

By: Ryals

To: Transportation

HOUSE BILL NO. 910

1 AN ACT TO AMEND SECTIONS 63-13-7, 63-13-11, 63-13-19,
2 63-13-21 AND 63-13-23, MISSISSIPPI CODE OF 1972, TO EXEMPT MOTOR
3 VEHICLES MANUFACTURED OR HAVING A MODEL YEAR LESS THAN TEN (10)
4 YEARS OLD FROM THE REQUIREMENTS OF OBTAINING A MOTOR VEHICLE
5 INSPECTION CERTIFICATE; TO AMEND SECTION 27-19-43, MISSISSIPPI
6 CODE OF 1972, TO IMPOSE AN ADDITIONAL REGISTRATION FEE IN THE
7 AMOUNT OF \$5.00 UPON THE ISSUANCE OF A LICENSE TAG TO THE OWNER OF
8 ANY MOTOR VEHICLE HAVING A MODEL YEAR LESS THAN TEN (10) YEARS
9 OLD; TO PROVIDE THAT A PORTION OF THE ADDITIONAL REGISTRATION FEE
10 SHALL BE DEPOSITED INTO A SPECIAL FUND THAT IS CREATED IN THE
11 GENERAL FUND OF EACH COUNTY; TO PROVIDE THAT MONIES IN THE SPECIAL
12 FUND MAY BE EXPENDED BY THE BOARD OF SUPERVISORS OF THE COUNTY FOR
13 EXPENSES INCURRED BY THE COUNTY IN PURCHASING, MAINTAINING AND
14 PROVIDING FIRE EQUIPMENT AND EMERGENCY MEDICAL SERVICES OF THE
15 COUNTY; AND FOR RELATED PURPOSES.

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

17 SECTION 1. Section 63-13-7, Mississippi Code of 1972, is
18 amended as follows:[JWB1]

19 63-13-7. (1) Except as provided in subsection (3) of this
20 section, the Commissioner of Public Safety shall, not more than
21 once each year, require that every motor vehicle, trailer,
22 semitrailer and pole trailer registered in this state be inspected
23 and that an official certificate of inspection and approval be
24 obtained for each such vehicle. Each such vehicle must display at
25 all times a certificate of inspection and approval duly issued for
26 such vehicle upon the lower left hand corner of the windshield
27 thereof or upon such vehicle in such position as to be visible

28 from the outside.

29 * * *

30 (2) The Commissioner of Public Safety shall require all
31 school buses in the State of Mississippi to be inspected during
32 the months of July or August each year and may provide such
33 special certificate of inspection and approval as he may deem
34 necessary.

35 (3) The following vehicles shall not be required to be
36 inspected or to display a certificate of inspection under the
37 provisions of this chapter:

38 (a) A motor vehicle manufactured or having a model year
39 earlier than 1961;

40 (b) A motor vehicle registered in another state; or

41 (c) A motor vehicle manufactured or having a model year
42 less than ten (10) years old.

43 SECTION 2. Section 63-13-11, Mississippi Code of 1972, is
44 amended as follows:[JWB2]

45 63-13-11. A fee of Five Dollars (\$5.00) shall be charged for
46 an inspection and issuance of a certificate of inspection under
47 this chapter. * * * The fee * * * shall include a charge of Two
48 Dollars (\$2.00) per certificate of inspection, which shall be
49 remitted to the Mississippi Department of Public Safety. * * *
50 The funds so received by the department shall be deposited in the
51 General Fund of the State Treasury in accordance with the
52 provisions of Section 45-1-23(2). The portion of the fee which is
53 not remitted to the department may be retained by the official
54 inspection stations.

55 SECTION 3. Section 63-13-19, Mississippi Code of 1972, is
56 amended as follows:[JWB3]

57 63-13-19. (1) Every licensed * * * used car and/or truck
58 dealer doing business in this state shall inspect or have

59 inspected, in the manner prescribed by Section 63-13-9,
60 every * * * used vehicle that is not exempt under Section
61 63-13-7(3) which is sold by such dealer, * * * and shall affix an
62 official dealer's inspection certificate, which shall be furnished
63 by the Commissioner of Public Safety, to each * * * used vehicle,
64 if such dealer is authorized to make inspections. If such dealer
65 is not so authorized, such dealer shall have such vehicle
66 inspected by an authorized inspection station. No * * * used
67 vehicle that is not exempt under Section 63-13-7(3) shall be sold
68 that does not have a properly affixed and current inspection
69 certificate. Such certificates shall be valid until the next
70 official inspection is required.

71 (2) The Commissioner of Public Safety may suspend or revoke,
72 for any reasonable time not to exceed one year, the privilege of
73 any dealer to make such an inspection and affix such dealer's
74 inspection certificate to his vehicle upon abuse of any dealer of
75 this right.

76 (3) No person or persons other than those described in this
77 section shall issue a dealer's certificate of inspection and
78 approval.

79 SECTION 4. Section 63-13-21, Mississippi Code of 1972, is
80 amended as follows:[JWB4]

81 63-13-21. (1) Members of the Mississippi Highway Safety
82 Patrol may at any time, upon reasonable cause to believe that a
83 vehicle is unsafe or not equipped as required by law, or that its
84 equipment is not in proper adjustment or repair, require the
85 driver of such vehicle to stop and submit such vehicle to an
86 inspection and such test with reference thereto as may be

87 reasonably appropriate. No person driving a vehicle shall refuse
88 to submit such vehicle to an inspection and test when required to
89 do so by a member of the Mississippi Highway Safety Patrol.

90 Such authority, however, shall be limited to the inspection
91 of said vehicle for mechanical defects and shall not authorize the
92 search of the vehicle or the occupants thereof for any other
93 purpose without due process of law. Evidence of the commission of
94 an unlawful act, procured by such inspection and such test, shall
95 not be admissible in any criminal prosecution except such as may
96 be provided for in this chapter.

97 (2) In the event such vehicle is found to be in unsafe
98 condition, or any required part or equipment is not present or is
99 not in proper repair and adjustment, the officer shall give a
100 written notice to the driver and shall send a copy to the
101 department. Said notice shall require that such vehicle be placed
102 in safe condition and its equipment in proper repair and
103 adjustment, specifying the particulars with reference thereto,
104 * * * that the vehicle be inspected at an official inspection
105 station and that the vehicle and its equipment be certified as
106 approved within five (5) days.

107 SECTION 5. Section 63-13-23, Mississippi Code of 1972, is
108 amended as follows:[JWB5]

109 63-13-23. (1) Every owner or driver, upon receiving a
110 notice as provided in Section 63-13-21, shall comply therewith and
111 shall have the vehicle inspected and approved at an official
112 inspection station within five (5) days and, if the vehicle is not
113 exempt under Section 65-13-7(3), secure an official certificate of
114 inspection and approval which shall be issued in duplicate, one

115 copy to be retained by the owner or driver and the other copy to
116 be forwarded to the department. If the vehicle is exempt under
117 Section 65-13-7(3), the official inspection station, instead of
118 issuing an inspection sticker to the owner or driver, shall notify
119 the Department of Public Safety, on a form prescribed by the
120 Commissioner of Public Safety, that the vehicle has been inspected
121 and that any defective condition has been repaired or corrected.
122 A copy of such notice shall be given to the owner or driver. In
123 lieu of compliance with the provisions of this subsection, the
124 vehicle shall not be operated, except as provided in the next
125 succeeding subsection, and each day upon which such motor vehicle,
126 trailer, semitrailer or pole trailer, or any combination thereof
127 is operated over any highway of this state after failure to comply
128 with this subsection shall constitute a separate offense.

129 (2) No person shall operate any vehicle after receiving a
130 notice with reference thereto as provided in Section 63-13-21,
131 except as may be necessary to return such vehicle to the residence
132 or place of business of the owner or driver, if within a distance
133 of twenty miles, or to take such vehicle to a garage or service
134 station in the nearest town in which there is an open and
135 operating inspection station, until such vehicle and its equipment
136 has been placed in proper repair and adjustment and otherwise made
137 to conform to the requirements of this chapter.

138 (3) In the event repair or adjustment of any vehicle or its
139 equipment is found necessary upon inspection, the owner of said
140 vehicle may obtain such repair or adjustment at any place he may
141 choose. However, in every event an official * * * inspection and
142 approval must be obtained, otherwise such vehicle shall not be

143 operated upon the highways of this state.

144 (4) Any person who wishes to make his own repairs may do so.

145 He may not be charged twice for both inspection and repairs.

146 SECTION 6. Section 27-19-43, Mississippi Code of 1972, is
147 amended as follows:[JWB6]

148 27-19-43. (1) License tags, substitute tags and decals for
149 individual fleets and for private carriers of passengers, school
150 buses (excluding school buses owned by a school district in the
151 state), church buses, taxicabs, ambulances, hearses, motorcycles
152 and private carriers of property, and private commercial carriers
153 of property of a gross weight of ten thousand (10,000) pounds and
154 less, shall be sold and issued by the tax collectors of the
155 several counties.

156 (2) Applications for license tags for motor vehicles in a
157 corporate fleet registered under Section 27-19-66, and
158 applications for all other license tags, substitute tags and
159 decals shall be filed with the commission or the local tax
160 collector of the respective counties and forwarded to the
161 commission for issuance to the applicant. All tags and decals for
162 vehicles owned by the state or any agency or instrumentality
163 thereof, and vehicles owned by a fire protection district, school
164 district or a county or municipality, and all vehicles owned by a
165 road, drainage or levee district shall be issued by the
166 commission.

167 (3) In addition to the privilege taxes levied herein, there
168 shall be collected the following registration or tag fee:

169 (a) For the issuance of both a license tag and two (2)
170 decals, a fee of Five Dollars (\$5.00).

171 (b) For the issuance of up to two (2) decals only, a
172 fee of Three Dollars and Seventy-five Cents (\$3.75).

173 No tag or decal shall be issued either by a tax collector or
174 by the commission without the collection of such registration fee
175 except substitute tags and decals and license tags for vehicles
176 owned by the State of Mississippi.

177 Beginning July 1, 1987, and until the date specified in
178 Section 65-39-35, there shall be levied a registration fee of Five
179 Dollars (\$5.00) in addition to the regular registration fee
180 imposed in paragraphs (a) and (b) of this subsection. Such
181 additional registration fee shall be levied in the same manner as
182 the regular registration fee.

183 Beginning July 1, 2000, there shall be levied a registration
184 fee of Five Dollars (\$5.00), in addition to any other fees imposed
185 under this section, upon each person who applies for a license tag
186 under this section for a vehicle that was manufactured or has a
187 model year date of less than ten (10) years old. Such fee shall
188 be in lieu of the fee charged for the issuance of a certificate of
189 inspection under Chapter 13 of Title 63, Mississippi Code of 1972.

190 Two Dollars (\$2.00) of such fee shall be forwarded to the State
191 Tax Commission for deposit into the State General Fund, One Dollar
192 (\$1.00) of such fee shall be deposited by the county tax collector
193 into the county general fund and the remaining Two Dollars (\$2.00)
194 of the fee shall be deposited into a special fund that is created
195 in the county general fund to be known as the "Fire and Rescue
196 Emergency Equipment and Services Fund." Monies in the Fire and
197 Rescue Emergency Equipment and Services Fund may be expended, upon
198 appropriation by the board of supervisors of the county, for

199 expenses incurred by the county in purchasing, maintaining and
200 providing fire equipment and emergency medical services of the
201 county.

202 SECTION 7. This act shall take effect and be in force from
203 and after July 1, 2000.