

By: Representative Moak

To: Transportation

## HOUSE BILL NO. 142

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION  
2 27-17-36, MISSISSIPPI CODE OF 1972, TO REQUIRE PERSONS WHO APPLY  
3 FOR THE ISSUANCE OF A PRIVILEGE LICENSE FOR THE PURPOSE OF  
4 ENGAGING IN THE BUSINESS OF SELLING USED MOTOR VEHICLES TO PRESENT  
5 TO THE TAX COLLECTOR A CERTIFICATE EVIDENCING THAT SUCH PERSON HAS  
6 MET CERTAIN ANNUAL CONTINUING EDUCATION REQUIREMENTS FOR USED CAR  
7 DEALERS AND SALESMEN; TO CREATE A NEW SECTION TO BE CODIFIED AS  
8 SECTION 63-17-82, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
9 MISSISSIPPI MOTOR VEHICLE COMMISSION SHALL CONDUCT OR SHALL  
10 CONTRACT WITH A NONPROFIT CORPORATE ENTITY AUTHORIZED TO DO  
11 BUSINESS IN THIS STATE TO CONDUCT CONTINUING EDUCATION COURSES FOR  
12 PERSONS ENGAGED IN THE BUSINESS OF SELLING PRE-OWNED OR USED MOTOR  
13 VEHICLES AT RETAIL; TO PRESCRIBE THE CONTENTS OF SUCH COURSES, TO  
14 AUTHORIZE THE COMMISSION TO COLLECT FEES FROM COURSE PARTICIPANTS  
15 TO DEFRAY THE COSTS OF SUCH COURSES; TO AUTHORIZE THE COMMISSION  
16 TO ISSUE CERTIFICATES EVIDENCING COMPLETION OF SUCH COURSES; AND  
17 FOR RELATED PURPOSES.

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

19 **SECTION 1.** The following shall be codified as Section  
20 27-17-36, Mississippi Code of 1972:

21 27-17-36. Every person who applies for the issuance of a  
22 privilege license for the purpose of authorizing such person to  
23 engage in the business of selling pre-owned or used motor vehicles  
24 at retail shall present to the tax collector at the time of  
25 application for a privilege license a valid certificate issued by  
26 the Mississippi Motor Vehicle Commission evidencing that such  
27 person has met the annual continuing education requirements  
28 prescribed by Section 63-17-82 for used car dealers and salesmen.  
29 The tax collector shall not issue a privilege license to such  
30 person unless the certificate accompanies the application.

31 **SECTION 2.** The following shall be codified as Section  
32 63-17-82, Mississippi Code of 1972:

33 63-17-82. (1) The Mississippi Motor Vehicle Commission  
34 shall conduct or shall contract with a nonprofit corporate entity

35 authorized to do business in this state to conduct continuing  
36 education courses for persons engaged in the business of selling  
37 pre-owned or used motor vehicles at retail. Such courses shall be  
38 designed to enhance the knowledge and competence of pre-owned used  
39 car dealers and salesmen and shall include, but not be limited to,  
40 classroom instruction in the following areas of law:

- 41 (a) The Mississippi Certificate of Title Law;
- 42 (b) Odometer laws, both state and federal;
- 43 (c) Buyers Guide:
  - 44 (i) Implied warranties;
  - 45 (ii) No warranties ("As Is");
- 46 (d) Proper use of dealer tags;
- 47 (e) Towing and storage laws;
- 48 (f) Bad check laws;
- 49 (g) Draft auto purchase law;
- 50 (h) State Inspection Law;
- 51 (i) Repossession laws;
- 52 (j) Sales tax laws (As applicable to motor vehicle  
53 sales);
- 54 (k) Department of Human Services regulations on  
55 reporting a new hire.

56 (2) The commission shall issue a certificate to each person  
57 who completes at least five (5) hours of classroom instruction.  
58 No written or oral examination shall be required of course  
59 participants. The certificates shall be valid for not more than  
60 one year from the date of issue and shall contain the  
61 participant's name and address, an identification number and an  
62 expiration date thereon. The commission may charge a fee not to  
63 exceed the actual costs incurred by the commission in conducting  
64 or contracting for the conducting of the courses and the issuance  
65 of certificates.

66 **SECTION 3.** This act shall take effect and be in force from  
67 and after July 1, 2004.