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To: Finance

SENATE BILL NO. 2229
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE A VEHICLE WITH A CERTIFICATE OF DESTRUCTION ISSUED BY
3 ANOTHER STATE FOR A WATER DAMAGED VEHICLE THAT HAS BEEN DECLARED A
4 TOTAL LOSS TO BE ISSUED A BRANDED TITLE IF THE VEHICLE HAS BEEN
5 RESTORED IN THIS STATE TO ITS OPERATING CONDITION WHICH EXISTED
6 PRIOR TO THE EVENT WHICH CAUSED THE CERTIFICATE OF DESTRUCTION TO
7 BE ISSUED; TO REQUIRE CERTAIN OTHER CONDITIONS TO BE MET FOR THE
8 ISSUANCE OF A BRANDED TITLE TO SUCH A VEHICLE; TO PROVIDE THAT
9 VEHICLES WITH A SALVAGE CERTIFICATE OF TITLE MAY NOT RECEIVE A
10 CLEAR TITLE; TO AMEND SECTION 63-21-5, MISSISSIPPI CODE OF 1972,
11 TO DEFINE THE TERM "CERTIFICATE OF DESTRUCTION"; TO AMEND SECTION
12 63-21-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
13 RELATED PURPOSES.

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

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

17 63-21-39. (1) (a) An owner who scraps, dismantles or
18 destroys a vehicle and a person who purchases a vehicle as scrap
19 or to be dismantled or destroyed shall indicate same on the back
20 of the certificate of title and shall immediately cause the
21 certificate of title and any other documents required by the
22 Department of Revenue to be mailed or delivered to the Department
23 of Revenue for cancellation. A certificate of title of the



24 vehicle shall not again be issued except upon application
25 containing the information the Department of Revenue requires,
26 accompanied by a certificate of inspection in the form and content
27 specified in Section 63-21-15(5) and proof of payment of a fee as
28 provided in subsection (2) of this section.

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

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

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

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

47 (iv) A certification that the owner:



48 1. Never obtained a title to the vehicle in
49 his or her name; or

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

52 (v) A certification that the vehicle:

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

54 2. Is not subject to any security interest or
55 lien;

56 (vi) An acknowledgment that the owner and buyer of
57 the vehicle realizes this form will be filed with the department
58 and that:

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

64 2. It is a felony, punishable by a fine of
65 not less than One Thousand Dollars (\$1,000.00) nor more than Five
66 Thousand Dollars (\$5,000.00) or imprisonment for not less than one
67 (1) year nor more than five (5) years, or both, for conviction of
68 a second or subsequent offense of knowingly falsifying any
69 information on this statement;

70 (vii) The owner's signature and the date of the
71 transaction;



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

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

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

(c) Until such time as the department makes available an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (b) of this subsection (1) to the Department of Revenue within three (3) business days of the completion of the transaction, requesting that the department cancel the Mississippi certificate of title and registration. Once the department develops an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall utilize such system and within two (2) business days electronically submit the information contained in the statement using that system.

(d) Within two (2) business days of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, by electronic means once developed and made available by the department, a list of all such vehicles purchased that day for



scrap or for parts. That list shall contain the following information:

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

(ii) The vehicle identification numbers of such vehicles;

(iii) The dates such vehicles were obtained;

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

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

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

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

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



(ii) In cases in which crushed or flattened vehicles are purchased or received, the purchasing or receiving used motor vehicle parts dealer or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or a contract between the seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal processor attesting to the seller's compliance with the reporting requirements of this subsection. Such verification must clearly identify the seller by a government issued photograph identification card or employer identification number, and the verification and copy of the identification card or number shall be maintained by the purchasing or receiving used motor vehicle parts dealer or scrap metal processor for a period of not less than two (2) years.

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

(g) Until such time as the department develops and makes available the Internet-based system described in paragraph (d) of this subsection, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for



scrap or for parts shall deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within forty-eight (48) hours of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor which shall satisfy the requirements of paragraph (d).

(h) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be made available only to law enforcement agencies and for purposes of canceling certificates of title. The information shall otherwise be considered to be confidential business information of the respective reporting entities.

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

(j) A person who knowingly and willfully violates this subsection (1), or any person who knowingly and willfully falsifies or assists another person in falsifying the statement or information required under paragraphs (b) or (d) of this subsection, or any person who knowingly and willfully sells a vehicle upon which there is an unsatisfied lien or security interest, or who purchases a vehicle without complying with either subsection (1) (a) or (1) (b) of this section and who knowingly and



willfully destroys or dismantles a vehicle upon which he knows that there is an unsatisfied lien or security interest shall:

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

(ii) Upon conviction of a second or subsequent offense, a felony, punishable by imprisonment for not less than one (1) year nor more than five (5) years or a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both.

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

(k) A person who knowingly and willfully fails to deliver the title as required under paragraph (a) of this subsection, or the statement required under paragraph (b) of this subsection to the Department of Revenue within seventy-two (72) hours of the completion of the transaction, or who, until such time as the department develops and makes available the Internet-based system described in paragraph (d), fails to deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within two (2) business days of the day



the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor shall be in violation of this section, and subject to a civil penalty of up to One Thousand Dollars (\$1,000.00) per violation. Actions to impose this penalty may be brought by any local or state law enforcement agency, district attorney, or by the Attorney General, in any court of competent jurisdiction. One-half (1/2) of the monies generated from such civil penalties shall be deposited in a special fund created in the State Treasury for use by the Department of Revenue's Title Bureau, and one-half (1/2) of the monies generated from such civil penalties shall be deposited in the general fund of the municipality if the suit was brought in a municipal court, or in the general fund of the county if the suit was brought in the court of a county.

(2) For the purpose of requesting * * * a branded title on a vehicle with a salvage certificate of title or a certificate of destruction, every owner of a vehicle that has been issued a certificate of destruction or salvage certificate of title in this state or any other state which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title or certificate of destruction to be issued shall make application to the Department of Revenue, accompanied by a certificate of inspection issued by the Department of Public Safety in the form and content specified in Section 63-21-15(5) and the payment of a fee of Seventy-five



Dollars (\$75.00) for each motor vehicle for which a certificate of inspection is issued. In addition, the Department of Public Safety may charge such a person a fee in the amount of Twenty-five Dollars (\$25.00) for performing any vehicle identification number verification required by federal law or regulation for the vehicle for which the person is applying for a title. All such monies shall be collected by the Department of Public Safety and paid to the State Treasurer for deposit in a special fund that is hereby created in the State Treasury to be known as the "Salvage Certificate of Title Fund." Monies in the special fund may be expended by the Department of Public Safety, upon appropriation by the Legislature. *The Department of Revenue shall establish by regulation the minimum requirements by which a vehicle which has been issued a salvage certificate of title or certificate of destruction may be issued a * * * branded title.*

(3) Before * * * a branded title may be issued for a vehicle for which a salvage certificate of title or certificate of destruction has been issued, the applicant shall submit, by hand delivery or mail, such documents and information to the Department of Public Safety as the department may require for the purpose of determining if the vehicle complies with the requirements of this section and all applicable regulations promulgated by the Commissioner of Public Safety and the Department of Revenue. The Department of Public Safety also may require that an applicant bring a vehicle for which application for * * * a branded title is



being made to a Highway Patrol facility for a visual inspection whenever the department deems that a visual inspection is necessary or advisable. Nothing in this section shall be construed to prohibit inspectors of the Mississippi Highway Patrol from conducting on-site inspections and investigations of motor vehicle rebuilders or motor vehicle repair businesses to determine if such businesses are in compliance with all applicable laws relating to the motor vehicle title laws of this state and regulations promulgated by the Commissioner of Public Safety and the Department of Revenue.

SECTION 2. Section 63-21-5, Mississippi Code of 1972, is amended as follows:

63-21-5. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section except where the context clearly indicates a different meaning:

(a) "State Tax Commission" or "department" means the Department of Revenue of the State of Mississippi.

(b) "Dealer" means every person engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semitrailers, trucks, tractors or other character of commercial or industrial motor vehicles in this state, and having in this state an established place of business as defined in Section 27-19-303, Mississippi Code of 1972. The term "dealer" shall also mean every person engaged regularly in the business of



buying, selling or exchanging manufactured housing in this state,
and licensed as a dealer of manufactured housing by the
Mississippi Department of Insurance.

(c) "Designated agent" means each county tax collector
in this state who may perform his duties under this chapter either
personally or through any of his deputies, or such other persons
as the Department of Revenue may designate. The term shall also
mean those "dealers" as herein defined and/or their officers and
employees and other persons who are appointed by the Department of
Revenue in the manner provided in Section 63-21-13, Mississippi
Code of 1972, to perform the duties of "designated agent" for the
purposes of this chapter.

(d) "Implement of husbandry" means every vehicle
designed and adapted exclusively for agricultural, horticultural
or livestock raising operations or for lifting or carrying an
implement of husbandry and in either case not subject to
registration if used upon the highways.

(e) "Vehicle identification number" means the numbers
and letters on a vehicle, manufactured home or mobile home
designated by the manufacturer or assigned by the Department of
Revenue for the purpose of identifying the vehicle, manufactured
home or mobile home.

(f) "Lien" means every kind of written lease which is
substantially equivalent to an installment sale or which provides
for a right of purchase; conditional sale; reservation of title;



295 deed of trust; chattel mortgage; trust receipt; and every other
296 written agreement or instrument of whatever kind or character
297 whereby an interest other than absolute title is sought to be held
298 or given on a motor vehicle, manufactured home or mobile home.

299 (g) "Lienholder" means any natural person, firm,
300 copartnership, association or corporation holding a lien as herein
301 defined on a motor vehicle, manufactured home or mobile home.

302 (h) "Manufactured housing" or "manufactured home" means
303 any structure, transportable in one or more sections, which in the
304 traveling mode, is eight (8) body feet or more in width or forty
305 (40) body feet or more in length or, when erected on site, is
306 three hundred twenty (320) or more square feet and which is built
307 on a permanent chassis and designed to be used as a dwelling with
308 or without a permanent foundation when connected to the required
309 utilities, and includes the plumbing, heating, air-conditioning
310 and electrical systems contained therein; except that such terms
311 shall include any structure which meets all the requirements of
312 this paragraph except the size requirements and with respect to
313 which the manufacturer voluntarily files a certification required
314 by the Secretary of Housing and Urban Development and complies
315 with the standards established under the National Manufactured
316 Housing Construction and Safety Standards Act of 1974, 42 USCS,
317 Section 5401.

318 (i) "Manufacturer" means any person regularly engaged
319 in the business of manufacturing, constructing or assembling motor



320 vehicles, manufactured homes or mobile homes, either within or
321 without this state.

322 (j) "Mobile home" means any structure, transportable in
323 one or more sections, which in the traveling mode, is eight (8)
324 body feet or more in width or forty (40) body feet or more in
325 length or, when erected on site, is three hundred twenty (320) or
326 more square feet and which is built on a permanent chassis and
327 designed to be used as a dwelling with or without a permanent
328 foundation when connected to the required utilities, and includes
329 the plumbing, heating, air-conditioning and electrical systems
330 contained therein and manufactured prior to June 15, 1976. Any
331 mobile home designated as realty on or before July 1, 1999, shall
332 continue to be designated as realty so that a security interest
333 will be made by incorporating such mobile home in a deed of trust.

334 (k) "Motorcycle" means every motor vehicle having a
335 seat or saddle for the use of the rider and designed to travel on
336 not more than three (3) wheels in contact with the ground, but
337 excluding a farm tractor.

338 (l) "Motor vehicle" means every automobile, motorcycle,
339 mobile trailer, semitrailer, truck, truck tractor, trailer and
340 every other device in, upon, or by which any person or property is
341 or may be transported or drawn upon a public highway which is
342 required to have a road or bridge privilege license, except such
343 as is moved by animal power or used exclusively upon stationary
344 rails or tracks.



345 (m) "New vehicle" means a motor vehicle, manufactured
346 home or mobile home which has never been the subject of a first
347 sale for use.

348 (n) "Used vehicle" means a motor vehicle, manufactured
349 home or mobile home that has been the subject of a first sale for
350 use, whether within this state or elsewhere.

351 (o) "Owner" means a person or persons holding the legal
352 title of a vehicle, manufactured home or mobile home; in the event
353 a vehicle, manufactured home or mobile home is the subject of a
354 deed of trust or a chattel mortgage or an agreement for the
355 conditional sale or lease thereof or other like agreement, with
356 the right of purchase upon performance of the conditions stated in
357 the agreement and with the immediate right of possession vested in
358 the grantor in the deed of trust, mortgagor, conditional vendee or
359 lessee, the grantor, mortgagor, conditional vendee or lessee shall
360 be deemed the owner for the purpose of this chapter.

361 (p) "Person" includes every natural person, firm,
362 copartnership, association or corporation.

363 (q) "Pole trailer" means every vehicle without motive
364 power designed to be drawn by another vehicle and attached to the
365 towing vehicle by means of a reach or pole, or by being boomed or
366 otherwise secured to the towing vehicle, and ordinarily used for
367 transporting long or irregularly shaped loads such as poles,
368 pipes, boats or structural members capable generally of sustaining
369 themselves as beams between the supporting connections.



370 (r) "Security agreement" means a written agreement
371 which reserves or creates a security interest.

372 (s) "Security interest" means an interest in a vehicle,
373 manufactured home or mobile home reserved or created by agreement
374 and which secures payment or performance of an obligation. The
375 term includes the interest of a lessor under a lease intended as
376 security. A security interest is "perfected" when it is valid
377 against third parties generally, subject only to specific
378 statutory exceptions.

379 (t) "Special mobile equipment" means every vehicle not
380 designed or used primarily for the transportation of persons or
381 property and only incidentally operated or moved over a highway,
382 including, but not limited to: ditch-digging apparatus,
383 well-boring apparatus and road construction and maintenance
384 machinery such as asphalt spreaders, bituminous mixers, bucket
385 loaders, tractors other than truck tractors, ditchers, leveling
386 graders, finishing machines, motor graders, road rollers,
387 scarifiers, earth-moving carryalls and scrapers, power shovels and
388 draglines, and self-propelled cranes, vehicles so constructed that
389 they exceed eight (8) feet in width and/or thirteen (13) feet six
390 (6) inches in height, and earth-moving equipment. The term does
391 not include house trailers, dump trucks, truck-mounted transit
392 mixers, cranes or shovels, or other vehicles designed for the
393 transportation of persons or property to which machinery has been
394 attached.



395 (u) "Nonresident" means every person who is not a
396 resident of this state.

397 (v) "Current address" means a new address different
398 from the address shown on the application or on the certificate of
399 title. The owner shall within thirty (30) days after his address
400 is changed from that shown on the application or on the
401 certificate of title notify the department of the change of
402 address in the manner prescribed by the department.

403 (w) "Odometer" means an instrument for measuring and
404 recording the actual distance a motor vehicle travels while in
405 operation; but shall not include any auxiliary instrument designed
406 to be reset by the operator of the motor vehicle for the purpose
407 of recording the distance traveled on trips.

408 (x) "Odometer reading" means the actual cumulative
409 distance traveled disclosed on the odometer.

410 (y) "Odometer disclosure statement" means a statement
411 certified by the owner of the motor vehicle to the transferee or
412 to the department as to the odometer reading.

413 (z) "Mileage" means actual distance that a vehicle has
414 traveled.

415 (aa) "Trailer" means every vehicle other than a "pole
416 trailer" as defined in this chapter without motive power designed
417 to be drawn by another vehicle and attached to the towing vehicle
418 for the purpose of hauling goods or products. The term "trailer"
419 shall not refer to any structure, transportable in one or more



sections regardless of size, when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein regardless of the date of manufacture.

(bb) "Salvage mobile home" or "salvage manufactured home" means a mobile home or manufactured home for which a certificate of title has been issued that an insurance company obtains from the owner as a result of paying a total loss claim resulting from collision, fire, flood, wind or other occurrence. The term "salvage mobile home" or "salvage manufactured home" does not mean or include and is not applicable to a mobile home or manufactured home that is twenty (20) years old or older.

(cc) "Salvage certificate of title" means a document issued by the department for a salvage mobile home or salvage manufactured home as defined in this chapter.

(dd) "All-terrain vehicle" means a motor vehicle that is designed for off-road use and is not required to have a motor vehicle privilege license.

(ee) "Certificate of destruction" means a certificate issued by another state for a water damaged vehicle that has been declared a total loss.

SECTION 3. Section 63-21-15, Mississippi Code of 1972, is amended as follows:



445 63-21-15. (1) The application for the certificate of title
446 of a vehicle, manufactured home or mobile home in this state shall
447 be made by the owner to a designated agent, on the form the * * *
448 Department of Revenue prescribes, and shall contain or be
449 accompanied by the following, if applicable:

450 (a) The name, driver's license number, if the owner has
451 been issued a driver's license, current residence and mailing
452 address of the owner;

453 (b) (i) If a vehicle, a description of the vehicle,
454 including the following data: year, make, model, vehicle
455 identification number, type of body, the number of cylinders,
456 odometer reading at the time of application, and whether new or
457 used; and

458 (ii) If a manufactured home or mobile home, a
459 description of the manufactured home or mobile home, including the
460 following data: year, make, model number, serial number and
461 whether new or used;

462 (c) The date of purchase by applicant, the name and
463 address of the person from whom the vehicle, manufactured home or
464 mobile home was acquired, and the names and addresses of any
465 lienholders in the order of their priority and the dates of their
466 security agreements;

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



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

472 "Federal and state law requires that you state the mileage in
473 connection with the transfer of ownership. Failure to complete or
474 providing a false statement may result in fine and/or
475 imprisonment.

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

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

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

485 (ii) In connection with the transfer of ownership
486 of a motor vehicle, each transferor shall disclose the mileage to
487 the transferee in writing on the title or on the document being
488 used to reassign the title, which form shall be prescribed and
489 furnished by the * * * Department of Revenue. This written
490 disclosure must be signed by the transferor and transferee,
491 including the printed name of both parties.

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



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

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

497 3. A vehicle that is ten (10) years old or
498 older.

499 4. A vehicle sold directly by the
500 manufacturer to any agency of the United States in conformity with
501 contractual specifications.

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

505 (iii) Any person who knowingly gives a false
506 statement concerning the odometer reading on an odometer
507 disclosure statement shall be guilty of a misdemeanor and, upon
508 conviction, shall be subject to a fine of up to One Thousand
509 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or
510 both, at the discretion of the court. These penalties shall be
511 cumulative, supplemental and in addition to the penalties provided
512 by any other law; and

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



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

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

523 _____ (2) Has previously been declared a total loss due
524 to:

525 _____ (a) Collision;

526 _____ (b) Flood;

527 _____ (c) Fire;

528 _____ (d) Wind;

529 _____ (e) Other (please describe): _____
530 _____."

531 (2) The application shall be accompanied by such evidence as
532 the * * * Department of Revenue reasonably requires to identify
533 the vehicle, manufactured home or mobile home and to enable
534 the * * * Department of Revenue to determine whether the owner is
535 entitled to a certificate of title and the existence or
536 nonexistence of security interests in the vehicle, manufactured
537 home or mobile home and whether the applicant is liable for a use
538 tax as provided by Sections 27-67-1 through 27-67-33.

539 (3) If the application is for a vehicle, manufactured home
540 or mobile home purchased from a dealer, it shall contain the name
541 and address of any lienholder holding a security interest created
542 or reserved at the time of the sale and the date of his security



543 agreement and it shall be signed by the dealer as well as the
544 owner. The designated agent shall promptly mail or deliver the
545 application to the * * * Department of Revenue.

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

550 (5) Each application shall contain or be accompanied by the
551 certificate of a designated agent that the vehicle, manufactured
552 home or mobile home has been physically inspected by him and that
553 the vehicle identification number and descriptive data shown on
554 the application, pursuant to the requirements of subsection (1)(b)
555 of this section, are correct, and also that he has identified the
556 person signing the application and witnessed the signature. If
557 the application is to receive * * * a branded title for a vehicle
558 for which a salvage certificate of title or certificate of
559 destruction has been issued, the application shall be accompanied
560 by a sworn affidavit that the vehicle complies with the
561 requirements of this section, Section 63-21-39 and the regulations
562 promulgated by the * * * Department of Revenue under Section
563 63-21-39.

564 (6) If the application is for a first certificate of title
565 on a vehicle, manufactured home or mobile home other than a new
566 vehicle, manufactured home or mobile home, then the application
567 shall conform with the requirements of this section except that in



568 lieu of the manufacturer's statement of origin, the application
569 shall be accompanied by a copy of the bill of sale of said motor
570 vehicle, manufactured home or mobile home whereby the applicant
571 claims title or in lieu thereof, in the case of a motor vehicle,
572 certified copies of the last two (2) years' tag and tax receipts
573 or in lieu thereof, in any case, such other information the * * *
574 Department of Revenue may reasonably require to identify the
575 vehicle, manufactured home or mobile home and to enable the * * *
576 Department of Revenue to determine ownership of the vehicle,
577 manufactured home or mobile home and the existence or nonexistence
578 of security interest in it. If the application is for a vehicle,
579 manufactured home or mobile home last previously registered in
580 another state or country, the application shall also be
581 accompanied by the certificate of title issued by the other state
582 or country, if any, properly assigned.

583 (7) Every designated agent within this state shall, no later
584 than the next business day after they are received by him, forward
585 to the * * * Department of Revenue by mail, postage prepaid, the
586 originals of all applications received by him, together with such
587 evidence of title as may have been delivered to him by the
588 applicants.

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



592 (9) The * * * Department of Revenue shall issue a
593 certificate of title or any other document applied for under this
594 chapter to the designated agent, owner or lienholder of the motor
595 vehicle or of the manufactured home or mobile home, as
596 appropriate, not more than thirty (30) days after the application
597 and required fee prescribed under Section 63-21-63 or Section
598 63-21-64 are received unless the applicant requests expedited
599 processing under subsection (10) of this section.

600 (10) (a) The * * * Department of Revenue shall establish an
601 expedited processing procedure for the receipt of applications and
602 the issuance of certificates of title and any other documents
603 issued under this chapter, except a replacement certificate of
604 title as provided under Section 63-21-27(2), for motor vehicles
605 and for manufactured homes or mobile homes. Any designated agent,
606 lienholder or owner requesting the issuance of any such document,
607 at his or her option, shall receive such expedited processing upon
608 payment of a fee in the amount of Thirty Dollars (\$30.00). Such
609 fee shall be in addition to the fees applicable to the issuance of
610 any such documents under Section 63-21-63 and Section 63-21-64.

611 (b) When expedited title processing is requested, the
612 applicable fees are paid and all documents and information
613 necessary for the * * * department to issue the certificate of
614 title or other documents applied for are received by the * * *
615 department, then the * * * department shall complete processing of
616 the application and issue the title or document applied for within



617 seventy-two (72) hours of the time of receipt, excluding weekends
618 and holidays.

619 **SECTION 4.** This act shall take effect and be in force from
620 and after July 1, 2017.

