorization shall be found if:

(a) A law enforcement officer requests a law enforcement-initiated tow and requests that a towing and recovery service from the tow list provide towing; or

(b) The towing and recovery service has received written permission to tow the motor vehicle from the owner or operator of the private property.

(3) In order for the towing and recovery service to conduct a nonconsensual tow, the owner of the private property must have posted signage visible and facing the driver at each entryway into the property stating that vehicles parked on the property without authorization or inappropriately or illegally parked are subject to being towed. The sign must also contain the international towing symbol no smaller than four (4) inches by four (4) inches and be permanently mounted in a position that is no lower than five (5) feet and no higher than eight (8) feet.

(4) The towing and recovery service shall not assess a drop fee to release the motor vehicle after the vehicle is hooked up to the tow truck but before the vehicle is removed from the private property.

(5) The towing and recovery service shall:

(a) accept an original or a copy of any of the following documents as evidence of a person's interest in a motor vehicle:

1. An electronic title;
2. A paper title;
3. A contract between a lender and the owner of the motor vehicle;
4. A contract between a lessor and the lessee of the motor vehicle;
5. A written agreement evidencing that the person is an agent of the motor vehicle's owner, lienholder, or insurance company.

(b) Not require any documents listed in paragraph (a) to be notarized.

(c) Accept one form of current government-issued photo identification to verify the identity of the motor vehicle's owner or his or her designee.

(6) A towing and recovery service must retain for all records created, generated, or produced for all motor vehicles recovered, towed, stored, or released for 3 years. Such records must include at least all of the following:

(a) All notice publications and certified mailings.

(b) The purchase price of any unclaimed motor vehicle sold.

(c) The names and addresses of persons to which motor vehicles were released.

(d) The names and addresses of motor vehicle purchasers.

(e) All fees imposed under this section, including the itemized invoice required by paragraph (8)(c).

(7)

(a) A towing and recovery service must accept payment for accrued charges from an authorized person in any form from at least two of the following subparagraphs:

1. Cash, cashier's check, money order, or traveler's check.
2. Bank, debit, or credit card.
3. Mobile payment service, digital wallet, or other electronic payment system.

(b) A motor vehicle owner or his or her designee is not required to furnish more than one form of current government-issued photo identification when payment is made in any of the forms listed in paragraph (a).

(c) For purposes of this paragraph, "authorized person" includes motor vehicle owners, lienholders, insurance company representatives, or their agents, whose interest in the vehicle is evidenced by any of the following documents:

1. An electronic title.
2. A paper title.
3. A contract between a lender and the owner of the vehicle.
4. A contract between a lessor and the lessee of the vehicle.
5. Credentials establishing the person as an employee or contract agent of an insurance company along with documentation identifying the vehicle by the vehicle identification number.
6. A written agreement evidencing that the person is an agent of the vehicle owner or lienholder.

(8)

(a) A towing and recovery service must maintain a rate sheet listing all fees for, or incidental to, the recovery, removal, or storage of a motor vehicle and must:

1. Post the rate sheet at its place of business;
2. Make the rate sheet available upon request of a motor vehicle, lienholder, insurance company, or their agent; and

3. Prior to attaching a motor vehicle to a tow truck, furnish the rate sheet to the motor vehicle owner or operator, if the owner or operator is present at the scene of the disabled motor vehicle; and

(b) Any fee charged in excess of those established by the Personal Vehicle Towing Advisory Committee and listed on the rate sheet required under this subsection is deemed unreasonable.

(c) An itemized invoice of actual fees charged by a towing and recovery service for a completed tow must be produced and be available to the motor vehicle owner, lienholder, insurance company, or their agent no later than one business day after:

1. The tow is completed; or
2. The towing and recovery service has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing and recovery service to complete the tow and recovery;

whichever is later.

(d) In addition to the information required in Section 7(1)(a), the itemized invoice required under subsection (c) must contain all of the following information:

1. The date and time the motor vehicle was towed;
2. The location to which the motor vehicle was towed;
3. The name, address, and telephone number of the towing and recovery service;
4. A description of the towed motor vehicle, including the color, make, model, model year, and vehicle identification number of the motor vehicle;
5. The license plate number and state of registration for the towed motor vehicle;
6. The cost of the initial towing and recovery;
7. The cost of any storage fees, expressed as a daily rate;
8. Other fees, including administrative fees, motor vehicle search fees, fees for hazardous material and non-hazardous material cleanup, and fees for labor; and
9. A list of the services that were performed under a warranty or that were otherwise performed at no cost to the owner of the motor vehicle.

(e) Any service performed or fee charged in addition to those described in subparagraphs (8)(d)(6) or (7) must be set forth on the itemized invoice required by paragraph (8)(c) individually as a single line item that includes an explanation and the exact amount charged for the service or the exact amount of the fee.

(f) A towing and recovery service must make the itemized invoice required by paragraph (8)(c) available for inspection and copying no later than 48 hours after receiving a written request for inspection from:

1. A law enforcement agency;
2. The Attorney General;
3. A city attorney, county attorney, or the prosecuting attorney having jurisdiction in the location of any of the towing and recovery service's business locations;
4. The motor vehicle's owner, lienholder, insurance company, or their agent; or
5. If the motor vehicle was involved in a collision, any individual involved in the underlying collision or the insurance company for any individual involved in the underlying collision.

(9) A towing and recovery service must be available for a motor vehicle's owner or the owner's designee to redeem the motor vehicle between 8am and 6pm on any day the towing and recovery service is open for towing purposes.

SECTION 8. A towing and recovery service shall not use vehicle immobilization devices except under the direction of law enforcement.

SECTION 9. This act shall take effect and be in force from and after July 1, 2026.