

By: Rogers, Ishee, Markham, Masterson,
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To: Transportation

HOUSE BILL NO. 1159

1 AN ACT TO AMEND SECTION 63-25-5, MISSISSIPPI CODE OF 1972, TO
2 REMOVE RESTRICTIONS ON PROSECUTING CHOP SHOPS; TO CREATE A NEW
3 SECTION TO BE CODIFIED AS SECTION 63-25-13, MISSISSIPPI CODE OF
4 1972, TO AUTHORIZE INSPECTION OF PREMISES WHERE CHOP SHOP
5 ACTIVITIES MAY OCCUR; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 63-25-5, Mississippi Code of 1972, is
8 amended as follows:

9 63-25-5. (1) Any person who knowingly and intentionally:
10 (a) owns, operates or conducts a chop shop; (b) transports any
11 motor vehicle or motor vehicle part to or from a location knowing
12 it to be a chop shop; or (c) sells, transfers, purchases or
13 receives any motor vehicle or motor vehicle part either to or from
14 a location knowing it to be a chop shop, shall be guilty of a
15 felony and, upon conviction thereof, shall be punished by
16 imprisonment for not more than fifteen (15) years and by a fine of
17 not more than One Hundred Thousand Dollars (\$100,000.00).

18 (2) Any person who knowingly alters, counterfeits, defaces,
19 destroys, disguises, falsifies, forges, obliterates or knowingly
20 removes a vehicle identification number with the intent to
21 misrepresent the identity or prevent the identification of a motor
22 vehicle or motor vehicle part shall be guilty of a felony and,
23 upon conviction thereof, shall be punished by imprisonment for not
24 more than five (5) years and by a fine of not more than Five
25 Thousand Dollars (\$5,000.00).

26 (3) (a) Any person who buys, disposes, sells, transfers or
27 possesses a motor vehicle or motor vehicle part with the knowledge

28 that the vehicle identification number of the motor vehicle or
29 motor vehicle part has been altered, counterfeited, defaced,
30 destroyed, disguised, falsified, forged, obliterated or removed
31 shall be guilty of a felony and, upon conviction thereof, shall be
32 punished by imprisonment for not more than five (5) years and by a
33 fine of not more than Five Thousand Dollars (\$5,000.00).

34 (b) The provisions of this subsection shall not apply
35 to a motor vehicle scrap processor who, in the normal legal course
36 of business and in good faith, processes a motor vehicle or motor
37 vehicle part by crushing, compacting or other similar methods,
38 provided that any vehicle identification number has not been
39 removed from the motor vehicle or motor vehicle part prior to or
40 during any such processing.

41 (c) The provisions of this subsection shall not apply
42 to any owner or authorized possessor of a motor vehicle or motor
43 vehicle part which has been recovered by law enforcement
44 authorities after having been stolen or where the condition of the
45 vehicle identification number of the motor vehicle or motor
46 vehicle part is known to or has been reported to law enforcement
47 authorities. It shall be presumed that law enforcement
48 authorities have knowledge of all vehicle identification numbers
49 on a motor vehicle or motor vehicle part which are altered,
50 counterfeited, defaced, disguised, falsified, forged, obliterated
51 or removed when law enforcement authorities deliver or return the
52 motor vehicle or motor vehicle part to its owner or authorized
53 possessor after it has been recovered by law enforcement
54 authorities after having been reported stolen.

55 (4) Any person who is convicted of a second or subsequent
56 offense under this section shall be imprisoned for a term up to
57 twice the term authorized for a first offense and shall be fined
58 an amount up to twice the amount authorized for a first offense.

59 * * *

60 (5) (a) In addition to any other punishment, a person
61 convicted of a violation of this section shall be ordered to make
62 restitution to the lawful owner or owners of the stolen motor
63 vehicle or vehicles or the stolen motor vehicle part or parts, or
64 to the owner's insurer to the extent that the owner has been

65 compensated by the insurer, and to any other person for any
66 financial loss sustained as a result of a violation of this
67 section.

68 (b) Financial loss shall include, but not be limited
69 to, loss of earnings, out-of-pocket and other expenses, repair and
70 replacement costs and claims payments. "Lawful owner" shall
71 include an innocent bona fide purchaser for value of a stolen
72 motor vehicle or stolen motor vehicle part who does not know that
73 the motor vehicle or part is stolen; or an insurer to the extent
74 that such insurer has compensated a bona fide purchaser for value.

75 (c) The court shall determine the extent and method of
76 restitution. In an extraordinary case, the court may determine
77 that the best interests of the victim and justice would not be
78 served by ordering restitution. In any such case, the court shall
79 make and enter specific written findings on the record concerning
80 the extraordinary circumstances presented which militated against
81 restitution.

82 SECTION 2. The following shall be codified as Section
83 63-25-13, Mississippi Code of 1972:

84 63-25-13. (1) Any law enforcement officer shall have the
85 right to inspect any junkyard, scrap metal processing plant, motor
86 vehicle salvage yard, licensed motor vehicle dealers lot, motor
87 vehicle repair shop, parking lot, public garage, towing and
88 storage facility or other establishment dealing with salvaged
89 motor vehicle parts.

90 (2) Such physical inspection shall be conducted during
91 normal business hours and shall be for the purpose of locating
92 stolen vehicles, investigating the titling and registration of
93 vehicles, inspecting vehicles wrecked or dismantled or inspecting
94 records.

95 SECTION 3. This act shall take effect and be in force from
96 and after July 1, 2000.