

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2644**

**By Representative(s) Committee**

13           **Amend by striking all after the enacting clause and inserting**  
14 **in lieu thereof the following:**

15

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

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

27           (2) Any person who knowingly alters, counterfeits, defaces,  
28 destroys, disguises, falsifies, forges, obliterates or knowingly  
29 removes a vehicle identification number with the intent to  
30 misrepresent the identity or prevent the identification of a motor  
31 vehicle or motor vehicle part shall be guilty of a felony and,  
32 upon conviction thereof, shall be punished by imprisonment for not  
33 more than five (5) years and by a fine of not more than Five  
34 Thousand Dollars (\$5,000.00).

35           (3) (a) Any person who buys, disposes, sells, transfers or

36 possesses a motor vehicle or motor vehicle part with the knowledge  
37 that the vehicle identification number of the motor vehicle or  
38 motor vehicle part has been altered, counterfeited, defaced,  
39 destroyed, disguised, falsified, forged, obliterated or removed  
40 shall be guilty of a felony and, upon conviction thereof, shall be  
41 punished by imprisonment for not more than five (5) years and by a  
42 fine of not more than Five Thousand Dollars (\$5,000.00).

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

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

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

68 \* \* \*

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

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

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

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

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

106 has the right to sell or transfer the vehicle or part. Every  
107 motor vehicle scrap processor shall maintain records of all such  
108 transactions together with records of the disposition of such  
109 vehicles and parts and, upon request of the Department of Public  
110 Safety or any other law enforcement officer, shall produce such  
111 records and permit such law enforcement officers, during regular  
112 and usual business hours, to examine them and any vehicles or  
113 parts which are on the premises that are subject to the record  
114 keeping requirements of this section. No vehicle or vehicle part  
115 may be crushed, compacted or otherwise similarly processed except  
116 after compliance with this section. The failure or refusal of a  
117 motor vehicle scrap processor to maintain or produce such records  
118 or to permit inspection of such records, vehicles or vehicle parts  
119 as required by this section shall be a misdemeanor punishable upon  
120 conviction by a fine of not more than Five Thousand Dollars  
121 (\$5,000.00), by imprisonment in the county jail for not more than  
122 one year, or by both such fine and imprisonment.

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.