HOUSE DOCKET, NO. FILED ON: 1/5/2009

**HOUSE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Daniel K. Webster (BY REQUEST)**

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*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 lien holder notices

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

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| --- | --- |
| Name: | District/Address: |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to lien holder notices.

 *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 1996 Official Edition as amended, is hereby further amended by adding

thereto the following:-

 At the time any motor vehicle voluntarily or involuntarily recovered,

towed, transported and stored, as above described 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 of said motor vehicle. Such information

shall be furnished by providing the owner or operator of the garage with a

copy of the registry of motor vehicles' teletype containing information

adduced from the vehicle identification number and plate number, if any. If any

information is not then available, said officer or person shall obtain such

information as early as possible and notify the owner and operator as set

forth above.

 Within five days of receipt of such information, the owner or operator of

the garage shall notify the registered owner of the motor vehicle by certified

mail, return receipt requested, that such motor vehicle has been placed in his

care as provided by this section, and shall inform said registered owner of the

recovery, transportation and storage rates therefor, and shall inquire if he is

to continue to hold the motor vehicle subject to storage rates.

 If said registered owner of said 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.

 If said registered owner fails to answer said notice or to remove said

vehicle after paying the recovery, transportation and storage charges therefor

within fourteen days after receipt thereof, the motor vehicle shall continue to

be stored at the prevailing rates and the owner or operator of the garage shall

notify the lienholder of said motor vehicle by certified mail, return receipt

requested, furnishing information regarding the location of said vehicle and

the recovery, transportation and storage charges therefor.

 The garage or carrier or storage facility shall have a possessory lien

on said motor vehicle for its charges for recovery, transportation and storage

of said vehicle.

 If, after the expiration of twenty-one days from the date when the

vehicle was brought to the garage or placed in the care of the owner of said

garage, the owner or lienholder of the motor vehicle has not claimed said

vehicle, the owner of the garage may give notice to the owner and lienholder

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 ten days,

the vehicle will be sold. If the owner or lienholder does not claim the vehicle

within said ten days, the owner of the garage may sell said motor vehicle at

public or private sale after publishing notice of said sale three times in a

newspaper published or having circulation in the city or town in which the

property is located with the third notice 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 from the proceeds of such sale his charges for recovery,

transportation and storage of said motor vehicle, and the costs of sending

notices and of holding the sale, and shall furnish the registered owner and

lienholder 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. If the owner of the garage knows the address of the registered owner or

lienholder of said motor vehicle, she shall pay such balance first to the

lienholder, if none, then to the registered owner. If neither address is known,

he shall deposit the same with the clerk of the said balance in a bank in the

name of the justice of the district court in trust for said owner of the motor

vehicle.

 SECTION 2. Section 39A of chapter 255 of the General Laws, as appearing

in the 1996 Official Edition, is hereby amended by striking out all of the

sections after the first sentence ending in line 8 and inserting thereof the

following sentence:-

 "Provisions for notification of owners and lienholders of such vehicles,

and for lien thereon and disposition thereof by sale shall be the same as

those contained in G.L. c. 159B, section 6B."

 SECTION 3. Section 29 of chapter 266 of the General Laws, as appearing

in the 1996 Official Edition, is hereby amended by striking out lines 6-52 and

inserting in place thereof the following:-

 "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. Provisions for notification of owners

and lienholders of such vehicles and for lien thereon and disposition thereof

by sale shall be the same as those contained in G.L. c. 159B, section 6B."