

By: Senator(s) Fillingane, McMahan, Carter

To: Finance

SENATE BILL NO. 2277

1 AN ACT TO AMEND SECTIONS 63-21-15 AND 63-21-39, MISSISSIPPI
2 CODE OF 1972, TO REMOVE THE PROVISIONS THAT AUTHORIZE A VEHICLE
3 WITH A SALVAGE CERTIFICATE OF TITLE TO RECEIVE A CLEAR TITLE IF
4 CERTAIN REQUIREMENTS ARE MET AND PROVIDE THAT SUCH A VEHICLE MAY
5 ONLY RECEIVE A BRANDED TITLE; AND FOR RELATED PURPOSES.

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

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

9 63-21-15. (1) The application for the certificate of title
10 of a vehicle, manufactured home or mobile home in this state shall
11 be made by the owner to a designated agent, on the form the * * *
12 Department of Revenue prescribes, and shall contain or be
13 accompanied by the following, if applicable:

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

17 (b) (i) If a vehicle, a description of the vehicle,
18 including the following data: year, make, model, vehicle
19 identification number, type of body, the number of cylinders,



20 odometer reading at the time of application, and whether new or
21 used; and

22 (ii) If a manufactured home or mobile home, a
23 description of the manufactured home or mobile home, including the
24 following data: year, make, model number, serial number and
25 whether new or used;

26 (c) The date of purchase by applicant, the name and
27 address of the person from whom the vehicle, manufactured home or
28 mobile home was acquired, and the names and addresses of any
29 lienholders in the order of their priority and the dates of their
30 security agreements;

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

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

36 "Federal and state law requires that you state the mileage in
37 connection with the transfer of ownership. Failure to complete or
38 providing a false statement may result in fine and/or
39 imprisonment.

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



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

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

49 (ii) In connection with the transfer of ownership
50 of a motor vehicle, each transferor shall disclose the mileage to
51 the transferee in writing on the title or on the document being
52 used to reassign the title, which form shall be prescribed and
53 furnished by the * * * Department of Revenue. This written
54 disclosure must be signed by the transferor and transferee,
55 including the printed name of both parties.

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

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

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

61 3. A vehicle that is ten (10) years old or
62 older.

63 4. A vehicle sold directly by the
64 manufacturer to any agency of the United States in conformity with
65 contractual specifications.

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



69 (iii) Any person who knowingly gives a false
70 statement concerning the odometer reading on an odometer
71 disclosure statement shall be guilty of a misdemeanor and, upon
72 conviction, shall be subject to a fine of up to One Thousand
73 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or
74 both, at the discretion of the court. These penalties shall be
75 cumulative, supplemental and in addition to the penalties provided
76 by any other law; and

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

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

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

87 _____ (2) Has previously been declared a total loss due
88 to:

89 _____ (a) Collision;

90 _____ (b) Flood;

91 _____ (c) Fire;

92 _____ (d) Wind;

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



94 _____."

95 (2) The application shall be accompanied by such evidence as
96 the * * * Department of Revenue reasonably requires to identify
97 the vehicle, manufactured home or mobile home and to enable
98 the * * * Department of Revenue to determine whether the owner is
99 entitled to a certificate of title and the existence or
100 nonexistence of security interests in the vehicle, manufactured
101 home or mobile home and whether the applicant is liable for a use
102 tax as provided by Sections 27-67-1 through 27-67-33.

103 (3) If the application is for a vehicle, manufactured home
104 or mobile home purchased from a dealer, it shall contain the name
105 and address of any lienholder holding a security interest created
106 or reserved at the time of the sale and the date of his security
107 agreement and it shall be signed by the dealer as well as the
108 owner. The designated agent shall promptly mail or deliver the
109 application to the * * * Department of Revenue.

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

114 (5) Each application shall contain or be accompanied by the
115 certificate of a designated agent that the vehicle, manufactured
116 home or mobile home has been physically inspected by him and that
117 the vehicle identification number and descriptive data shown on
118 the application, pursuant to the requirements of subsection (1)(b)



119 of this section, are correct, and also that he has identified the
120 person signing the application and witnessed the signature. If
121 the application is to receive * * * a branded title for a vehicle
122 for which a salvage certificate of title has been issued, the
123 application shall be accompanied by a sworn affidavit that the
124 vehicle complies with the requirements of this section, Section
125 63-21-39 and the regulations promulgated by the * * * Department
126 of Revenue under Section 63-21-39.

127 (6) If the application is for a first certificate of title
128 on a vehicle, manufactured home or mobile home other than a new
129 vehicle, manufactured home or mobile home, then the application
130 shall conform with the requirements of this section except that in
131 lieu of the manufacturer's statement of origin, the application
132 shall be accompanied by a copy of the bill of sale of said motor
133 vehicle, manufactured home or mobile home whereby the applicant
134 claims title or in lieu thereof, in the case of a motor vehicle,
135 certified copies of the last two (2) years' tag and tax receipts
136 or in lieu thereof, in any case, such other information the * * *
137 Department of Revenue may reasonably require to identify the
138 vehicle, manufactured home or mobile home and to enable the * * *
139 Department of Revenue to determine ownership of the vehicle,
140 manufactured home or mobile home and the existence or nonexistence
141 of security interest in it. If the application is for a vehicle,
142 manufactured home or mobile home last previously registered in
143 another state or country, the application shall also be



144 accompanied by the certificate of title issued by the other state
145 or country, if any, properly assigned.

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

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

155 (9) The * * * Department of Revenue shall issue a
156 certificate of title or any other document applied for under this
157 chapter to the designated agent, owner or lienholder of the motor
158 vehicle or of the manufactured home or mobile home, as
159 appropriate, not more than thirty (30) days after the application
160 and required fee prescribed under Section 63-21-63 or Section
161 63-21-64 are received unless the applicant requests expedited
162 processing under subsection (10) of this section.

163 (10) (a) The * * * Department of Revenue shall establish an
164 expedited processing procedure for the receipt of applications and
165 the issuance of certificates of title and any other documents
166 issued under this chapter, except a replacement certificate of
167 title as provided under Section 63-21-27(2), for motor vehicles
168 and for manufactured homes or mobile homes. Any designated agent,



169 lienholder or owner requesting the issuance of any such document,
170 at his or her option, shall receive such expedited processing upon
171 payment of a fee in the amount of Thirty Dollars (\$30.00). Such
172 fee shall be in addition to the fees applicable to the issuance of
173 any such documents under Section 63-21-63 and Section 63-21-64.

174 (b) When expedited title processing is requested, the
175 applicable fees are paid and all documents and information
176 necessary for the * * * Department of Revenue to issue the
177 certificate of title or other documents applied for are received
178 by the * * * department, then the * * * department shall complete
179 processing of the application and issue the title or document
180 applied for within seventy-two (72) hours of the time of receipt,
181 excluding weekends and holidays.

182 **SECTION 2.** Section 63-21-39, Mississippi Code of 1972, is
183 amended as follows:

184 63-21-39. (1) (a) An owner who scraps, dismantles or
185 destroys a vehicle and a person who purchases a vehicle as scrap
186 or to be dismantled or destroyed shall indicate same on the back
187 of the certificate of title and shall immediately cause the
188 certificate of title and any other documents required by the
189 Department of Revenue to be mailed or delivered to the Department
190 of Revenue for cancellation. A certificate of title of the
191 vehicle shall not again be issued except upon application
192 containing the information the Department of Revenue requires,
193 accompanied by a certificate of inspection in the form and content



194 specified in Section 63-21-15(5) and proof of payment of a fee as
195 provided in subsection (2) of this section.

196 (b) Notwithstanding any other provision of this chapter
197 to the contrary, if the owner or authorized agent of the owner has
198 not obtained a title in his or her name for the vehicle to be
199 transferred, has lost the title for the vehicle to be transferred,
200 or has returned the title to the Department of Revenue in
201 accordance with Section 63-21-39(1) (a), he or she may sign a
202 statement swearing that, in addition to the foregoing conditions,
203 the vehicle is at least ten (10) model years old. The statement
204 described in this paragraph may be used only to transfer such a
205 vehicle to a licensed used motor vehicle parts dealer or scrap
206 metal processor. The department shall promulgate a form for the
207 statement which shall include, but not be limited to:

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

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

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

214 (iv) A certification that the owner:

215 1. Never obtained a title to the vehicle in
216 his or her name; or

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



219 (v) A certification that the vehicle:
220 1. Is at least ten (10) model years old; and
221 2. Is not subject to any security interest or
222 lien;

223 (vi) An acknowledgment that the owner and buyer of
224 the vehicle realizes this form will be filed with the department
225 and that:

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

231 2. It is a felony, punishable by a fine of
232 not less than One Thousand Dollars (\$1,000.00) nor more than Five
233 Thousand Dollars (\$5,000.00) or imprisonment for not less than one
234 (1) year nor more than five (5) years, or both, for conviction of
235 a second or subsequent offense of knowingly falsifying any
236 information on this statement;

237 (vii) The owner's signature and the date of the
238 transaction;

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

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



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

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

257 (d) Within two (2) business days of each day's close of
258 business, the used motor vehicle parts dealer or scrap metal
259 processor who purchases or receives motor vehicles for scrap or
260 for parts shall deliver in a format approved by the department, by
261 electronic means once developed and made available by the
262 department, a list of all such vehicles purchased that day for
263 scrap or for parts. That list shall contain the following
264 information:

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



267 (ii) The vehicle identification numbers of such
268 vehicles;

269 (iii) The dates such vehicles were obtained;

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

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

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

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

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

287 (ii) In cases in which crushed or flattened
288 vehicles are purchased or received, the purchasing or receiving
289 used motor vehicle parts dealer or scrap metal processor shall
290 verify that the seller has reported the vehicles in accordance
291 with this subsection. Such verification may be in the form of a



292 certification from the seller or a contract between the seller and
293 the purchasing or receiving used motor vehicle parts dealer or
294 scrap metal processor attesting to the seller's compliance with
295 the reporting requirements of this subsection. Such verification
296 must clearly identify the seller by a government issued photograph
297 identification card or employer identification number, and the
298 verification and copy of the identification card or number shall
299 be maintained by the purchasing or receiving used motor vehicle
300 parts dealer or scrap metal processor for a period of not less
301 than two (2) years.

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

308 (g) Until such time as the department develops and
309 makes available the Internet-based system described in paragraph
310 (d) of this subsection, the used motor vehicle parts dealer or
311 scrap metal processor who purchases or receives motor vehicles for
312 scrap or for parts shall deliver the information required by
313 paragraph (d) to the National Motor Vehicle Title Information
314 System through any data consolidator approved by such system,
315 within forty-eight (48) hours of the day the vehicle was purchased



316 or acquired by such used motor vehicle parts dealer or scrap metal
317 processor which shall satisfy the requirements of paragraph (d).

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

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

329 (j) A person who knowingly and willfully violates this
330 subsection (1), or any person who knowingly and willfully
331 falsifies or assists another person in falsifying the statement or
332 information required under paragraphs (b) or (d) of this
333 subsection, or any person who knowingly and willfully sells a
334 vehicle upon which there is an unsatisfied lien or security
335 interest, or who purchases a vehicle without complying with either
336 subsection (1)(a) or (1)(b) of this section and who knowingly and
337 willfully destroys or dismantles a vehicle upon which he knows
338 that there is an unsatisfied lien or security interest shall:

339 (i) Be guilty of a misdemeanor, punishable by a
340 fine not more than One Thousand Dollars (\$1,000.00) or



341 imprisonment for not more than six (6) months, or both, for
342 conviction of a first offense; or

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

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

352 (k) A person who knowingly and willfully fails to
353 deliver the title as required under paragraph (a) of this
354 subsection, or the statement required under paragraph (b) of this
355 subsection to the Department of Revenue within seventy-two (72)
356 hours of the completion of the transaction, or who, until such
357 time as the department develops and makes available the
358 Internet-based system described in paragraph (d), fails to deliver
359 the information required by paragraph (d) to the National Motor
360 Vehicle Title Information System through any data consolidator
361 approved by such system, within two (2) business days of the day
362 the vehicle was purchased or acquired by such used motor vehicle
363 parts dealer or scrap metal processor shall be in violation of
364 this section, and subject to a civil penalty of up to One Thousand
365 Dollars (\$1,000.00) per violation. Actions to impose this penalty



366 may be brought by any local or state law enforcement agency,
367 district attorney, or by the Attorney General, in any court of
368 competent jurisdiction. One-half (1/2) of the monies generated
369 from such civil penalties shall be deposited in a special fund
370 created in the State Treasury for use by the Department of
371 Revenue's Title Bureau, and one-half (1/2) of the monies generated
372 from such civil penalties shall be deposited in the general fund
373 of the municipality if the suit was brought in a municipal court,
374 or in the general fund of the county if the suit was brought in
375 the court of a county.

376 (2) For the purpose of requesting * * * a branded title on a
377 vehicle with a salvage certificate of title, every owner of a
378 vehicle that has been issued a salvage certificate of title in
379 this state or any other state which has been restored in this
380 state to its operating condition which existed prior to the event
381 which caused the salvage certificate of title to be issued shall
382 make application to the Department of Revenue, accompanied by a
383 certificate of inspection issued by the Department of Public
384 Safety in the form and content specified in Section 63-21-15(5)
385 and the payment of a fee of Seventy-five Dollars (\$75.00) for each
386 motor vehicle for which a certificate of inspection is issued. In
387 addition, the Department of Public Safety may charge such a person
388 a fee in the amount of Twenty-five Dollars (\$25.00) for performing
389 any vehicle identification number verification required by federal
390 law or regulation for the vehicle for which the person is applying



391 for a title. All such monies shall be collected by the Department
392 of Public Safety and paid to the State Treasurer for deposit in a
393 special fund that is hereby created in the State Treasury to be
394 known as the "Salvage Certificate of Title Fund." Monies in the
395 special fund may be expended by the Department of Public Safety,
396 upon appropriation by the Legislature. The Department of Revenue
397 shall establish by regulation the minimum requirements by which a
398 vehicle which has been issued a salvage certificate of title may
399 be issued a * * * branded title.

400 (3) Before * * * a branded title may be issued for a vehicle
401 for which a salvage certificate of title has been issued, the
402 applicant shall submit, by hand delivery or mail, such documents
403 and information to the Department of Public Safety as the
404 department may require for the purpose of determining if the
405 vehicle complies with the requirements of this section and all
406 applicable regulations promulgated by the Commissioner of Public
407 Safety and the Department of Revenue. The Department of Public
408 Safety also may require that an applicant bring a vehicle for
409 which application for * * * a branded title is being made to a
410 Highway Patrol facility for a visual inspection whenever the
411 department deems that a visual inspection is necessary or
412 advisable. Nothing in this section shall be construed to prohibit
413 inspectors of the Mississippi Highway Patrol from conducting
414 on-site inspections and investigations of motor vehicle rebuilders
415 or motor vehicle repair businesses to determine if such businesses



416 are in compliance with all applicable laws relating to the motor
417 vehicle title laws of this state and regulations promulgated by
418 the Commissioner of Public Safety and the Department of Revenue.

419 **SECTION 3.** This act shall take effect and be in force from
420 and after July 1, 2018.

