

House Amendments to Senate Bill No. 2718

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

8 **SECTION 1.** Section 63-21-15, Mississippi Code of 1972, is
9 amended as follows:
10 63-21-15. (1) The application for the certificate of title
11 of a vehicle, manufactured home or mobile home in this state shall
12 be made by the owner to a designated agent, on the form the State
13 Tax Commission prescribes, and shall contain or be accompanied by
14 the following, if applicable:
15 (a) The name, current residence and mailing address of
16 the owner;
17 (b) (i) If a vehicle, a description of the vehicle,
18 including the following data: year, make, model, vehicle
19 identification number, type of body, the number of cylinders,
20 odometer reading at the time of application, and whether new or
21 used; and
22 (ii) If a manufactured home or mobile home, a
23 description of the manufactured home or mobile home, including the
24 following data: year, make, model number, serial number and
25 whether new or used;
26 (c) The date of purchase by applicant, the name and
27 address of the person from whom the vehicle, manufactured home or
28 mobile home was acquired, and the names and addresses of any
29 lienholders in the order of their priority and the dates of their
30 security agreements;
31 (d) In connection with the transfer of ownership of a
32 manufactured home or mobile home sold by a sheriff's bill of sale,
33 a copy of the sheriff's bill of sale;

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

36 "Federal and state law requires that you state the mileage in
37 connection with the transfer of ownership. Failure to complete or
38 providing a false statement may result in fine and/or
39 imprisonment.

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

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

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

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

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

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

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

61 3. A vehicle that is ten (10) years old or
62 older.

63 4. A vehicle sold directly by the
64 manufacturer to any agency of the United States in conformity with
65 contractual specifications.

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

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

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

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

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

87 _____ (2) Has previously been declared a total
88 loss due to:

89 _____ (a) Collision;

90 _____ (b) Flood;

91 _____ (c) Fire;

92 _____ (d) Wind;

93 _____ (e) Other (please describe): _____

94 _____."

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

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

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

114 (5) Each application shall contain or be accompanied by the
115 certificate of a designated agent that the vehicle, manufactured
116 home or mobile home has been physically inspected by him and that
117 the vehicle identification number and descriptive data shown on
118 the application, pursuant to the requirements of subsection (1)(b)
119 of this section, are correct, and also that he has identified the
120 person signing the application and witnessed the signature. If
121 the application is to receive a clear title for a vehicle for
122 which a salvage certificate of title has been issued, the
123 application shall be accompanied by a sworn affidavit that the
124 vehicle complies with the requirements of this section, Section
125 63-21-39 and the regulations promulgated by the State Tax
126 Commission under Section 63-21-39.

127 (6) If the application is for a first certificate of title
128 on a vehicle, manufactured home or mobile home other than a new
129 vehicle, manufactured home or mobile home, then the application
130 shall conform with the requirements of this section except that in
131 lieu of the manufacturer's statement of origin, the application
132 shall be accompanied by a copy of the bill of sale of said motor
133 vehicle, manufactured home or mobile home whereby the applicant
134 claims title or in lieu thereof, in the case of a motor vehicle,
135 certified copies of the last two (2) years' tag and tax receipts
136 or in lieu thereof, in any case, such other information the State
137 Tax Commission may reasonably require to identify the vehicle,

138 manufactured home or mobile home and to enable the State Tax
139 Commission to determine ownership of the vehicle, manufactured
140 home or mobile home and the existence or nonexistence of security
141 interest in it. If the application is for a vehicle, manufactured
142 home or mobile home last previously registered in another state or
143 country, the application shall also be accompanied by the
144 certificate of title issued by the other state or country, if any,
145 properly assigned.

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

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

155 (9) (a) The State Tax Commission shall establish an
156 expedited processing procedure for the receipt of applications and
157 the issuance of certificates of title for motor vehicles and for
158 manufactured homes or mobile homes. Any designated agent of the
159 State Tax Commission, at his or her option, shall receive such
160 expedited processing upon payment of a fee in the amount of Thirty
161 Dollars (\$30.00). Such fee shall be in addition to all other
162 applicable fees prescribed under the Mississippi Motor Vehicle and
163 Manufactured Housing Title Law.

164 (b) When expedited title processing is requested, the
165 applicable fees are paid and all documents and information
166 necessary for the Tax Commission to issue a certificate of title
167 are presented to the commission, then the commission shall
168 complete processing of the application and issue title within
169 seventy-two (72) hours of the time of receipt, excluding weekends
170 and holidays.

171 **SECTION 2.** This act shall take effect and be in force from
172 and after July 1, 2004.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 63-21-15, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE TAX COMMISSION TO ESTABLISH AND OPERATE AN
3 EXPEDITED PROCEDURE FOR PROCESSING APPLICATIONS AND ISSUING
4 CERTIFICATES OF TITLE FOR MOTOR VEHICLES AND MANUFACTURED HOMES;
5 TO PRESCRIBE ADDITIONAL FEES FOR SUCH EXPEDITED PROCEDURE; AND FOR
6 RELATED PURPOSES.

HR40\SB2718A.J

Don Richardson
Clerk of the House of Representatives