

By: Representatives Turner, Aldridge,
Beckett, Chism, Holland, Ishee, Mayhall,
McBride, Montgomery, Reed, Ward

To: Transportation

HOUSE BILL NO. 992
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-21-15, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE TAX COMMISSION TO ISSUE CERTIFICATES OF TITLE
3 AND OTHER DOCUMENTS APPLIED FOR UNDER THE MISSISSIPPI MOTOR
4 VEHICLE AND MANUFACTURED HOUSING TITLE LAW TO THE DESIGNATED
5 AGENT, OWNER OR LIENHOLDER NOT MORE THAN THIRTY DAYS AFTER THE
6 RECEIPT OF THE APPLICATION AND FEES ARE RECEIVED; TO REQUIRE THE
7 STATE TAX COMMISSION TO ESTABLISH AND OPERATE AN EXPEDITED
8 PROCEDURE FOR PROCESSING APPLICATIONS AND ISSUING CERTIFICATES OF
9 TITLE AND OTHER DOCUMENTS FOR MOTOR VEHICLES AND FOR MANUFACTURED
10 HOMES AND MOBILE HOMES; TO PRESCRIBE ADDITIONAL FEES FOR SUCH
11 EXPEDITED PROCEDURE; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 63-21-15, Mississippi Code of 1972, is
14 amended as follows:

15 63-21-15. (1) The application for the certificate of title
16 of a vehicle, manufactured home or mobile home in this state shall
17 be made by the owner to a designated agent, on the form the State
18 Tax Commission prescribes, and shall contain or be accompanied by
19 the following, if applicable:

20 (a) The name, current residence and mailing address of
21 the owner;

22 (b) (i) If a vehicle, a description of the vehicle,
23 including the following data: year, make, model, vehicle
24 identification number, type of body, the number of cylinders,
25 odometer reading at the time of application, and whether new or
26 used; and

27 (ii) If a manufactured home or mobile home, a
28 description of the manufactured home or mobile home, including the
29 following data: year, make, model number, serial number and
30 whether new or used;

31 (c) The date of purchase by applicant, the name and
32 address of the person from whom the vehicle, manufactured home or
33 mobile home was acquired, and the names and addresses of any
34 lienholders in the order of their priority and the dates of their
35 security agreements;

36 (d) In connection with the transfer of ownership of a
37 manufactured home or mobile home sold by a sheriff's bill of sale,
38 a copy of the sheriff's bill of sale;

39 (e) (i) An odometer disclosure statement made by the
40 transferor of a motor vehicle. The statement shall read:

41 "Federal and state law requires that you state the mileage in
42 connection with the transfer of ownership. Failure to complete or
43 providing a false statement may result in fine and/or
44 imprisonment.

45 I state that the odometer now reads _____ (no tenths)
46 miles and to the best of my knowledge that it reflects the actual
47 mileage of the vehicle described herein, unless one of the
48 following statements is checked:

49 _____(1) I hereby certify that to the best of my knowledge
50 the odometer reading reflects the amount of mileage in excess of
51 its mechanical limits.

52 _____(2) I hereby certify that the odometer reading is not
53 the actual mileage. WARNING-ODOMETER DISCREPANCY!"

54 (ii) In connection with the transfer of ownership
55 of a motor vehicle, each transferor shall disclose the mileage to
56 the transferee in writing on the title or on the document being
57 used to reassign the title, which form shall be prescribed and
58 furnished by the State Tax Commission. This written disclosure
59 must be signed by the transferor and transferee, including the
60 printed name of both parties.

61 Notwithstanding the requirements above, the following
62 exemptions as to odometer disclosure shall be in effect:

63 1. A vehicle having a gross vehicle weight
64 rating of more than sixteen thousand (16,000) pounds.

65 2. A vehicle that is not self-propelled.

66 3. A vehicle that is ten (10) years old or
67 older.

68 4. A vehicle sold directly by the
69 manufacturer to any agency of the United States in conformity with
70 contractual specifications.

71 5. A transferor of a new vehicle prior to its
72 first transfer for purposes other than resale need not disclose
73 the vehicle's odometer mileage.

74 (iii) Any person who knowingly gives a false
75 statement concerning the odometer reading on an odometer
76 disclosure statement shall be guilty of a misdemeanor and, upon
77 conviction, shall be subject to a fine of up to One Thousand
78 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or
79 both, at the discretion of the court. These penalties shall be
80 cumulative, supplemental and in addition to the penalties provided
81 by any other law; and

82 (f) For previously used manufactured homes and mobile
83 homes that previously have not been titled in this state or any
84 other state, a disclosure statement shall be made by the owner of
85 the manufactured home or mobile home applying for the certificate
86 of title. That statement shall read:

87 "I state that the previously used manufactured home or mobile
88 home owned by me for which I am applying for a certificate of
89 title, to the best of my knowledge:

90 _____ (1) Has never been declared a total loss due
91 to flood damage, fire damage, wind damage or other damage; or

92 _____ (2) Has previously been declared a total
93 loss due to:

94 _____ (a) Collision;

95 _____ (b) Flood;

96 _____ (c) Fire;
97 _____ (d) Wind;
98 _____ (e) Other (please describe): _____
99 _____."

100 (2) The application shall be accompanied by such evidence as
101 the State Tax Commission reasonably requires to identify the
102 vehicle, manufactured home or mobile home and to enable the State
103 Tax Commission to determine whether the owner is entitled to a
104 certificate of title and the existence or nonexistence of security
105 interests in the vehicle, manufactured home or mobile home and
106 whether the applicant is liable for a use tax as provided by
107 Sections 27-67-1 through 27-67-33.

108 (3) If the application is for a vehicle, manufactured home
109 or mobile home purchased from a dealer, it shall contain the name
110 and address of any lienholder holding a security interest created
111 or reserved at the time of the sale and the date of his security
112 agreement and it shall be signed by the dealer as well as the
113 owner. The designated agent shall promptly mail or deliver the
114 application to the State Tax Commission.

115 (4) If the application is for a new vehicle, manufactured
116 home or mobile home, it shall contain the certified manufacturer's
117 statement of origin showing proper assignments to the applicant
118 and a copy of each security interest document.

119 (5) Each application shall contain or be accompanied by the
120 certificate of a designated agent that the vehicle, manufactured
121 home or mobile home has been physically inspected by him and that
122 the vehicle identification number and descriptive data shown on
123 the application, pursuant to the requirements of subsection (1)(b)
124 of this section, are correct, and also that he has identified the
125 person signing the application and witnessed the signature. If
126 the application is to receive a clear title for a vehicle for
127 which a salvage certificate of title has been issued, the
128 application shall be accompanied by a sworn affidavit that the

129 vehicle complies with the requirements of this section, Section
130 63-21-39 and the regulations promulgated by the State Tax
131 Commission under Section 63-21-39.

132 (6) If the application is for a first certificate of title
133 on a vehicle, manufactured home or mobile home other than a new
134 vehicle, manufactured home or mobile home, then the application
135 shall conform with the requirements of this section except that in
136 lieu of the manufacturer's statement of origin, the application
137 shall be accompanied by a copy of the bill of sale of said motor
138 vehicle, manufactured home or mobile home whereby the applicant
139 claims title or in lieu thereof, in the case of a motor vehicle,
140 certified copies of the last two (2) years' tag and tax receipts
141 or in lieu thereof, in any case, such other information the State
142 Tax Commission may reasonably require to identify the vehicle,
143 manufactured home or mobile home and to enable the State Tax
144 Commission to determine ownership of the vehicle, manufactured
145 home or mobile home and the existence or nonexistence of security
146 interest in it. If the application is for a vehicle, manufactured
147 home or mobile home last previously registered in another state or
148 country, the application shall also be accompanied by the
149 certificate of title issued by the other state or country, if any,
150 properly assigned.

151 (7) Every designated agent within this state shall, no later
152 than the next business day after they are received by him, forward
153 to the State Tax Commission by mail, postage prepaid, the
154 originals of all applications received by him, together with such
155 evidence of title as may have been delivered to him by the
156 applicants.

157 (8) An application for certificate of title and information
158 to be placed on an application for certificate of title may be
159 transferred electronically as provided in Section 63-21-16.

160 (9) The State Tax Commission shall issue a certificate of
161 title or any other document applied for under this chapter to the

162 designated agent, owner or lienholder of the motor vehicle or of
163 the manufactured home or mobile home, as appropriate, not more
164 than thirty (30) days after the application and required fee
165 prescribed under Section 63-21-63 or Section 63-21-64 are received
166 unless the applicant requests expedited processing under
167 subsection (10) of this section.

168 (10) (a) The State Tax Commission shall establish an
169 expedited processing procedure for the receipt of applications and
170 the issuance of certificates of title and any other documents
171 issued under this chapter, except a replacement certificate of
172 title as provided under Section 63-21-27(2), for motor vehicles
173 and for manufactured homes or mobile homes. Any designated agent,
174 lienholder or owner requesting the issuance of any such document,
175 at his or her option, shall receive such expedited processing upon
176 payment of a fee in the amount of Thirty Dollars (\$30.00). Such
177 fee shall be in addition to the fees applicable to the issuance of
178 any such documents under Section 63-21-63 and Section 63-21-64.

179 (b) When expedited title processing is requested, the
180 applicable fees are paid and all documents and information
181 necessary for the Tax Commission to issue the certificate of title
182 or other documents applied for are received by the commission,
183 then the commission shall complete processing of the application
184 and issue the title or document applied for within seventy-two
185 (72) hours of the time of receipt, excluding weekends and
186 holidays.

187 **SECTION 2.** This act shall take effect and be in force from
188 and after September 1, 2004.