

By: Senator(s) Walley

To: Finance

SENATE BILL NO. 2439

1 AN ACT TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE A PROCEDURE BY WHICH A VEHICLE THAT HAS BEEN ISSUED A
 3 JUNK CERTIFICATE OR SIMILAR CERTIFICATE IN THIS OR ANY OTHER STATE
 4 MAY BE ISSUED A CLEAR TITLE; TO REQUIRE AN INSPECTION OF SUCH
 5 VEHICLE; TO PROVIDE A FEE FOR THE INSPECTION; TO REQUIRE THE CLEAR
 6 TITLE ISSUED FOR SUCH VEHICLE TO BE BRANDED "REBUILT" AND CONTAIN
 7 A SHORT STATEMENT OF THE EVENT WHICH CAUSED THE JUNK CERTIFICATE
 8 OR SIMILAR CERTIFICATE TO BE ISSUED; TO AMEND SECTION 63-21-15,
 9 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
 10 PURPOSES.

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

12 **SECTION 1.** Section 63-21-39, Mississippi Code of 1972, is
 13 amended as follows:

14 63-21-39. (1) An owner who scraps, dismantles or destroys a
 15 vehicle and a person who purchases a vehicle as scrap or to be
 16 dismantled or destroyed shall indicate same on the back of the
 17 certificate of title and shall immediately cause the certificate
 18 of title and any other documents required by the State Tax
 19 Commission to be mailed or delivered to the State Tax Commission
 20 for cancellation. A certificate of title of the vehicle shall not
 21 again be issued except upon application containing the information
 22 the State Tax Commission requires, accompanied by a certificate of
 23 inspection in the form and content specified in Section
 24 63-21-15(5) and proof of payment of a fee as provided in
 25 subsection (2) of this section if a clear title is to be issued.

26 (2) For the purpose of requesting a clear title on a vehicle
 27 with a salvage certificate of title, every owner of a vehicle that
 28 has been issued a salvage certificate of title in this state or
 29 any other state which has been restored in this state to its
 30 operating condition which existed prior to the event which caused
 31 the salvage certificate of title to issue shall make application

32 to the State Tax Commission, accompanied by a certificate of
33 inspection in the form and content specified in Section
34 63-21-15(5) and the payment of a fee of Seventy-five Dollars
35 (\$75.00). All such monies shall be collected by the Department of
36 Public Safety and paid to the State Treasurer for deposit in a
37 special fund that is hereby created in the State Treasury to be
38 known as the "Salvage Certificate of Title Fund." Monies in the
39 special fund may be expended by the Department of Public Safety,
40 upon appropriation by the Legislature. The State Tax Commission
41 shall establish by regulation the minimum requirements by which a
42 vehicle which has been issued a salvage certificate of title may
43 be issued a clear title.

44 (3) For the purpose of requesting a clear title on a vehicle
45 that has been issued a junk certificate or similar certificate,
46 every owner of a vehicle that has been issued a junk certificate
47 or similar certificate in this state or any other state which has
48 been restored in this state to its operating condition which
49 existed prior to the event which caused the certificate to issue,
50 shall make application to the State Tax Commission, accompanied by
51 a certificate of inspection in the form and content specified in
52 Section 63-21-15(5) and the payment of a fee of Seventy-five
53 Dollars (\$75.00). The fee required to be paid pursuant to this
54 subsection shall be collected by the Department of Public Safety
55 and paid to the State Treasurer for deposit in the Salvage
56 Certificate of Title Fund created in subsection (2) of this
57 section. Monies in the special fund may be expended by the
58 Department of Public Safety, upon appropriation by the
59 Legislature. The State Tax Commission shall establish by
60 regulation the minimum requirements by which a vehicle which has
61 been issued a junk certificate or similar certificate may be
62 issued a clear title; however, title issued for such a vehicle
63 shall be branded rebuilt and shall contain a short statement of

64 the event which caused the junk certificate or similar certificate
65 to be issued.

66 **SECTION 2.** Section 63-21-15, Mississippi Code of 1972, is
67 amended as follows:

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

73 (a) The name, current residence and mailing address of
74 the owner;

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

80 (ii) If a manufactured home or mobile home, a
81 description of the manufactured home or mobile home, including the
82 following data: year, make, model number, serial number and
83 whether new or used;

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

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

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

94 "Federal and state law requires that you state the mileage in
95 connection with the transfer of ownership. Failure to complete or

96 providing a false statement may result in fine and/or
97 imprisonment.

98 I state that the odometer now reads _____ (no tenths)
99 miles and to the best of my knowledge that it reflects the actual
100 mileage of the vehicle described herein, unless one (1) of the
101 following statements is checked:

102 _____ (1) I hereby certify that to the best of my knowledge
103 the odometer reading reflects the amount of mileage in excess of
104 its mechanical limits.

105 _____ (2) I hereby certify that the odometer reading is not
106 the actual mileage. WARNING-ODOMETER DISCREPANCY!"

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

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

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

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

119 3. A vehicle that is ten (10) years old or
120 older.

121 4. A vehicle sold directly by the
122 manufacturer to any agency of the United States in conformity with
123 contractual specifications.

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

127 (iii) Any person who knowingly gives a false
128 statement concerning the odometer reading on an odometer

129 disclosure statement shall be guilty of a misdemeanor and, upon
130 conviction, shall be subject to a fine of up to One Thousand
131 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or
132 both, at the discretion of the court. These penalties shall be
133 cumulative, supplemental and in addition to the penalties provided
134 by any other law; and

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

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

143 _____ (1) Has never been declared a total loss due to
144 flood damage, fire damage, wind damage or other damage; or

145 _____ (2) Has previously been declared a total loss due
146 to:

147 _____ (a) Collision;

148 _____ (b) Flood;

149 _____ (c) Fire;

150 _____ (d) Wind;

151 _____ (e) Other (please describe): _____

152 _____."

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

161 (3) If the application is for a vehicle, manufactured home
162 or mobile home purchased from a dealer, it shall contain the name
163 and address of any lienholder holding a security interest created
164 or reserved at the time of the sale and the date of his security
165 agreement and it shall be signed by the dealer as well as the
166 owner. The designated agent shall promptly mail or deliver the
167 application to the State Tax Commission.

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

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

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

194 or in lieu thereof, in any case, such other information the State
195 Tax Commission may reasonably require to identify the vehicle,
196 manufactured home or mobile home and to enable the State Tax
197 Commission to determine ownership of the vehicle, manufactured
198 home or mobile home and the existence or nonexistence of security
199 interest in it. If the application is for a vehicle, manufactured
200 home or mobile home last previously registered in another state or
201 country, the application shall also be accompanied by the
202 certificate of title issued by the other state or country, if any,
203 properly assigned.

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

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

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

221 (10) (a) The State Tax Commission shall establish an
222 expedited processing procedure for the receipt of applications and
223 the issuance of certificates of title and any other documents
224 issued under this chapter, except a replacement certificate of
225 title as provided under Section 63-21-27(2), for motor vehicles
226 and for manufactured homes or mobile homes. Any designated agent,

227 lienholder or owner requesting the issuance of any such document,
228 at his or her option, shall receive such expedited processing upon
229 payment of a fee in the amount of Thirty Dollars (\$30.00). Such
230 fee shall be in addition to the fees applicable to the issuance of
231 any such documents under Section 63-21-63 and Section 63-21-64.

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

240 **SECTION 3.** This act shall take effect and be in force from
241 and after July 1, 2005.