

By: Senator(s) Walley

To: Finance

SENATE BILL NO. 2437

1 AN ACT TO AMEND SECTION 63-21-33, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT AN INSURANCE COMPANY SHALL NOT BE REQUIRED TO
3 OBTAIN A SALVAGE CERTIFICATE OF TITLE WHEN IT OBTAINS TITLE TO A
4 MOTOR VEHICLE THAT IS EIGHT YEARS OLD OR OLDER AS A RESULT OF
5 PAYING CERTAIN TOTAL LOSS CLAIMS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-21-33, Mississippi Code of 1972, is
8 amended as follows:

9 63-21-33. (1) If a dealer buys a vehicle, manufactured home
10 or mobile home and holds it for resale and procures the
11 certificate of title from the owner or the lienholder within ten
12 (10) days after delivery to him of the vehicle, manufactured home
13 or mobile home, he need not send the certificate to the State Tax
14 Commission. However, upon transferring the vehicle, manufactured
15 home or mobile home to another person other than by the creation
16 of a security interest, he shall promptly execute the assignment
17 and warranty of title by a dealer, showing the names and addresses
18 of the transferee and of any lienholder holding a security
19 interest created or reserved at the time of the resale and the
20 date of his security agreement, in the spaces provided therefor on
21 the certificate or as the State Tax Commission prescribes, and
22 deliver the certificate to a designated agent with the
23 transferee's application for a new certificate.

24 (2) Every dealer shall maintain for five (5) years a record
25 in the form the State Tax Commission prescribes of every vehicle,
26 manufactured home or mobile home bought, sold or exchanged by him
27 or received by him for sale or exchange, which shall be open to

28 inspection by a representative of the State Tax Commission or
29 patrol or peace officer during reasonable business hours.

30 (3) Any person found to be in possession of a vehicle,
31 manufactured home or mobile home with an improperly assigned title
32 which fails to identify the transferee shall immediately establish
33 ownership of the vehicle, manufactured home or mobile home,
34 register the vehicle, manufactured home or mobile home and pay the
35 required tax and penalty. The vehicle, manufactured home or
36 mobile home shall be impounded by state or local law enforcement
37 officials until such time as the person in possession can prove
38 ownership or until the rightful owner is located. In the event
39 the rightful owner cannot be established within thirty (30) days,
40 the vehicle, manufactured home or mobile home shall be deemed
41 abandoned and shall be disposed of as provided by law.

42 (4) An insurance company which obtains title to a motor
43 vehicle as a result of paying a total loss claim resulting from
44 collision, fire, flood or other cause shall obtain a salvage
45 certificate of title in its name for such vehicle from the State
46 Tax Commission. The provisions of this paragraph shall not apply
47 to vehicles eight (8) years old or older * * *, or to vehicles
48 with damage which requires the replacement of five (5) or fewer
49 minor components, which the insurer may dispose of by endorsing
50 change in ownership on the certificate of title using space
51 reserved for reassignment of title by licensed dealer without
52 obtaining a salvage certificate of title.

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