

By: Representative Shirley

To: Judiciary B; Ways and Means

HOUSE BILL NO. 151

1 AN ACT TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972,
2 TO MAKE IT A FELONY FOR A FIRST OFFENSE OF KNOWINGLY FALSIFYING
3 ANY INFORMATION ON THE AFFIDAVIT FORM USED TO CANCEL A CERTIFICATE
4 OF TITLE FOR SCRAP MOTOR VEHICLES; TO REQUIRE THE DEPARTMENT OF
5 REVENUE TO DEVELOP AND IMPLEMENT AN INTERNET-BASED SYSTEM FOR
6 ELECTRONICALLY SUBMITTING CERTAIN TITLE INFORMATION NOT LATER THAN
7 JULY 1, 2015; TO PROVIDE THAT A LICENSED USED MOTOR VEHICLE DEALER
8 SHALL NOT DISMANTLE OR DESTROY A MOTOR VEHICLE UNTIL IT RECEIVES
9 NOTIFICATION FROM THE DEPARTMENT THAT THERE ARE NO LIENS ON THE
10 MOTOR VEHICLE; TO PROVIDE THAT THE USED MOTOR VEHICLE PARTS DEALER
11 OR SCRAP METAL PROCESSOR SHALL SECURE THE MOTOR VEHICLE FOR THREE
12 FULL BUSINESS DAYS IF THE DEPARTMENT'S RECORDS INDICATE THAT THERE
13 IS NO ACTIVE LIEN BEFORE DESTROYING OR DISMANTLING THE MOTOR
14 VEHICLE; TO PROVIDE THAT IF THERE IS AN ACTIVE LIEN, THE USED
15 MOTOR VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR SHALL SECURE
16 THE MOTOR VEHICLE FOR FIFTEEN DAYS AND THE DEPARTMENT SHALL NOTIFY
17 THE LIENHOLDER; TO PROVIDE THAT THE DEPARTMENT MAY REMOVE THE LIEN
18 FROM ITS RECORDS IF A WRITTEN STATEMENT PROTESTING REMOVAL OF THE
19 LIEN IS NOT RECEIVED BY THE DEPARTMENT FROM THE LIENHOLDER WITHIN
20 THE FIFTEEN-DAY PERIOD; TO PROVIDE FOR THE ACTIONS TO BE TAKEN IF
21 A WRITTEN PROTEST FROM THE LIENHOLDER IS RECEIVED; TO MAKE IT A
22 MISDEMEANOR TO KNOWINGLY DESTROY OR DISMANTLE A MOTOR VEHICLE THAT
23 HAS AN ACTIVE LIEN; AND FOR RELATED PURPOSES.

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

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

27 63-21-39. (1) (a) An owner who scraps, dismantles or
28 destroys a vehicle and a person who purchases a vehicle as scrap



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

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

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



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

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

57 (iv) A certification that the owner:

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

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

62 (v) A certification that the vehicle:

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

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

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

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

74 ~~_____ 2. It-it is a felony, punishable by a fine of~~
75 ~~not less than One Thousand Dollars (\$1,000.00) nor more than Five~~
76 ~~Thousand Dollars (\$5,000.00) or imprisonment for not less than one~~
77 ~~(1) year nor more than five (5) years, or both, for conviction~~



78 of * * * ~~a second or subsequent offense of knowingly falsifying~~
79 any information on this statement;

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

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

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

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

89 (c) Until such time as the department makes available
90 an Internet-based system, the used motor vehicle parts dealer or
91 scrap metal processor shall mail or otherwise deliver the
92 statement required under paragraph (b) of this subsection (1) to
93 the Department of Revenue within three (3) business days of the
94 completion of the transaction, requesting that the department
95 cancel the Mississippi certificate of title and registration.
96 Once the department develops an Internet-based system, the used
97 motor vehicle parts dealer or scrap metal processor shall utilize
98 such system and within two (2) business days electronically submit
99 the information contained in the statement using that system. The
100 department shall develop and implement the Internet-based system
101 not later than July 1, 2015.



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 ~~————— (c) (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. All records required under the provisions~~
221 ~~of this subsection shall be maintained for a period of two (2)~~
222 ~~years by the reporting entity and shall include a scanned or~~
223 ~~photocopied copy of the seller's or seller's representative's~~
224 ~~driver's license or state issued identification card.~~



225 * * * ~~_____ (c) (i) For purposes of this subsection, the term~~
226 ~~"motor vehicle" shall not include a vehicle which has been crushed~~
227 ~~or flattened by mechanical means such that it is no longer the~~
228 ~~motor vehicle as described by the certificate of title, or such~~
229 ~~that the vehicle identification number is no longer visible or~~
230 ~~accessible.~~

231 (e) * * * ~~(i) A person who knowingly falsifies any~~
232 ~~information on the affidavit provided for under paragraph (b) of~~
233 ~~this subsection shall be guilty of a felony, and such person shall~~
234 ~~be punished in accordance with the provisions of Section 63-21-73.~~

235 * * * ~~(d) Within two (2) business days of each day's close of~~
236 ~~business, the used motor vehicle parts dealer or scrap metal~~
237 ~~processor who purchases or receives motor vehicles for scrap or~~
238 ~~for parts shall deliver in a format approved by the department, by~~
239 ~~electronic means once developed and made available by the~~
240 ~~department, a list of all such vehicles purchased that day for~~
241 ~~scrap or for parts. That list shall contain the following~~
242 ~~information:~~

243 ~~_____ (i) The name, address and contact information for~~
244 ~~the reporting entity;~~

245 ~~_____ (ii) The vehicle identification numbers of such~~
246 ~~vehicles;~~

247 ~~_____ (iii) The dates such vehicles were obtained;~~



248 ~~_____ (iv) The names of the individuals or entities from~~
249 ~~whom the vehicles were obtained, for use by law enforcement~~
250 ~~personnel and appropriate governmental agencies only;~~

251 ~~_____ (v) A statement of whether the vehicles were, or~~
252 ~~will be, crushed or disposed of, or offered for sale or other~~
253 ~~purposes;~~

254 ~~_____ (vi) A statement of whether the vehicle is~~
255 ~~intended for export out of the United States; and~~

256 ~~_____ (vii) The National Motor Vehicle Title Information~~
257 ~~System identification number of the business acquiring the~~
258 ~~vehicle.~~

259 ~~_____ (c) (i) For purposes of this subsection, the term~~
260 ~~"motor vehicle" shall not include a vehicle which has been crushed~~
261 ~~or flattened by mechanical means such that it is no longer the~~
262 ~~motor vehicle as described by the certificate of title, or such~~
263 ~~that the vehicle identification number is no longer visible or~~
264 ~~accessible.~~

265 ~~_____ (ii) In cases in which crushed or flattened~~
266 ~~vehicles are purchased or received, the purchasing or receiving~~
267 ~~used motor vehicle parts dealer or scrap metal processor shall~~
268 ~~verify that the seller has reported the vehicles in accordance~~
269 ~~with this subsection. Such verification may be in the form of a~~
270 ~~certification from the seller or a contract between the seller and~~
271 ~~the purchasing or receiving used motor vehicle parts dealer or~~
272 ~~scrap metal processor attesting to the seller's compliance with~~



273 ~~the reporting requirements of this subsection. Such verification~~
274 ~~must clearly identify the seller by a government issued photograph~~
275 ~~identification card or employer identification number, and the~~
276 ~~verification and copy of the identification card or number shall~~
277 ~~be maintained by the purchasing or receiving used motor vehicle~~
278 ~~parts dealer or scrap metal processor for a period of not less~~
279 ~~than two (2) years.~~

280 ~~————— (f) The information obtained by the department in~~
281 ~~accordance with paragraph (d) of this subsection (1) shall be~~
282 ~~reported to the National Motor Vehicle Title Information System,~~
283 ~~in a format that will satisfy the requirement for reporting this~~
284 ~~information, in accordance with rules adopted by the United States~~
285 ~~Department of Justice in 28 C.F.R. 25.56.~~

286 ~~————— (g) Until such time as the department develops and~~
287 ~~makes available the Internet-based system described in paragraph~~
288 ~~(d) of this subsection, the used motor vehicle parts dealer or~~
289 ~~scrap metal processor who purchases or receives motor vehicles for~~
290 ~~scrap or for parts shall deliver the information required by~~
291 ~~paragraph (d) to the National Motor Vehicle Title Information~~
292 ~~System through any data consolidator approved by such system,~~
293 ~~within forty-eight (48) hours of the day the vehicle was purchased~~
294 ~~or acquired by such used motor vehicle parts dealer or scrap metal~~
295 ~~processor which shall satisfy the requirements of paragraph (d).~~

296 ~~————— (h) The information obtained by the department in~~
297 ~~accordance with paragraph (d) of this subsection (1) shall be made~~



298 ~~available only to law enforcement agencies and for purposes of~~
299 ~~canceling certificates of title. The information shall otherwise~~
300 ~~be considered to be confidential business information of the~~
301 ~~respective reporting entities.~~

302 ~~————— (i) All records required under the provisions of this~~
303 ~~subsection shall be maintained for a period of two (2) years by~~
304 ~~the reporting entity and shall include a scanned or photocopied~~
305 ~~copy of the seller's or seller's representative's driver's license~~
306 ~~or state issued identification card.~~

307 ~~————— (j) A person who knowingly and willfully violates this~~
308 ~~subsection (1), or any person who knowingly and willfully~~
309 ~~falsifies or assists another person in falsifying the statement or~~
310 ~~information required under paragraphs (b) or (d) of this~~
311 ~~subsection, or any person who knowingly and willfully sells a~~
312 ~~vehicle upon which there is an unsatisfied lien or security~~
313 ~~interest, or who purchases a vehicle without complying with either~~
314 ~~subsection (1) (a) or (1) (b) of this section and who knowingly and~~
315 ~~willfully destroys or dismantles a vehicle upon which he knows~~
316 ~~that there is an unsatisfied lien or security interest shall:~~

317 ~~————— (i) Be guilty of a misdemeanor, punishable by a~~
318 ~~fine not more than One Thousand Dollars (\$1,000.00) or~~
319 ~~imprisonment for not more than six (6) months, or both, for~~
320 ~~conviction of a first offense; or~~

321 ~~————— (ii) Upon conviction of a second or subsequent~~
322 ~~offense, a felony, punishable by imprisonment for not less than~~



323 ~~one (1) year nor more than five (5) years or a fine of not less~~
324 ~~than One Thousand Dollars (\$1,000.00) nor more than Five Thousand~~
325 ~~Dollars (\$5,000.00), or both.~~

326 ~~————— In addition, the court may order each person convicted to pay~~
327 ~~restitution to any party suffering monetary loss in the amount of~~
328 ~~such loss. No part of any sentence imposed by the court shall be~~
329 ~~suspended unless such restitution has been paid in full.~~

330 ~~————— (k) A person who knowingly and willfully fails to~~
331 ~~deliver the title as required under paragraph (a) of this~~
332 ~~subsection, or the statement required under paragraph (b) of this~~
333 ~~subsection to the Department of Revenue within seventy-two (72)~~
334 ~~hours of the completion of the transaction, or who, until such~~
335 ~~time as the department develops and makes available the~~
336 ~~Internet-based system described in paragraph (d), fails to deliver~~
337 ~~the information required by paragraph (d) to the National Motor~~
338 ~~Vehicle Title Information System through any data consolidator~~
339 ~~approved by such system, within two (2) business days of the day~~
340 ~~the vehicle was purchased or acquired by such used motor vehicle~~
341 ~~parts dealer or scrap metal processor shall be in violation of~~
342 ~~this section, and subject to a civil penalty of up to One Thousand~~
343 ~~Dollars (\$1,000.00) per violation. Actions to impose this penalty~~
344 ~~may be brought by any local or state law enforcement agency,~~
345 ~~district attorney, or by the Attorney General, in any court of~~
346 ~~competent jurisdiction. One-half (1/2) of the monies generated~~
347 ~~from such civil penalties shall be deposited in a special fund~~



348 ~~created in the State Treasury for use by the Department of~~
349 ~~Revenue's Title Bureau, and one-half (1/2) of the monies generated~~
350 ~~from such civil penalties shall be deposited in the general fund~~
351 ~~of the municipality if the suit was brought in a municipal court,~~
352 ~~or in the general fund of the county if the suit was brought in~~
353 ~~the court of a county.~~

354 (2) * * * ~~For the purpose of requesting a clear title or a~~
355 ~~branded title on a vehicle with a salvage certificate of title,~~
356 ~~every owner of a vehicle that has been issued a salvage~~
357 ~~certificate of title in this state or any other state which has~~
358 ~~been restored in this state to its operating condition which~~
359 ~~existed prior to the event which caused the salvage certificate of~~
360 ~~title to be issued shall make application to the Department of~~
361 ~~Revenue, accompanied by a certificate of inspection issued by the~~
362 ~~Department of Public Safety in the form and content specified in~~
363 ~~Section 63-21-15(5) and the payment of a fee of Seventy-five~~
364 ~~Dollars (\$75.00) for each motor vehicle for which a certificate of~~
365 ~~inspection is issued. In addition, the Department of Public~~
366 ~~Safety may charge such a person a fee in the amount of Twenty-five~~
367 ~~Dollars (\$25.00) for performing any vehicle identification number~~
368 ~~verification required by federal law or regulation for the vehicle~~
369 ~~for which the person is applying for a title. All such monies~~
370 ~~shall be collected by the Department of Public Safety and paid to~~
371 ~~the State Treasurer for deposit in a special fund that is hereby~~
372 ~~created in the State Treasury to be known as the "Salvage~~



373 ~~Certificate of Title Fund." Monies in the special fund may be~~
374 ~~expended by the Department of Public Safety, upon appropriation by~~
375 ~~the Legislature. The Department of Revenue shall establish by~~
376 ~~regulation the minimum requirements by which a vehicle which has~~
377 ~~been issued a salvage certificate of title may be issued a clear~~
378 ~~title.~~ (a) A licensed used motor vehicle dealer or scrap metal
379 processor shall not dismantle or destroy a motor vehicle until it
380 receives notification from the department that there are no liens
381 on the motor vehicle. The department must notify the used motor
382 vehicle parts dealer or scrap metal processor whether or not there
383 are any liens on the motor vehicle within twenty-four (24)
384 business hours of receipt of the title as provided for in
385 subsection (1) of this section or receipt of the statement
386 provided for in subsection (2) of this section.

387 (b) The used motor vehicle parts dealer or scrap metal
388 processor shall secure the motor vehicle for three (3) full
389 business days, excluding weekends and holidays, if the
390 department's records indicate that there is no active lien before
391 destroying or dismantling the motor vehicle.

392 (c) If there is an active lien, the used motor vehicle
393 parts dealer or scrap metal processor shall secure the motor
394 vehicle for fifteen (15) days and the department shall immediately
395 notify the lienholder.

396 (d) Fifteen (15) days after the receipt of the title as
397 provided for in subsection (1) of this section or receipt of the



398 statement provided for in subsection (2) of this section, the
399 department may remove the lien from its records if a written
400 statement protesting removal of the lien is not received by the
401 department from the lienholder within the fifteen-day period. If
402 the lienholder files a written statement within the fifteen-day
403 period that the lien is still outstanding with the department and
404 the used motor vehicle parts dealer or scrap metal processor, the
405 department shall not remove the lien from its records and place an
406 administrative hold on the record for thirty (30) days to allow
407 the lienholder to take any appropriate action. The used motor
408 vehicle parts dealer or scrap metal processor must secure the
409 motor vehicle until the department's administrative hold is
410 removed, the lienholder submits a lien satisfaction, or the
411 lienholder takes possession of the vehicle.

412 (e) A person who knowingly destroys or dismantles a
413 motor vehicle that has an active lien in violation of this
414 subsection (2) shall be guilty of a misdemeanor, and such person
415 shall be punished by a fine of not more than One Thousand Dollars
416 (\$1,000.00) upon a first offense and not more than Five Thousand
417 Dollars (\$5,000.00) upon a second or any subsequent offense.

418 (* * *~~23~~) For the purpose of requesting a clear title or a
419 branded title on a vehicle with a salvage certificate of title,
420 every owner of a vehicle that has been issued a salvage
421 certificate of title in this state or any other state which has
422 been restored in this state to its operating condition which



423 existed prior to the event which caused the salvage certificate of
424 title to be issued shall make application to the Department of
425 Revenue, accompanied by a certificate of inspection issued by the
426 Department of Public Safety in the form and content specified in
427 Section 63-21-15(5) and the payment of a fee of Seventy-five
428 Dollars (\$75.00) for each motor vehicle for which a certificate of
429 inspection is issued. In addition, the Department of Public
430 Safety may charge such a person a fee in the amount of Twenty-five
431 Dollars (\$25.00) for performing any vehicle identification number
432 verification required by federal law or regulation for the vehicle
433 for which the person is applying for a title. All such monies
434 shall be collected by the Department of Public Safety and paid to
435 the State Treasurer for deposit in a special fund that is hereby
436 created in the State Treasury to be known as the "Salvage
437 Certificate of Title Fund." Monies in the special fund may be
438 expended by the Department of Public Safety, upon appropriation by
439 the Legislature. The Department of Revenue shall establish by
440 regulation the minimum requirements by which a vehicle which has
441 been issued a salvage certificate of title may be issued a clear
442 title.

443 (* * *34) Before a clear title or a branded title may be
444 issued for a vehicle for which a salvage certificate of title has
445 been issued, the applicant shall submit, by hand delivery or mail,
446 such documents and information to the Department of Public Safety
447 as the department may require for the purpose of determining if



448 the vehicle complies with the requirements of this section and all
449 applicable regulations promulgated by the Commissioner of Public
450 Safety and the Department of Revenue. The Department of Public
451 Safety also may require that an applicant bring a vehicle for
452 which application for a clear title or a branded title is being
453 made to a Highway Patrol facility for a visual inspection whenever
454 the department deems that a visual inspection is necessary or
455 advisable. Nothing in this section shall be construed to prohibit
456 inspectors of the Mississippi Highway Patrol from conducting
457 on-site inspections and investigations of motor vehicle rebuilders
458 or motor vehicle repair businesses to determine if such businesses
459 are in compliance with all applicable laws relating to the motor
460 vehicle title laws of this state and regulations promulgated by
461 the Commissioner of Public Safety and the Department of Revenue.

462 **SECTION 2.** This act shall take effect and be in force from
463 and after July 1, 2015.

