

By: Representative Miles

To: Transportation

HOUSE BILL NO. 1280
(As Passed the House)

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; TO PRESCRIBE A FINE FOR ANY
15 AUTOMOBILE DEALER OR SALESMAN WHO SELLS A RENOVATED VEHICLE AFTER
16 IT HAS BEEN SUBMERGED WITHOUT NOTIFYING THE PURCHASER; AND FOR
17 RELATED PURPOSES.

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

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

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

33 (2) For the purpose of requesting a clear title or a branded
34 title on a vehicle with a salvage certificate of title, every

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

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

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

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

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

79 (a) The name, current residence and mailing address of
80 the owner;

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

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

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

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

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

100 "Federal and state law requires that you state the mileage in
101 connection with the transfer of ownership. Failure to complete or
102 providing a false statement may result in fine and/or
103 imprisonment.

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

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

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

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

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

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

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

125 3. A vehicle that is ten (10) years old or
126 older.

127 4. A vehicle sold directly by the
128 manufacturer to any agency of the United States in conformity with
129 contractual specifications.

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

133 (iii) Any person who knowingly gives a false
134 statement concerning the odometer reading on an odometer
135 disclosure statement shall be guilty of a misdemeanor and, upon
136 conviction, shall be subject to a fine of up to One Thousand
137 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or
138 both, at the discretion of the court. These penalties shall be
139 cumulative, supplemental and in addition to the penalties provided
140 by any other law; and

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

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

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

151 _____ (2) Has previously been declared a total loss due
152 to:

153 _____ (a) Collision;

154 _____ (b) Flood;

155 _____ (c) Fire;

156 _____ (d) Wind;

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

158 _____."

159 (2) The application shall be accompanied by such evidence as
160 the State Tax Commission reasonably requires to identify the
161 vehicle, manufactured home or mobile home and to enable the State
162 Tax Commission to determine whether the owner is entitled to a
163 certificate of title and the existence or nonexistence of security
164 interests in the vehicle, manufactured home or mobile home and

165 whether the applicant is liable for a use tax as provided by
166 Sections 27-67-1 through 27-67-33.

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

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

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

191 (6) If the application is for a first certificate of title
192 on a vehicle, manufactured home or mobile home other than a new
193 vehicle, manufactured home or mobile home, then the application
194 shall conform with the requirements of this section except that in
195 lieu of the manufacturer's statement of origin, the application
196 shall be accompanied by a copy of the bill of sale of said motor
197 vehicle, manufactured home or mobile home whereby the applicant

198 claims title or in lieu thereof, in the case of a motor vehicle,
199 certified copies of the last two (2) years' tag and tax receipts
200 or in lieu thereof, in any case, such other information the State
201 Tax Commission may reasonably require to identify the vehicle,
202 manufactured home or mobile home and to enable the State Tax
203 Commission to determine ownership of the vehicle, manufactured
204 home or mobile home and the existence or nonexistence of security
205 interest in it. If the application is for a vehicle, manufactured
206 home or mobile home last previously registered in another state or
207 country, the application shall also be accompanied by the
208 certificate of title issued by the other state or country, if any,
209 properly assigned.

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

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

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

227 (10) (a) The State Tax Commission shall establish an
228 expedited processing procedure for the receipt of applications and
229 the issuance of certificates of title and any other documents
230 issued under this chapter, except a replacement certificate of

231 title as provided under Section 63-21-27(2), for motor vehicles
232 and for manufactured homes or mobile homes. Any designated agent,
233 lienholder or owner requesting the issuance of any such document,
234 at his or her option, shall receive such expedited processing upon
235 payment of a fee in the amount of Thirty Dollars (\$30.00). Such
236 fee shall be in addition to the fees applicable to the issuance of
237 any such documents under Section 63-21-63 and Section 63-21-64.

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

246 **SECTION 3.** Any automobile dealer or salesman who sells a
247 renovated vehicle after it has been submerged without notifying,
248 in writing, the purchaser will be fined One Thousand Dollars
249 (\$1,000.00).

250 **SECTION 4.** This act shall take effect and be in force from
251 and after July 1, 2006.