

HOUSE No. 234

The Commonwealth of Massachusetts

PRESENTED BY:

Steven J. D'Amico

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 passage of the accompanying bill:

An Act relative to towing storage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven J. D'Amico	4th Bristol
Matthew C. Patrick	3rd Barnstable
John W. Scibak	2nd Hampshire
David B. Sullivan	6th Bristol
Jennifer M. Callahan	18th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO TOWING STORAGE.

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 25 of chapter 255 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting, after the first paragraph, the following paragraph:-

3 Said person(s) shall notify the lien holder of record as listed in the Massachusetts Registry of
4 Motor Vehicle records that he/she is in possession of said motor vehicle. Said notification shall
5 be sent via certified mail no later than 15 days from the date possession of the vehicle is obtained
6 and shall state the name of the vehicle owner, the date possession was obtained, the make and
7 model of the vehicle and an itemization of the storage charges and any other duly authorized
8 work performed on the vehicle. If notification is not provided as indicated in this paragraph then
9 any lien shall not exceed the total sum of 15 days of storage charges and any other work
10 performed as listed in the notification.

11 SECTION 2. Section 26 of chapter 255 of the General Laws, as appearing in the 2006 Official
12 Edition, is hereby amended by deleting in line 6 the word "twenty-five", and inserting in line 7,
13 after "within ten days", the following text:-

14 or in the case of a lien described in section twenty-five within twenty one days of the date of the
15 letter notifying the lien holder as referenced in section twenty-five,

16 SECTION 3. Section 26 of chapter 255 of the General Laws, as appearing in the 2006 Official
17 Edition, is hereby amended by adding, at the end of the section, the following sentence:-

18 As part of said civil action if notification is not provided to the lien holder as provided for in
19 section twenty-five and this section then any lien described in section twenty-five shall not
20 exceed the total sum of 15 days of storage charges and any other work performed as listed in the
21 notifications required by those sections.

22 SECTION 4. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
23 Edition, is hereby amended by inserting, at the end of the second paragraph, the following
24 sentence:-

25 The owner of the garage shall also notify the lien holder of its possession of the vehicle in the
26 manner referenced in section 25.

27 SECTION 5. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
28 Edition, is hereby amended by inserting in line 20 after “If the registered owner” the following
29 text:-

30 and lien holder of record

31 SECTION 6. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
32 Edition, is hereby amended by inserting in line 20 after “assents” the following text: in writing

33 SECTION 7. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
34 Edition, is hereby amended by inserting in line 24 after “motor vehicle” the following text:- and
35 lien holder of record

36 SECTION 8. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
37 Edition, is hereby amended by inserting in line 29 after “owner” the following text:- or lien
38 holder

39 SECTION 9. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
40 Edition, is hereby amended by deleting in line 29 the word “has” and replacing it with the word
41 “have”

42 SECTION 10. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
43 Edition, is hereby amended by deleting in line 30 the word “may” and replacing it with the word
44 “shall”

45 SECTION 11. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
46 Edition, is hereby amended by inserting in line 30 after “owner” the following text:- and lien
47 holder

48 SECTION 12. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
49 Edition, is hereby amended by deleting in line 31 the word “his” and replacing it with the word
50 “their”

51 SECTION 13. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
52 Edition, is hereby amended by inserting in line 33 after “owner” the following text:- or lien
53 holder

54 SECTION 14. Section 39A of chapter 255 of the General Laws, as appearing in the 2006 Official
55 Edition, is hereby amended by inserting in line 42 after “owner” the following text:- and lien
56 holder