

By: Representative Miles

To: Transportation

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1280

1 AN ACT TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY IN PERFORMING  
3 INSPECTIONS OF MOTOR VEHICLES FOR WHICH SALVAGE CERTIFICATES OF  
4 TITLE HAVE BEEN ISSUED AND FOR WHICH A CLEAR CERTIFICATE OF TITLE  
5 OR A BRANDED CERTIFICATE OF TITLE IS APPLIED TO ACCEPT DOCUMENTS  
6 AND INFORMATION REQUIRED BY APPLICANTS FOR THE PERFORMANCE OF SUCH  
7 INSPECTIONS BY HAND DELIVERY OR MAIL OR TO AUTHORIZE THE  
8 DEPARTMENT TO REQUIRE THAT SUCH MOTOR VEHICLES BE BROUGHT TO A  
9 HIGHWAY PATROL FACILITY FOR A VISUAL INSPECTION; TO PROVIDE THAT  
10 UPON THE ISSUANCE OF A CERTIFICATE OF INSPECTION FOR EACH MOTOR  
11 VEHICLE FOR WHICH A SALVAGE CERTIFICATE OF TITLE WAS PREVIOUSLY  
12 ISSUED THE DEPARTMENT OF PUBLIC SAFETY SHALL COLLECT A FEE; TO  
13 AMEND SECTION 63-21-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
14 WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

18 63-21-39. (1) An owner who scraps, dismantles or destroys a  
19 vehicle and a person who purchases a vehicle as scrap or to be  
20 dismantled or destroyed shall indicate same on the back of the  
21 certificate of title and shall immediately cause the certificate  
22 of title and any other documents required by the State Tax  
23 Commission to be mailed or delivered to the State Tax Commission  
24 for cancellation. A certificate of title of the vehicle shall not  
25 again be issued except upon application containing the information  
26 the State Tax Commission requires, accompanied by a certificate of  
27 inspection in the form and content specified in Section  
28 63-21-15(5) and proof of payment of a fee as provided in  
29 subsection (2) of this section \* \* \*.

30 (2) For the purpose of requesting a clear title or a branded  
31 title on a vehicle with a salvage certificate of title, every  
32 owner of a vehicle that has been issued a salvage certificate of  
33 title in this state or any other state which has been restored in

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

50 (3) Before a clear title or a branded title may be issued  
51 for a vehicle for which a salvage certificate of title has been  
52 issued, the applicant shall submit, by hand delivery or mail, such  
53 documents and information to the Department of Public Safety as  
54 the department may require for the purpose of determining if the  
55 vehicle complies with the requirements of this section and all  
56 applicable regulations promulgated by the Commissioner of Public  
57 Safety and the State Tax Commission. The Department of Public  
58 Safety also may require that an applicant bring a vehicle for  
59 which application for a clear title or a branded title is being  
60 made to a Highway Patrol facility for a visual inspection whenever  
61 the department deems that a visual inspection is necessary or  
62 advisable. Nothing in this section shall be construed to prohibit  
63 inspectors of the Mississippi Highway Patrol from conducting  
64 on-site inspections and investigations of motor vehicle rebuilders  
65 or motor vehicle repair businesses to determine if such businesses  
66 are in compliance with all applicable laws relating to the motor

67 vehicle title laws of this state and regulations promulgated by  
68 the Commissioner of Public Safety and the State Tax Commission.

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

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

76 (a) The name, current residence and mailing address of  
77 the owner;

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

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

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

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

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

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

99 providing a false statement may result in fine and/or  
100 imprisonment.

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

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

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

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

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

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

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

122 3. A vehicle that is ten (10) years old or  
123 older.

124 4. A vehicle sold directly by the  
125 manufacturer to any agency of the United States in conformity with  
126 contractual specifications.

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

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

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

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

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

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

148 \_\_\_\_\_ (2) Has previously been declared a total loss due  
149 to:

150 \_\_\_\_\_ (a) Collision;

151 \_\_\_\_\_ (b) Flood;

152 \_\_\_\_\_ (c) Fire;

153 \_\_\_\_\_ (d) Wind;

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

155 \_\_\_\_\_."

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

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

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

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

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

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

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

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

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

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

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

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

243           **SECTION 3.** This act shall take effect and be in force from  
244 and after July 1, 2006.