

By: Senator(s) Wilemon, Clarke, White,
Mettetal, Jackson (15th), Hyde-Smith

To: Finance

SENATE BILL NO. 2718

1 AN ACT TO AMEND SECTIONS 63-21-21, 63-21-37, 63-21-45 AND
2 63-21-63, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE TAX
3 COMMISSION TO MAIL THE CERTIFICATE OF TITLE TO THE OWNER OR
4 LIENHOLDER OF A MOTOR VEHICLE NOT MORE THAN 14 DAYS AFTER ALL
5 NECESSARY INFORMATION IS RECEIVED; TO PROVIDE THAT IF THE
6 NECESSARY INFORMATION AND FEES ARE DELIVERED IN PERSON TO THE
7 STATE TAX COMMISSION BY THE PERSON ENTITLED TO THE CERTIFICATE OF
8 TITLE, THE CERTIFICATE OF TITLE SHALL BE ISSUED TO THE PERSON
9 IMMEDIATELY AFTER THE COMMISSION IS SATISFIED AS TO THE
10 GENUINENESS AND REGULARITY OF THE INFORMATION; TO INCREASE THE
11 FEES PAID TO THE STATE TAX COMMISSION FOR ISSUING AND PROCESSING
12 DOCUMENTS REQUIRED BY THE MISSISSIPPI MOTOR VEHICLE TITLE LAW; AND
13 FOR RELATED PURPOSES.

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

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

17 63-21-21. (1) The certificate of title shall be mailed to
18 the first lienholder named in it or, if none, to the owner. If
19 the original certificate of title is delivered to a lienholder, a
20 nontransferable duplicate certificate of title shall be mailed to
21 the owner to serve as a permit for operation of the motor vehicle
22 or use or occupancy of the manufactured home or mobile home.

23 (2) The State Tax Commission shall mail the certificate of
24 title to the owner or lienholder of a motor vehicle, as
25 appropriate, not more than fourteen (14) days after the
26 application and required fee are received; however, if the
27 application and required fee are delivered in person to the
28 appropriate offices of the State Tax Commission by the person
29 entitled to the certificate of title, the certificate of title
30 shall be issued to the person immediately after the commission has
31 examined the application, is satisfied as to its genuineness and

32 regularity and the fee provided for in Section 63-21-63 has been
33 paid.

34 **SECTION 2.** Section 63-21-37, Mississippi Code of 1972, is
35 amended as follows:

36 63-21-37. (1) The State Tax Commission, upon receipt of a
37 properly assigned certificate of title, with an application for a
38 new certificate of title, the required fee and any other documents
39 required by the commission, shall issue a new certificate of title
40 in the name of the transferee as owner and mail it to the first
41 lienholder named in it or, if none, to the owner. The State Tax
42 Commission shall mail the certificate of title to the owner or
43 lienholder of a motor vehicle, as appropriate, not more than
44 fourteen (14) days after the properly assigned certificate of
45 title, application for a new certificate of title and required fee
46 are received; however, if the assigned certificate of title, the
47 application for a new certificate of title and required fee are
48 delivered in person to the appropriate offices of the State Tax
49 Commission by the person entitled to the certificate of title, the
50 certificate of title shall be issued to the person immediately
51 after the commission has examined the application and is satisfied
52 as to its genuineness and regularity and the fee provided for in
53 Section 63-21-63 has been paid.

54 (2) The commission, upon receipt of an application for a new
55 certificate of title by a transferee other than by voluntary
56 transfer, with proof of the transfer, the required fee and any
57 other documents required by law, shall issue a new certificate of
58 title in the name of the transferee as owner. If the outstanding
59 certificate of title is not delivered to the commission, the
60 commission shall make demand therefor from the holder thereof.

61 (3) The commission shall file every surrendered certificate
62 of title, or a microfilm of every such certificate, for a period
63 of time deemed necessary by it in order to permit the tracing of

64 title of the vehicle, manufactured home or mobile home designated
65 therein.

66 **SECTION 3.** Section 63-21-45, Mississippi Code of 1972, is
67 amended as follows:

68 63-21-45. (1) If an owner creates a security interest in a
69 vehicle, manufactured home or mobile home:

70 (a) The owner shall immediately execute the application
71 in the space provided therefor on the certificate of title, or on
72 a separate form the State Tax Commission prescribes to name the
73 lienholder on the certificate showing the name and address of the
74 lienholder and the date of his security agreement, and cause the
75 certificate, application and the required fee to be delivered to
76 the lienholder.

77 (b) The lienholder shall immediately cause the
78 certificate, application and required fee to be mailed or
79 delivered to a county tax collector or a designated agent.

80 (c) Upon request of the owner or subordinate
81 lienholder, a lienholder in possession of the certificate of title
82 shall either mail or deliver the certificate to the subordinate
83 lienholder for delivery to a county tax collector or a designated
84 agent or, upon receipt from the subordinate lienholder of the
85 owner's application and the required fee, mail or deliver them to
86 a county tax collector or a designated agent with the certificate.
87 The delivery of the certificate does not affect the rights of the
88 first lienholder under his security agreement.

89 (d) Upon receipt of the certificate of title,
90 application and the required fee, the State Tax Commission shall
91 either endorse on the certificate or issue a new certificate
92 containing the name and address of the new lienholder, and mail
93 the certificate to the first lienholder named in it. If the
94 certificate of title is for a motor vehicle, the State Tax
95 Commission shall mail the certificate of title to the lienholder
96 of a motor vehicle not more than fourteen (14) days after the

97 certificate of title, application and the required fee are
98 received.

99 (2) Information evidencing a bank or lending institution's
100 lien or other security interest in a motor vehicle's, manufactured
101 home's or mobile home's certificate of title may be transferred by
102 electronic means as provided in Section 63-21-16.

103 **SECTION 4.** Section 63-21-63, Mississippi Code of 1972, is
104 amended as follows:

105 63-21-63. There shall be paid to the State Tax Commission
106 for issuing and processing documents required by this chapter,
107 fees according to the following schedule:

- 108 (1) Each application for certificate of title..... \$9.00
- 109 (2) Each application for replacement or corrected
110 certificate of title..... 9.00
- 111 (3) Each suspension or revocation of certificate
112 of title..... 9.00
- 113 (4) Each notice of security interest..... 9.00
- 114 (5) Each release of security interest..... 9.00
- 115 (6) Each assignment by lienholder..... 9.00
- 116 (7) Each application for information as to
117 the status of the title of a vehicle..... 9.00
- 118 (8) Each application for a certificate of title
119 when delivered in person to the appropriate office of
120 the State Tax Commission by the person entitled to the
121 of title..... 25.00

122 The designated agent may add the sum of One Dollar (\$1.00) to
123 each document processed for which a fee is charged to be retained
124 as his commission for services rendered. All other fees collected
125 shall be remitted to the State Tax Commission.

126 If more than one (1) transaction be involved in any
127 application on a single vehicle and if supported by all required
128 documents, the fee charged by the State Tax Commission and by the

129 designated agent for processing and issuing shall be considered as
130 only one (1) transaction.

131 **SECTION 5.** This act shall take effect and be in force from
132 and after July 1, 2004.