

By: Representative Miles

To: Transportation

## 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 NEW CERTIFICATE OF TITLE IS  
5 APPLIED TO ACCEPT DOCUMENTS AND INFORMATION REQUIRED BY APPLICANTS  
6 FOR THE PERFORMANCE OF SUCH INSPECTIONS BY HAND DELIVERY, MAIL OR  
7 ELECTRONIC TRANSMISSION OR TO AUTHORIZE THE DEPARTMENT TO REQUIRE  
8 THAT SUCH MOTOR VEHICLES BE BROUGHT TO A HIGHWAY PATROL FACILITY  
9 FOR A VISUAL INSPECTION; TO PROVIDE THAT UPON THE ISSUANCE OF A  
10 NEW CERTIFICATE OF TITLE FOR ANY MOTOR VEHICLE FOR WHICH A SALVAGE  
11 CERTIFICATE OF TITLE WAS PREVIOUSLY ISSUED AND FOR WHICH A  
12 CERTIFICATE OF INSPECTION HAS BEEN ISSUED BY THE DEPARTMENT OF  
13 PUBLIC SAFETY, THE STATE TAX COMMISSION SHALL BRAND THE NEW  
14 CERTIFICATE OF TITLE TO REFLECT THAT THE VEHICLE HAS BEEN  
15 PREVIOUSLY DAMAGED AND HAS BEEN REBUILT, REPAIRED OR RESTORED  
16 FOLLOWING SUCH DAMAGE; TO AMEND SECTION 63-21-15, MISSISSIPPI CODE  
17 OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR  
18 RELATED PURPOSES.

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

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

22 63-21-39. (1) An owner who scraps, dismantles or destroys a  
23 vehicle and a person who purchases a vehicle as scrap or to be  
24 dismantled or destroyed shall indicate same on the back of the  
25 certificate of title and shall immediately cause the certificate  
26 of title and any other documents required by the State Tax  
27 Commission to be mailed or delivered to the State Tax Commission  
28 for cancellation. A certificate of title of the vehicle shall not  
29 again be issued except upon application containing the information  
30 the State Tax Commission requires, accompanied by a certificate of  
31 inspection in the form and content specified in Section  
32 63-21-15(5) and proof of payment of a fee as provided in  
33 subsection (2) of this section if a new title is to be issued.

34 (2) For the purpose of requesting a new title on a vehicle  
35 with a salvage certificate of title, every owner of a vehicle that

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

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

69 or repair businesses to determine if such businesses are in  
70 compliance with all applicable laws relating to the motor vehicle  
71 title laws of this state and regulations promulgated by the  
72 Commissioner of Public Safety and the State Tax Commission.

73 (4) Upon the issuance of a new certificate of title for any  
74 motor vehicle for which a salvage certificate of title was  
75 previously issued and for which a certificate of inspection has  
76 been issued by the Department of Public Safety, the State Tax  
77 Commission shall brand the new certificate of title to reflect  
78 that the vehicle has been previously damaged and has been rebuilt,  
79 repaired or restored following such damage. Such brand shall  
80 appear thereafter on every certificate of title that subsequently  
81 may be issued for the vehicle.

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

84 63-21-15. (1) The application for the certificate of title  
85 of a vehicle, manufactured home or mobile home in this state shall  
86 be made by the owner to a designated agent, on the form the State  
87 Tax Commission prescribes, and shall contain or be accompanied by  
88 the following, if applicable:

89 (a) The name, current residence and mailing address of  
90 the owner;

91 (b) (i) If a vehicle, a description of the vehicle,  
92 including the following data: year, make, model, vehicle  
93 identification number, type of body, the number of cylinders,  
94 odometer reading at the time of application, and whether new or  
95 used; and

96 (ii) If a manufactured home or mobile home, a  
97 description of the manufactured home or mobile home, including the  
98 following data: year, make, model number, serial number and  
99 whether new or used;

100 (c) The date of purchase by applicant, the name and  
101 address of the person from whom the vehicle, manufactured home or

102 mobile home was acquired, and the names and addresses of any  
103 lienholders in the order of their priority and the dates of their  
104 security agreements;

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

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

110 "Federal and state law requires that you state the mileage in  
111 connection with the transfer of ownership. Failure to complete or  
112 providing a false statement may result in fine and/or  
113 imprisonment.

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

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

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

123 (ii) In connection with the transfer of ownership  
124 of a motor vehicle, each transferor shall disclose the mileage to  
125 the transferee in writing on the title or on the document being  
126 used to reassign the title, which form shall be prescribed and  
127 furnished by the State Tax Commission. This written disclosure  
128 must be signed by the transferor and transferee, including the  
129 printed name of both parties.

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

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

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

135                   3. A vehicle that is ten (10) years old or  
136 older.

137                   4. A vehicle sold directly by the  
138 manufacturer to any agency of the United States in conformity with  
139 contractual specifications.

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

143                   (iii) Any person who knowingly gives a false  
144 statement concerning the odometer reading on an odometer  
145 disclosure statement shall be guilty of a misdemeanor and, upon  
146 conviction, shall be subject to a fine of up to One Thousand  
147 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or  
148 both, at the discretion of the court. These penalties shall be  
149 cumulative, supplemental and in addition to the penalties provided  
150 by any other law; and

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

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

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

161                   \_\_\_\_\_ (2) Has previously been declared a total loss due  
162 to:

163                   \_\_\_\_\_ (a) Collision;

164                   \_\_\_\_\_ (b) Flood;

165                   \_\_\_\_\_ (c) Fire;

166                   \_\_\_\_\_ (d) Wind;

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

168 \_\_\_\_\_."

169 (2) The application shall be accompanied by such evidence as  
170 the State Tax Commission reasonably requires to identify the  
171 vehicle, manufactured home or mobile home and to enable the State  
172 Tax Commission to determine whether the owner is entitled to a  
173 certificate of title and the existence or nonexistence of security  
174 interests in the vehicle, manufactured home or mobile home and  
175 whether the applicant is liable for a use tax as provided by  
176 Sections 27-67-1 through 27-67-33.

177 (3) If the application is for a vehicle, manufactured home  
178 or mobile home purchased from a dealer, it shall contain the name  
179 and address of any lienholder holding a security interest created  
180 or reserved at the time of the sale and the date of his security  
181 agreement and it shall be signed by the dealer as well as the  
182 owner. The designated agent shall promptly mail or deliver the  
183 application to the State Tax Commission.

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

188 (5) Each application shall contain or be accompanied by the  
189 certificate of a designated agent that the vehicle, manufactured  
190 home or mobile home has been physically inspected by him and that  
191 the vehicle identification number and descriptive data shown on  
192 the application, pursuant to the requirements of subsection (1)(b)  
193 of this section, are correct, and also that he has identified the  
194 person signing the application and witnessed the signature. If  
195 the application is to receive a new title for a vehicle for which  
196 a salvage certificate of title has been issued, the application  
197 shall be accompanied by a sworn affidavit that the vehicle  
198 complies with the requirements of this section, Section 63-21-39  
199 and the regulations promulgated by the State Tax Commission under  
200 Section 63-21-39.

201           (6) If the application is for a first certificate of title  
202 on a vehicle, manufactured home or mobile home other than a new  
203 vehicle, manufactured home or mobile home, then the application  
204 shall conform with the requirements of this section except that in  
205 lieu of the manufacturer's statement of origin, the application  
206 shall be accompanied by a copy of the bill of sale of said motor  
207 vehicle, manufactured home or mobile home whereby the applicant  
208 claims title or in lieu thereof, in the case of a motor vehicle,  
209 certified copies of the last two (2) years' tag and tax receipts  
210 or in lieu thereof, in any case, such other information the State  
211 Tax Commission may reasonably require to identify the vehicle,  
212 manufactured home or mobile home and to enable the State Tax  
213 Commission to determine ownership of the vehicle, manufactured  
214 home or mobile home and the existence or nonexistence of security  
215 interest in it. If the application is for a vehicle, manufactured  
216 home or mobile home last previously registered in another state or  
217 country, the application shall also be accompanied by the  
218 certificate of title issued by the other state or country, if any,  
219 properly assigned.

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

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

229           (9) The State Tax Commission shall issue a certificate of  
230 title or any other document applied for under this chapter to the  
231 designated agent, owner or lienholder of the motor vehicle or of  
232 the manufactured home or mobile home, as appropriate, not more  
233 than thirty (30) days after the application and required fee

234 prescribed under Section 63-21-63 or Section 63-21-64 are received  
235 unless the applicant requests expedited processing under  
236 subsection (10) of this section.

237       (10) (a) The State Tax Commission shall establish an  
238 expedited processing procedure for the receipt of applications and  
239 the issuance of certificates of title and any other documents  
240 issued under this chapter, except a replacement certificate of  
241 title as provided under Section 63-21-27(2), for motor vehicles  
242 and for manufactured homes or mobile homes. Any designated agent,  
243 lienholder or owner requesting the issuance of any such document,  
244 at his or her option, shall receive such expedited processing upon  
245 payment of a fee in the amount of Thirty Dollars (\$30.00). Such  
246 fee shall be in addition to the fees applicable to the issuance of  
247 any such documents under Section 63-21-63 and Section 63-21-64.

248       (b) When expedited title processing is requested, the  
249 applicable fees are paid and all documents and information  
250 necessary for the Tax Commission to issue the certificate of title  
251 or other documents applied for are received by the commission,  
252 then the commission shall complete processing of the application  
253 and issue the title or document applied for within seventy-two  
254 (72) hours of the time of receipt, excluding weekends and  
255 holidays.

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