

Senate Amendments to House Bill No. 992

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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:

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

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

24 (2) The State Tax Commission shall mail the certificate of
25 title to the owner or lienholder of a motor vehicle, as
26 appropriate, not more than thirty (30) days after the application
27 and required fee are received; however, if the application and
28 required fee are delivered in person to the appropriate offices of
29 the State Tax Commission by the person entitled to the certificate
30 of title, the certificate of title shall be issued to the person
31 within seventy-two (72) hours.

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

34 63-21-37. (1) The State Tax Commission, upon receipt of a
35 properly assigned certificate of title, with an application for a
36 new certificate of title, the required fee and any other documents
37 required by the commission, shall issue a new certificate of title
38 in the name of the transferee as owner and mail it to the first
39 lienholder named in it or, if none, to the owner. The State Tax
40 Commission shall mail the certificate of title to the owner or
41 lienholder of a motor vehicle, as appropriate, not more than

42 thirty (30) days after the properly assigned certificate of title,
43 application for a new certificate of title and required fee are
44 received; however, if the assigned certificate of title, the
45 application for a new certificate of title and required fee are
46 delivered in person to the appropriate offices of the State Tax
47 Commission by the person entitled to the certificate of title, the
48 certificate of title shall be issued to the person within
49 seventy-two (72) hours.

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

57 (3) The commission shall file every surrendered certificate
58 of title, or a microfilm of every such certificate, for a period
59 of time deemed necessary by it in order to permit the tracing of
60 title of the vehicle, manufactured home or mobile home designated
61 therein.

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

64 63-21-45. (1) If an owner creates a security interest in a
65 vehicle, manufactured home or mobile home:

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

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

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

85 (d) Upon receipt of the certificate of title,
86 application and the required fee, the State Tax Commission shall
87 either endorse on the certificate or issue a new certificate
88 containing the name and address of the new lienholder, and mail
89 the certificate to the first lienholder named in it. If the
90 certificate of title is for a motor vehicle, the State Tax
91 Commission shall mail the certificate of title to the lienholder
92 of a motor vehicle not more than thirty (30) days after the
93 certificate of title, application and the required fee are
94 received.

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

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

101 63-21-63. There shall be paid to the State Tax Commission
102 for issuing and processing documents required by this chapter,
103 fees according to the following schedule:

- 104 (1) Each application for certificate of title..... \$9.00
105 (2) Each application for replacement or corrected
106 certificate of title..... 9.00
107 (3) Each suspension or revocation of certificate
108 of title..... 9.00
109 (4) Each notice of security interest..... 9.00
110 (5) Each release of security interest..... 9.00

111 (6) Each assignment by lienholder..... 9.00
112 (7) Each application for information as to
113 the status of the title of a vehicle..... 9.00
114 (8) Each application for a certificate of title
115 when delivered in person to the appropriate office of
116 the State Tax Commission by the person entitled to the
117 of title..... 25.00

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

122 For each fee collected according to the schedule provided in
123 this section, Two Dollars and Fifty Cents (\$2.50) of each such fee
124 shall be paid to the State Tax Commission to defray the costs of
125 the commission in processing and issuing such documents. The
126 disposition of fees collected under this section shall be governed
127 by the provisions of this section and not by any other provisions
128 of this section.

129 If more than one (1) transaction be involved in any
130 application on a single vehicle and if supported by all required
131 documents, the fee charged by the State Tax Commission and by the
132 designated agent for processing and issuing shall be considered as
133 only one (1) transaction.

134 **SECTION 5.** Section 63-21-65, Mississippi Code of 1972, is
135 amended as follows:

136 63-21-65. Except as provided in Sections 63-21-63 and
137 63-21-64, the State Tax Commission shall pay into the General Fund
138 the fees collected under this chapter. As much of such fees as
139 authorized by the Legislature shall be used by the State Tax
140 Commission to defray the cost of carrying out the duties of the
141 State Tax Commission, including the maintenance of the automated
142 statewide motor vehicle and manufactured housing registration
143 system.

144 **SECTION 6.** This act shall take effect and be in force from
145 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 SECTIONS 63-21-21, 63-21-37, 63-21-45,
2 63-21-63 AND 63-21-65, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
3 STATE TAX COMMISSION TO MAIL THE CERTIFICATE OF TITLE TO THE OWNER
4 OR LIENHOLDER OF A MOTOR VEHICLE NOT MORE THAN 30 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 WITHIN 72 HOURS; TO INCREASE THE FEES PAID TO THE STATE TAX
10 COMMISSION FOR ISSUING AND PROCESSING DOCUMENTS REQUIRED BY THE
11 MISSISSIPPI MOTOR VEHICLE TITLE LAW; TO PROVIDE THAT A PORTION OF
12 SUCH FEES SHALL BE PAID TO THE STATE TAX COMMISSION TO DEFRAY THE
13 COSTS OF PROCESSING AND ISSUING DOCUMENTS UNDER THE MISSISSIPPI
14 MOTOR VEHICLE TITLE LAW; AND FOR RELATED PURPOSES.

SS02\HB992A.J

John O. Gilbert
Secretary of the Senate