HOUSE BILL NO. 1379

AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS 27-17-36, MISSISSIPPI CODE OF 1972, TO REQUIRE PERSONS WHO APPLY FOR THE ISSUANCE OF A PRIVILEGE LICENSE FOR THE PURPOSE OF ENGAGING IN THE BUSINESS OF SELLING USED MOTOR VEHICLES TO PRESENT TO THE TAX COLLECTOR A CERTIFICATE EVIDENCING THAT SUCH PERSON HAS MET CERTAIN ANNUAL CONTINUING EDUCATION REQUIREMENTS FOR USED CAR DEALERS AND SALESMEN; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 63-17-82, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI MOTOR VEHICLE COMMISSION SHALL CONDUCT OR SHALL CONTRACT WITH A NONPROFIT CORPORATE ENTITY AUTHORIZED TO DO BUSINESS IN THIS STATE TO CONDUCT CONTINUING EDUCATION COURSES FOR PERSONS ENGAGED IN THE BUSINESS OF SELLING PRE-OWNED OR USED MOTOR VEHICLES AT RETAIL; TO PRESCRIBE THE CONTENTS OF SUCH COURSES, TO AUTHORIZE THE COMMISSION TO COLLECT FEES FROM COURSE PARTICIPANTS TO DEFRAY THE COSTS OF SUCH COURSES; TO AUTHORIZE THE COMMISSION TO ISSUE CERTIFICATES EVIDENCING COMPLETION OF SUCH COURSES; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 27-17-36, Mississippi Code of 1972:

27-17-36. Every person who applies for the issuance of a privilege license for the purpose of authorizing such person to engage in the business of selling pre-owned or used motor vehicles at retail shall present to the tax collector at the time of application for a privilege license a valid certificate issued by the Mississippi Motor Vehicle Commission evidencing that such person has met the annual continuing education requirements prescribed by Section 63-17-82 for used car dealers and salesmen. The tax collector shall not issue a privilege license to such person unless the certificate accompanies the application.

SECTION 2. The following shall be codified as Section 63-17-82, Mississippi Code of 1972:
67-17-82. (1) The Mississippi Motor Vehicle Commission shall conduct or shall contract with a nonprofit corporate entity authorized to do business in this state to conduct continuing education courses for persons engaged in the business of selling pre-owned or used motor vehicles at retail. Such courses shall be designed to enhance the knowledge and competence of pre-owned used car dealers and salesmen and shall include, but not be limited to, classroom instruction in the following areas of law:

(a) The Mississippi Certificate of Title Law;
(b) Odometer laws, both state and federal;
(c) Buyers Guide:
   (i) Implied warranties;
   (ii) No warranties ("As Is");
(d) Proper use of dealer tags;
(e) Towing and storage laws;
(f) Bad check laws;
(g) Draft auto purchase law;
(h) State Inspection Law;
(i) Repossession laws;
(j) Sales tax laws (As applicable to motor vehicle sales);
(k) Department of Human Services regulations on reporting a new hire;

(2) The commission shall issue a certificate to each person who completes at least five (5) hours of classroom instruction. No written or oral examination shall be required of course participants. The certificates shall be valid for not more than one year from the date of issue and shall contain the participant’s name and address, an identification number and an expiration date thereon. The commission may charge a fee not to exceed the actual costs incurred by the commission in conducting or contracting for the conducting of the courses and the issuance of certificates.
SECTION 3. This act shall take effect and be in force from and after July 1, 2001.