

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1344: Motor vehicles; revise laws regarding scrapping or dismantling of.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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



40 (b) Notwithstanding any other provision of this chapter
41 to the contrary, if the owner or authorized agent of the owner has
42 not obtained a title in his or her name for the vehicle to be
43 transferred, has lost the title for the vehicle to be transferred,
44 or has returned the title to the Department of Revenue in
45 accordance with Section 63-21-39(1)(a), he or she may sign a
46 statement swearing that, in addition to the foregoing conditions,
47 the vehicle is at least ten (10) model years old. The statement
48 described in this paragraph may be used only to transfer such a
49 vehicle to a licensed used motor vehicle parts dealer or scrap
50 metal processor. The department shall promulgate a form for the
51 statement which shall include, but not be limited to:

52 (i) A statement that the vehicle shall never be
53 titled again; it must be dismantled or scrapped;

54 (* * *ii) A description of the vehicle including
55 the year, make, model and vehicle identification number;

56 (* * *iii) The name, address, and driver's
57 license number of the owner;

58 (* * *iv) A certification that the owner:

59 1. Never obtained a title to the vehicle in
60 his or her name; or

61 2. Was issued a title for the vehicle, but
62 the title was lost or stolen;

63 (* * *y) A certification that the vehicle:

64 1. Is at least ten (10) model years old; and



65 2. Is not subject to any * * * security
66 interest or lien;

67 (vi) An acknowledgment that the owner and buyer of
68 the vehicle realizes this form will be filed with the department
69 and that:

70 1. It is a misdemeanor, punishable by a fine
71 not more than One Thousand Dollars (\$1,000.00) or imprisonment for
72 not more than six (6) months, or both, for conviction of a first
73 offense of knowingly falsifying any information on this statement;
74 and

75 2. It is a felony, punishable by a fine of
76 not less than One Thousand Dollars (\$1,000.00) nor more than Five
77 Thousand Dollars (\$5,000.00) or imprisonment for not less than one
78 (1) year nor more than five (5) years, or both, for conviction of
79 a second or subsequent offense of knowingly falsifying any
80 information on this statement;

81 (* * * vii) The owner's signature and the date of
82 the transaction;

83 (* * * viii) The name and address of the business
84 acquiring the vehicle;

85 (* * * ix) The National Motor Vehicle Title
86 Information System identification number; and

87 (* * * x) The business agent's signature and date
88 along with a printed name and title if the agent is signing on
89 behalf of a corporation.



90 (c) Until such time as the department makes available
91 an Internet-based system, the used motor vehicle parts dealer or
92 scrap metal processor shall mail or otherwise deliver the
93 statement required under paragraph (b) of this subsection (1) to
94 the Department of Revenue within * * * three (3) business days of
95 the completion of the transaction, requesting that the department
96 cancel the Mississippi certificate of title and registration.

97 * * * Once the department develops an Internet-based system, the
98 used motor vehicle parts dealer or scrap metal processor * * *
99 shall utilize such system and within two (2) business days
100 electronically submit the information contained in the
101 statement * * * using that system.

102 (d) * * * Within two (2) business days of each day's
103 close of business, the used motor vehicle parts dealer or scrap
104 metal processor who purchases or receives motor vehicles for scrap
105 or for parts shall deliver in a format approved by the department,
106 by electronic means once developed and made available by the
107 department, a list of all such vehicles purchased that day for
108 scrap or for parts. That list shall contain the following
109 information:

110 (i) The name, address and contact information for
111 the reporting entity;

112 (ii) The vehicle identification numbers of such
113 vehicles;

114 (iii) The dates such vehicles were obtained;



115 (iv) The names of the individuals or entities from
116 whom the vehicles were obtained, for use by law enforcement
117 personnel and appropriate governmental agencies only;

118 (v) A statement of whether the vehicles were, or
119 will be, crushed or disposed of, or offered for sale or other
120 purposes;

121 (vi) A statement of whether the vehicle is
122 intended for export out of the United States; and

123 (vii) The National Motor Vehicle Title Information
124 System identification number of the business acquiring the
125 vehicle.

126 (e) (i) For purposes of this subsection, the term
127 "motor vehicle" shall not include a vehicle which has been crushed
128 or flattened by mechanical means such that it is no longer the
129 motor vehicle as described by the certificate of title, or such
130 that the vehicle identification number is no longer visible or
131 accessible.

132 (ii) In cases in which crushed or flattened
133 vehicles are purchased or received, the purchasing or receiving
134 used motor vehicle parts dealer or scrap metal processor shall
135 verify that the seller has reported the vehicles in accordance
136 with this subsection. Such verification may be in the form of a
137 certification from the seller or a contract between the seller and
138 the purchasing or receiving used motor vehicle parts dealer or
139 scrap metal processor attesting to the seller's compliance with



140 the reporting requirements of this subsection. Such verification
141 must clearly identify the seller by a government issued photograph
142 identification card or employer identification number, and the
143 verification and copy of the identification card or number shall
144 be maintained by the purchasing or receiving used motor vehicle
145 parts dealer or scrap metal processor for a period of not less
146 than two (2) years.

147 (f) The information obtained by the department in
148 accordance with paragraph (d) of this subsection (1) shall be
149 reported to the National Motor Vehicle Title Information System,
150 in a format that will satisfy the requirement for reporting this
151 information, in accordance with rules adopted by the United States
152 Department of Justice in 28 C.F.R. 25.56.

153 (g) Until such time as the department develops and
154 makes available the Internet based system described in paragraph
155 (d) of this subsection, the used motor vehicle parts dealer or
156 scrap metal processor who purchases or receives motor vehicles for
157 scrap or for parts shall deliver the information required by
158 paragraph (d) to the National Motor Vehicle Title Information
159 System through any data consolidator approved by such system,
160 within forty-eight (48) hours of the day the vehicle was purchased
161 or acquired by such used motor vehicle parts dealer or scrap metal
162 processor which shall satisfy the requirements of paragraph (d).

163 (h) The information obtained by the department in
164 accordance with paragraph (d) of this subsection (1) shall be made



165 available only to law enforcement agencies and for purposes of
166 canceling certificates of title. The information shall otherwise
167 be considered to be confidential business information of the
168 respective reporting entities.

169 (i) All records required under the provisions of this
170 subsection shall be maintained for a period of two (2) years by
171 the reporting entity and shall include a scanned or photocopied
172 copy of the seller's or seller's representative's driver's license
173 or state issued identification card.

174 (j) A person who knowingly and willfully violates this
175 subsection (1), or any person who knowingly and willfully
176 falsifies or assists another person in falsifying the statement or
177 information required under paragraphs (b) or (d) of this
178 subsection, or any person who knowingly and willfully sells a
179 vehicle upon which there is an unsatisfied lien or security
180 interest, or who purchases a vehicle without complying with either
181 subsection (1)(a) or (1)(b) of this section and who knowingly and
182 willfully destroys or dismantles a vehicle upon which he knows
183 that there is an unsatisfied lien or security interest shall:

184 (i) Be guilty of a misdemeanor, punishable by a
185 fine not more than One Thousand Dollars (\$1,000.00) or
186 imprisonment for not more than six (6) months, or both, for
187 conviction of a first offense; or

188 (ii) Upon conviction of a second or subsequent
189 offense, a felony, punishable by imprisonment for not less than



190 one (1) year nor more than five (5) years or a fine of not less
191 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
192 Dollars (\$5,000.00), or both.

193 In addition, the court may order each person convicted to pay
194 restitution to any party suffering monetary loss in the amount of
195 such loss. No part of any sentence imposed by the court shall be
196 suspended unless such restitution has been paid in full.

197 (k) A person who knowingly and willfully fails to
198 deliver the title as required under paragraph (a) of this
199 subsection, or the statement required under paragraph (b) of this
200 subsection to the Department of Revenue within seventy-two (72)
201 hours of the completion of the transaction, or who, until such
202 time as the department develops and makes available the
203 Internet-based system described in paragraph (d), fails to deliver
204 the information required by paragraph (d) to the National Motor
205 Vehicle Title Information System through any data consolidator
206 approved by such system, within two (2) business days of the day
207 the vehicle was purchased or acquired by such used motor vehicle
208 parts dealer or scrap metal processor shall be in violation of
209 this section, and subject to a civil penalty of up to One Thousand
210 Dollars (\$1,000.00) per violation. Actions to impose this penalty
211 may be brought by any local or state law enforcement agency,
212 district attorney, or by the Attorney General, in any court of
213 competent jurisdiction. One-half (1/2) of the monies generated
214 from such civil penalties shall be deposited in a special fund



215 created in the State Treasury for use by the Department of
216 Revenue's Title Bureau, and one-half (1/2) of the monies generated
217 from such civil penalties shall be deposited in the general fund
218 of the municipality if the suit was brought in a municipal court,
219 or in the general fund of the county if the suit was brought in
220 the court of a county.

221 (2) For the purpose of requesting a clear title or a branded
222 title on a vehicle with a salvage certificate of title, every
223 owner of a vehicle that has been issued a salvage certificate of
224 title in this state or any other state which has been restored in
225 this state to its operating condition which existed prior to the
226 event which caused the salvage certificate of title to be issued
227 shall make application to the Department of Revenue, accompanied
228 by a certificate of inspection issued by the Department of Public
229 Safety in the form and content specified in Section 63-21-15(5)
230 and the payment of a fee of Seventy-five Dollars (\$75.00) for each
231 motor vehicle for which a certificate of inspection is issued. In
232 addition, the Department of Public Safety may charge such a person
233 a fee in the amount of Twenty-five Dollars (\$25.00) for performing
234 any vehicle identification number verification required by federal
235 law or regulation for the vehicle for which the person is applying
236 for a title. All such monies shall be collected by the Department
237 of Public Safety and paid to the State Treasurer for deposit in a
238 special fund that is hereby created in the State Treasury to be
239 known as the "Salvage Certificate of Title Fund." Monies in the



240 special fund may be expended by the Department of Public Safety,
241 upon appropriation by the Legislature. The Department of Revenue
242 shall establish by regulation the minimum requirements by which a
243 vehicle which has been issued a salvage certificate of title may
244 be issued a clear title.

245 (3) Before a clear title or a branded title may be issued
246 for a vehicle for which a salvage certificate of title has been
247 issued, the applicant shall submit, by hand delivery or mail, such
248 documents and information to the Department of Public Safety as
249 the department may require for the purpose of determining if the
250 vehicle complies with the requirements of this section and all
251 applicable regulations promulgated by the Commissioner of Public
252 Safety and the Department of Revenue. The Department of Public
253 Safety also may require that an applicant bring a vehicle for
254 which application for a clear title or a branded title is being
255 made to a Highway Patrol facility for a visual inspection whenever
256 the department deems that a visual inspection is necessary or
257 advisable. Nothing in this section shall be construed to prohibit
258 inspectors of the Mississippi Highway Patrol from conducting
259 on-site inspections and investigations of motor vehicle rebuilders
260 or motor vehicle repair businesses to determine if such businesses
261 are in compliance with all applicable laws relating to the motor
262 vehicle title laws of this state and regulations promulgated by
263 the Commissioner of Public Safety and the Department of Revenue.



264 **SECTION 2.** Any motor vehicle, trailer or similar conveyance
265 used to transport another motor vehicle or crushed motor vehicle
266 sold in violation of this act or otherwise used to aid in the
267 commission of a violation of this act may be seized by a law
268 enforcement agency and is subject to forfeiture ordered by the
269 court in the manner and under the terms and conditions set out for
270 forfeitures of a vehicle, trailer or similar conveyance in
271 Sections 2 through 6 of this act; however, no conveyance is
272 subject to forfeiture under this act by reason of any act or
273 omission proved by the owner thereof to have been committed or
274 omitted without his knowledge or consent. If the seizing law
275 enforcement agency has reason to believe that the conveyance is a
276 leased or rented conveyance, then the seizing law enforcement
277 agency shall notify the owner of the conveyance as soon as
278 practicable after the seizure. A forfeiture of a conveyance
279 encumbered by a bona fide security interest is subject to the
280 interest of the secured party if he neither had knowledge of nor
281 consented to the act or omission.

282 **SECTION 3.** (1) When any vehicle, trailer or similar
283 conveyance is used in the commission of a violation of this act,
284 the vehicle, trailer or similar conveyance so used is subject to
285 seizure by the applicable law enforcement agency and the vehicle,
286 trailer or similar conveyance may be forfeited by the
287 administrative forfeiture procedures provided for in Sections 2
288 through 5 of this act.



289 (2) The attorney for or any representative of the seizing
290 law enforcement agency shall provide notice of intention to
291 forfeit the seized vehicle, trailer or similar conveyance
292 administratively, either by certified mail, return receipt
293 requested, or by personal delivery, to all persons who are
294 required to be notified pursuant to this Section 3 of this act.

295 (3) In the event that notice of intention to forfeit the
296 seized vehicle, trailer or similar conveyance administratively
297 cannot be given as provided in subsection (2) of this section
298 because of refusal, failure to claim, insufficient address or any
299 other reason, the attorney for or representative of the seizing
300 law enforcement agency shall provide notice by publication in a
301 newspaper of general circulation in the county in which the
302 seizure occurred for once a week for three (3) consecutive weeks.

303 (4) Notice pursuant to subsections (2) and (3) of this
304 section shall include the following information:

305 (a) A description of the vehicle, trailer or similar
306 conveyance;

307 (b) The approximate value of the vehicle, trailer or
308 similar conveyance;

309 (c) The date and place of the seizure;

310 (d) The connection between the vehicle, trailer or
311 similar conveyance and the violation of this Act;

312 (e) The instructions for filing a request for judicial
313 review; and



314 (f) A statement that the vehicle, trailer or similar
315 conveyance will be forfeited to the seizing law enforcement agency
316 if a request for judicial review is not timely filed.

317 (5) Any person claiming an interest in a vehicle, trailer or
318 similar conveyance which is the subject of a notice under this
319 section may, within thirty (30) days after receipt of the notice
320 or of the date of the first publication of the notice, file a
321 petition to contest forfeiture signed by the claimant in the
322 county court, if a county court exists, or otherwise in the
323 circuit court of the county in which the seizure is made or the
324 county in which the criminal prosecution is brought, in order to
325 claim an interest in the vehicle, trailer or similar conveyance.
326 Upon the filing of the petition and the payment of the filing
327 fees, service of the petition shall be made on the attorney for or
328 representative of the seizing law enforcement agency, and the
329 proceedings shall thereafter be governed by the rules of civil
330 procedure.

331 (6) If no petition to contest forfeiture is timely filed,
332 the attorney for the seizing law enforcement agency shall prepare
333 a written declaration of forfeiture of the subject vehicle,
334 trailer or similar conveyance and the forfeited vehicle, trailer
335 or similar conveyance shall be used, distributed or disposed of in
336 accordance with the provisions of Section 5 of this Act.

337 **SECTION 4.** (1) Except as otherwise provided in Section 2 of
338 this Act, when any vehicle, trailer or similar conveyance is



339 seized under this act, proceedings under this section shall be
340 instituted within thirty (30) days from the date of seizure or the
341 subject vehicle, trailer or similar conveyance shall be
342 immediately returned to the party from whom seized.

343 (2) A petition for forfeiture shall be filed in the name of
344 the county or the municipality and may be filed in the county in
345 which the seizure is made, the county in which the criminal
346 prosecution is brought or the county in which the owner of the
347 seized vehicle, trailer or similar conveyance is found.
348 Forfeiture proceedings may be brought in the circuit court or the
349 county court if a county court exists in the county and the value
350 of the seized vehicle, trailer or similar conveyance is within the
351 jurisdictional limits of the county court as set forth in Section
352 9-9-21, Mississippi Code of 1972. A copy of such petition shall
353 be served upon the following persons by service of process in the
354 same manner as in civil cases:

355 (a) The owner of the vehicle, trailer or similar
356 conveyance, if address is known;

357 (b) Any secured party who has a registered lien or
358 security interest or a lien or security interest of which law
359 enforcement has actual knowledge, if the identity of such secured
360 party can be ascertained by the local law enforcement agency by
361 making a good faith effort to ascertain the identity of such
362 secured party as described in subsections (3) and (4) of this
363 section;



364 (c) Any other bona fide lienholder or secured party or
365 other person holding an interest in a vehicle, trailer or similar
366 conveyance in the nature of a security interest of whom the local
367 law enforcement agency has actual knowledge;

368 (d) Any person in possession of vehicle, trailer or
369 similar conveyance subject to forfeiture at the time that it was
370 seized.

371 (3) If the vehicle, trailer or similar conveyance is a motor
372 vehicle, trailer or similar conveyance susceptible of titling
373 under the Mississippi Motor Vehicle Title Law and if there is any
374 reasonable cause to believe that the vehicle, trailer or similar
375 conveyance has been titled, the local law enforcement agency shall
376 make inquiry of the Mississippi Department of Revenue as to what
377 the records of the department show as to who is the record owner
378 of the vehicle, trailer or similar conveyance and who, if anyone,
379 holds any lien or security interest which affects the vehicle,
380 trailer or similar conveyance.

381 (4) If the vehicle, trailer or similar conveyance is a motor
382 vehicle, trailer or similar conveyance and is not titled in the
383 State of Mississippi, then the local law enforcement agency shall
384 attempt to ascertain the name and address of the person in whose
385 name the vehicle, trailer or similar conveyance is licensed, and
386 if the vehicle, trailer or similar conveyance is licensed in a
387 state which has in effect a certificate of title law, the local
388 law enforcement agency shall make inquiry of the appropriate



389 agency of that state as to what the records of the agency show as
390 to who is the record owner of the vehicle, trailer or similar
391 conveyance and who, if anyone, holds any lien, security interest
392 or other instrument in the nature of a security device which
393 affects the vehicle, trailer or similar conveyance.

394 (5) In the event the answer to an inquiry states that the
395 record owner of the vehicle, trailer or similar conveyance is any
396 person other than the person who was in possession of it when it
397 was seized, or states that any person holds any lien, encumbrance,
398 security interest, other interest in the nature of a security
399 interest, the local law enforcement agency shall cause any record
400 owner and also any lienholder, secured party, other person who
401 holds an interest in the vehicle, trailer or similar conveyance in
402 the nature of a security interest, to be named in the petition of
403 forfeiture and to be served with process in the same manner as in
404 civil cases.

405 (6) If the owner of the vehicle, trailer or similar
406 conveyance cannot be found and served with a copy of the petition
407 of forfeiture, or if no person was in possession of the vehicle,
408 trailer or similar conveyance subject to forfeiture at the time
409 that it was seized and the owner of the vehicle, trailer or
410 similar conveyance is unknown, the local law enforcement agency
411 shall file with the clerk of the court in which the proceeding is
412 pending an affidavit to such effect, whereupon the clerk of the
413 court shall publish notice of the hearing addressed to "the



414 Unknown Owner of _____," filling in the blank space with a
415 reasonably detailed description of the vehicle, trailer or similar
416 conveyance subject to forfeiture. Service by publication shall
417 contain the other requisites prescribed in Section 11-33-41, and
418 shall be served as provided in Section 11-33-37, Mississippi Code
419 of 1972, for publication of notice for attachments at law.

420 (7) No proceedings instituted pursuant to the provisions of
421 this article shall proceed to hearing unless the judge conducting
422 the hearing is satisfied that this section has been complied with.
423 Any answer received from an inquiry required by subsections (3)
424 through (4) of this section shall be introduced into evidence at
425 the hearing.

426 **SECTION 5.** (1) Except as otherwise provided in Section 2 of
427 this Act, an owner of a vehicle, trailer or similar conveyance
428 that has been seized shall file an answer within thirty (30) days
429 after the completion of service of process. If an answer is not
430 filed, the court shall hear evidence that the vehicle, trailer or
431 similar conveyance is subject to forfeiture and forfeit the
432 vehicle, trailer or similar conveyance to the local law
433 enforcement agency. If an answer is filed, a time for hearing on
434 forfeiture shall be set within thirty (30) days of filing the
435 answer or at the succeeding term of court if court would not be in
436 progress within thirty (30) days after filing the answer.
437 Provided, however, that upon request by the local law enforcement
438 agency or the owner of the vehicle, trailer or similar conveyance,



439 the court may postpone said forfeiture hearing to a date past the
440 time any criminal action is pending against said owner.

441 (2) If the owner of the vehicle, trailer or similar
442 conveyance has filed an answer denying that the vehicle, trailer
443 or similar conveyance is subject to forfeiture, then the burden is
444 on the petitioner to prove that the vehicle, trailer or similar
445 conveyance is subject to forfeiture. However, if an answer has
446 not been filed by the owner of the vehicle, trailer or similar
447 conveyance, the petition for forfeiture may be introduced into
448 evidence and is prima facie evidence that the vehicle, trailer or
449 similar conveyance is subject to forfeiture. The standard of
450 proof placed upon the petitioner in regard to a vehicle, trailer
451 or similar conveyance forfeited under the provisions of this
452 article shall be by a preponderance of the evidence.

453 (3) At the hearing any claimant of any right, title or
454 interest in the vehicle, trailer or similar conveyance may prove
455 his lien, encumbrance, security interest, or other interest in the
456 nature of a security interest, to be bona fide and created without
457 knowledge or consent that the vehicle, trailer or similar
458 conveyance was to be used so as to cause the vehicle, trailer or
459 similar conveyance to be subject to forfeiture.

460 (4) If it is found that the vehicle, trailer or similar
461 conveyance is subject to forfeiture, then the judge shall forfeit
462 the vehicle, trailer or similar conveyance to the local law
463 enforcement agency. However, if proof at the hearing discloses



464 that the interest of any bona fide lienholder, secured party,
465 other person holding an interest in the vehicle, trailer or
466 similar conveyance in the nature of a security interest or any
467 holder of a bona fide encumbrance is greater than or equal to the
468 present value of the vehicle, trailer or similar conveyance, the
469 court shall order the vehicle, trailer or similar conveyance
470 released to him. If such interest is less than the present value
471 of the vehicle, trailer or similar conveyance and if the proof
472 shows that the vehicle, trailer or similar conveyance is subject
473 to forfeiture, the court shall order the vehicle, trailer or
474 similar conveyance forfeited to the local law enforcement agency.

475 **SECTION 6.** (1) Any other vehicle, trailer or similar
476 conveyance that has been forfeited shall, except as otherwise
477 provided, be sold at a public auction for cash by the chief law
478 enforcement officer of the initiating law enforcement agency, or
479 his designee, to the highest and best bidder after advertising the
480 sale for at least once each week for three (3) consecutive weeks,
481 the last notice to appear not more than ten (10) days nor less
482 than five (5) days prior to such sale, in a newspaper having a
483 general circulation in the jurisdiction in which said law
484 enforcement agency is located. Such notices shall contain a
485 description of the vehicle, trailer or similar conveyance to be
486 sold and a statement of the time and place of sale. It shall not
487 be necessary to the validity of such sale either to have the
488 vehicle, trailer or similar conveyance present at the place of



489 sale or to have the name of the owner thereof stated in such
490 notice. The proceeds of the sale shall be disposed of as follows:

491 (a) To any bona fide lienholder, secured party or other
492 party holding an interest in the vehicle, trailer or similar
493 conveyance in the nature of a security interest, to the extent of
494 his interest; and

495 (b) The balance, if any, remaining after deduction of
496 all storage, court costs and expenses of liquidation shall be
497 divided, forwarded and deposited in the same manner set out in
498 subsection (3) of this section.

499 (2) (a) Any county or municipal law enforcement agency may
500 maintain, repair, use and operate for official purposes any
501 vehicle, trailer or similar conveyance, that is described in
502 subsection (1) of this section, that has been forfeited to the
503 agency if it is free from any interest of a bona fide lienholder,
504 secured party or other party who holds an interest in the vehicle,
505 trailer or similar conveyance in the nature of a security
506 interest. Such county or municipal law enforcement agency may
507 purchase the interest of a bona fide lienholder, secured party or
508 other party who holds an interest so that the vehicle, trailer or
509 similar conveyance can be released for its use. The law
510 enforcement agency shall be deemed to be the purchaser, and the
511 certificate of title shall be issued to it.

512 (b) (i) If a vehicle is forfeited to or transferred to
513 a sheriff's department, then the sheriff may transfer the vehicle



514 to the county for official or governmental use as the board of
515 supervisors may direct.

516 (ii) If a vehicle is forfeited to or transferred
517 to a police department, then the police chief may transfer the
518 vehicle to the municipality for official or governmental use as
519 the governing authority of the municipality may direct.

520 (c) If a motor vehicle forfeited to a county or
521 municipal law enforcement agency becomes obsolete or is no longer
522 needed for official or governmental purposes, it may be disposed
523 of in accordance with Section 19-7-5 or in the manner provided by
524 law for disposing of municipal vehicle, trailer or similar
525 conveyance.

526 (3) Any vehicle, trailer or similar conveyance which is
527 forfeited under this act, except as provided in subsections (1)
528 and (2) of this section, shall be liquidated and, after deduction
529 of court costs and the expenses of liquidation, the proceeds shall
530 be divided and deposited as follows:

531 (a) In the event only one (1) law enforcement agency
532 participates in the underlying criminal case out of which the
533 forfeiture arises, one hundred percent (100%) of the proceeds
534 shall be deposited and credited to the budget of the participating
535 law enforcement agency.

536 (b) In the event more than one (1) law enforcement
537 agency participates in the underlying criminal case out of which
538 the forfeiture arises, eighty percent (80%) of the proceeds shall



539 be deposited and credited to the budget of the law enforcement
540 agency whose officers initiated the criminal case and twenty
541 percent (20%) shall be divided equitably between or among the
542 other participating law enforcement agencies, and shall be
543 deposited and credited to the budgets of the participating law
544 enforcement agencies. In the event that the other participating
545 law enforcement agencies cannot agree on the division of their
546 twenty percent (20%), a petition shall be filed by any one of them
547 in the court in which the civil forfeiture case is brought and the
548 court shall make an equitable division.

549 (4) The Department of Revenue shall issue a certificate of
550 title to any person who purchases property under the provisions of
551 this section when a certificate of title is required under the
552 laws of this state.

553 **SECTION 7.** The forfeiture procedure set forth in Sections 2
554 through 6 of this act are the sole remedy of any claimant, and no
555 court shall have jurisdiction to interfere therewith by replevin,
556 injunction, supersedeas or in any other manner.

557 **SECTION 8.** This act shall take effect and be in force from
558 and after July 1, 2013.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PROVISIONS OF THE AFFIDAVIT FORM REQUIRED TO BE
3 FILED WITH THE DEPARTMENT OF REVENUE WHEN CANCELLING A CERTIFICATE
4 OF TITLE FOR SCRAP MOTOR VEHICLES WHEN THE CERTIFICATE OF TITLE IS



5 NOT AVAILABLE; TO REQUIRE THAT WITHIN TWO BUSINESS DAYS OF EACH
6 DAY'S CLOSE OF BUSINESS, THE USED MOTOR VEHICLE PARTS DEALER OR
7 SCRAP METAL PROCESSOR WHO PURCHASES OR RECEIVES MOTOR VEHICLES FOR
8 SCRAP OR FOR PARTS SHALL DELIVER IN A FORMAT APPROVED BY THE
9 DEPARTMENT A LIST OF ALL SUCH VEHICLES PURCHASED THAT DAY FOR
10 SCRAP OR FOR PARTS; TO REVISE THE DEFINITION OF "MOTOR VEHICLE"
11 FOR THE PURPOSES OF THIS ACT; TO PROVIDE THAT WHEN A USED MOTOR
12 VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR PURCHASES OR
13 RECEIVES A CRUSHED OR FLATTENED VEHICLE, THAT DEALER OR PROCESSOR
14 MUST VERIFY THAT THE SELLER HAS REPORTED THE VEHICLE AS REQUIRED
15 BY THIS ACT; TO MAKE IT A CRIMINAL OFFENSE TO KNOWINGLY FALSIFY
16 ANY INFORMATION ON THE AFFIDAVIT FORM PROVIDED BY THIS ACT; TO
17 AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO CHARGE A FEE FOR ANY
18 VEHICLE IDENTIFICATION NUMBER VERIFICATION REQUIRED BY FEDERAL LAW
19 OR REGULATION ON A VEHICLE WITH A SALVAGE CERTIFICATE OF TITLE FOR
20 WHICH A PERSON APPLIES FOR A CLEAR TITLE OR BRANDED TITLE; TO
21 AUTHORIZE THE SEIZURE AND FORFEITURE OF ANY MOTOR VEHICLE, TRAILER
22 OR SIMILAR CONVEYANCE USED TO TRANSPORT ANOTHER MOTOR VEHICLE OR
23 CRUSHED MOTOR VEHICLE SOLD IN VIOLATION OF THIS SECTION; AND FOR
24 RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Johnson

X (SIGNED)
Massengill

X (SIGNED)
DeLano

CONFEREES FOR THE SENATE

X (SIGNED)
Simmons (13th)

X (SIGNED)
Fillingane

X (SIGNED)
Butler (38th)

