

## Senate Amendments to House Bill No. 1589

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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:

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

36           63-21-16. (1) All designated agents appointed by the  
37 department \* \* \* under Section 63-21-13 \* \* \* may electronically  
38 transmit to the department \* \* \* information entered by them on  
39 applications for a certificate of title given in connection with  
40 the sale or transfer of a motor vehicle, manufactured home or  
41 mobile home or a loan for which the owner's motor vehicle,  
42 manufactured home or mobile home is pledged to that institution as  
43 collateral for the loan. The format and the data required to be  
44 transmitted shall be established by the department \* \* \*.  
45 Transmission of data shall meet minimum criteria and edits  
46 established by the department \* \* \* equal to any edit presently  
47 existing in the statewide title registration system, or as may be  
48 established, to which the county tax collectors shall also  
49 conform. All data transmitted must successfully pass edits  
50 established by the department \* \* \*, including lienholder name,

51 mailing address and lienholder account number assigned to a  
52 lienholder by the department \* \* \* to identify the lienholder, for  
53 the purpose of causing the data to appear in the certificate of  
54 title for which the application is made.

55 (2) It shall be the responsibility of the designated agent  
56 to verify all data before it is electronically transmitted. It  
57 shall also be the responsibility of the designated agent to ensure  
58 that the required certification of designated agent and the  
59 certification of statement of facts that are contained on the  
60 application for certificate of title appear above the signatures  
61 of both the owner and the authorized representative of the  
62 designated agent. Data which cannot be transmitted because of  
63 error shall be corrected by the designated agent when the  
64 statewide title registration system indicates that the data is  
65 erroneous or is not valid for the purposes of titling the motor  
66 vehicle, manufactured home or mobile home or for transfer of the  
67 data.

68 (3) When an institution has agreed to loan money for the  
69 purchase of a motor vehicle, manufactured home or mobile home, the  
70 institution shall complete an application for certificate of title  
71 or require the borrower to provide to the institution the copy of  
72 the application for certificate of title contained in the  
73 application packet which is designated "Lienholder's Copy"  
74 according to provisions of the Motor Vehicle and Manufactured  
75 Housing Title Law, which the owner will receive from the county

76 tax collector or any designated agent upon completion of the  
77 application for title and registration process.

78 (4) An application for certificate of title originating from  
79 a designated agent shall be entered on the statewide title  
80 registration system by the originating lending institution when  
81 the transaction is for the purpose of perfecting the institution's  
82 interest in a vehicle, manufactured home or mobile home currently  
83 owned or purchased by the applicant, in connection with  
84 application for certificate of title or the purchase of a license  
85 tag or both.

86 (5) When an institution in this state adds a second lien on  
87 a certificate of title in possession of a first lienholder  
88 institution in this state, the second lienholder institution  
89 seeking to be shown on the certificate of title shall:

90 (a) Prepare the application for certificate of title in  
91 accordance with the requirements of Sections 63-21-15 and  
92 63-21-45(1)(c);

93 (b) Obtain all required signatures; and

94 (c) Forward the completed application for certificate  
95 of title to the first lienholder together with any necessary  
96 remittance advice, a check for the title fee payable to the  
97 department \* \* \* and a cover letter to the first lienholder  
98 requesting that the first lienholder attach the certificate of  
99 title to the required documents sent by the second lienholder and  
100 then forward the application, certificate of title and required  
101 documents to the department \* \* \*.

102           (6) Upon receipt of the application for certificate of title  
103 from the second lienholder institution to record the second lien,  
104 the first lienholder institution shall compare the data contained  
105 in the application for certificate of title to the information  
106 contained in the original certificate of title. If the first  
107 lienholder institution is satisfied as to the ownership, accuracy  
108 and order of priority of liens as shown in the application, it  
109 shall enter the data contained on the application for certificate  
110 of title prepared by the second lienholder on the statewide title  
111 registration system, including the designated agent number of the  
112 second lienholder. After entering the data from the application  
113 for certificate of title, the first lienholder institution shall  
114 immediately forward the application for certificate of title with  
115 the certificate of title attached to the application, the  
116 remittance advice and the second lienholder's check for the title  
117 fee to the department \* \* \* within three (3) working days.

118           (7) In an assignment of lien pursuant to Section 63-21-47,  
119 the assignee shall receive the notice of assignment along with the  
120 current title attached and with the assignors interest open. The  
121 assignee lienholder shall prepare an application for certificate  
122 of title according to the notice of assignment, showing the  
123 assignee institution as the lienholder, and then shall  
124 electronically transmit the data to the department \* \* \*. The  
125 completed application shall be forwarded to the department \* \* \*  
126 within three (3) working days.

127           (8) The department \* \* \*, upon receipt of applications for  
128 certificate of title, shall verify the data by accessing it on the  
129 statewide title registration system by the title application  
130 control number appearing on the application for title. After  
131 receiving verification that is satisfactory to the  
132 department \* \* \* that the data necessary for the issuance of a new  
133 certificate of title exists, the department \* \* \* shall issue a  
134 new certificate of title that records the interests of all the  
135 parties named in the application for certificate of title.

136           (9) Designated agents shall be connected to the statewide  
137 title registration system for the purpose of electronic transfer  
138 of applications for certificate of title data in the order of  
139 priority established by the department \* \* \*.

140           (10) If a participating designated agent fails to comply  
141 with the provisions of this section or the rules adopted by the  
142 department \* \* \* to implement this section, the department \* \* \*  
143 may impose a penalty of Twenty-five Dollars (\$25.00) for each  
144 instance of noncompliance. Any penalty imposed under this section  
145 not paid within thirty (30) days after a notice is given shall be  
146 subject to collection from the bond of the designated agent that  
147 is required to be provided under the provisions of Section  
148 63-21-13(3). The penalty provided shall also be assessable, due  
149 and collectible from any licensed motor vehicle dealer or  
150 manufactured home or mobile home dealer for failure to accept an  
151 application for certificate of title for each and every vehicle,  
152 manufactured home or mobile home he sells to a consumer. These

153 penalties shall be cumulative, supplemental and in addition to the  
154 penalties provided by any other law.

155 (11) This section shall apply to all designated agents  
156 appointed by the department \* \* \* under Section 63-21-13, that  
157 choose to electronically transmit information on applications for  
158 certificates of title to the department \* \* \*. This section shall  
159 not apply to other designated agents.

160 (12) Notwithstanding the foregoing, the department \* \* \*  
161 shall not issue a certificate of title to a manufactured home or  
162 mobile home with respect to which title has been retired to real  
163 property under Section 63-21-30 unless with respect to the same  
164 manufactured home or mobile home title has been severed from real  
165 property pursuant to Section 63-21-30.

166 (13) Notwithstanding any requirement in this chapter that a  
167 lien on a motor vehicle or manufactured home shall be noted on the  
168 face of the certificate of title, if there are one or more liens  
169 or encumbrances on the motor vehicle or manufactured home, the  
170 department \* \* \* may electronically transmit the lien to the first  
171 lienholder and notify the first lienholder of any additional  
172 liens. Subsequent lien satisfactions may be electronically  
173 transmitted to the department \* \* \* and shall include the name and  
174 address of the person satisfying the lien. When electronic  
175 transmission of liens and lien satisfactions is used, a  
176 certificate of title need not be issued until the last lien is  
177 satisfied and a clear certificate of title is issued to the owner  
178 of the motor vehicle or manufactured home. When a motor vehicle

179 is subject to an electronic lien, the certificate of title for the  
180 motor vehicle shall be considered to be physically held by the  
181 lienholder for purposes of compliance with state or federal  
182 odometer disclosure requirements. A duly certified copy of the  
183 department \* \* \*'s electronic record of the lien shall be  
184 admissible in any civil, criminal, or administrative proceeding in  
185 this state as evidence of the existence of the lien.

186 (14) Any lienholder with a federal Employer Identification  
187 Number (EIN) must electronically transmit the satisfaction and  
188 release and discharge of a lien on a motor vehicle to the  
189 department not later than fourteen (14) days after the date of  
190 satisfaction of the lien. The failure of any such lienholder to  
191 comply with the requirements of this subsection shall be a  
192 violation of this chapter. Any such lienholder who knowingly and  
193 willfully fails to transmit the satisfaction and release and  
194 discharge of a lien on a motor vehicle within fourteen (14) days  
195 after the date of the satisfaction of the lien shall be in  
196 violation of this section, and subject to a civil penalty of up to  
197 Two Hundred Fifty Dollars (\$250.00) per violation, which shall be  
198 in addition to any other penalty provided in this chapter. In  
199 addition, the lienholder shall be liable for any attorney's fees,  
200 legal fees and/or other fees and costs incurred by a person in any  
201 action necessary to discharge and/or release a lien or otherwise  
202 affecting a lien for which the lienholder failed to transmit the  
203 required information.

204       (15) Notwithstanding any other provision of this chapter to  
205 the contrary, if a lien on a motor vehicle is older than eight (8)  
206 years from the date the lien was placed on the motor vehicle, the  
207 lien shall be recorded by the department in the automated  
208 statewide motor vehicle registration system as having been  
209 satisfied and released and discharged, unless annually recertified  
210 by the lienholder by utilizing the format and transmitting the  
211 data required by the department.

212       **SECTION 2.** Section 63-21-18, Mississippi Code of 1972, is  
213 amended as follows:

214       63-21-18. The Mississippi Department of Information  
215 Technology Services shall provide equipment for the operation and  
216 maintenance of the automated statewide motor vehicle, manufactured  
217 housing and mobile home registration system by the \* \* \*  
218 department.

219       The automated statewide motor vehicle, manufactured housing  
220 and mobile home registration system shall provide for computer  
221 terminals and printers, as authorized by the \* \* \* Department of  
222 Information Technology Services, to be located in the quantity  
223 necessary in each county seat tax collector's office and any other  
224 office in which more than fifty percent (50%) of the motor vehicle  
225 registrations in the county are made.

226       All county tax collectors shall participate in such system as  
227 it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter  
228 21, Title 63; Mississippi Code of 1972, in accordance with rules  
229 and regulations promulgated by the \* \* \* department. Such rules



230 and regulations shall provide that counties which have an existing  
231 computer system designed to produce registration data may elect to  
232 use such existing system to communicate title/registration data to  
233 the \* \* \* department through the computer furnished by the state  
234 as hereinabove provided in this section. If the \* \* \* department  
235 finds and determines that a county has failed to successfully  
236 establish or update title/registration data into the statewide  
237 vehicle, manufactured housing and mobile home title/registration  
238 system, either through use of equipment supplied by the \* \* \*  
239 department or through the interfacing between the network system  
240 and county computer equipment, the \* \* \* department shall  
241 thereafter cause to be withheld the county's homestead exemption  
242 reimbursement monies, except for school districts and  
243 municipalities, until such time as the county has complied with  
244 this provision. Such monies as are withheld from a county for  
245 failure to comply with this provision shall be placed into a  
246 special escrow account to be established in the State Treasury.  
247 Once the county achieves compliance by successfully establishing  
248 or updating title/registration data into the statewide vehicle,  
249 manufactured housing and mobile home title/registration system,  
250 then the \* \* \* department shall cause to be released to the county  
251 all funds held in escrow on the county's behalf during the period  
252 of noncompliance. All interest earned shall accrue to the benefit  
253 of the county on any funds placed in an escrow account. Any cost  
254 involved in interfacing between existing county computer systems  
255 and the state-provided computer shall be paid by the county.

256           The computer terminals and printers placed in each county tax  
257 collector's office may be utilized to provide additional computer  
258 functions as authorized by the \* \* \* Department of Information  
259 Technology Services.

260           The State Fiscal Officer shall issue his warrants to the  
261 State Treasurer for the expenditures for the implementation and  
262 maintenance of the system upon requisitions signed by the \* \* \*  
263 Commissioner of Revenue, as authorized by the Legislature.

264           It is the intent of the Legislature that the operation of the  
265 statewide motor vehicle, manufactured housing and mobile home  
266 title registration system shall be the responsibility of the \* \* \*  
267 department.

268           The \* \* \* department shall provide for the transfer of motor  
269 vehicle, manufactured housing and mobile home title and lien  
270 registration information to the \* \* \* department by electronic  
271 means from banks and other lending institutions as provided in  
272 Section 63-21-18. The \* \* \* Department of Information Technology  
273 Services shall cooperate with the \* \* \* department in implementing  
274 the provisions of Section 63-21-18, and shall provide the \* \* \*  
275 department with whatever assistance the \* \* \* department needs to  
276 carry out the provisions of Section 63-21-18.

277           A used motor vehicle parts dealer or scrap metal processor  
278 must utilize the department's automated statewide motor vehicle  
279 registration system for the purpose of complying with the  
280 requirements of Section 63-21-39(1)(a).

281           **SECTION 3.** Section 63-21-39, Mississippi Code of 1972, is  
282 amended as follows:

283           63-21-39. (1) (a) An owner who scraps, dismantles or  
284 destroys a vehicle and a person who purchases a vehicle as scrap  
285 or to be dismantled or destroyed shall indicate same on the back  
286 of the certificate of title and shall immediately cause the  
287 certificate of title and any other documents required by the  
288 department \* \* \* to be mailed or delivered to the department \* \* \*  
289 for cancellation. A certificate of title of the vehicle shall not  
290 again be issued except upon application containing the information  
291 the department \* \* \* requires, accompanied by a certificate of  
292 inspection in the form and content specified in Section  
293 63-21-15(5) and proof of payment of a fee as provided in  
294 subsection (2) of this section. Before a used motor vehicle parts  
295 dealer or scrap metal processor may purchase or receive a motor  
296 vehicle from the owner or authorized agent of the owner of the  
297 motor vehicle for the purpose of scrapping, dismantling or  
298 destroying the motor vehicle, the used motor vehicle parts dealer  
299 or scrap metal processor must verify under Section 63-21-18 the  
300 absence of any lien on the motor vehicle. If a lien exists on the  
301 motor vehicle, the used motor vehicle parts dealer or scrap metal  
302 processor may not purchase or receive the motor vehicle for the  
303 purpose of scrapping, dismantling or destroying the vehicle, and  
304 may not purchase or receive the motor vehicle for such purposes  
305 during any time for which a lien exists on the motor vehicle.

306           (b) Notwithstanding any other provision of this chapter  
307 to the contrary, if the owner or authorized agent of the owner has  
308 not obtained a title in his or her name for the vehicle to be  
309 transferred, has lost the title for the vehicle to be transferred,  
310 or has returned the title to the department \* \* \* in accordance  
311 with paragraph (a) of this subsection, he or she may sign a  
312 statement swearing that, in addition to the foregoing conditions,  
313 the vehicle is at least ten (10) model years old. The statement  
314 described in this paragraph may be used only to transfer such a  
315 vehicle to a licensed used motor vehicle parts dealer or scrap  
316 metal processor. The department shall promulgate a form for the  
317 statement which shall include, but not be limited to:

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

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

322                   (iii) The name, address, and driver's license  
323 number, nondriver identification card number or tribal  
324 identification card number of the owner;

325                   (iv) A certification that the owner:

326                           1. Never obtained a title to the vehicle in  
327 his or her name; or

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

330                   (v) A certification that the vehicle:

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

332                   2. Is not subject to any security interest or  
333 lien;

334                   (vi) An acknowledgment that the owner and buyer of  
335 the vehicle realizes this form will be filed with the department  
336 and that:

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

342                   2. It is a felony, punishable by a fine of  
343 not less than One Thousand Dollars (\$1,000.00) nor more than Five  
344 Thousand Dollars (\$5,000.00) or imprisonment for not less than one  
345 (1) year nor more than five (5) years, or both, for conviction of  
346 a second or subsequent offense of knowingly falsifying any  
347 information on this statement;

348                   (vii) The owner's signature and the date of the  
349 transaction;

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

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

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

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

368           (d) Within two (2) business days of each day's close of  
369 business, the used motor vehicle parts dealer or scrap metal  
370 processor who purchases or receives motor vehicles for scrap or  
371 for parts shall deliver in a format approved by the department, by  
372 electronic means once developed and made available by the  
373 department, a list of all such vehicles purchased that day for  
374 scrap or for parts. That list shall contain the following  
375 information:

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

378                   (ii) The vehicle identification numbers of such  
379 vehicles;

380                   (iii) The dates such vehicles were obtained;

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

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

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

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

392 In addition, the used motor vehicle parts dealer or scrap  
393 metal processor must certify compliance with the requirements of  
394 Section 63-21-39(1)(a).

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

401 (ii) In cases in which crushed or flattened  
402 vehicles are purchased or received, the purchasing or receiving  
403 used motor vehicle parts dealer or scrap metal processor shall  
404 verify that the seller has reported the vehicles in accordance  
405 with this subsection. Such verification may be in the form of a  
406 certification from the seller or a contract between the seller and

407 the purchasing or receiving used motor vehicle parts dealer or  
408 scrap metal processor attesting to the seller's compliance with  
409 the reporting requirements of this subsection. Such verification  
410 must clearly identify the seller by a government issued photograph  
411 identification card or employer identification number, and the  
412 verification and copy of the identification card or number shall  
413 be maintained by the purchasing or receiving used motor vehicle  
414 parts dealer or scrap metal processor for a period of not less  
415 than two (2) years.

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

422 (g) Until such time as the department develops and  
423 makes available the internet-based system described in paragraph  
424 (d) of this subsection, the used motor vehicle parts dealer or  
425 scrap metal processor who purchases or receives motor vehicles for  
426 scrap or for parts shall deliver the information required by  
427 paragraph (d) to the National Motor Vehicle Title Information  
428 System through any data consolidator approved by such system,  
429 within forty-eight (48) hours of the day the vehicle was purchased  
430 or acquired by such used motor vehicle parts dealer or scrap metal  
431 processor which shall satisfy the requirements of paragraph (d).



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

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

444           (j) A person who knowingly and willfully violates this  
445 subsection (1), or any person who knowingly and willfully  
446 falsifies or assists another person in falsifying the statement or  
447 information required under paragraph (b) or (d) of this  
448 subsection, or any person who knowingly and willfully sells a  
449 vehicle upon which there is an unsatisfied lien or security  
450 interest, or who purchases a vehicle without complying with either  
451 paragraph (a) or (b) of this subsection and who knowingly and  
452 willfully destroys or dismantles a vehicle upon which he knows  
453 that there is an unsatisfied lien or security interest shall:

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

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

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

467           (k) A person who knowingly and willfully fails to  
468 deliver the title as required under paragraph (a) of this  
469 subsection, or the statement required under paragraph (b) of this  
470 subsection to the department \* \* \* within seventy-two (72) hours  
471 of the completion of the transaction, or who, until such time as  
472 the department develops and makes available the Internet-based  
473 system described in paragraph (d), fails to deliver the  
474 information required by paragraph (d) to the National Motor  
475 Vehicle Title Information System through any data consolidator  
476 approved by such system, within two (2) business days of the day  
477 the vehicle was purchased or acquired by such used motor vehicle  
478 parts dealer or scrap metal processor shall be in violation of  
479 this section, and subject to a civil penalty of up to One Thousand  
480 Dollars (\$1,000.00) per violation. Actions to impose this penalty  
481 may be brought by any local or state law enforcement agency,  
482 district attorney, or by the Attorney General, in any court of  
483 competent jurisdiction. One-half (1/2) of the monies generated

484 from such civil penalties shall be deposited in a special fund  
485 created in the State Treasury for use by the department \* \* \*'  
486 Title Bureau, and one-half (1/2) of the monies generated from such  
487 civil penalties shall be deposited in the general fund of the  
488 municipality if the suit was brought in a municipal court, or in  
489 the general fund of the county if the suit was brought in the  
490 court of a county.

491 (2) For the purpose of requesting a branded title on a  
492 vehicle with a salvage certificate of title, every owner of a  
493 vehicle that has been issued a salvage certificate of title in  
494 this state or any other state which has been restored in this  
495 state to its operating condition which existed prior to the event  
496 which caused the salvage certificate of title to be issued shall  
497 make application to the department \* \* \*, accompanied by a  
498 certificate of inspection issued by the Department of Public  
499 Safety in the form and content specified in Section 63-21-15(5)  
500 and the payment of a fee of Seventy-five Dollars (\$75.00) for each  
501 motor vehicle for which a certificate of inspection is issued. In  
502 addition, the Department of Public Safety may charge such a person  
503 a fee in the amount of Twenty-five Dollars (\$25.00) for performing  
504 any vehicle identification number verification required by federal  
505 law or regulation for the vehicle for which the person is applying  
506 for a title. All such monies shall be collected by the Department  
507 of Public Safety and paid to the State Treasurer for deposit in a  
508 special fund that is hereby created in the State Treasury to be  
509 known as the "Salvage Certificate of Title Fund." Monies in the

510 special fund may be expended by the Department of Public Safety,  
511 upon appropriation by the Legislature. The department \* \* \* shall  
512 establish by regulation the minimum requirements by which a  
513 vehicle which has been issued a salvage certificate of title may  
514 be issued a branded title.

515 (3) Before a branded title may be issued for a vehicle for  
516 which a salvage certificate of title has been issued, the  
517 applicant shall submit, by hand delivery or mail, such documents  
518 and information to the Department of Public Safety as the  
519 department may require for the purpose of determining if the  
520 vehicle complies with the requirements of this section and all  
521 applicable regulations promulgated by the Commissioner of Public  
522 Safety and the department \* \* \*. The Department of Public Safety  
523 also may require that an applicant bring a vehicle for which  
524 application for a branded title is being made to a Highway Patrol  
525 facility for a visual inspection whenever the department deems  
526 that a visual inspection is necessary or advisable. Nothing in  
527 this section shall be construed to prohibit inspectors of the  
528 Mississippi Highway Patrol from conducting on-site inspections and  
529 investigations of motor vehicle rebuilders or motor vehicle repair  
530 businesses to determine if such businesses are in compliance with  
531 all applicable laws relating to the motor vehicle title laws of  
532 this state and regulations promulgated by the Commissioner of  
533 Public Safety and the department \* \* \*.

534 **SECTION 4.** Section 63-21-65, Mississippi Code of 1972, is  
535 amended as follows:

536           63-21-65. The department \* \* \* shall deposit the fees  
537 collected under this chapter into a special fund that is created  
538 in the State Treasury to be known as the "Motor Vehicle Title and  
539 Registration Enforcement Fund" to the credit of the department.  
540 The fund shall consist of monies appropriated by the Legislature  
541 for the enforcement of this chapter and funds from fees and fines  
542 authorized under Sections 63-21-16 and 63-21-39. As much of those  
543 fees as appropriated by the Legislature shall only be used by the  
544 department to defray the cost of carrying out the duties of the  
545 department and to defray expenses for enforcement officers'  
546 salaries and fringe benefits and other costs to implement and  
547 enforce the provisions of this chapter, including the maintenance  
548 of the automated statewide motor vehicle and manufactured housing  
549 registration system. Unexpended amounts remaining in the fund at  
550 the end of a fiscal year shall not lapse into the State General  
551 Fund, and any interest earned or investment earnings on amounts in  
552 the fund shall be deposited to the credit of the fund.

553           **SECTION 5.** Section 63-21-75, Mississippi Code of 1972, is  
554 amended as follows:

555           63-21-75. (1) (a) The department \* \* \* is charged with the  
556 enforcement of the provisions of this chapter and \* \* \* is \* \* \*  
557 authorized and empowered to:

558                   (i) Employ the necessary employees and sworn law  
559 enforcement officers to administer the enforcement of the laws  
560 prescribed under this chapter; and

561                   (ii) Call upon any and all law enforcement  
562 agencies and officers of this state for \* \* \* any assistance as it  
563 may deem necessary in order to assure such enforcement.

564                   (b) It shall be the duty of \* \* \* the enforcement  
565 officers of the department, law enforcement agencies and officers  
566 to render \* \* \* assistance to the department \* \* \* when called  
567 upon by the department to so do.

568                   (2) The Commissioner of Revenue or his designated appointee  
569 may investigate, for the purpose of prosecution, any suspected  
570 criminal violation of the provisions of this chapter. For the  
571 purpose of the administration and enforcement of this chapter, the  
572 Commissioner of Revenue, or his designated appointee, and  
573 enforcement employees have the powers of a peace officer of this  
574 state.

575                   **SECTION 6.** This act shall take effect and be in force from  
576 and after January 1, 2025, and shall stand repealed on December  
577 31, 2024.

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

1                   AN ACT TO AMEND SECTION 63-21-16, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ANY LIENHOLDER WITH A FEDERAL EMPLOYER  
3 IDENTIFICATION NUMBER (EIN) MUST ELECTRONICALLY TRANSMIT THE  
4 SATISFACTION AND RELEASE AND DISCHARGE OF A LIEN ON A MOTOR  
5 VEHICLE TO THE DEPARTMENT OF REVENUE NOT LATER THAN 14 DAYS AFTER  
6 THE DATE OF SATISFACTION OF THE LIEN; TO AMEND SECTIONS 63-21-18  
7 AND 63-21-39, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT, BEFORE A  
8 USED MOTOR VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR MAY  
9 PURCHASE OR RECEIVE A MOTOR VEHICLE FROM THE OWNER OR AUTHORIZED  
10 AGENT OF THE OWNER OF THE MOTOR VEHICLE FOR THE PURPOSE OF  
11 SCRAPPING, DISMANTLING OR DESTROYING THE MOTOR VEHICLE, THE USED  
12 MOTOR VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR MUST VERIFY

13 THE ABSENCE OF ANY LIEN ON THE MOTOR VEHICLE; TO PROVIDE THAT IF A  
14 LIEN EXISTS ON THE MOTOR VEHICLE, THE USED MOTOR VEHICLE PARTS  
15 DEALER OR SCRAP METAL PROCESSOR MAY NOT PURCHASE OR RECEIVE THE  
16 MOTOR VEHICLE FOR THE PURPOSE OF SCRAPPING, DISMANTLING OR  
17 DESTROYING THE VEHICLE, AND IS PROHIBITED FROM PURCHASING OR  
18 RECEIVING THE MOTOR VEHICLE FOR SUCH PURPOSES DURING ANY TIME FOR  
19 WHICH A LIEN EXISTS ON THE MOTOR VEHICLE; TO PROVIDE THAT A USED  
20 MOTOR VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR MUST UTILIZE  
21 THE DEPARTMENT OF REVENUE'S AUTOMATED STATEWIDE MOTOR VEHICLE  
22 REGISTRATION SYSTEM FOR THE PURPOSE OF COMPLYING WITH SUCH  
23 REQUIREMENTS; TO AMEND SECTION 63-21-65, MISSISSIPPI CODE OF 1972,  
24 TO SPECIFY THE FUND CREATED WITHIN THE STATE TREASURY FOR FUNDS  
25 USED FOR ENFORCEMENT AND PERSONNEL AS THE "MOTOR VEHICLE TITLE AND  
26 REGISTRATION ENFORCEMENT FUND"; TO AMEND SECTION 63-21-75,  
27 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE  
28 TO MAINTAIN EMPLOYEES TO ADMINISTER THE ENFORCEMENT OF THE MOTOR  
29 VEHICLE TITLE LAWS; TO AUTHORIZE THE COMMISSIONER OF REVENUE TO  
30 INVESTIGATE SUSPECTED CRIMINAL VIOLATIONS, AND TO GRANT THE  
31 COMMISSIONER AND ENFORCEMENT EMPLOYEES THE POWERS OF A PEACE  
32 OFFICER; AND FOR RELATED PURPOSES.

SS26\HB1589PS.J

Amanda White  
Secretary of the Senate