

By: Representative Moak

To: Transportation

HOUSE BILL NO. 120

1 AN ACT TO REQUIRE MOTOR VEHICLE DISMANTLERS AND CRUSHERS TO
2 NOTIFY LIENHOLDERS BEFORE DESTROYING MOTOR VEHICLES; TO PROVIDE
3 PENALTIES FOR VIOLATIONS OF THIS ACT; TO PROVIDE THAT THE STATE
4 TAX COMMISSION SHALL INVESTIGATE AND PROSECUTE VIOLATORS OF THIS
5 ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) Any person, firm or corporation who
8 dismantles, crushes or otherwise destroys a motor vehicle shall
9 determine if any lien exists upon the motor vehicle and notify any
10 lienholders by certified mail before dismantling, crushing or
11 destroying such motor vehicle. A lienholder has seven (7) days
12 after receipt of notice to claim a motor vehicle. A reasonable
13 effort shall be made to identify and notify any lienholder.

14 (2) Any person, firm or corporation who violates the
15 provisions of subsection (1) of this section, upon conviction,
16 shall be punished as follows:

17 (a) For a first offense by a fine of One Hundred
18 Dollars (\$100.00) per occurrence;

19 (b) For a second offense committed within three (3)
20 years by a fine of Five Hundred Dollars (\$500.00) per occurrence;
21 and

22 (c) For a third or subsequent offense committed within
23 three (3) years of a previous offense One Thousand Dollars
24 (\$1,000.00) per occurrence, the revocation of any business license
25 for one (1) year and by imprisonment for not more than six (6)
26 months.

27 (3) The State Tax Commission shall investigate and prosecute
28 violators of this section. The State Tax Commission may utilize

29 the assistance of any law enforcement agency to carry out the
30 provisions of this section. The tax assessors of the counties
31 shall assist the State Tax Commission in performing its duties
32 under this section.

33 **SECTION 2.** This act shall take effect and be in force from
34 and after July 1, 2005.