

By: Representative Barbour

To: Transportation

HOUSE BILL NO. 1378

1 AN ACT TO AMEND SECTION 63-25-13, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE MOTOR VEHICLE DISMANTLERS, CRUSHERS AND COMPACTORS TO
3 NOTIFY LIENHOLDERS BEFORE DESTROYING MOTOR VEHICLES; TO PROVIDE
4 PENALTIES FOR VIOLATIONS; TO PROVIDE THAT THE STATE TAX COMMISSION
5 SHALL INVESTIGATE AND PROSECUTE VIOLATORS; AND FOR RELATED
6 PURPOSES.

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

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

10 63-25-13. (1) Any person who delivers, sells or transfers a
11 motor vehicle or motor vehicle part to a motor vehicle scrap
12 processor for the purpose of crushing, compacting or otherwise
13 similarly processing such vehicle or part, shall present to the
14 processor, at the time of delivery, sale or transfer, the name and
15 address of the person delivering, selling or transferring the
16 vehicle or part and the original or a copy of the certificate of
17 title for the vehicle or the vehicle from which such part was
18 taken identifying the owner of such vehicle or part and the
19 vehicle identification number of the vehicle or part. If, because
20 of the age of the vehicle, no certificate of title exists, or, if
21 the certificate of title has been lost, destroyed or is
22 unavailable, then the person delivering, selling or transferring
23 the vehicle or part shall sign an affidavit so stating and
24 declaring that he or she is the owner of the vehicle or part or
25 has the right to sell or transfer the vehicle or part. Every
26 motor vehicle scrap processor shall maintain records of all such
27 transactions together with records of the disposition of such
28 vehicles and parts and, upon request of the Department of Public

29 Safety or any other law enforcement officer, shall produce such
30 records and permit such law enforcement officers, during regular
31 and usual business hours, to examine them and any vehicles or
32 parts which are on the premises that are subject to the record
33 keeping requirements of this section. No vehicle or vehicle part
34 may be crushed, compacted or otherwise similarly processed except
35 after compliance with this section. The failure or refusal of a
36 motor vehicle scrap processor to maintain or produce such records
37 or to permit inspection of such records, vehicles or vehicle parts
38 as required by this section shall be a misdemeanor punishable upon
39 conviction by a fine of not more than Five Thousand Dollars
40 (\$5,000.00), by imprisonment in the county jail for not more than
41 one (1) year, or by both such fine and imprisonment.

42 (2) (a) Any person, firm or corporation who dismantles,
43 crushes, compacts or otherwise destroys motor vehicles shall
44 determine if any lien exists upon a motor vehicle and shall notify
45 any lienholders of record by certified mail before dismantling,
46 crushing, compacting or destroying such motor vehicle. A
47 lienholder has seven (7) days after receipt of notice to claim a
48 motor vehicle. A reasonable effort must be made to identify and
49 notify any lienholder.

50 (b) Any person, firm or corporation who violates the
51 provisions of paragraph (a) of this subsection, upon conviction,
52 shall be punished as follows:

53 (i) For a first offense, by a fine of One Hundred
54 Dollars (\$100.00) per occurrence;

55 (ii) For a second offense, by a fine of Five
56 Hundred Dollars (\$500.00) per occurrence; and

57 (iii) For a third or subsequent offense, by a fine
58 of One Thousand Dollars (\$1,000.00) per occurrence, by revocation
59 of any business license for one (1) year and by imprisonment for
60 not more than six (6) months.

61 (c) The State Tax Commission shall investigate and
62 prosecute violators of this subsection. The State Tax Commission
63 may utilize the assistance of any law enforcement agency to carry
64 out the provisions of this subsection, and the county tax
65 assessors shall assist the State Tax Commission in performing its
66 duties under this section.

67 SECTION 2. This act shall take effect and be in force from
68 and after July 1, 2001.