

By: Banks, Fleming, Straughter, Wallace,
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To: Transportation

HOUSE BILL NO. 1182

1 AN ACT TO AMEND SECTION 63-25-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE EXCEPTION TO THE CHOP SHOP LAW; AND FOR RELATED
3 PURPOSES.

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

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

7 63-25-5. (1) Any person who knowingly and intentionally:
8 (a) owns, operates or conducts a chop shop; (b) transports any
9 motor vehicle or motor vehicle part to or from a location knowing
10 it to be a chop shop; or (c) sells, transfers, purchases or
11 receives any motor vehicle or motor vehicle part either to or from
12 a location knowing it to be a chop shop, shall be guilty of a
13 felony and, upon conviction thereof, shall be punished by
14 imprisonment for not more than fifteen (15) years and by a fine of
15 not more than One Hundred Thousand Dollars (\$100,000.00).

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

24 (3) (a) Any person who buys, disposes, sells, transfers or
25 possesses a motor vehicle or motor vehicle part with the knowledge
26 that the vehicle identification number of the motor vehicle or

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

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

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

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

57 (5) No prosecution shall be brought and no person shall be
58 convicted of any violation of this section where acts of the
59 person, otherwise constituting a violation, were done in good
60 faith in order to comply with the laws or regulations of any state
61 or territory of the United States, or of the federal government of
62 the United States. The provisions of Sections 63-25-1 through
63 63-25-11 and the penalties hereunder shall not apply to any person

64 who has, prior to the act complained of, held a valid taxpayer
65 identification number issued by the Mississippi State Tax
66 Commission for a period of twenty-four (24) months prior thereto
67 and who has continuously operated his business in the same
68 location for the same period of time, nor shall violation of
69 Sections 63-25-1 through 63-25-11 apply to any vehicle or vehicle
70 part more than fifteen (15) years of age, unless the violation is
71 willful and has involved five (5) or more vehicles in which case
72 there shall be no age limitation.

73 (6) (a) In addition to any other punishment, a person
74 convicted of a violation of this section shall be ordered to make
75 restitution to the lawful owner or owners of the stolen motor
76 vehicle or vehicles or the stolen motor vehicle part or parts, or
77 to the owner's insurer to the extent that the owner has been
78 compensated by the insurer, and to any other person for any
79 financial loss sustained as a result of a violation of this
80 section.

81 (b) Financial loss shall include, but not be limited
82 to, loss of earnings, out-of-pocket and other expenses, repair and
83 replacement costs and claims payments. "Lawful owner" shall
84 include an innocent bona fide purchaser for value of a stolen
85 motor vehicle or stolen motor vehicle part who does not know that
86 the motor vehicle or part is stolen; or an insurer to the extent
87 that such insurer has compensated a bona fide purchaser for value.

88 (c) The court shall determine the extent and method of
89 restitution. In an extraordinary case, the court may determine
90 that the best interests of the victim and justice would not be
91 served by ordering restitution. In any such case, the court shall
92 make and enter specific written findings on the record concerning
93 the extraordinary circumstances presented which militated against
94 restitution.

95 SECTION 2. This act shall take effect and be in force from
96 and after July 1, 2000.