**South Carolina General Assembly**

124th Session, 2021-2022

**A233, R267, H3729**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Sandifer and Cogswell

Document Path: l:\council\bills\df\13007cz21.docx

Companion/Similar bill(s): 535

Introduced in the House on January 27, 2021

Introduced in the Senate on March 2, 2022

Last Amended on May 12, 2022

Passed by the General Assembly on May 12, 2022

Governor's Action: June 17, 2022, Signed

Summary: Parking on private property with permission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2021 House Introduced and read first time ([House Journal‑page 14](file:///h:\hj\20210127.docx))

1/27/2021 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 14](file:///h:\hj\20210127.docx))

2/24/2022 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 14](file:///h:\hj\20220224.docx))

2/28/2022 Scrivener's error corrected

3/1/2022 House Member(s) request name added as sponsor: Cogswell

3/1/2022 House Amended ([House Journal‑page 40](file:///h:\hj\20220301.docx))

3/1/2022 House Read second time ([House Journal‑page 40](file:///h:\hj\20220301.docx))

3/1/2022 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 40](file:///h:\hj\20220301.docx))

3/2/2022 House Read third time and sent to Senate ([House Journal‑page 11](file:///h:\hj\20220302.docx))

3/2/2022 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj\20220302.docx))

3/2/2022 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 6](file:///h:\sj\20220302.docx))

3/17/2022 Senate Committee report: Favorable with amendment **Transportation** ([Senate Journal‑page 7](file:///h:\sj\20220317.docx))

3/21/2022 Scrivener's error corrected

4/19/2022 Senate Committee Amendment Adopted ([Senate Journal‑page 21](file:///h:\sj\20220419.docx))

4/19/2022 Senate Amended ([Senate Journal‑page 21](file:///h:\sj\20220419.docx))

4/19/2022 Senate Read second time ([Senate Journal‑page 21](file:///h:\sj\20220419.docx))

4/19/2022 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 21](file:///h:\sj\20220419.docx))

4/20/2022 Scrivener's error corrected

4/20/2022 Senate Read third time and returned to House with amendments ([Senate Journal‑page 24](file:///h:\sj\20220420.docx))

4/20/2022 Scrivener's error corrected

4/26/2022 Scrivener's error corrected

4/26/2022 House Non‑concurrence in Senate amendment ([House Journal‑page 25](file:///h:\hj\20220426.docx))

4/26/2022 House Roll call Yeas‑0 Nays‑107 ([House Journal‑page 26](file:///h:\hj\20220426.docx))

4/28/2022 Senate Senate insists upon amendment and conference committee appointed Climer, Bright Matthews, Bennett ([Senate Journal‑page 17](file:///h:\sj\20220428.docx))

5/3/2022 House Conference committee appointed Wooten, Blackwell, Jefferson ([House Journal‑page 2](file:///h:\hj\20220503.docx))

5/12/2022 House Conference report received and adopted ([House Journal‑page 180](file:///h:\hj\20220512.docx))

5/12/2022 House Roll call Yeas‑106 Nays‑0 ([House Journal‑page 189](file:///h:\hj\20220512.docx))

5/12/2022 Senate Conference report received and adopted

6/15/2022 House Ordered enrolled for ratification ([House Journal‑page 11](file:///h:\hj\20220615.docx))

6/16/2022 Ratified R 267

6/17/2022 Signed By Governor

6/28/2022 Effective date 06/17/22

6/28/2022 Act No.  233

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**VERSIONS OF THIS BILL**

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(A233, R267, H3729)

**AN ACT** **TO AMEND SECTION 16‑11‑760, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VEHICLES PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION, THE TOWING AND SALES OF THE VEHICLES, AND PENALTIES FOR VIOLATING THIS SECTION, SO AS TO PROVIDE VEHICLES FOUND PARKED ON PRIVATE PROPERTY WHICH ARE TOWED ARE SUBJECT TO CERTAIN LIMITATIONS ON ALLOWED STORAGE CHARGES; TO AMEND SECTION 29‑15‑10, RELATING TO REPAIR AND STORAGE LIENS, AND THE SALE OF STORAGE ARTICLES, SO AS TO PROVIDE NOTICES TO OWNERS OF ARTICLES TO BE SOLD MUST BE MADE BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR CERTIFIED MAIL WITH ELECTRONIC TRACKING, TO REVISE THE MAXIMUM PERIOD STORAGE CHARGES CAN ACCRUE BEFORE THE LOCATIONS OF THE ARTICLES ARE SENT TO THEIR OWNERS OR LIENHOLDERS, TO PROVIDE FOR THE CONTENTS OF THE NOTICES, TO PROVIDE THE STORAGE COSTS MAY BE CHARGED AFTER NOTICES ARE SENT, TO PROVIDE APPROPRIATE TITLING FACILITIES MUST BE CONTACTED TO OBTAIN THE NAMES AND ADDRESSES OF OWNERS OR LIENHOLDERS OF ARTICLES BEFORE THEY ARE SOLD, TO REVISE THE METHOD MAGISTRATES MUST USE TO NOTIFY OWNERS AND LIENHOLDERS OF THEIR RIGHTS TO CLAIM PROCEEDS FROM THE SALE OF CERTAIN ARTICLES TO INCLUDE BY CERTIFIED MAIL WITH ELECTRONIC TRACKING; TO PROVIDE PERSONS WHO REPAIR OR FURNISH MATERIAL FOR REPAIRS TO ARTICLES MAY HOLD THE LICENSE TAGS OF VEHICLES UNTIL ALL TOWING AND STORAGE COSTS ALLOWED UNDER THIS SECTION ARE PAID UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑5‑5630, RELATING TO NOTICES THAT MUST BE PROVIDED TO REGISTERED OWNERS AND LIENHOLDERS OF ABANDONED AND STOLEN VEHICLES TAKEN INTO CUSTODY, COSTS IMPOSED FOR THE RELEASE OF THESE VEHICLES, AND COURT‑ORDERED RESTITUTION THAT MAY BE IMPOSED ON PERSONS CONVICTED OF STEALING VEHICLES, SO AS TO DELETE THE PROVISION THAT LIMITS THE RECOVERY OF STORAGE COSTS FOR CERTAIN VEHICLES TO SIX DAYS, TO REVISE THE ALLOWABLE TYPES OF NOTIFICATIONS TO INCLUDE CERTIFIED MAIL WITH ELECTRONIC TRACKING, TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN ALLOWABLE STORAGE COSTS MAY BE RECOVERED, AND TO PROVIDE LAW ENFORCEMENT AGENCIES MUST INFORM OWNERS OF RECOVERED VEHICLES WITHIN TWO BUSINESS DAYS AFTER VEHICLES ARE RECOVERED AND EXPLAIN THAT DAILY STORAGE CHARGES MAY BEGIN TO ACCRUE; TO AMEND SECTION 56‑5‑5635, RELATING TO LAW ENFORCEMENT OFFICERS DIRECTING VEHICLES TO BE TOWED, STORAGE PROCEDURES, NOTIFICATION PROVIDED TO OWNERS OF TOWED VEHICLES, AND THE DISPOSITION OF TOWED VEHICLES AND PERSONAL PROPERTY, SO AS TO DELETE THE PROVISION THAT PROVIDES CERTAIN PROPRIETORS, OWNERS, OR OPERATORS OF TOWING COMPANIES, STORAGE FACILITIES, GARAGES, OR REPAIR SHOPS WHO FAIL TO PROVIDE LAW ENFORCEMENT AGENCIES WITH LISTS DESCRIBING VEHICLES REMAINING IN THEIR POSSESSION MAY FORFEIT RECOVERY OF CERTAIN STORAGE FEES, TO REVISE THE TYPES OF NOTICES THESE FACILITIES MUST PROVIDE REGISTERED OWNERS AND LIENHOLDERS OF RECORD THAT THEIR VEHICLES HAVE BEEN TAKEN INTO CUSTODY TO INCLUDE CERTIFIED MAIL WITH ELECTRONIC TRACKING, TO MAKE A TECHNICAL CHANGE, TO PROVIDE THESE FACILITIES MUST APPLY TO THE APPROPRIATE TITLING FACILITIES TO OBTAIN THE NAMES AND ADDRESSES OF OWNERS OR LIENHOLDERS OF VEHICLES BEFORE THEY ARE SOLD AND TO ADD ADDITIONAL FACILITIES TO THE LIST OF APPROPRIATE TITLING FACILITIES, AND TO DELETE THE PROVISION THAT RELATES TO THE IMPOSITION AND RECOVERY OF CERTAIN STORAGE COSTS; AND TO AMEND SECTION 56‑5‑5640, RELATING TO THE SALE OF UNCLAIMED ABANDONED VEHICLES AND THE DISPOSITION OF SALES PROCEEDS, SO AS TO PROVIDE CERTAIN COSTS OF STORING VEHICLES THAT ACCRUED BEFORE CERTAIN NOTIFICATION OF THE LOCATION OF THE VEHICLE IS MAILED MAY BE CHARGED.**

Be it enacted by the General Assembly of the State of South Carolina:

**Vehicles parked on private property without permission**

SECTION 1. Section 16‑11‑760(B) of the 1976 Code is amended to read:

“(B) A vehicle found parked on private property may be towed and stored at the expense of the registered owner or lienholder, subject to the limitations on allowed storage charges set forth in Section 29‑15‑10, and charges for towing, storing, preserving the vehicle, and expenses incurred if the owner and lienholder are notified pursuant to Section 29‑15‑10 constitute a lien against the vehicle, provided that the towing company makes notification to the law enforcement agency pursuant to Section 56‑5‑2525.”

**Sale of abandoned vehicles**

SECTION 2. Section 29‑15‑10(A), (B), (C), (D), and (E) of the 1976 Code is amended to read:

“(A) A proprietor, an owner, or an operator of any towing company, storage facility, garage, or repair shop, or any person who repairs or furnishes any material for repairs to an article may sell the article at public auction to the highest bidder if:

(1) the article has been left at the shop for repairs or storage and the repairs have been completed or the storage contract has expired;

(2) the article has been continuously retained in his possession; and

(3) thirty days have passed since written notice was given to the owner of the article and to any lienholder by registered or certified mail, return receipt requested, or certified mail with electronic tracking that the repairs have been completed or the storage contract has expired.

The article must be sold by a magistrate of the county in which the repairs were done or the article was stored.

(B) A proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop, or any person who repairs or furnishes materials for repairs to an article may charge the owner and lienholder for only such storage costs that accrue for a maximum period of seven (7) business days before notice of the location of the article is sent by registered or certified mail, return receipt requested, or certified mail with electronic tracking to the owner and lienholders of the article. No other storage costs can be charged to the owner or lienholders for such time period before the notice of the location of the article is sent to the owner and lienholders. The notice must be sent within five business days after receiving the owner’s and lienholder’s identities from the search required in subsection (C). The notice must include a description of the article and the amount of daily storage costs that will accrue after the notice is sent. A proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop, or any person who repairs or furnishes materials for repairs to an article may charge the owner and lienholders storage costs that accrue for the time period after such notice is sent as required herein.

(C)(1) Before the article is sold, the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop, or any person who repairs or who furnishes material for repairs to the article must apply to the appropriate titling facility for the name and address of any owner or lienholder. The appropriate titling facility may include, but is not limited to:

(a) the Department of Motor Vehicles;

(b) a vendor authorized by the DMV to provide real‑time access to title and lienholder information;

(c) if the vehicle is not titled in South Carolina, the titling governmental entity in the state in which the vehicle was last titled as provided by a search of the National Motor Vehicle Title Information System (NMVTIS);

(d) if the vehicle is not titled in South Carolina, a vendor authorized by the state in which the vehicle was last titled to provide real‑time access to the most current title and lienholder information; or

(e) the Department of Natural Resources.

(2) For nontitled articles, where the owner’s name is known, a search must be conducted through the Secretary of State’s Office to determine any lienholders. The application must be on prescribed forms as required by the appropriate titling facility or the Secretary of State. If the article has an out‑of‑state registration, an application must be made to that state’s appropriate titling facility. When the article is not titled in this State and does not have a registration from another state, the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop, or any person who repairs or who furnishes material for repairs to the article may apply to the sheriff or chief of police in the jurisdiction where the article is stored to determine the state where the article is registered. The sheriff or chief of police shall conduct a records search. This search must include, but is not limited to, a search on the National Crime Information Center and any other appropriate search that may be conducted with the article’s identification number. The sheriff or chief of police must supply, at no cost to the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop, or any person who repairs or who furnishes material for repairs the name of the state in which the article is titled.

(D) The magistrate, before selling the article, shall ensure that the owner or any lienholder of record has been notified of the pending sale. The magistrate must advertise the article for at least fifteen days by posting a notice in three public places in his township. The magistrate must pay to the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop, or any person who repairs or who furnishes material for repairs to the article the money due, receiving a receipt in return. Any remainder of the sale proceeds must be held by the magistrate for the owner of the vehicle or entitled lienholder for ninety days. The magistrate must notify the owner and all lienholders by registered or certified mail, return receipt requested, or certified mail with electronic tracking, that the article owner or lienholder has ninety days to claim the proceeds from the sale of the article. If the article proceeds are not collected within ninety days from the day after the notice to the owner and all lienholders is mailed, then the article proceeds must be deposited in the general fund of the county or municipality.

(E) A proprietor, an owner, or an operator of the towing company, storage facility, garage, or repair shop, or any person who repairs or who furnishes material for repairs to the article may hold the license tag of any vehicle until all towing and storage costs allowed under this section have been paid, or if the vehicle is not reclaimed, until it is declared abandoned and sold.”

**Abandoned and stolen vehicles**

SECTION 3. Section 56‑5‑5630(A), (B), and (C) of the 1976 Code is amended to read:

“(A)(1) For purposes of this article, ‘vehicle’ means a motor vehicle, trailer, mobile home, watercraft, or any other item or object that is subject to towing and storage, and applies to any vehicle in custody at the time of the enactment of this section. ‘Vehicle’ includes:

(a) items that are towed and left in the possession of a towing, storage, garage, or repair facility;

(b) contents contained in the vehicle; and

(c) personal property affixed to the vehicle.

(2) When an abandoned vehicle has been taken into custody, the towing company and storage facility having towed and received the vehicle shall notify by registered or certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle has been taken into custody. Notification of the owner and all lienholders by registered or certified mail, return receipt requested, or certified mail with electronic tracking constitutes notification for purposes of this section. This notification must satisfy the notification requirements contained in Section 29‑15‑10. The notice must:

(a) give a description of the year, make, model, and identification number of the vehicle;

(b) set forth the location where the vehicle is being held;

(c) inform the owner and all lienholders of the right to reclaim the vehicle within thirty days beginning the day after the notice is mailed by registered or certified mail, return receipt requested, or certified mail with electronic tracking upon payment of all towing, preservation, the storage charges allowable pursuant to Section 29‑15‑10(B), notification, publication, and court costs resulting from placing the vehicle in custody; and

(d) state that the failure of the owner and all lienholders to exercise their right to reclaim the vehicle within the time provided is considered a waiver by the owner and lienholders of all rights, title, and interest in the vehicle and is considered as their consent to the sale of the vehicle at a public auction.

If a vehicle has been towed pursuant to the provisions of this section, the towing company and storage facility must accept as payment for the release of the vehicle the same manner of payment that they would accept if the owner of the vehicle had requested his vehicle towed.

(B) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned is sufficient to meet all requirements of notice pursuant to this article. The notice by publication may contain multiple listings of abandoned vehicles. This notice must be within the time requirements prescribed for notice by registered or certified mail, return receipt requested, or certified mail with electronic tracking, and must have the same contents required for a notice by registered or certified mail.

(C) A lienholder is not subject to a criminal penalty imposed by law in this State for abandonment unless the vehicle is abandoned by the lienholder or his agent or if a false statement or report to a law enforcement officer is made as provided by Section 16‑17‑722. The owner of a vehicle which has been stolen, whether or not the vehicle was subsequently abandoned, is liable for:

(1) actual recovery and towing charges; and

(2) only the storage costs allowable pursuant to Section 29‑15‑10(B).

The law enforcement agency must, within two business days after the vehicle’s towing, notify the owner that the vehicle has been recovered, provide the owner with the location of the vehicle, and explain that daily storage charges may begin to accrue.

A vehicle is considered to be stolen when the registered owner notifies a police officer and files a report which is accepted and placed on the records of the sheriff or chief of police as a stolen vehicle. The law enforcement agency that requested the tow must provide the towing company and storage facility, at no cost to the towing company and storage facility, the owner’s name and address. A law enforcement agency is not liable for any costs or fees associated with the towing and storage of a vehicle as provided by this section.”

**Disposal of abandoned vehicles**

SECTION 4. Section 56‑5‑5635 of the 1976 Code is amended to read:

“Section 56‑5‑5635. (A) Notwithstanding another provision of law, a law enforcement officer who directs that a vehicle be towed for any reason, whether on public or private property, must use the established towing procedure for his jurisdiction. A request by a law enforcement officer resulting from a law enforcement action including, but not limited to, a vehicle collision, vehicle breakdown, or vehicle recovery incident to an arrest, is considered a law enforcement towing for purposes of recovering costs associated with the towing and storage of the vehicle unless the request for towing is made by a law enforcement officer at the direct request of the owner or operator of the vehicle.

(B) Within ten days following a law enforcement’s towing request, the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop must provide to the sheriff or chief of police a list describing the vehicles remaining in the possession of the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop. Within ten days of receipt of this list, the sheriff or chief of police must provide to the towing company or storage facility, the current owner’s name, address, and a record of all lienholders along with the make, model, and identification number or a description of the vehicle at no cost to the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop having towed or received the vehicle must notify by registered or certified mail, return receipt requested, or certified mail with electronic tracking the last known registered owner and all lienholders of record that the vehicle has been taken into custody, pursuant to Section 29‑15‑10.

(C) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must provide notice by one publication in one newspaper of general circulation in the area from which the vehicle was abandoned which is sufficient to meet all requirements of notice pursuant to this article. The notice by publication may contain multiple listings of abandoned vehicles.

(D)(1) Before a vehicle is sold, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must apply to the appropriate titling facility for the name and address of any owner or lienholder. The appropriate titling facility may include, but is not limited to:

(a) the Department of Motor Vehicles;

(b) a vendor authorized by the DMV to provide real‑time access to title and lienholder information;

(c) if the vehicle is not titled in South Carolina, the titling governmental entity in the state in which the vehicle was last titled as provided by a search of the National Motor Vehicle Title Information System (NMVTIS);

(d) if the vehicle is not titled in South Carolina, a vendor authorized by the state in which the vehicle was last titled to provide real‑time access to the most current title and lienholder information; or

(e) the Department of Natural Resources.

(2) For nontitled vehicles, where the owner’s name is known, a search must be conducted through the Secretary of State’s Office to determine any lienholders. The application must be on prescribed forms as required by the appropriate titling facility or the Secretary of State. If the vehicle has an out‑of‑state registration, an application must be made to that state’s appropriate titling facility. When the vehicle is not titled in this State and does not have a registration from another state, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may apply to the sheriff or chief of police in the jurisdiction where the vehicle is stored to determine the state where the vehicle is registered. The sheriff or chief of police shall conduct a records search. This search must include, but is not limited to, a search on the National Crime Information Center and any other appropriate search that may be conducted with the vehicle’s identification number. The sheriff or chief of police must supply, at no cost to the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop, the name of the state in which the vehicle is titled.

(E) The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop that has towed and stored a vehicle has a lien against the vehicle and may have the vehicle sold at public auction pursuant to Section 29‑15‑10. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may hold the license tag of any vehicle until all towing and the storage costs have been paid, or if the vehicle is not reclaimed, until it is declared abandoned and sold.

(F) After the vehicle is in the possession of the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop, the owner of the vehicle as demonstrated by providing a certificate of registration has one opportunity to remove from the vehicle any personal property not attached to the vehicle. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must release any personal property that does not belong to the owner of the vehicle to the owner of the personal property.

(G) When a law enforcement agency stores a vehicle at a law enforcement facility, the agency must follow the notification procedures contained in this section and submit vehicle information to a magistrate in the county where the vehicle is stored to provide for the sale of the vehicle at public auction. A law enforcement agency is exempt from paying filing fees in any matter related to the towing and storing of a vehicle.”

**Sale of unclaimed abandoned vehicles**

SECTION 5. Section 56‑5‑5640 of the 1976 Code is amended to read:

“Section 56‑5‑5640. If an abandoned vehicle has not been reclaimed pursuant to Section 56‑5‑5630, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may have the abandoned vehicle sold at a public auction pursuant to Section 29‑15‑10. The vehicle’s purchaser shall take title to the vehicle free and clear of all liens and claims of ownership, shall receive a magistrate’s order of sale, and is entitled to register the purchased vehicle and receive a certificate of title. The Office of Court Administration shall design a uniform magistrate’s order of sale for purposes of this section, Section 56‑5‑5670, and Section 56‑5‑5945, and shall make the order available for distribution to the magistrates. The magistrate’s order of sale given at the sale must be sufficient title for purposes of transferring the vehicle to a demolisher or secondary metals recycler for demolition, wrecking, or dismantling, and in such case no further titling of the vehicle is necessary. The expenses of the auction, the costs of towing, preserving, and storing the vehicle allowed under Section 29‑15‑10(B) which resulted from placing the vehicle in custody, and all notice and publication costs incurred pursuant to Section 29‑15‑10 must be reimbursed up to the amount of the auction sale price from the vehicle’s sale proceeds. The remaining sale proceeds must be held for the vehicle’s owner or entitled lienholder for ninety days. The magistrate shall notify the vehicle’s owner and all lienholders by certified or registered mail, return receipt requested, that the vehicle’s owner or lienholder has ninety days to claim the proceeds from the vehicle’s sale. If the vehicle’s proceeds are not collected within ninety days from the day after the notice to the vehicle’s owner and all lienholders is mailed, then the vehicle’s proceeds must be deposited in the county or municipality’s general fund.”

**Time effective**

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 16th day of June, 2022.

Approved the 17th day of June, 2022.

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