

## House Amendments to Senate Bill No. 2850

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

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

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

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

18                   (b) (i) If a vehicle, a description of the vehicle,  
19 including the following data: year, make, model, vehicle  
20 identification number, type of body, the number of cylinders,  
21 odometer reading at the time of application, and whether new or  
22 used; and

23                   (ii) If a manufactured home or mobile home, a  
24 description of the manufactured home or mobile home, including the

25 following data: year, make, model number, serial number and  
26 whether new or used;

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

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

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

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

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

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

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

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

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

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

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

62                   3. A vehicle that is twenty (20) years old or  
63 older.

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

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

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

76 cumulative, supplemental and in addition to the penalties provided  
77 by any other law; and

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

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

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

88 \_\_\_\_\_ (2) Has previously been declared a total loss due  
89 to:

90 \_\_\_\_\_ (a) Collision;

91 \_\_\_\_\_ (b) Flood;

92 \_\_\_\_\_ (c) Fire;

93 \_\_\_\_\_ (d) Wind;

94 \_\_\_\_\_ (e) Other (please describe): \_\_\_\_\_

95 \_\_\_\_\_."

96 (2) The application shall be accompanied by such evidence as  
97 the Department of Revenue reasonably requires to identify the  
98 vehicle, manufactured home or mobile home and to enable the  
99 Department of Revenue to determine whether the owner is entitled  
100 to a certificate of title and the existence or nonexistence of  
101 security interests in the vehicle, manufactured home or mobile

102 home and whether the applicant is liable for a use tax as provided  
103 by Sections 27-67-1 through 27-67-33.

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

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

115 (5) Each application shall contain or be accompanied by the  
116 certificate of a designated agent that the vehicle, manufactured  
117 home or mobile home has been physically inspected by him and that  
118 the vehicle identification number and descriptive data shown on  
119 the application, pursuant to the requirements of subsection (1)(b)  
120 of this section, are correct, and also that he has identified the  
121 person signing the application and witnessed the signature. If  
122 the application is to receive a branded title for a vehicle for  
123 which a salvage certificate of title has been issued, the  
124 application shall be accompanied by a sworn affidavit that the  
125 vehicle complies with the requirements of this section, Section  
126 63-21-39 and the regulations promulgated by the Department of  
127 Revenue under Section 63-21-39.

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

147           (b) A person may apply for a certificate of title to a  
148 vehicle lacking proper documentation if the vehicle is at least  
149 thirty (30) years old and the person submits a certificate of  
150 ownership signed under penalty of perjury on a form prescribed by  
151 the Department of Revenue.

152           (7) If the application is for a vehicle the owner does not  
153 intend to drive, the owner need not purchase a license tag in

154 order to receive a certificate of title, so long as the  
155 application contains an affidavit attesting to the owner's intent  
156 that the vehicle not be operated on the highways of this state  
157 until and unless the owner applies for a license tag.

158 (8) Every designated agent within this state shall, no later  
159 than the next business day after they are received by him, forward  
160 to the Department of Revenue by mail, postage prepaid, the  
161 originals of all applications received by him, together with such  
162 evidence of title as may have been delivered to him by the  
163 applicants.

164 (9) An application for certificate of title and information  
165 to be placed on an application for certificate of title may be  
166 transferred electronically as provided in Section 63-21-16.

167 (10) The Department of Revenue shall issue a certificate of  
168 title or any other document applied for under this chapter to the  
169 designated agent, owner or lienholder of the motor vehicle or of  
170 the manufactured home or mobile home, as appropriate, not more  
171 than thirty (30) days after the application and required fee  
172 prescribed under Section 63-21-63 or Section 63-21-64 are received  
173 unless the applicant requests expedited processing under  
174 subsection (11) of this section.

175 (11) (a) The Department of Revenue shall establish an  
176 expedited processing procedure for the receipt of applications and  
177 the issuance of certificates of title and any other documents  
178 issued under this chapter, except a replacement certificate of  
179 title as provided under Section 63-21-27(2), for motor vehicles

180 and for manufactured homes or mobile homes. Any designated agent,  
181 lienholder or owner requesting the issuance of any such document,  
182 at his or her option, shall receive such expedited processing upon  
183 payment of a fee in the amount of Thirty Dollars (\$30.00). Such  
184 fee shall be in addition to the fees applicable to the issuance of  
185 any such documents under Section 63-21-63 and Section 63-21-64.

186 (b) When expedited title processing is requested, the  
187 applicable fees are paid and all documents and information  
188 necessary for the Department of Revenue to issue the certificate  
189 of title or other documents applied for are received by the  
190 department, then the department shall complete processing of the  
191 application and issue the title or document applied for within  
192 seventy-two (72) hours of the time of receipt, excluding weekends  
193 and holidays.

194 **SECTION 2.** This act shall take effect and be in force from  
195 and after July 1, 2021, and shall stand repealed on June 30, 2021.

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

1 AN ACT TO AMEND SECTION 63-21-15, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW APPLICATION FOR A CERTIFICATE OF TITLE TO A VEHICLE  
3 LACKING PROPER DOCUMENTATION IF THE VEHICLE IS AT LEAST 30 YEARS  
4 OLD AND THE APPLICANT SUBMITS A CERTIFICATE OF OWNERSHIP SIGNED  
5 UNDER PENALTY OF PERJURY ON A FORM PRESCRIBED BY THE DEPARTMENT OF  
6 REVENUE; AND FOR RELATED PURPOSES.

HR26\SB2850A.J

Andrew Ketchings  
Clerk of the House of Representatives