

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

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

*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:

NAME:

DISTRICT/ADDRESS:

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# The Commonwealth of Massachusetts

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:*

1           SECTION 1. Section 6B of Chapter 159B of the General Laws, as appearing  
2 in the 1996 Official Edition as amended, is hereby further amended by adding  
3 thereto the following:-

4           At the time any motor vehicle voluntarily or involuntarily recovered,  
5 towed, transported and stored, as above described is so placed, the officer or  
6 person placing it shall furnish the owner or operator of such garage the name  
7 and address of the registered owner of said motor vehicle. Such information  
8 shall be furnished by providing the owner or operator of the garage with a  
9 copy of the registry of motor vehicles' teletype containing information  
10 adduced from the vehicle identification number and plate number, if any. If any  
11 information is not then available, said officer or person shall obtain such  
12 information as early as possible and notify the owner and operator as set  
13 forth above.

14           Within five days of receipt of such information, the owner or operator of  
15 the garage shall notify the registered owner of the motor vehicle by certified  
16 mail, return receipt requested, that such motor vehicle has been placed in his  
17 care as provided by this section, and shall inform said registered owner of the  
18 recovery, transportation and storage rates therefor, and shall inquire if he is  
19 to continue to hold the motor vehicle subject to storage rates.

20           If said registered owner of said motor vehicle assents to the continued  
21 storage of such motor vehicle, the owner of the garage shall continue to hold  
22 said motor vehicle in storage.

23           If said registered owner fails to answer said notice or to remove said  
24 vehicle after paying the recovery, transportation and storage charges therefor  
25 within fourteen days after receipt thereof, the motor vehicle shall continue to  
26 be stored at the prevailing rates and the owner or operator of the garage shall  
27 notify the **lienholder** of said motor vehicle by certified mail, return receipt  
28 requested, furnishing information regarding the location of said vehicle and  
29 the recovery, transportation and storage charges therefor.

30 The garage or carrier or storage facility shall have a possessory lien  
31 on said motor vehicle for its charges for recovery, transportation and storage  
32 of said vehicle.

33 If, after the expiration of twenty-one days from the date when the  
34 vehicle was brought to the garage or placed in the care of the owner of said  
35 garage, the owner or lienholder of the motor vehicle has not claimed said  
36 vehicle, the owner of the garage may give notice to the owner and lienholder  
37 by certified mail his known place of abode stating the amount of the storage  
38 charges and informing them that if the vehicle is not claimed within ten days,  
39 the vehicle will be sold. If the owner or lienholder does not claim the vehicle  
40 within said ten days, the owner of the garage may sell said motor vehicle at  
41 public or private sale after publishing notice of said sale three times in a  
42 newspaper published or having circulation in the city or town in which the  
43 property is located with the third notice at least five days prior to such  
44 sale that the vehicle is to be sold. Upon such sale, the owner of the garage  
45 may deduct from the proceeds of such sale his charges for recovery,  
46 transportation and storage of said motor vehicle, and the costs of sending  
47 notices and of holding the sale, and shall furnish the registered owner and  
48 lienholder of such motor vehicle a statement of the amount received at such  
49 sale, together with the amount of his charges and costs, and the balance, if  
50 any. If the owner of the garage knows the address of the registered owner or  
51 lienholder of said motor vehicle, she shall pay such balance first to the  
52 lienholder, if none, then to the registered owner. If neither address is known,  
53 he shall deposit the same with the clerk of the said balance in a bank in the  
54 name of the justice of the district court in trust for said owner of the motor  
55 vehicle.

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57 SECTION 2. Section 39A of chapter 255 of the General Laws, as appearing  
58 in the 1996 Official Edition, is hereby amended by striking out all of the  
59 sections after the first sentence ending in line 8 and inserting thereof the  
60 following sentence:-

61 "Provisions for notification of owners and lienholders of such vehicles,  
62 and for lien thereon and disposition thereof by sale shall be the same as  
63 those contained in G.L. c. 159B, section 6B."

64  
65 SECTION 3. Section 29 of chapter 266 of the General Laws, as appearing  
66 in the 1996 Official Edition, is hereby amended by striking out lines 6-52 and  
67 inserting in place thereof the following:-

68 "Whenever a stolen or misappropriated motor vehicle is recovered by a  
69 police officer or other law enforcement officer, the police department shall  
70 notify the registry of motor vehicles. Provisions for notification of owners  
71 and lienholders of such vehicles and for lien thereon and disposition thereof  
72 by sale shall be the same as those contained in G.L. c. 159B, section 6B."