

By: Representatives Miles, Montgomery, Ward

To: Transportation; Ways and Means

HOUSE BILL NO. 682

1 AN ACT TO AMEND SECTIONS 63-21-63, 63-21-64, 63-21-15 AND
2 63-21-65, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES REQUIRED
3 TO BE PAID TO THE STATE TAX COMMISSION FOR THE ISSUANCE OF
4 CERTIFICATES OF TITLE AND OTHER DOCUMENTS UNDER THE MISSISSIPPI
5 MOTOR VEHICLE AND MANUFACTURED HOUSING TITLE LAW; TO AUTHORIZE THE
6 COMMISSION TO RETAIN A PORTION OF THE FEES COLLECTED FOR THE
7 PURPOSE OF DEFRAYING THE COSTS OF THE COMMISSION IN PROVIDING
8 EXPEDITED PROCESSING AND ISSUING OF SUCH DOCUMENTS; AND FOR
9 RELATED PURPOSES.

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

11 SECTION 1. Section 63-21-63, Mississippi Code of 1972, is
12 amended as follows:

13 63-21-63. There shall be paid to the State Tax Commission
14 for issuing and processing documents required by this chapter,
15 fees according to the following schedule:

- 16 (1) Each application for certificate of title... \$ 9.00
17 (2) Each application for replacement or
18 corrected certificate of title... 9.00
19 (3) Each suspension or revocation of
20 certificate of title... 9.00
21 (4) Each notice of security interest... 9.00
22 (5) Each release of security interest... 9.00
23 (6) Each assignment by lienholder... 9.00
24 (7) Each application for information as to
25 the status of the title of a vehicle... 9.00

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

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

35 **SECTION 2.** Section 63-21-64, Mississippi Code of 1972, is  
36 amended as follows:

37 63-21-64. There shall be paid to the State Tax Commission  
38 for issuing and processing documents required by this chapter,  
39 fees for manufactured homes or mobile homes according to the  
40 following schedule:

- 41 (a) Each application for certificate  
42 of title..... \$ 9.00
- 43 (b) Each application for replacement or  
44 corrected certificate of title..... 9.00
- 45 (c) Each suspension or revocation of  
46 certificate of title..... 9.00
- 47 (d) Each notice of security interest..... 9.00
- 48 (e) Each release of security interest..... 9.00
- 49 (f) Each assignment by lienholder..... 9.00
- 50 (g) Each application for information as to the  
51 status of the title of a manufactured home or mobile home.. 9.00

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

56 \* \* \*

57 If more than one (1) transaction be involved in any  
58 application on a single manufactured home or mobile home and if  
59 supported by all required documents, the fee charged by the tax  
60 commission's designated agent for processing and issuing shall be  
61 considered as only one (1) transaction.

62           **SECTION 3.** Section 63-21-15, Mississippi Code of 1972, is  
63 amended as follows:

64           63-21-15. (1) The application for the certificate of title  
65 of a vehicle, manufactured home or mobile home in this state shall  
66 be made by the owner to a designated agent, on the form the State  
67 Tax Commission prescribes, and shall contain or be accompanied by  
68 the following, if applicable:

69           (a) The name, current residence and mailing address of  
70 the owner;

71           (b) (i) If a vehicle, a description of the vehicle,  
72 including the following data: year, make, model, vehicle  
73 identification number, type of body, the number of cylinders,  
74 odometer reading at the time of application, and whether new or  
75 used; and

76           (ii) If a manufactured home or mobile home, a  
77 description of the manufactured home or mobile home, including the  
78 following data: year, make, model number, serial number and  
79 whether new or used;

80           (c) The date of purchase by applicant, the name and  
81 address of the person from whom the vehicle, manufactured home or  
82 mobile home was acquired, and the names and addresses of any  
83 lienholders in the order of their priority and the dates of their  
84 security agreements;

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

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

90           "Federal and state law requires that you state the mileage in  
91 connection with the transfer of ownership. Failure to complete or  
92 providing a false statement may result in fine and/or  
93 imprisonment.

94 I state that the odometer now reads \_\_\_\_\_ (no tenths)  
95 miles and to the best of my knowledge that it reflects the actual  
96 mileage of the vehicle described herein, unless one (1) of the  
97 following statements is checked:

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

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

103 (ii) In connection with the transfer of ownership  
104 of a motor vehicle, each transferor shall disclose the mileage to  
105 the transferee in writing on the title or on the document being  
106 used to reassign the title, which form shall be prescribed and  
107 furnished by the State Tax Commission. This written disclosure  
108 must be signed by the transferor and transferee, including the  
109 printed name of both parties.

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

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

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

115 3. A vehicle that is ten (10) years old or  
116 older.

117 4. A vehicle sold directly by the  
118 manufacturer to any agency of the United States in conformity with  
119 contractual specifications.

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

123 (iii) Any person who knowingly gives a false  
124 statement concerning the odometer reading on an odometer  
125 disclosure statement shall be guilty of a misdemeanor and, upon  
126 conviction, shall be subject to a fine of up to One Thousand

127 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or  
128 both, at the discretion of the court. These penalties shall be  
129 cumulative, supplemental and in addition to the penalties provided  
130 by any other law; and

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

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

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

141 \_\_\_\_\_ (2) Has previously been declared a total loss due  
142 to:

143 \_\_\_\_\_ (a) Collision;

144 \_\_\_\_\_ (b) Flood;

145 \_\_\_\_\_ (c) Fire;

146 \_\_\_\_\_ (d) Wind;

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

148 \_\_\_\_\_."

149 (2) The application shall be accompanied by such evidence as  
150 the State Tax Commission reasonably requires to identify the  
151 vehicle, manufactured home or mobile home and to enable the State  
152 Tax Commission to determine whether the owner is entitled to a  
153 certificate of title and the existence or nonexistence of security  
154 interests in the vehicle, manufactured home or mobile home and  
155 whether the applicant is liable for a use tax as provided by  
156 Sections 27-67-1 through 27-67-33.

157 (3) If the application is for a vehicle, manufactured home  
158 or mobile home purchased from a dealer, it shall contain the name  
159 and address of any lienholder holding a security interest created

160 or reserved at the time of the sale and the date of his security  
161 agreement and it shall be signed by the dealer as well as the  
162 owner. The designated agent shall promptly mail or deliver the  
163 application to the State Tax Commission.

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

168 (5) Each application shall contain or be accompanied by the  
169 certificate of a designated agent that the vehicle, manufactured  
170 home or mobile home has been physically inspected by him and that  
171 the vehicle identification number and descriptive data shown on  
172 the application, pursuant to the requirements of subsection (1)(b)  
173 of this section, are correct, and also that he has identified the  
174 person signing the application and witnessed the signature. If  
175 the application is to receive a clear title for a vehicle for  
176 which a salvage certificate of title has been issued, the  
177 application shall be accompanied by a sworn affidavit that the  
178 vehicle complies with the requirements of this section, Section  
179 63-21-39 and the regulations promulgated by the State Tax  
180 Commission under Section 63-21-39.

181 (6) If the application is for a first certificate of title  
182 on a vehicle, manufactured home or mobile home other than a new  
183 vehicle, manufactured home or mobile home, then the application  
184 shall conform with the requirements of this section except that in  
185 lieu of the manufacturer's statement of origin, the application  
186 shall be accompanied by a copy of the bill of sale of said motor  
187 vehicle, manufactured home or mobile home whereby the applicant  
188 claims title or in lieu thereof, in the case of a motor vehicle,  
189 certified copies of the last two (2) years' tag and tax receipts  
190 or in lieu thereof, in any case, such other information the State  
191 Tax Commission may reasonably require to identify the vehicle,  
192 manufactured home or mobile home and to enable the State Tax

193 Commission to determine ownership of the vehicle, manufactured  
194 home or mobile home and the existence or nonexistence of security  
195 interest in it. If the application is for a vehicle, manufactured  
196 home or mobile home last previously registered in another state or  
197 country, the application shall also be accompanied by the  
198 certificate of title issued by the other state or country, if any,  
199 properly assigned.

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

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

209 (9) The State Tax Commission shall issue a certificate of  
210 title or any other document applied for under this chapter to the  
211 designated agent, owner or lienholder of the motor vehicle or of  
212 the manufactured home or mobile home, as appropriate, not more  
213 than thirty (30) days after the application and required fee  
214 prescribed under Section 63-21-63 or Section 63-21-64 are received  
215 unless the applicant requests expedited processing under  
216 subsection (10) of this section.

217 (10) (a) The State Tax Commission shall establish an  
218 expedited processing procedure for the receipt of applications and  
219 the issuance of certificates of title and any other documents  
220 issued under this chapter, except a replacement certificate of  
221 title as provided under Section 63-21-27(2), for motor vehicles  
222 and for manufactured homes or mobile homes. Any designated agent,  
223 lienholder or owner requesting the issuance of any such document,  
224 at his or her option, shall receive such expedited processing upon  
225 payment of a fee in the amount of Thirty Dollars (\$30.00). Such

226 fee shall be in addition to the fees applicable to the issuance of  
227 any such documents under Section 63-21-63 and Section 63-21-64.  
228 Two Dollars and Fifty Cents (\$2.50) of each such fee shall be  
229 retained by the State Tax Commission to defray the costs of the  
230 commission in processing and issuing such documents.

231 (b) When expedited title processing is requested, the  
232 applicable fees are paid and all documents and information  
233 necessary for the Tax Commission to issue the certificate of title  
234 or other documents applied for are received by the commission,  
235 then the commission shall complete processing of the application  
236 and issue the title or document applied for within seventy-two  
237 (72) hours of the time of receipt, excluding weekends and  
238 holidays.

239 **SECTION 4.** Section 63-21-65, Mississippi Code of 1972, is  
240 amended as follows:

241 63-21-65. Except as provided in Section 63-21-15(10), the  
242 State Tax Commission shall pay into the General Fund the fees  
243 collected and paid to the commission under this chapter. As much  
244 of such fees as authorized by the Legislature shall be used by the  
245 State Tax Commission to defray the cost of carrying out the duties  
246 of the State Tax Commission, including the maintenance of the  
247 automated statewide motor vehicle and manufactured housing  
248 registration system.

249 **SECTION 5.** This act shall take effect and be in force from  
250 and after July 1, 2005.