

By: Senator(s) Dickerson

To: Judiciary

SENATE BILL NO. 2697

1 AN ACT TO AMEND SECTIONS 63-11-30, 63-11-49, 63-11-51 AND  
2 63-11-53, MISSISSIPPI CODE OF 1972, TO CLARIFY THE PROCEDURE  
3 WHEREBY A VEHICLE OWNED AND OPERATED BY A PERSON CONVICTED OF A  
4 THIRD OR SUBSEQUENT DUI MAY BE FORFEITED AND TO CLARIFY THE RIGHT  
5 OF AN OWNER OR LIENHOLDER TO SECURE RELEASE OF A VEHICLE SEIZED  
6 UPON A THIRD OR SUBSEQUENT DUI; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-11-30, Mississippi Code of 1972, is  
9 amended as follows:

10 63-11-30. (1) It is unlawful for any person to drive or  
11 otherwise operate a vehicle within this state who (a) is under the  
12 influence of intoxicating liquor; (b) is under the influence of  
13 any other substance which has impaired such person's ability to  
14 operate a motor vehicle; (c) has an alcohol concentration of ten  
15 one-hundredths percent (.10%) or more for persons who are above  
16 the legal age to purchase alcoholic beverages under state law, or  
17 two one-hundredths percent (.02%) or more for persons who are  
18 below the legal age to purchase alcoholic beverages under state  
19 law, in the person's blood based upon grams of alcohol per one  
20 hundred (100) milliliters of blood or grams of alcohol per two  
21 hundred ten (210) liters of breath as shown by a chemical analysis  
22 of such person's breath, blood or urine administered as authorized  
23 by this chapter; (d) is under the influence of any drug or  
24 controlled substance, the possession of which is unlawful under  
25 the Mississippi Controlled Substances Law; or (e) has an alcohol  
26 concentration of four one-hundredths percent (.04%) or more in the  
27 person's blood, based upon grams of alcohol per one hundred (100)  
28 milliliters of blood or grams of alcohol per two hundred ten (210)  
29 liters of breath as shown by a chemical analysis of such person's



30 blood, breath or urine, administered as authorized by this chapter  
31 for persons operating a commercial motor vehicle.

32 (2) (a) Except as otherwise provided in subsection (3),  
33 upon conviction of any person for the first offense of violating  
34 subsection (1) of this section where chemical tests provided for  
35 under Section 63-11-5 were given, or where chemical test results  
36 are not available, such person shall be fined not less than Two  
37 Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars  
38 (\$1,000.00), or imprisoned for not more than forty-eight (48)  
39 hours in jail or both; and the court shall order such person to  
40 attend and complete an alcohol safety education program as  
41 provided in Section 63-11-32. The court may substitute attendance  
42 at a victim impact panel instead of forty-eight (48) hours in  
43 jail. In addition, the Department of Public Safety, the  
44 Commissioner of Public Safety or his duly authorized agent shall,  
45 after conviction and upon receipt of the court abstract, suspend  
46 the driver's license and driving privileges of such person for a  
47 period of not less than ninety (90) days and until such person  
48 attends and successfully completes an alcohol safety education  
49 program as herein provided; provided, however, in no event shall  
50 such period of suspension exceed one (1) year. Commercial driving  
51 privileges shall be suspended as provided in Section 63-1-83.

52 The circuit court having jurisdiction in the county in which  
53 the conviction was had or the circuit court of the person's county  
54 of residence may reduce the suspension of driving privileges under  
55 Section 63-11-30(2) (a) if the denial of which would constitute a  
56 hardship on the offender, except that no court may issue such an  
57 order reducing the suspension of driving privileges under this  
58 subsection until thirty (30) days have elapsed from the effective  
59 date of the suspension. Hardships shall only apply to first  
60 offenses under Section 63-11-30(1), and shall not apply to second,  
61 third or subsequent convictions of any person violating subsection  
62 (1) of this section. A reduction of suspension on the basis of



63 hardship shall not be available to any person who refused to  
64 submit to a chemical test upon the request of a law enforcement  
65 officer as provided in Section 63-11-5. When the petition is  
66 filed, such person shall pay to the circuit clerk of the court  
67 where the petition is filed a fee of Fifty Dollars (\$50.00), which  
68 shall be deposited into the State General Fund to the credit of a  
69 special fund hereby created in the State Treasury to be used for  
70 alcohol or drug abuse treatment and education, upon appropriation  
71 by the Legislature. This fee shall be in addition to any other  
72 court costs or fees required for the filing of petitions.

73 The petition filed under the provisions of this subsection  
74 shall contain the specific facts which the petitioner alleges to  
75 constitute a hardship and the driver's license number of the  
76 petitioner. A hearing may be held on any petition filed under  
77 this subsection only after ten (10) days' prior written notice to  
78 the Commissioner of Public Safety, or his designated agent, or the  
79 attorney designated to represent the state. At such hearing, the  
80 court may enter an order reducing the period of suspension.

81 The order entered under the provisions of this subsection  
82 shall contain the specific grounds upon which hardship was  
83 determined, and shall order the petitioner to attend and complete  
84 an alcohol safety education program as provided in Section  
85 63-11-32. A certified copy of such order shall be delivered to  
86 the Commissioner of Public Safety by the clerk of the court within  
87 five (5) days of the entry of the order. The certified copy of  
88 such order shall contain information which will identify the  
89 petitioner, including, but not limited to, the name, mailing  
90 address, street address, social security number and driver's  
91 license number of the petitioner.

92 At any time following at least thirty (30) days of suspension  
93 for a first offense violation of this section, the court may grant  
94 the person hardship driving privileges upon written petition of



95 the defendant, if it finds reasonable cause to believe that  
96 revocation would hinder the person's ability to:

97 (i) Continue his employment;

98 (ii) Continue attending school or an educational  
99 institution; or

100 (iii) Obtain necessary medical care.

101 Proof of the hardship shall be established by clear and  
102 convincing evidence which shall be supported by independent  
103 documentation.

104 (b) Except as otherwise provided in subsection (3),  
105 upon any second conviction of any person violating subsection (1)  
106 of this section, the offenses being committed within a period of  
107 five (5) years, such person shall be fined not less than Six  
108 Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred  
109 Dollars (\$1,500.00), shall be imprisoned not less than five (5)  
110 days nor more than one (1) year and sentenced to community service  
111 work for not less than ten (10) days nor more than one (1) year.  
112 The minimum penalties shall not be suspended or reduced by the  
113 court and no prosecutor shall offer any suspension or sentence  
114 reduction as part of a plea bargain. Except as may otherwise be  
115 provided by paragraph (d) of this subsection, the Commissioner of  
116 Public Safety shall suspend the driver's license of such person  
117 for two (2) years. Suspension of a commercial driver's license  
118 shall be governed by Section 63-1-83. Upon any second conviction  
119 as described in this paragraph, the court shall ascertain whether  
120 the defendant is married, and if the defendant is married shall  
121 obtain the name and address of the defendant's spouse; the clerk  
122 of the court shall submit this information to the Department of  
123 Public Safety. Further, the commissioner shall notify in writing,  
124 by certified mail, return receipt requested, the owner of the  
125 vehicle and the spouse, if any, of the person convicted of the  
126 second violation of the possibility of forfeiture of the vehicle  
127 if such person is convicted of a third violation of subsection (1)



128 of this section. The owner of the vehicle and the spouse shall be  
129 considered notified under this paragraph if the notice is  
130 deposited in the United States mail and any claim that the notice  
131 was not in fact received by the addressee shall not affect a  
132 subsequent forfeiture proceeding.

133 For any second or subsequent conviction of any person under  
134 this section, the person shall also be subject to the penalties  
135 set forth in Section 63-11-31.

136 (c) Except as otherwise provided in subsection (3), for  
137 any third or subsequent conviction of any person violating  
138 subsection (1) of this section, the offenses being committed  
139 within a period of five (5) years, such person shall be guilty of  
140 a felony and fined not less than Two Thousand Dollars (\$2,000.00)  
141 nor more than Five Thousand Dollars (\$5,000.00), shall be  
142 imprisoned not less than one (1) year nor more than five (5) years  
143 in the State Penitentiary. In addition to the foregoing  
144 penalties, the sentencing court shall order forfeiture of the  
145 vehicle owned and operated by the convicted person at the time of  
146 the third or subsequent offense. The court shall order the  
147 vehicle forfeited to the law enforcement agency which seized the  
148 vehicle. The court shall forward a copy of the forfeiture order  
149 to the law enforcement agency which seized the vehicle. The  
150 minimum penalties shall not be suspended or reduced by the court  
151 and no prosecutor shall offer any suspension or sentence reduction  
152 as part of a plea bargain. The law enforcement agency shall seize  
153 the vehicle operated by any person charged with a third or  
154 subsequent violation of subsection (1) of this section, if such  
155 convicted person was driving the vehicle at the time the offense  
156 was committed. \* \* \* Except as may otherwise be provided by  
157 paragraph (e) of this subsection, the Commissioner of Public  
158 Safety shall suspend the driver's license of such person for five  
159 (5) years. The suspension of a commercial driver's license shall  
160 be governed by Section 63-1-83.



161           (d) Except as otherwise provided in subsection (3), any  
162 person convicted of a second violation of subsection (1) of this  
163 section shall receive an in-depth diagnostic assessment, and if as  
164 a result of such assessment is determined to be in need of  
165 treatment of his alcohol and/or drug abuse problem, such person  
166 shall successfully complete treatment of his alcohol and/or drug  
167 abuse problem at a program site certified by the Department of  
168 Mental Health. Such person shall be eligible for reinstatement of  
169 his driving privileges upon the successful completion of such  
170 treatment after a period of one (1) year after such person's  
171 driver's license is suspended. Each person who receives a  
172 diagnostic assessment shall pay a fee representing the cost of  
173 such assessment. Each person who participates in a treatment  
174 program shall pay a fee representing the cost of such treatment.

175           (e) Except as otherwise provided in subsection (3), any  
176 person convicted of a third or subsequent violation of subsection  
177 (1) of this section shall receive an in-depth diagnostic  
178 assessment, and if as a result of such assessment is determined to  
179 be in need of treatment of his alcohol and/or drug abuse problem,  
180 such person shall enter an alcohol and/or drug abuse program  
181 approved by the Department of Mental Health for treatment of such  
182 person's alcohol and/or drug abuse problem. If such person  
183 successfully completes such treatment, such person shall be  
184 eligible for reinstatement of his driving privileges after a  
185 period of three (3) years after such person's driver's license is  
186 suspended.

187           (f) The Department of Public Safety shall promulgate  
188 rules and regulations for the use of interlock ignition devices as  
189 provided in Section 63-11-31 and consistent with the provisions  
190 therein. Such rules and regulations shall provide for the  
191 calibration of such devices and shall provide that the cost of the  
192 use of such systems shall be borne by the offender. The



193 Department of Public Safety shall approve which vendors of such  
194 devices shall be used to furnish such systems.

195 (3) (a) This subsection shall be known and may be cited as  
196 Zero Tolerance for Minors. The provisions of this subsection  
197 shall apply only when a person under the age of twenty-one (21)  
198 years has a blood alcohol concentration two one-hundredths percent  
199 (.02%) or more, but lower than eight one-hundredths percent  
200 (.08%). If such person's blood alcohol concentration is eight  
201 one-hundredths percent (.08%) or more, the provisions of  
202 subsection (2) shall apply.

203 (b) Upon conviction of any person under the age of  
204 twenty-one (21) years for the first offense of violating  
205 subsection (1) of this section where chemical tests provided for  
206 under Section 63-11-5 were given, or where chemical test results  
207 are not available, such person shall have his driver's license  
208 suspended for ninety (90) days and shall be fined Two Hundred  
209 Fifty Dollars (\$250.00); and the court shall order such person to  
210 attend and complete an alcohol safety education program as  
211 provided in Section 63-11-32. The court may also require  
212 attendance at a victim impact panel.

213 The circuit court having jurisdiction in the county in which  
214 the conviction was had or the circuit court of the person's county  
215 of residence may reduce the suspension of driving privileges under  
216 Section 63-11-30(2) (a) if the denial of which would constitute a  
217 hardship on the offender, except that no court may issue such an  
218 order reducing the suspension of driving privileges under this  
219 subsection until thirty (30) days have elapsed from the effective  
220 date of the suspension. Hardships shall only apply to first  
221 offenses under Section 63-11-30(1), and shall not apply to second,  
222 third or subsequent convictions of any person violating subsection  
223 (1) of this section. A reduction of suspension on the basis of  
224 hardship shall not be available to any person who refused to  
225 submit to a chemical test upon the request of a law enforcement



226 officer as provided in Section 63-11-5. When the petition is  
227 filed, such person shall pay to the circuit clerk of the court  
228 where the petition is filed a fee of Fifty Dollars (\$50.00), which  
229 shall be deposited into the State General Fund to the credit of a  
230 special fund hereby created in the State Treasury to be used for  
231 alcohol or drug abuse treatment and education, upon appropriation  
232 by the Legislature. This fee shall be in addition to any other  
233 court costs or fees required for the filing of petitions.

234 The petition filed under the provisions of this subsection  
235 shall contain the specific facts which the petitioner alleges to  
236 constitute a hardship and the driver's license number of the  
237 petitioner. A hearing may be held on any petition filed under  
238 this subsection only after ten (10) days' prior written notice to  
239 the Commissioner of Public Safety, or his designated agent, or the  
240 attorney designated to represent the state. At such hearing, the  
241 court may enter an order reducing the period of suspension.

242 The order entered under the provisions of this subsection  
243 shall contain the specific grounds upon which hardship was  
244 determined, and shall order the petitioner to attend and complete  
245 an alcohol safety education program as provided in Section  
246 63-11-32. A certified copy of such order shall be delivered to  
247 the Commissioner of Public Safety by the clerk of the court within  
248 five (5) days of the entry of the order. The certified copy of  
249 such order shall contain information which will identify the  
250 petitioner, including, but not limited to, the name, mailing  
251 address, street address, social security number and driver's  
252 license number of the petitioner.

253 At any time following at least thirty (30) days of suspension  
254 for a first offense violation of this section, the court may grant  
255 the person hardship driving privileges upon written petition of  
256 the defendant, if it finds reasonable cause to believe that  
257 revocation would hinder the person's ability to:

258 (i) Continue his employment;





259 (ii) Continue attending school or an educational  
260 institution; or

261 (iii) Obtain necessary medical care.

262 Proof of the hardship shall be established by clear and  
263 convincing evidence which shall be supported by independent  
264 documentation.

265 (c) Upon any second conviction of any person under the  
266 age of twenty-one (21) years violating subsection (1) of this  
267 section, the offenses being committed within a period of five (5)  
268 years, such person shall be fined not more than Five Hundred  
269 Dollars (\$500.00) and shall have his driver's license suspended  
270 for one (1) year.

271 (d) For any third or subsequent conviction of any  
272 person under the age of twenty-one (21) years violating subsection  
273 (1) of this section, the offenses being committed within a period  
274 of five (5) years, such person shall be fined not more than One  
275 Thousand Dollars (\$1,000.00) and shall have his driver's license  
276 suspended until he reaches the age of twenty-one (21) or for two  
277 (2) years, whichever is longer.

278 (e) Any person under the age of twenty-one (21) years  
279 convicted of a second violation of subsection (1) of this section,  
280 may have the period that his driver's license is suspended reduced  
281 if such person receives an in-depth diagnostic assessment, and as  
282 a result of such assessment is determined to be in need of  
283 treatment of his alcohol and/or drug abuse problem and  
284 successfully completes treatment of his alcohol and/or drug abuse  
285 problem at a program site certified by the Department of Mental  
286 Health. Such person shall be eligible for reinstatement of his  
287 driving privileges upon the successful completion of such  
288 treatment after a period of six (6) months after such person's  
289 driver's license is suspended. Each person who receives a  
290 diagnostic assessment shall pay a fee representing the cost of



291 such assessment. Each person who participates in a treatment  
292 program shall pay a fee representing the cost of such treatment.

293 (f) Any person under the age of twenty-one (21) years  
294 convicted of a third or subsequent violation of subsection (1) of  
295 this section shall complete treatment of an alcohol and/or drug  
296 abuse program at a site certified by the Department of Mental  
297 Health.

298 (g) The court shall have the discretion to rule that a  
299 first offense of this subsection by a person under the age of  
300 twenty-one (21) years shall be nonadjudicated. Such person shall  
301 be eligible for nonadjudication only once. The Department of  
302 Public Safety shall maintain a confidential registry of all cases  
303 which are nonadjudicated as provided in this paragraph. A judge  
304 who rules that a case is nonadjudicated shall forward such ruling  
305 to the Department of Public Safety. Judges and prosecutors  
306 involved in implied consent violations shall have access to the  
307 confidential registry for the purpose of determining  
308 nonadjudication eligibility. A record of a person who has been  
309 nonadjudicated shall be maintained for five (5) years or until  
310 such person reaches the age of twenty-one (21) years. Any person  
311 whose confidential record has been disclosed in violation of this  
312 paragraph shall have a civil cause of action against the person  
313 and/or agency responsible for such disclosure.

314 (4) In addition to the other penalties provided in this  
315 section, every person refusing a law enforcement officer's request  
316 to submit to a chemical test of his breath as provided in this  
317 chapter, or who was unconscious at the time of a chemical test and  
318 refused to consent to the introduction of the results of such test  
319 in any prosecution, shall suffer an additional suspension of  
320 driving privileges as follows:

321 The Commissioner of Public Safety or his authorized agent  
322 shall suspend the driver's license or permit to drive or deny the  
323 issuance of a license or permit to such person as provided for



324 first, second and third or subsequent offenders in subsection (2)  
325 of this section. Such suspension shall be in addition to any  
326 suspension imposed pursuant to subsection (1) of Section 63-11-23.  
327 The minimum suspension imposed under this subsection shall not be  
328 reduced and no prosecutor is authorized to offer a reduction of  
329 such suspension as part of a plea bargain.

330 (5) Every person who operates any motor vehicle in violation  
331 of the provisions of subsection (1) of this section and who in a  
332 negligent manner causes the death of another or mutilates,  
333 disfigures, permanently disables or destroys the tongue, eye, lip,  
334 nose or any other limb, organ or member of another shall, upon  
335 conviction, be guilty of a felony and shall be committed to the  
336 custody of the State Department of Corrections for a period of  
337 time of not less than five (5) years and not to exceed twenty-five  
338 (25) years.

339 (6) Upon conviction of any violation of subsection (1) of  
340 this section, the trial judge shall sign in the place provided on  
341 the traffic ticket, citation or affidavit stating that the person  
342 arrested either employed an attorney or waived his right to an  
343 attorney after having been properly advised. If the person  
344 arrested employed an attorney, the name, address and telephone  
345 number of the attorney shall be written on the ticket, citation or  
346 affidavit. The judge shall cause a copy of the traffic ticket,  
347 citation or affidavit, and any other pertinent documents  
348 concerning the conviction, to be sent to the Commissioner of  
349 Public Safety. A copy of the traffic ticket, citation or  
350 affidavit and any other pertinent documents, having been attested  
351 as true and correct by the Commissioner of Public Safety, or his  
352 designee, shall be sufficient proof of the conviction for purposes  
353 of determining the enhanced penalty for any subsequent convictions  
354 of violations of subsection (1) of this section.

355 (7) Convictions in other states of violations for driving or  
356 operating a vehicle while under the influence of an intoxicating



357 liquor or while under the influence of any other substance that  
358 has impaired the person's ability to operate a motor vehicle  
359 occurring after July 1, 1992, shall be counted for the purposes of  
360 determining if a violation of subsection (1) of this section is a  
361 first, second, third or subsequent offense and the penalty that  
362 shall be imposed upon conviction for a violation of subsection (1)  
363 of this section.

364 (8) For the purposes of determining how to impose the  
365 sentence for a second, third or subsequent conviction under this  
366 section, the indictment shall not be required to enumerate  
367 previous convictions. It shall only be necessary that the  
368 indictment state the number of times that the defendant has been  
369 convicted and sentenced within the past five (5) years under this  
370 section to determine if an enhanced penalty shall be imposed. The  
371 amount of fine and imprisonment imposed in previous convictions  
372 shall not be considered in calculating offenses to determine a  
373 second, third or subsequent offense of this section.

374 (9) Any person under the legal age to obtain a license to  
375 operate a motor vehicle convicted under this section shall not be  
376 eligible to receive such license until the person reaches the age  
377 of eighteen (18) years.

378 (10) Suspension of driving privileges for any person  
379 convicted of violations of Section 63-11-30(1) shall run  
380 consecutively.

381 (11) The court may order the use of any ignition interlock  
382 device as provided in Section 63-11-31.

383 **SECTION 2.** Section 63-11-49, Mississippi Code of 1972, is  
384 amended as follows:

385 63-11-49. (1) When a vehicle is seized under Section  
386 63-11-30(2)(c) or (d), the arresting officer shall impound the  
387 vehicle and the vehicle shall \* \* \* be forfeited \* \* \* as provided  
388 in Section 63-11-30(2)(c).



389           (2) When a vehicle is forfeited pursuant to a conviction for  
390 a third or subsequent offense under Section 63-11-30, the person  
391 convicted, if appealing the conviction, may request the trial  
392 court in its discretion to order a stay of forfeiture pending  
393 appeal.

394           (3) Vehicles forfeited pursuant to Section 63-11-30 shall be  
395 disposed of as provided in Section 63-11-53.

396           \* \* \*

397           **SECTION 3.** Section 63-11-51, Mississippi Code of 1972, is  
398 amended as follows:

399           63-11-51. \* \* \*

400           Any vehicle seized pursuant to Section 63-11-30(2) or  
401 63-11-49 which is not forfeited may be released to the owner or  
402 lienholder upon receipt of payment for all storage and towing  
403 charges incurred by the law enforcement agency in seizing the  
404 vehicle. The seizing law enforcement agency shall notify in  
405 writing, by first class mail, any known owner or lienholder at the  
406 owner's or lienholder's last known address that the owner or  
407 lienholder may retrieve the vehicle. In the event the owner or  
408 lienholder does not claim the vehicle within thirty (30) days from  
409 the date of mailing of the notice, the vehicle shall be sold at  
410 public auction. The owner of the vehicle or the lienholder shall  
411 be considered notified under this section if the notice is  
412 deposited in the United States mail and any claim that the notice  
413 was not in fact received by the addressee shall not affect the  
414 sale or disposition of the vehicle. Any vehicle retrieved by a  
415 lienholder shall not be returned to the person charged with the  
416 third or subsequent offense of driving under the influence.

417           **SECTION 4.** Section 63-11-53, Mississippi Code of 1972, is  
418 amended as follows:

419           63-11-53. (1) All money derived from the seizure and  
420 forfeiture of vehicles under Sections 63-11-30(2)(c) and (d)  
421 and \* \* \* 63-11-49 \* \* \* by the Mississippi Highway Safety Patrol



422 shall be forwarded to the State Treasurer and deposited in a  
423 special fund which is hereby created for use by the Department of  
424 Public Safety upon appropriation by the Legislature. Unexpended  
425 amounts remaining in such special fund at the end of a fiscal year  
426 shall not lapse into the State General Fund, and any interest  
427 earned on amounts in such special fund shall be deposited to the  
428 credit of the special fund. All other law enforcement agencies  
429 shall establish a special fund which is to be used for law  
430 enforcement purposes to purchase equipment for the law enforcement  
431 agency, and any interest earned on the amount in such special fund  
432 shall be deposited to the credit of the special fund.

433 (2) Except as otherwise provided in subsection (3), all  
434 vehicles that have been forfeited shall be sold at a public  
435 auction for cash by the law enforcement agency or its agent to the  
436 highest and best bidder. \* \* \* The proceeds of the sale \* \* \*,  
437 after deduction of all storage, towing, court costs and expenses  
438 of liquidation, shall be deposited in the manner described in  
439 subsection (1) of this section.

440 (3) The law enforcement agency may maintain, repair, use and  
441 operate for official purposes all vehicles that have been  
442 forfeited if the vehicles are free from any interest of a bona  
443 fide lienholder, secured party or other party who holds an  
444 interest in the nature of a security interest. The agency may  
445 purchase the interest of a bona fide lienholder, secured party or  
446 other party who holds an interest so that the vehicle can be  
447 released for its use. If the vehicle is susceptible of titling  
448 under the Mississippi Motor Vehicle Title Law, the agency shall be  
449 deemed to be the purchaser, and the certificate of title shall be  
450 issued to it as required by subsection (4) of this section.

451 (4) The State Tax Commission shall issue a certificate of  
452 title to any person who purchases vehicles under the provisions of  
453 this section when a certificate of title is required under the  
454 laws of this state.



455           **SECTION 5.** This act shall take effect and be in force from  
456 and after its passage.

