

By: Kirby, Robertson, Mettetal, Harden,
Carlton, Johnson (19th)

To: Judiciary

SENATE BILL NO. 2644
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-25-5, MISSISSIPPI CODE OF 1972, TO
2 REMOVE CERTAIN RESTRICTIONS ON THE PERSONS AND BUSINESSES WHO ARE
3 EXEMPT FROM PROSECUTION UNDER THE MOTOR VEHICLE CHOP SHOP, STOLEN
4 AND ALTERED PROPERTY ACT; TO REQUIRE CERTAIN RECORDS TO BE
5 MAINTAINED BY MOTOR VEHICLE SCRAP PROCESSORS IDENTIFYING THE
6 OWNERS AND VEHICLE IDENTIFICATION NUMBERS OF MOTOR VEHICLES SOLD,
7 TRANSFERRED OR DELIVERED TO SCRAP PROCESSORS; TO AUTHORIZE LAW
8 ENFORCEMENT AGENCIES TO INSPECT SUCH RECORDS AND THE VEHICLES TO
9 WHICH THEY PERTAIN; TO PRESCRIBE PENALTIES FOR SCRAP PROCESSORS
10 WHO FAIL OR REFUSE TO KEEP SUCH RECORDS OR PERMIT SUCH
11 INSPECTIONS; AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 63-25-5, Mississippi Code of 1972, is
14 amended as follows:

15 63-25-5. (1) Any person who knowingly and intentionally:
16 (a) owns, operates or conducts a chop shop; (b) transports any
17 motor vehicle or motor vehicle part to or from a location knowing
18 it to be a chop shop; or (c) sells, transfers, purchases or
19 receives any motor vehicle or motor vehicle part either to or from
20 a location knowing it to be a chop shop, shall be guilty of a
21 felony and, upon conviction thereof, shall be punished by
22 imprisonment for not more than fifteen (15) years and by a fine of
23 not more than One Hundred Thousand Dollars (\$100,000.00).

24 (2) Any person who knowingly alters, counterfeits, defaces,
25 destroys, disguises, falsifies, forges, obliterates or knowingly
26 removes a vehicle identification number with the intent to
27 misrepresent the identity or prevent the identification of a motor
28 vehicle or motor vehicle part shall be guilty of a felony and,
29 upon conviction thereof, shall be punished by imprisonment for not
30 more than five (5) years and by a fine of not more than Five

31 Thousand Dollars (\$5,000.00).

32 (3) (a) Any person who buys, disposes, sells, transfers or
33 possesses a motor vehicle or motor vehicle part with the knowledge
34 that the vehicle identification number of the motor vehicle or
35 motor vehicle part has been altered, counterfeited, defaced,
36 destroyed, disguised, falsified, forged, obliterated or removed
37 shall be guilty of a felony and, upon conviction thereof, shall be
38 punished by imprisonment for not more than five (5) years and by a
39 fine of not more than Five Thousand Dollars (\$5,000.00).

40 (b) The provisions of this subsection shall not apply
41 to a motor vehicle scrap processor who, in the normal legal course
42 of business and in good faith, processes a motor vehicle or motor
43 vehicle part by crushing, compacting or other similar methods,
44 provided that any vehicle identification number has not been
45 removed from the motor vehicle or motor vehicle part prior to or
46 during any such processing.

47 (c) The provisions of this subsection shall not apply
48 to any owner or authorized possessor of a motor vehicle or motor
49 vehicle part which has been recovered by law enforcement
50 authorities after having been stolen or where the condition of the
51 vehicle identification number of the motor vehicle or motor
52 vehicle part is known to or has been reported to law enforcement
53 authorities. It shall be presumed that law enforcement
54 authorities have knowledge of all vehicle identification numbers
55 on a motor vehicle or motor vehicle part which are altered,
56 counterfeited, defaced, disguised, falsified, forged, obliterated
57 or removed when law enforcement authorities deliver or return the
58 motor vehicle or motor vehicle part to its owner or authorized
59 possessor after it has been recovered by law enforcement
60 authorities after having been reported stolen.

61 (4) Any person who is convicted of a second or subsequent
62 offense under this section shall be imprisoned for a term up to
63 twice the term authorized for a first offense and shall be fined
64 an amount up to twice the amount authorized for a first offense.

65 * * *

66 (5) (a) In addition to any other punishment, a person
67 convicted of a violation of this section shall be ordered to make

68 restitution to the lawful owner or owners of the stolen motor
69 vehicle or vehicles or the stolen motor vehicle part or parts, or
70 to the owner's insurer to the extent that the owner has been
71 compensated by the insurer, and to any other person for any
72 financial loss sustained as a result of a violation of this
73 section.

74 (b) Financial loss shall include, but not be limited
75 to, loss of earnings, out-of-pocket and other expenses, repair and
76 replacement costs and claims payments. "Lawful owner" shall
77 include an innocent bona fide purchaser for value of a stolen
78 motor vehicle or stolen motor vehicle part who does not know that
79 the motor vehicle or part is stolen; or an insurer to the extent
80 that such insurer has compensated a bona fide purchaser for value.

81 (c) The court shall determine the extent and method of
82 restitution. In an extraordinary case, the court may determine
83 that the best interests of the victim and justice would not be
84 served by ordering restitution. In any such case, the court shall
85 make and enter specific written findings on the record concerning
86 the extraordinary circumstances presented which militated against
87 restitution.

88 SECTION 2. Any person who delivers, sells or transfers a
89 motor vehicle or motor vehicle part to a motor vehicle scrap
90 processor for the purpose of crushing, compacting or otherwise
91 similarly processing such vehicle or part, shall present to the
92 processor, at the time of delivery, sale or transfer, the name and
93 address of the person delivering, selling or transferring the
94 vehicle or part and the original or a copy of the certificate of
95 title for the vehicle or the vehicle from which such part was
96 taken identifying the owner of such vehicle or part and the
97 vehicle identification number of the vehicle or part. If, because
98 of the age of the vehicle, no certificate of title exists, or, if
99 the certificate of title has been lost, destroyed or is
100 unavailable, then the person delivering, selling or transferring

101 the vehicle or part shall sign an affidavit so stating and
102 declaring that he or she is the owner of the vehicle or part or
103 has the right to sell or transfer the vehicle or part. Every
104 motor vehicle scrap processor shall maintain records of all such
105 transactions together with records of the disposition of such
106 vehicles and parts and, upon request of the Department of Public
107 Safety or any other law enforcement officer, shall produce such
108 records and permit such law enforcement officers, during regular
109 and usual business hours, to examine them and any vehicles or
110 parts which are on the premises that are subject to the record
111 keeping requirements of this section. No vehicle or vehicle part
112 may be crushed, compacted or otherwise similarly processed except
113 after compliance with this section. The failure or refusal of a
114 motor vehicle scrap processor to maintain or produce such records
115 or to permit inspection of such records, vehicles or vehicle parts
116 as required by this section shall be a misdemeanor punishable upon
117 conviction by a fine of not more than Five Thousand Dollars
118 (\$5,000.00), by imprisonment in the county jail for not more than
119 one year, or by both such fine and imprisonment.

120 SECTION 3. Section 2 of this act shall be codified as
121 Section 63-25-13, Mississippi Code of 1972.

122 SECTION 4. This act shall take effect and be in force from
123 and after July 1, 2000.