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

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

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

63-25-13. (1) Any person who delivers, sells or transfers a motor vehicle or motor vehicle part to a motor vehicle scrap processor for the purpose of crushing, compacting or otherwise similarly processing such vehicle or part, shall present to the processor, at the time of delivery, sale or transfer, the name and address of the person delivering, selling or transferring the vehicle or part and the original or a copy of the certificate of title for the vehicle or the vehicle from which such part was taken identifying the owner of such vehicle or part and the vehicle identification number of the vehicle or part. If, because of the age of the vehicle, no certificate of title exists, or, if the certificate of title has been lost, destroyed or is unavailable, then the person delivering, selling or transferring the vehicle or part shall sign an affidavit so stating and declaring that he or she is the owner of the vehicle or part or has the right to sell or transfer the vehicle or part. Every motor vehicle scrap processor shall maintain records of all such transactions together with records of the disposition of such vehicles and parts and, upon request of the Department of Public...
Safety or any other law enforcement officer, shall produce such records and permit such law enforcement officers, during regular and usual business hours, to examine them and any vehicles or parts which are on the premises that are subject to the record keeping requirements of this section. No vehicle or vehicle part may be crushed, compacted or otherwise similarly processed except after compliance with this section. The failure or refusal of a motor vehicle scrap processor to maintain or produce such records or to permit inspection of such records, vehicles or vehicle parts as required by this section shall be a misdemeanor punishable upon conviction by a fine of not more than Five Thousand Dollars ($5,000.00), by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

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

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

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

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

(iii) For a third or subsequent offense, by a fine of One Thousand Dollars ($1,000.00) per occurrence, by revocation of any business license for one (1) year and by imprisonment for not more than six (6) months.
(c) The State Tax Commission shall investigate and prosecute violators of this subsection. The State Tax Commission may utilize the assistance of any law enforcement agency to carry out the provisions of this subsection, and the county tax assessors shall assist the State Tax Commission in performing its duties under this section.

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