

By: Representative Moak

To: Transportation

## HOUSE BILL NO. 92

1 AN ACT TO PROHIBIT ANY MOTOR VEHICLE FOR WHICH A SALVAGE OR  
2 JUNK CERTIFICATE OF TITLE HAS BEEN ISSUED FROM BEING OPERATED ON  
3 THE HIGHWAYS OF THIS STATE AND TO PROVIDE EXCEPTIONS THERETO; TO  
4 PROVIDE THAT WHEN THE FRAME OR ENGINE IS REMOVED FROM A MOTOR  
5 VEHICLE AND NOT IMMEDIATELY REPLACED BY ANOTHER FRAME OR ENGINE,  
6 OR WHEN AN INSURANCE COMPANY HAS MADE A SETTLEMENT FOR A TOTAL  
7 LOSS OF THE MOTOR VEHICLE, THE MOTOR VEHICLE SHALL BE CONSIDERED  
8 SALVAGE; TO REQUIRE THAT THE OWNER OF EVERY MOTOR VEHICLE IN WHICH  
9 TOTAL LOSS HAS OCCURRED TO MAKE APPLICATION FOR A SALVAGE  
10 CERTIFICATE OF TITLE WITHIN 72 HOURS AFTER THE LOSS OCCURS; TO  
11 PROVIDE THE TITLING PROCEDURE TO BE FOLLOWED BY AN INSURANCE  
12 COMPANY IF IT OBTAINS A MOTOR VEHICLE IN SETTLEMENT OF AN  
13 INSURANCE CLAIM AND THE VEHICLE IS NOT A TOTAL LOSS; TO PROVIDE  
14 THAT A TOTAL LOSS OCCURS WHEN AN INSURANCE COMPANY OR ANY OTHER  
15 PERSON PAYS OR MAKES OTHER MONETARY SETTLEMENT TO A PERSON WHEN A  
16 VEHICLE IS DAMAGED AND THE DAMAGE TO THE VEHICLE IS GREATER THAN  
17 OR EQUAL TO 75% OF THE FAIR RETAIL VALUE OF THE VEHICLE BEFORE  
18 DAMAGE; TO PROVIDE THAT ANY PERSON ACQUIRING OWNERSHIP OF A  
19 DAMAGED MOTOR VEHICLE THAT MEETS THE DEFINITION OF TOTAL LOSS AND  
20 FOR WHICH A SALVAGE CERTIFICATE OR TITLE HAS NOT BEEN ISSUED SHALL  
21 APPLY FOR A SALVAGE CERTIFICATE OF TITLE AND TO PROVIDE EXCEPTIONS  
22 THERETO; TO MAKE IT UNLAWFUL FOR JUNK YARDS AND AUTOMOBILE  
23 DISMANTLERS OR RECYCLERS TO HAVE IN THEIR POSSESSION ANY MOTOR  
24 VEHICLE THAT IS JUNK OR SALVAGE OR A TOTAL LOSS WHEN THE  
25 MANUFACTURER'S VEHICLE IDENTIFICATION NUMBER PLATE OR PLATES HAVE  
26 BEEN REMOVED AND TO PROVIDE EXCEPTIONS THERETO; TO MAKE IT  
27 UNLAWFUL TO POSSESS, SELL OR EXCHANGE, OR GIVE AWAY A CERTIFICATE  
28 OF TITLE, MANUFACTURER'S IDENTIFICATION NUMBER PLATE, OR MOTOR  
29 VEHICLE LICENSE PLATE OF ANY MOTOR VEHICLE THAT HAS BEEN SCRAPPED,  
30 DISMANTLED OR SOLD AS JUNK OR SALVAGE OR AS A TOTAL LOSS CONTRARY  
31 TO THIS ACT; TO PROVIDE FOR THE ISSUANCE OF A SALVAGE CERTIFICATE  
32 OF TITLE BY THE STATE TAX COMMISSION AND TO PROVIDE THE FEE  
33 THEREFOR; TO AUTHORIZE THE STATE TAX COMMISSION TO ISSUE A  
34 CERTIFICATE OF TITLE TO ANY MOTOR VEHICLE FOR WHICH A SALVAGE  
35 CERTIFICATE OF TITLE HAS BEEN ISSUED IF THE VEHICLE HAS BEEN  
36 COMPLETELY RESTORED TO ITS OPERATING CONDITION WHICH EXISTED  
37 BEFORE THE EVENT THAT CAUSED THE SALVAGE CERTIFICATE OF TITLE TO  
38 BE ISSUED AND TO PROVIDE THE PROCEDURE FOR OBTAINING A CERTIFICATE  
39 OF TITLE FOR SUCH A VEHICLE; TO PROVIDE THAT A SALVAGE VEHICLE  
40 THAT HAS BEEN RESTORED TO ITS OPERATING CONDITION WHICH EXISTED  
41 BEFORE THE EVENT WHICH CAUSED THE SALVAGE CERTIFICATE OF TITLE TO  
42 BE ISSUED SHALL BE ISSUED A CERTIFICATE OF TITLE WHICH SHALL  
43 CONTAIN THE WORD "REBUILT"; TO PROVIDE THAT EACH SALVAGE VEHICLE  
44 THAT IS REBUILT SHALL BE ISSUED A DECAL, PLATE OR OTHER EMBLEM AS  
45 PRESCRIBED BY THE DEPARTMENT OF PUBLIC SAFETY TO REFLECT THAT THE  
46 VEHICLE IS REBUILT; TO REQUIRE THAT ANY PERSON WHO SELLS OR  
47 OTHERWISE TRANSFERS ANY INTEREST IN ANY VEHICLE FOR WHICH A TITLE  
48 BEARING THE DESIGNATION "SALVAGE" OR "REBUILT" HAS BEEN ISSUED  
49 SHALL DISCLOSE IN WRITING THE EXISTENCE OF THIS TITLE TO THE  
50 TRANSFEREE; TO AMEND SECTIONS 63-21-15, 63-21-33 AND 63-21-39,  
51 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
52 PURPOSES.

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

54 **SECTION 1.** (1) No motor vehicle for which a salvage or junk  
55 certificate of title has been issued by this state or any other  
56 state shall be driven or operated on the highways or other public  
57 places of this state. A vehicle which is in this state and for  
58 which a salvage certificate of title has been issued, and the  
59 vehicle is being restored to its operating condition that existed  
60 before the event which caused the salvage certificate of title to  
61 issue, may be moved to and from repair points as necessary by the  
62 rebuilder to complete the restoration or may be moved as permitted  
63 by the Department of Public Safety on the day the vehicle is  
64 scheduled for inspection or for any other purpose.

65 (2) When the frame or engine is removed from a motor vehicle  
66 and not immediately replaced by another frame or engine, or when  
67 an insurance company has paid money or made other monetary  
68 settlement as compensation for a total loss of any motor vehicle,  
69 the motor vehicle shall be considered to be salvage. The owner of  
70 every motor vehicle in which total loss or salvage has occurred  
71 shall, within seventy-two (72) hours after the total loss or  
72 salvage occurs, make application for a salvage certificate of  
73 title to a designated agent and forward to the State Tax  
74 Commission the certificate of title to the motor vehicle,  
75 whereupon the State Tax Commission shall process the certificate  
76 of title in a manner prescribed by law or regulation. An  
77 insurance company that pays money or makes other monetary  
78 settlement as compensation for total loss of a motor vehicle shall  
79 obtain, at the time of payment or monetary settlement, the  
80 vehicle's certificate of title and, within seventy-two (72) hours  
81 after receiving the certificate of title, shall forward such  
82 certificate along with an application for a salvage certificate of  
83 title, to the State Tax Commission for processing. In the event  
84 the payment or monetary settlement was made because of the theft  
85 of the vehicle, which shall be considered a total loss as defined

86 in this section, the insurance company shall forward the vehicle's  
87 properly assigned certificate of title as provided in this section  
88 to the State Tax Commission as soon as practicable after the  
89 vehicle is recovered. When a stolen motor vehicle for which a  
90 salvage certificate of title has been issued is later recovered,  
91 the owner recorded on the salvage certificate shall assign that  
92 certificate to the purchaser.

93 (3) If an insurance company acquires a motor vehicle in  
94 settlement of an insurance claim and holds the vehicle for resale  
95 and procures the properly assigned certificate of title from the  
96 owner or lienholder within fifteen (15) days after delivery of the  
97 vehicle to the insurance company, and if the vehicle was not a  
98 total loss as defined by this section, the insurance company need  
99 not send the certificate of title to the State Tax Commission but,  
100 upon transferring the vehicle to another person other than by the  
101 creation of a security interest, the insurance company shall  
102 execute the space reserved on the reverse of the title for first  
103 reassignment by licensed dealer naming therein the transferee and  
104 complete an affidavit of acquisition and disposition of the motor  
105 vehicle on a form prescribed by the State Tax Commission and  
106 deliver the certificate of title, affidavit and any other  
107 documents required by the State Tax Commission to the transferee  
108 at the time of delivery of the motor vehicle.

109 (4) For the purposes of this section, a total loss occurs  
110 when an insurance company or any other person pays or makes other  
111 monetary settlement to a person when a vehicle is damaged and the  
112 damage to the vehicle is equal to or greater than seventy-five  
113 percent (75%) of the fair retail value of the vehicle prior to  
114 damage as set forth in a current edition of a nationally  
115 recognized compilation of retail values, including automated data  
116 bases, as approved by the State Tax Commission. The compensation  
117 for total loss as defined in this subsection does not include  
118 payments by an insurer or other person for medical care, bodily

119 injury, vehicle rental, or for anything other than the amount paid  
120 for the actual damage to the motor vehicle. Actual damage  
121 includes the cost of both labor and parts. A vehicle that has  
122 sustained minor damage as a result of theft or vandalism shall not  
123 be considered a total loss. Any person acquiring ownership of a  
124 damaged motor vehicle that meets the definition of total loss for  
125 which a salvage certificate of title has not been issued, other  
126 than a scrap metal processor acquiring such vehicle for purposes  
127 of recycling into metallic scrap for remelting purposes only,  
128 shall apply for a salvage certificate of title. This application  
129 shall be made before the vehicle is further transferred but, in  
130 any event, within thirty (30) days after ownership is acquired.

131 (5) It is unlawful for the owner of any junkyard, salvage  
132 yard or motor vehicle dismantler and parts recycler or his or her  
133 agents or employees to have in his possession any motor vehicle  
134 that is junk or salvage or a total loss when the manufacturer's  
135 vehicle identification number plate or plates, authorized  
136 replacement vehicle identification number plate or plates, or  
137 serial plate or plates have been removed, unless previously  
138 required to be removed by a statute or law of this state or  
139 another jurisdiction.

140 (6) It is unlawful for a person, firm or corporation to  
141 possess, sell or exchange, offer to sell or exchange, or to give  
142 away any certificate of title, salvage certificate of title,  
143 manufacturer's identification number plate or plates, authorized  
144 replacement vehicle identification number plate or plates, serial  
145 plate or plates, or motor vehicle license plate or plates of any  
146 motor vehicle which has been scrapped, dismantled or sold as junk  
147 or salvage or as a total loss contrary to this section, and every  
148 officer, agent or employee of a person, firm or corporation, and  
149 every person who authorizes, directs, aids in or consents to the  
150 possession, sale or exchange, or offer to sell, exchange or give  
151 away such certificate of origin, certificate of title, salvage

152 certificate of title, manufacturer's vehicle identification number  
153 plate or plates, authorized replacement vehicle identification  
154 number plate or plates, serial plate or plates, or motor vehicle  
155 license plate or plates contrary to this section, upon conviction,  
156 is guilty of a misdemeanor and shall be punished as provided in  
157 Section 63-21-71.

158 (7) The State Tax Commission may issue a salvage certificate  
159 of title for a fee of Fifteen Dollars (\$15.00) on a form  
160 prescribed by the State Tax Commission which provides for  
161 assignments of this title. The salvage certificate of title is to  
162 replace a certificate of title required to be surrendered by this  
163 section. The State Tax Commission shall prescribe necessary forms  
164 and procedures to comply with this subsection. Salvage and  
165 rebuilt brands contained in certificates of title last issued by  
166 another jurisdiction shall be carried forward on the Mississippi  
167 certificate of title. The State Tax Commission may carry forward  
168 other brand or brands comparable on the Mississippi certificate of  
169 title.

170 (8) It is unlawful for a person to sign as assignor, or for  
171 a person to have in his or her possession a salvage certificate of  
172 title or any other certificate of title that has been signed by  
173 the owner as assignor, without the name of the assignee and other  
174 information called for on the title document prescribed by the  
175 State Tax Commission. A person who violates this subsection, upon  
176 conviction, is guilty of a misdemeanor and shall be punished as  
177 provided by law.

178 (9) Every owner of a salvage or junk motor vehicle who sells  
179 or transfers the vehicle to any person other than to a scrap metal  
180 processor for purposes of recycling into metallic scrap for  
181 remelting purposes only shall provide at the time of the sale or  
182 transfer a properly executed assignment and warranty of title to  
183 the transferee in the space provided therefor on the salvage

184 certificate of title or junk certificate or as the State Tax  
185 Commission prescribes.

186 (10) The State Tax Commission may issue a certificate of  
187 title containing the word "rebuilt" to any motor vehicle for which  
188 a salvage certificate has been issued by this or any other state,  
189 and the vehicle has, in this state, been completely restored to  
190 its operating condition which existed before the event which  
191 caused the salvage certificate of title to issue, provided that  
192 all requirements of this section have been met. No certificate of  
193 title may be issued for any motor vehicle for which a junk  
194 certificate of title, junk certificate, permit to dismantle, parts  
195 only, or ownership documents issued by another jurisdiction having  
196 the same meaning has been issued or for a vehicle which is sold  
197 for parts only.

198 (11) Every owner of a salvage motor vehicle that is in this  
199 state and that has been restored in this state to its operating  
200 condition which existed before the event which caused the salvage  
201 certificate of title to issue shall make application to the  
202 Department of Public Safety for an inspection of the vehicle in  
203 the form and content as determined by the Department of Public  
204 Safety. Each application for inspection of a salvage vehicle that  
205 has been so restored shall be accompanied by all of the following:

206 (a) The outstanding salvage certificate of title or  
207 out-of-state title previously issued for the salvage vehicle.

208 (b) Notarized bills of sale evidencing acquisition of  
209 all major component parts (listing the manufacturer's vehicle  
210 identification number of the vehicle from which the parts were  
211 removed, if parts contain or should contain the manufacturer's  
212 vehicle identification number) used to restore the vehicle and  
213 bills of sale evidencing acquisition of all minor component parts.  
214 Notarization is not required on bills of sale for minor component  
215 parts; however, a notarized bill of sale that lists the  
216 manufacturer's vehicle identification number of the vehicle from

217 which the parts were removed, if parts contain or should contain  
218 the manufacturer's vehicle identification number. A notarized  
219 bill of sale bearing the manufacturer's vehicle identification  
220 number is required for a transmission.

221 (c) The owner shall also provide a written affirmation  
222 which states the following:

223 (i) That the owner has rebuilt the vehicle or  
224 supervised its rebuilders, and what has been done to restore the  
225 vehicle to its operating condition which existed before the event  
226 that caused the salvage certificate to issue.

227 (ii) That the owner personally inspected the  
228 completed vehicle and it complies with all safety requirements set  
229 forth by the State of Mississippi and any regulations promulgated  
230 thereunder.

231 (iii) That the identification numbers of the  
232 restored vehicle and its parts have not, to the knowledge of the  
233 owner, been removed, destroyed, falsified, altered or defaced.

234 (iv) That the salvage certificate of title or  
235 out-of-state title certificate attached to the application has  
236 not, to the knowledge of the owner, been forged, falsified,  
237 altered or counterfeited.

238 (v) That all information contained on the  
239 application and its attachments is true and correct to the  
240 knowledge of the owner.

241 (12) (a) The application fee for each inspection of a  
242 restored vehicle shall be Seventy-five Dollars (\$75.00), payable  
243 by certified funds to the Department of Public Safety, which shall  
244 accompany the application for inspection.

245 (b) All applications for inspection fees received by  
246 the Department of Public Safety shall be applied toward the  
247 personnel and maintenance costs of the vehicle inspection program.  
248 Persons seeking to have vehicles inspected as provided in this  
249 section shall first contact the Department of Public Safety

250 substation for the purpose of reserving a specified time to  
251 present the vehicle for inspection. Upon receipt of the  
252 application for inspection and the Seventy-five Dollar (\$75.00)  
253 fee, the Department of Public Safety shall inspect the vehicle.  
254 Upon successfully passing inspection a completed inspection  
255 certificate shall be issued according to procedures of the  
256 Department of Public Safety. Following inspection, the applicant  
257 shall make his application for a new certificate of title to the  
258 State Tax Commission, as provided in Section 63-21-15, and shall  
259 attach the inspection certificate issued by the Department of  
260 Public Safety, the salvage certificate of title of the vehicle,  
261 affidavits, bills of sale and other documents that may be required  
262 by the State Tax Commission, and the designated agent shall cause  
263 such documents to be forwarded to the State Tax Commission, along  
264 with the required title fee.

265 (c) The inspection and certification shall include an  
266 examination of the vehicle and its parts to determine that the  
267 identification numbers of the vehicle or its parts have not been  
268 removed, falsified, altered, defaced, destroyed or tampered with;  
269 that the vehicle information contained in the application for  
270 certificate of title and supporting documents is true and correct;  
271 and that there are no indications that the vehicle or any of its  
272 parts are stolen. The certification shall not attest to the  
273 roadworthiness or safety condition of the vehicle.

274 (13) Component parts are defined as:

275 (a) Passenger vehicles.

276 (i) Major components:

277 1. Motor or engine.

278 2. Trunk floor pan or rear section and roof.

279 3. Frame or any portion thereof (except frame

280 horn), or, in the case of a unitized body, the supporting

281 structure which serves as the frame, except when it is a part of

282 the trunk floor pan, or rear section and roof.



- 283 4. Cowl, firewall, or any portion thereof.
- 284 5. Roof assembly.
- 285 (ii) Minor components:
- 286 1. Each door allowing entrance to or egress
- 287 from the passenger compartment.
- 288 2. Hood.
- 289 3. Each front fender or each rear fender when
- 290 used with a rear section and roof.
- 291 4. Deck lid, tailgate or hatchback (whichever
- 292 is present).
- 293 5. Each quarter panel.
- 294 6. Each bumper.
- 295 7. T-tops, moon roof, or whichever is
- 296 present.
- 297 8. Transmission or transaxle.
- 298 (b) Truck, truck type or bus type vehicles.
- 299 (i) Major components:
- 300 1. Motor or engine.
- 301 2. Transmission or transaxle.
- 302 3. Frame or any portion thereof (except frame
- 303 horn), or, in the case of a unitized body, the supporting
- 304 structure which serves as the frame.
- 305 4. Cab.
- 306 5. Cowl or firewall or any portion thereof.
- 307 6. Roof assembly.
- 308 7. Cargo compartment floor panel or passenger
- 309 compartment floor pan.
- 310 (ii) Minor components:
- 311 1. Each door.
- 312 2. Hood.
- 313 3. Grill, except on one-ton truck or smaller
- 314 trucks.
- 315 4. Each bumper.

- 316                   5. Each front fender.  
317                   6. Roof panel and rear cab panel.  
318                   7. Each rear fender or side panel.  
319                   8. Pickup box.  
320                   9. Body or bed.

321           (c) Motorcycle: component parts.

- 322                   (i) Engine or motor.  
323                   (ii) Transmission or transaxle.  
324                   (iii) Frame.  
325                   (iv) Front fork.  
326                   (v) Crankcase.

327           (14) A salvage vehicle that has been restored in this state  
328 to its operating condition that existed before the event which  
329 caused the salvage certificate of title to issue shall be issued a  
330 certificate of title that contains the word "rebuilt."

331           (15) (a) Each salvage vehicle restored or rebuilt in this  
332 state that is required to be inspected by the Department of Public  
333 Safety pursuant to subsection (12) of this section and for which a  
334 certificate of title may be issued pursuant to subsection (14) of  
335 this section shall be issued a decal, plate or other emblem as  
336 prescribed by the Department of Public Safety to reflect that the  
337 vehicle is rebuilt. The decal, plate or other emblem shall be  
338 attached to the vehicle in a place and in a manner prescribed by  
339 the Department of Public Safety.

340           (b) A person who willfully removes, mutilates, tampers  
341 with, obliterates or destroys a decal, plate or other emblem  
342 issued and attached to a salvage vehicle pursuant to this  
343 subsection is guilty of a misdemeanor and shall be punished as  
344 provided in Section 63-21-71.

345           (16) Each person who sells, exchanges, delivers or otherwise  
346 transfers any interest in any vehicle for which a title bearing  
347 the designation "salvage" or "rebuilt" has been issued shall  
348 disclose in writing the existence of this designation contained on

349 the title to the prospective purchaser, recipient in exchange,  
350 recipient by donation, or recipient by other act of transfer. The  
351 disclosure, which shall be made at the time of or prior to the  
352 completion of the sale, exchange, donation or other act of  
353 transfer shall contain the following information in no smaller  
354 than ten-point type: "This vehicle's title contains the  
355 designation 'salvage' or 'rebuilt'."

356 (17) This section does not apply to any motor vehicle that  
357 is ten (10) years old or older with a value of One Thousand Five  
358 Hundred Dollars (\$1,500.00) or less.

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

361 63-21-15. (1) The application for the certificate of title  
362 of a vehicle, manufactured home or mobile home in this state shall  
363 be made by the owner to a designated agent, on the form the State  
364 Tax Commission prescribes, and shall contain or be accompanied by  
365 the following, if applicable:

366 (a) The name, current residence and mailing address of  
367 the owner;

368 (b) (i) If a vehicle, a description of the vehicle,  
369 including the following data: year, make, model, vehicle  
370 identification number, type of body, the number of cylinders,  
371 odometer reading at the time of application, and whether new or  
372 used; and

373 (ii) If a manufactured home or mobile home, a  
374 description of the manufactured home or mobile home, including the  
375 following data: year, make, model number, serial number and  
376 whether new or used;

377 (c) The date of purchase by applicant, the name and  
378 address of the person from whom the vehicle, manufactured home or  
379 mobile home was acquired, and the names and addresses of any  
380 lienholders in the order of their priority and the dates of their  
381 security agreements;

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

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

387 "Federal and state law requires that you state the mileage in  
388 connection with the transfer of ownership. Failure to complete or  
389 providing a false statement may result in fine and/or  
390 imprisonment.

391 I state that the odometer now reads \_\_\_\_\_ (no tenths)  
392 miles and to the best of my knowledge that it reflects the actual  
393 mileage of the vehicle described herein, unless one of the  
394 following statements is checked:

395 \_\_\_\_\_ (1) I hereby certify that to the best of my knowledge  
396 the odometer reading reflects the amount of mileage in excess of  
397 its mechanical limits.

398 \_\_\_\_\_ (2) I hereby certify that the odometer reading is not  
399 the actual mileage. WARNING-ODOMETER DISCREPANCY!"

400 (ii) In connection with the transfer of ownership  
401 of a motor vehicle, each transferor shall disclose the mileage to  
402 the transferee in writing on the title or on the document being  
403 used to reassign the title, which form shall be prescribed and  
404 furnished by the State Tax Commission. This written disclosure  
405 must be signed by the transferor and transferee, including the  
406 printed name of both parties.

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

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

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

412 3. A vehicle that is ten (10) years old or  
413 older.

414                   4. A vehicle sold directly by the  
415 manufacturer to any agency of the United States in conformity with  
416 contractual specifications.

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

420                   (iii) Any person who knowingly gives a false  
421 statement concerning the odometer reading on an odometer  
422 disclosure statement shall be guilty of a misdemeanor and, upon  
423 conviction, shall be subject to a fine of up to One Thousand  
424 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or  
425 both, at the discretion of the court. These penalties shall be  
426 cumulative, supplemental and in addition to the penalties provided  
427 by any other law; and

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

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

436                   \_\_\_\_\_ (1) Has never been declared a total loss due  
437 to flood damage, fire damage, wind damage or other damage; or

438                   \_\_\_\_\_ (2) Has previously been declared a total  
439 loss due to:

440                   \_\_\_\_\_ (a) Collision;

441                   \_\_\_\_\_ (b) Flood;

442                   \_\_\_\_\_ (c) Fire;

443                   \_\_\_\_\_ (d) Wind;

444                   \_\_\_\_\_ (e) Other (please describe): \_\_\_\_\_

445 \_\_\_\_\_."

446           (2) The application shall be accompanied by such evidence as  
447 the State Tax Commission reasonably requires to identify the  
448 vehicle, manufactured home or mobile home and to enable the State  
449 Tax Commission to determine whether the owner is entitled to a  
450 certificate of title and the existence or nonexistence of security  
451 interests in the vehicle, manufactured home or mobile home and  
452 whether the applicant is liable for a use tax as provided by  
453 Sections 27-67-1 through 27-67-33.

454           (3) If the application is for a vehicle, manufactured home  
455 or mobile home purchased from a dealer, it shall contain the name  
456 and address of any lienholder holding a security interest created  
457 or reserved at the time of the sale and the date of his security  
458 agreement and it shall be signed by the dealer as well as the  
459 owner. The designated agent shall promptly mail or deliver the  
460 application to the State Tax Commission.

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

465           (5) Each application shall contain or be accompanied by the  
466 certificate of a designated agent that the vehicle, manufactured  
467 home or mobile home has been physically inspected by him and that  
468 the vehicle identification number and descriptive data shown on  
469 the application, pursuant to the requirements of subsection (1)(b)  
470 of this section, are correct, and also that he has identified the  
471 person signing the application and witnessed the signature. If  
472 the application is to receive a clear title for a vehicle for  
473 which a salvage certificate of title has been issued, the  
474 application shall be accompanied by a sworn affidavit that the  
475 vehicle complies with the requirements of this section, Section  
476 63-21-39 and the regulations promulgated by the State Tax  
477 Commission under Section 63-21-39.

478           (6) If the application is for a first certificate of title  
479 on a vehicle, manufactured home or mobile home other than a new  
480 vehicle, manufactured home or mobile home, then the application  
481 shall conform with the requirements of this section except that in  
482 lieu of the manufacturer's statement of origin, the application  
483 shall be accompanied by a copy of the bill of sale of said motor  
484 vehicle, manufactured home or mobile home whereby the applicant  
485 claims title or in lieu thereof, in the case of a motor vehicle,  
486 certified copies of the last two (2) years' tag and tax receipts  
487 or in lieu thereof, in any case, such other information the State  
488 Tax Commission may reasonably require to identify the vehicle,  
489 manufactured home or mobile home and to enable the State Tax  
490 Commission to determine ownership of the vehicle, manufactured  
491 home or mobile home and the existence or nonexistence of security  
492 interest in it. If the application is for a vehicle, manufactured  
493 home or mobile home last previously registered in another state or  
494 country, the application shall also be accompanied by the  
495 certificate of title issued by the other state or country, if any,  
496 properly assigned.

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

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

506           (9) The State Tax Commission shall issue a certificate of  
507 title or any other document applied for under this chapter to the  
508 designated agent, owner or lienholder of the motor vehicle or of  
509 the manufactured home or mobile home, as appropriate, not more  
510 than thirty (30) days after the application and required fee

511 prescribed under Section 63-21-63 or Section 63-21-64 are received  
512 unless the applicant requests expedited processing under  
513 subsection (10) of this section.

514 (10) (a) The State Tax Commission shall establish an  
515 expedited processing procedure for the receipt of applications and  
516 the issuance of certificates of title and any other documents  
517 issued under this chapter, except a replacement certificate of  
518 title as provided under Section 63-21-27(2), for motor vehicles  
519 and for manufactured homes or mobile homes. Any designated agent,  
520 lienholder or owner requesting the issuance of any such document,  
521 at his or her option, shall receive such expedited processing upon  
522 payment of a fee in the amount of Thirty Dollars (\$30.00). Such  
523 fee shall be in addition to the fees applicable to the issuance of  
524 any such documents under Section 63-21-63 and Section 63-21-64.

525 (b) When expedited title processing is requested, the  
526 applicable fees are paid and all documents and information  
527 necessary for the Tax Commission to issue the certificate of title  
528 or other documents applied for are received by the commission,  
529 then the commission shall complete processing of the application  
530 and issue the title or document applied for within seventy-two  
531 (72) hours of the time of receipt, excluding weekends and  
532 holidays.

533 **SECTION 3.** Section 63-21-33, Mississippi Code of 1972, is  
534 amended as follows:

535 63-21-33. If a dealer buys a vehicle, manufactured home or  
536 mobile home and holds it for resale and procures the certificate  
537 of title from the owner or the lienholder within ten (10) days  
538 after delivery to him of the vehicle, manufactured home or mobile  
539 home, he need not send the certificate to the State Tax  
540 Commission. However, upon transferring the vehicle, manufactured  
541 home or mobile home to another person other than by the creation  
542 of a security interest, he shall promptly execute the assignment  
543 and warranty of title by a dealer, showing the names and addresses



544 of the transferee and of any lienholder holding a security  
545 interest created or reserved at the time of the resale and the  
546 date of his security agreement, in the spaces provided therefor on  
547 the certificate or as the State Tax Commission prescribes, and  
548 deliver the certificate to a designated agent with the  
549 transferee's application for a new certificate.

550 Every dealer shall maintain for five (5) years a record in  
551 the form the State Tax Commission prescribes of every vehicle,  
552 manufactured home or mobile home bought, sold or exchanged by him  
553 or received by him for sale or exchange, which shall be open to  
554 inspection by a representative of the State Tax Commission or  
555 patrol or peace officer during reasonable business hours.

556 Any person found to be in possession of a vehicle,  
557 manufactured home or mobile home with an improperly assigned title  
558 which fails to identify the transferee shall immediately establish  
559 ownership of the vehicle, manufactured home or mobile home,  
560 register the vehicle, manufactured home or mobile home and pay the  
561 required tax and penalty. The vehicle, manufactured home or  
562 mobile home shall be impounded by state or local law enforcement  
563 officials until such time as the person in possession can prove  
564 ownership or until the rightful owner is located. In the event  
565 the rightful owner cannot be established within thirty (30) days,  
566 the vehicle, manufactured home or mobile home shall be deemed  
567 abandoned and shall be disposed of as provided by law.

568 \* \* \*

569 **SECTION 4.** Section 63-21-39, Mississippi Code of 1972, is  
570 amended as follows:

571 63-21-39. \* \* \* An owner who scraps, dismantles or destroys  
572 a vehicle and a person who purchases a vehicle as scrap or to be  
573 dismantled or destroyed shall indicate same on the back of the  
574 certificate of title and shall immediately cause the certificate  
575 of title and any other documents required by the State Tax  
576 Commission to be mailed or delivered to the State Tax Commission

577 for cancellation. A certificate of title of the vehicle shall not  
578 again be issued except upon application containing the information  
579 the State Tax Commission requires, accompanied by a certificate of  
580 inspection in the form and content specified in Section  
581 63-21-15 \* \* \*.

582 \* \* \*

583 **SECTION 5.** Section 1 of this act shall be codified in  
584 Chapter 21 of Title 63, Mississippi Code of 1972.

585 **SECTION 6.** This act shall take effect and be in force from  
586 and after July 1, 2005.