

By: Burton

To: Judiciary

SENATE BILL NO. 2215

1 AN ACT TO PROHIBIT ANY MOTOR VEHICLE FOR WHICH A SALVAGE OR  
2 JUNK CERTIFICATE OF TITLE HAS BEEN ISSUED FROM BEING OPERATED ON  
3 THE HIGHWAYS OF THIS STATE AND TO PROVIDE EXCEPTIONS THERETO; TO  
4 PROVIDE THAT WHEN THE FRAME OR ENGINE IS REMOVED FROM A MOTOR  
5 VEHICLE AND NOT IMMEDIATELY REPLACED BY ANOTHER FRAME OR ENGINE,  
6 OR WHEN AN INSURANCE COMPANY HAS MADE A SETTLEMENT FOR A TOTAL  
7 LOSS OF THE MOTOR VEHICLE, THE MOTOR VEHICLE SHALL BE CONSIDERED  
8 SALVAGE; TO REQUIRE THAT THE OWNER OF EVERY MOTOR VEHICLE IN WHICH  
9 TOTAL LOSS HAS OCCURRED TO MAKE APPLICATION FOR A SALVAGE  
10 CERTIFICATE OF TITLE WITHIN 72 HOURS AFTER THE LOSS OCCURS; TO  
11 PROVIDE THE TITLING PROCEDURE TO BE FOLLOWED BY AN INSURANCE  
12 COMPANY IF IT OBTAINS A MOTOR VEHICLE IN SETTLEMENT OF AN  
13 INSURANCE CLAIM AND THE VEHICLE IS NOT A TOTAL LOSS; TO PROVIDE  
14 THAT A TOTAL LOSS OCCURS WHEN AN INSURANCE COMPANY OR ANY OTHER  
15 PERSON PAYS OR MAKES OTHER MONETARY SETTLEMENT TO A PERSON WHEN A  
16 VEHICLE IS DAMAGED AND THE DAMAGE TO THE VEHICLE IS GREATER THAN  
17 OR EQUAL TO 75% OF THE FAIR RETAIL VALUE OF THE VEHICLE BEFORE  
18 DAMAGE; TO PROVIDE THAT ANY PERSON ACQUIRING OWNERSHIP OF A  
19 DAMAGED MOTOR VEHICLE THAT MEETS THE DEFINITION OF TOTAL LOSS AND  
20 FOR WHICH A SALVAGE CERTIFICATE OF TITLE HAS NOT BEEN ISSUED SHALL  
21 APPLY FOR A SALVAGE CERTIFICATE OF TITLE AND TO PROVIDE EXCEPTIONS  
22 THERETO; TO MAKE IT UNLAWFUL FOR JUNK YARDS AND AUTOMOBILE  
23 DISMANTLERS OR RECYCLERS TO HAVE IN THEIR POSSESSION ANY MOTOR  
24 VEHICLE THAT IS JUNK OR SALVAGE OR A TOTAL LOSS WHEN THE  
25 MANUFACTURER'S VEHICLE IDENTIFICATION NUMBER PLATE OR PLATES HAVE  
26 BEEN REMOVED AND TO PROVIDE EXCEPTIONS THERETO; TO MAKE IT  
27 UNLAWFUL TO POSSESS, SELL OR EXCHANGE, OR GIVE AWAY A CERTIFICATE  
28 OF TITLE, MANUFACTURER'S IDENTIFICATION NUMBER PLATE, OR MOTOR  
29 VEHICLE LICENSE PLATE OF ANY MOTOR VEHICLE THAT HAS BEEN SCRAPPED,  
30 DISMANTLED OR SOLD AS JUNK OR SALVAGE OR AS A TOTAL LOSS CONTRARY  
31 TO THIS ACT; TO PROVIDE FOR THE ISSUANCE OF A SALVAGE CERTIFICATE  
32 OF TITLE BY THE STATE TAX COMMISSION AND TO PROVIDE THE FEE  
33 THEREFOR; TO AUTHORIZE THE STATE TAX COMMISSION TO ISSUE A  
34 CERTIFICATE OF TITLE TO ANY MOTOR VEHICLE FOR WHICH A SALVAGE  
35 CERTIFICATE OF TITLE HAS BEEN ISSUED IF THE VEHICLE HAS BEEN  
36 COMPLETELY RESTORED TO ITS OPERATING CONDITION WHICH EXISTED  
37 BEFORE THE EVENT THAT CAUSED THE SALVAGE CERTIFICATE OF TITLE TO  
38 ISSUE AND TO PROVIDE THE PROCEDURE FOR OBTAINING A CERTIFICATE OF  
39 TITLE FOR SUCH A VEHICLE; TO PROVIDE THAT A SALVAGE VEHICLE THAT

40 HAS BEEN RESTORED TO ITS OPERATING CONDITION WHICH EXISTED BEFORE  
41 THE EVENT WHICH CAUSED THE SALVAGE CERTIFICATE OF TITLE TO ISSUE  
42 SHALL BE ISSUED A CERTIFICATE OF TITLE WHICH SHALL CONTAIN THE  
43 WORD "REBUILT"; TO PROVIDE THAT EACH SALVAGE VEHICLE THAT IS  
44 REBUILT SHALL BE ISSUED A DECAL, PLATE OR OTHER EMBLEM AS  
45 PRESCRIBED BY THE DEPARTMENT OF PUBLIC SAFETY TO REFLECT THAT THE  
46 VEHICLE IS REBUILT; TO REQUIRE THAT ANY PERSON WHO SELLS OR  
47 OTHERWISE TRANSFERS ANY INTEREST IN ANY VEHICLE FOR WHICH A TITLE  
48 BEARING THE DESIGNATION "SALVAGE" OR "REBUILT" HAS BEEN ISSUED  
49 SHALL DISCLOSE IN WRITING THE EXISTENCE OF THIS TITLE TO THE  
50 TRANSFEREE; TO AMEND SECTIONS 63-21-15, 63-21-33 AND 63-21-39,  
51 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
52 PURPOSES.

53

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

55 SECTION 1. (1) No motor vehicle for which a salvage or junk  
56 certificate of title has been issued by this state or any other  
57 state shall be driven or operated on the highways or other public  
58 places of this state. A vehicle which is in this state and for  
59 which a salvage certificate of title has been issued, and the  
60 vehicle is being restored to its operating condition that existed  
61 before the event which caused the salvage certificate of title to  
62 issue, may be moved to and from repair points as necessary by the  
63 rebuilder to complete the restoration or may be moved as permitted  
64 by the Department of Public Safety on the day the vehicle is  
65 scheduled for inspection or for any other purpose.

66 (2) When the frame or engine is removed from a motor vehicle  
67 and not immediately replaced by another frame or engine, or when  
68 an insurance company has paid money or made other monetary  
69 settlement as compensation for a total loss of any motor vehicle,  
70 the motor vehicle shall be considered to be salvage. The owner of  
71 every motor vehicle in which total loss or salvage has occurred  
72 shall, within seventy-two (72) hours after the total loss or  
73 salvage occurs, make application for a salvage certificate of

74 title to a designated agent and forward to the State Tax  
75 Commission the certificate of title to the motor vehicle,  
76 whereupon the State Tax Commission shall process the certificate  
77 of title in a manner prescribed by law or regulation. An  
78 insurance company that pays money or makes other monetary  
79 settlement as compensation for total loss of a motor vehicle shall  
80 obtain, at the time of payment or monetary settlement, the  
81 vehicle's certificate of title and, within seventy-two (72) hours  
82 after receiving the certificate of title, shall forward such  
83 certificate along with an application for a salvage certificate of  
84 title, to the State Tax Commission for processing. In the event  
85 the payment or monetary settlement was made because of the theft  
86 of the vehicle, which shall be considered a total loss as defined  
87 in this section, the insurance company shall forward the vehicle's  
88 properly assigned certificate of title as provided in this section  
89 to the State Tax Commission as soon as practicable after the  
90 vehicle is recovered. When a stolen motor vehicle for which a  
91 salvage certificate of title has been issued is later recovered,  
92 the owner recorded on the salvage certificate shall assign that  
93 certificate to the purchaser.

94 (3) If an insurance company acquires a motor vehicle in  
95 settlement of an insurance claim and holds the vehicle for resale  
96 and procures the properly assigned certificate of title from the  
97 owner or lienholder within fifteen (15) days after delivery of the  
98 vehicle to the insurance company, and if the vehicle was not a  
99 total loss as defined by this section, the insurance company need  
100 not send the certificate of title to the State Tax Commission but,  
101 upon transferring the vehicle to another person other than by the

102 creation of a security interest, the insurance company shall  
103 execute the space reserved on the reverse of the title for first  
104 reassignment by a licensed dealer naming therein the transferee  
105 and complete an affidavit of acquisition and disposition of the  
106 motor vehicle on a form prescribed by the State Tax Commission and  
107 deliver the certificate of title, affidavit and any other  
108 documents required by the State Tax Commission to the transferee  
109 at the time of delivery of the motor vehicle.

110 (4) For the purposes of this section, a total loss occurs  
111 when an insurance company or any other person pays or makes other  
112 monetary settlement to a person when a vehicle is damaged and the  
113 damage to the vehicle is equal to or greater than seventy-five  
114 percent (75%) of the fair retail value of the vehicle prior to  
115 damage as set forth in a current edition of a nationally  
116 recognized compilation of retail values, including automated data  
117 bases, as approved by the State Tax Commission. The compensation  
118 for total loss as defined in this subsection does not include  
119 payments by an insurer or other person for medical care, bodily  
120 injury, vehicle rental, or for anything other than the amount paid  
121 for the actual damage to the motor vehicle. Actual damage  
122 includes the cost of both labor and parts. A vehicle that has  
123 sustained minor damage as a result of theft or vandalism shall not  
124 be considered a total loss. Any person acquiring ownership of a  
125 damaged motor vehicle that meets the definition of total loss for  
126 which a salvage certificate of title has not been issued, other  
127 than a scrap metal processor acquiring such vehicle for purposes  
128 of recycling into metallic scrap for remelting purposes only,  
129 shall apply for a salvage certificate of title. This application

130 shall be made before the vehicle is further transferred but, in  
131 any event, within thirty (30) days after ownership is acquired.

132 (5) It is unlawful for the owner of any junkyard, salvage  
133 yard or motor vehicle dismantler and parts recycler or his or her  
134 agents or employees to have in his possession any motor vehicle  
135 that is junk or salvage or a total loss when the manufacturer's  
136 vehicle identification number plate or plates, authorized  
137 replacement vehicle identification number plate or plates, or  
138 serial plate or plates have been removed, unless previously  
139 required to be removed by a statute or law of this state or  
140 another jurisdiction.

141 (6) It is unlawful for a person, firm or corporation to  
142 possess, sell or exchange, offer to sell or exchange, or to give  
143 away any certificate of title, salvage certificate of title,  
144 manufacturer's identification number plate or plates, authorized  
145 replacement vehicle identification number plate or plates, serial  
146 plate or plates, or motor vehicle license plate or plates of any  
147 motor vehicle which has been scrapped, dismantled or sold as junk  
148 or salvage or as a total loss contrary to this section, and every  
149 officer, agent or employee of a person, firm or corporation, and  
150 every person who authorizes, directs, aids in or consents to the  
151 possession, sale or exchange, or offer to sell, exchange or give  
152 away such certificate of origin, certificate of title, salvage  
153 certificate of title, manufacturer's vehicle identification number  
154 plate or plates, authorized replacement vehicle identification  
155 number plate or plates, serial plate or plates, or motor vehicle  
156 license plate or plates contrary to this section, upon conviction,  
157 is guilty of a misdemeanor and shall be punished as provided in

158 Section 63-21-71, Mississippi Code of 1972.

159 (7) The State Tax Commission may issue a salvage certificate  
160 of title for a fee of Fifteen Dollars (\$15.00) on a form  
161 prescribed by the State Tax Commission which provides for  
162 assignments of this title. The salvage certificate of title is to  
163 replace a certificate of title required to be surrendered by this  
164 section. The State Tax Commission shall prescribe necessary forms  
165 and procedures to comply with this subsection. Salvage and  
166 rebuilt brands contained in certificates of title last issued by  
167 another jurisdiction shall be carried forward on the Mississippi  
168 certificate of title. The State Tax Commission may carry forward  
169 other brand or brands comparable on the Mississippi certificate of  
170 title.

171 (8) It is unlawful for a person to sign as assignor, or for  
172 a person to have in his or her possession a salvage certificate of  
173 title or any other certificate of title that has been signed by  
174 the owner as assignor, without the name of the assignee and other  
175 information called for on the title document prescribed by the  
176 State Tax Commission. A person who violates this subsection, upon  
177 conviction, is guilty of a misdemeanor and shall be punished as  
178 provided by law.

179 (9) Every owner of a salvage or junk motor vehicle who sells  
180 or transfers the vehicle to any person other than to a scrap metal  
181 processor for purposes of recycling into metallic scrap for  
182 remelting purposes only shall provide at the time of the sale or  
183 transfer a properly executed assignment and warranty of title to  
184 the transferee in the space provided therefor on the salvage  
185 certificate of title or junk certificate or as the State Tax

186 Commission prescribes.

187       (10) The State Tax Commission may issue a certificate of  
188 title containing the word "rebuilt" to any motor vehicle for which  
189 a salvage certificate has been issued by this or any other state,  
190 and the vehicle has, in this state, been completely restored to  
191 its operating condition which existed before the event which  
192 caused the salvage certificate of title to issue, provided that  
193 all requirements of this section have been met. No certificate of  
194 title may be issued for any motor vehicle for which a junk  
195 certificate of title, junk certificate, permit to dismantle, parts  
196 only, or ownership documents issued by another jurisdiction having  
197 the same meaning has been issued or for a vehicle which is sold  
198 for parts only.

199       (11) Every owner of a salvage motor vehicle that is in this  
200 state and that has been restored in this state to its operating  
201 condition which existed before the event which caused the salvage  
202 certificate of title to issue shall make application to the  
203 Department of Public Safety for an inspection of the vehicle in  
204 the form and content as determined by the Department of Public  
205 Safety. Each application for inspection of a salvage vehicle that  
206 has been so restored shall be accompanied by all of the following:

207           (a) The outstanding salvage certificate of title or  
208 out-of-state title previously issued for the salvage vehicle.

209           (b) Notarized bills of sale evidencing acquisition of  
210 all major component parts (listing the manufacturer's vehicle  
211 identification number of the vehicle from which the parts were  
212 removed, if parts contain or should contain the manufacturer's  
213 vehicle identification number) used to restore the vehicle and

214 bills of sale evidencing acquisition of all minor component parts.  
215 Notarization is not required on bills of sale for minor component  
216 parts; however, a notarized bill of sale that lists the  
217 manufacturer's vehicle identification number of the vehicle from  
218 which the parts were removed, if parts contain or should contain  
219 the manufacturer's vehicle identification number. A notarized  
220 bill of sale bearing the manufacturer's vehicle identification  
221 number is required for a transmission.

222 (c) The owner shall also provide a written affirmation  
223 which states the following:

224 (i) That the owner has rebuilt the vehicle or  
225 supervised its rebuilders, and what has been done to restore the  
226 vehicle to its operating condition which existed before the event  
227 that caused the salvage certificate to issue.

228 (ii) That the owner personally inspected the  
229 completed vehicle and it complies with all safety requirements set  
230 forth by the State of Mississippi and any regulations promulgated  
231 thereunder.

232 (iii) That the identification numbers of the  
233 restored vehicle and its parts have not, to the knowledge of the  
234 owner, been removed, destroyed, falsified, altered or defaced.

235 (iv) That the salvage certificate of title or  
236 out-of-state title certificate attached to the application has  
237 not, to the knowledge of the owner, been forged, falsified,  
238 altered or counterfeited.

239 (v) That all information contained on the  
240 application and its attachments is true and correct to the  
241 knowledge of the owner.



242 (12) (a) The application fee for each inspection of a  
243 restored vehicle shall be Seventy-five Dollars (\$75.00), payable  
244 by certified funds to the Department of Public Safety, which shall  
245 accompany the application for inspection.

246 (b) All application for inspection fees received by the  
247 Department of Public Safety shall be applied toward the personnel  
248 and maintenance costs of the vehicle inspection program. Persons  
249 seeking to have vehicles inspected as provided in this section  
250 shall first contact the Department of Public Safety substation for  
251 the purpose of reserving a specified time to present the vehicle  
252 for inspection. Upon receipt of the application for inspection  
253 and the Seventy-five Dollar (\$75.00) fee, the Department of Public  
254 Safety shall inspect the vehicle. Upon successfully passing  
255 inspection a completed inspection certificate shall be issued  
256 according to procedures of the Department of Public Safety.  
257 Following inspection, the applicant shall make his application for  
258 a new certificate of title to the State Tax Commission, as  
259 provided in Section 63-21-15, and shall attach the inspection  
260 certificate issued by the Department of Public Safety, the salvage  
261 certificate of title of the vehicle, affidavits, bills of sale and  
262 other documents that may be required by the State Tax Commission,  
263 and the designated agent shall cause such documents to be  
264 forwarded to the State Tax Commission, along with the required  
265 title fee.

266 (c) The inspection and certification shall include an  
267 examination of the vehicle and its parts to determine that the  
268 identification numbers of the vehicle or its parts have not been  
269 removed, falsified, altered, defaced, destroyed or tampered with;

270 that the vehicle information contained in the application for  
271 certificate of title and supporting documents is true and correct;  
272 and that there are no indications that the vehicle or any of its  
273 parts are stolen. The certification shall not attest to the  
274 roadworthiness or safety condition of the vehicle.

275 (13) Component parts are defined as:

276 (a) Passenger vehicles.

277 (i) Major components:

278 1. Motor or engine.

279 2. Trunk floor pan or rear section and roof.

280 3. Frame or any portion thereof (except frame  
281 horn), or, in the case of a unitized body, the supporting  
282 structure which serves as the frame, except when it is a part of  
283 the trunk floor pan, or rear section and roof.

284 4. Cowl, firewall, or any portion thereof.

285 5. Roof assembly.

286 (ii) Minor components:

287 1. Each door allowing entrance to or egress  
288 from the passenger compartment.

289 2. Hood.

290 3. Each front fender or each rear fender when  
291 used with a rear section and roof.

292 4. Deck lid, tailgate or hatchback (whichever  
293 is present).

294 5. Each quarter panel.

295 6. Each bumper.

296 7. T-tops, moon roof, or whichever is  
297 present.

- 298                               8. Transmission or trans-axle.
- 299               (b) Truck, truck type or bus type vehicles.
- 300                               (i) Major components:
- 301                                     1. Motor or engine.
- 302                                     2. Transmission or trans-axle.
- 303                                     3. Frame or any portion thereof (except frame
- 304 horn), or, in the case of a unitized body, the supporting
- 305 structure which serves as the frame.
- 306                                     4. Cab.
- 307                                     5. Cowl or firewall or any portion thereof.
- 308                                     6. Roof assembly.
- 309                                     7. Cargo compartment floor panel or passenger
- 310 compartment floor pan.
- 311                               (ii) Minor components:
- 312                                     1. Each door.
- 313                                     2. Hood.
- 314                                     3. Grill, except on one-ton truck or smaller
- 315 trucks.
- 316                                     4. Each bumper.
- 317                                     5. Each front fender.
- 318                                     6. Roof panel and rear cab panel.
- 319                                     7. Each rear fender or side panel.
- 320                                     8. Pickup box.
- 321                                     9. Body or bed.
- 322               (c) Motorcycle: component parts.
- 323                               (i) Engine or motor.
- 324                               (ii) Transmission or trans-axle.
- 325                               (iii) Frame.

326 (iv) Front fork.

327 (v) Crankcase.

328 (14) A salvage vehicle that has been restored in this state  
329 to its operating condition that existed before the event which  
330 caused the salvage certificate of title to issue shall be issued a  
331 certificate of title that contains the word "rebuilt."

332 (15) (a) Each salvage vehicle restored or rebuilt in this  
333 state that is required to be inspected by the Department of Public  
334 Safety pursuant to subsection (12) of this section and for which a  
335 certificate of title may be issued pursuant to subsection (14) of  
336 this section shall be issued a decal, plate or other emblem as  
337 prescribed by the Department of Public Safety to reflect that the  
338 vehicle is rebuilt. The decal, plate or other emblem shall be  
339 attached to the vehicle in a place and in a manner prescribed by  
340 the Department of Public Safety.

341 (b) A person who willfully removes, mutilates, tampers  
342 with, obliterates or destroys a decal, plate or other emblem  
343 issued and attached to a salvage vehicle pursuant to this  
344 subsection is guilty of a misdemeanor and shall be punished as  
345 provided in Section 63-21-71, Mississippi Code of 1972.

346 (16) Each person who sells, exchanges, delivers or otherwise  
347 transfers any interest in any vehicle for which a title bearing  
348 the designation "salvage" or "rebuilt" has been issued shall  
349 disclose in writing the existence of this designation contained on  
350 the title to the prospective purchaser, recipient in exchange,  
351 recipient by donation, or recipient by other act of transfer. The  
352 disclosure, which shall be made at the time of or prior to the  
353 completion of the sale, exchange, donation or other act of

354 transfer shall contain the following information in no smaller  
355 than ten-point type: "This vehicle's title contains the  
356 designation 'salvage' or 'rebuilt.'"

357 (17) This section does not apply to any motor vehicle that  
358 is ten (10) years old or older with a value of One Thousand Five  
359 Hundred Dollars (\$1,500.00) or less.

360 SECTION 2. Section 63-21-15, Mississippi Code of 1972, is  
361 amended as follows:[CSQ1]

362 63-21-15. (1) The application for the certificate of title  
363 of a vehicle, manufactured home or mobile home in this state shall  
364 be made by the owner to a designated agent, on the form the State  
365 Tax Commission prescribes, and shall contain or be accompanied by  
366 the following, if applicable:

367 (a) The name, current residence and mailing address of  
368 the owner;

369 (b) (i) If a vehicle, a description of the vehicle,  
370 including the following data: year, make, model, vehicle  
371 identification number, type of body, the number of cylinders,  
372 odometer reading at the time of application, and whether new or  
373 used; and

374 (ii) If a manufactured home or mobile home, a  
375 description of the manufactured home or mobile home, including the  
376 following data: year, make, model number, serial number and  
377 whether new or used;

378 (c) The date of purchase by applicant, the name and  
379 address of the person from whom the vehicle, manufactured home or  
380 mobile home was acquired, and the names and addresses of any  
381 lienholders in the order of their priority and the dates of their

382 security agreements;

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

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

388 "Federal and state law requires that you state the  
389 mileage in connection with the transfer of ownership. Failure to  
390 complete or providing a false statement may result in fine and/or  
391 imprisonment.

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

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

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

401 (ii) In connection with the transfer of ownership  
402 of a motor vehicle, each transferor shall disclose the mileage to  
403 the transferee in writing on the title or on the document being  
404 used to reassign the title, which form shall be prescribed and  
405 furnished by the State Tax Commission. This written disclosure  
406 must be signed by the transferor and transferee, including the  
407 printed name of both parties.

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

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

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

413                   3. A vehicle that is ten (10) years old or  
414 older.

415                   4. A vehicle sold directly by the  
416 manufacturer to any agency of the United States in conformity with  
417 contractual specifications.

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

421                   (iii) Any person who knowingly gives a false  
422 statement concerning the odometer reading on an odometer  
423 disclosure statement shall be guilty of a misdemeanor and, upon  
424 conviction, shall be subject to a fine of up to One Thousand  
425 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or  
426 both, at the discretion of the court. These penalties shall be  
427 cumulative, supplemental and in addition to the penalties provided  
428 by any other law; and

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

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

437                   \_\_\_\_\_ (i) Has never been declared a total loss due

438 to flood damage, fire damage, wind damage or other damage; or

439 \_\_\_\_\_ (ii) Has previously been declared a total loss  
440 due to:

441 \_\_\_\_\_ 1. Collision;

442 \_\_\_\_\_ 2. Flood;

443 \_\_\_\_\_ 3. Fire;

444 \_\_\_\_\_ 4. Wind;

445 \_\_\_\_\_ 5. Other (please describe):"

446 (2) The application shall be accompanied by such evidence as  
447 the State Tax Commission reasonably requires to identify the  
448 vehicle, manufactured home or mobile home and to enable the State  
449 Tax Commission to determine whether the owner is entitled to a  
450 certificate of title and the existence or nonexistence of security  
451 interests in the vehicle, manufactured home or mobile home and  
452 whether the applicant is liable for a use tax as provided by  
453 Sections 27-67-1 through 27-67-33.

454 (3) If the application is for a vehicle, manufactured home  
455 or mobile home purchased from a dealer, it shall contain the name  
456 and address of any lienholder holding a security interest created  
457 or reserved at the time of the sale and the date of his security  
458 agreement and it shall be signed by the dealer as well as the  
459 owner. The designated agent shall promptly mail or deliver the  
460 application to the State Tax Commission.

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

465 (5) Each application shall contain or be accompanied by the



466 certificate of a designated agent that the vehicle, manufactured  
467 home or mobile home has been physically inspected by him and that  
468 the vehicle identification number and descriptive data shown on  
469 the application, pursuant to the requirements of subsection (1)  
470 (b) of this section, are correct, and also that he has identified  
471 the person signing the application and witnessed the  
472 signature. \* \* \*

473 (6) If the application is for a first certificate of title  
474 on a vehicle, manufactured home or mobile home other than a new  
475 vehicle, manufactured home or mobile home, then the application  
476 shall conform with the requirements of this section except that in  
477 lieu of the manufacturer's statement of origin, the application  
478 shall be accompanied by a copy of the bill of sale of said motor  
479 vehicle, manufactured home or mobile home whereby the applicant  
480 claims title or in lieu thereof, in the case of a motor vehicle,  
481 certified copies of the last two (2) years' tag and tax receipts  
482 or in lieu thereof, in any case, such other information the State  
483 Tax Commission may reasonably require to identify the vehicle,  
484 manufactured home or mobile home and to enable the State Tax  
485 Commission to determine ownership of the vehicle, manufactured  
486 home or mobile home and the existence or nonexistence of security  
487 interest in it. If the application is for a vehicle, manufactured  
488 home or mobile home last previously registered in another state or  
489 country, the application shall also be accompanied by the  
490 certificate of title issued by the other state or country, if any,  
491 properly assigned.

492 (7) Every designated agent within this state shall, no later  
493 than the next business day after they are received by him, forward

494 to the State Tax Commission by mail, postage prepaid, the  
495 originals of all applications received by him, together with such  
496 evidence of title as may have been delivered to him by the  
497 applicants.

498 (8) An application for certificate of title and information  
499 to be placed on an application for certificate of title may be  
500 transferred electronically as provided in Section 63-21-16.

501 SECTION 3. Section 63-21-33, Mississippi Code of 1972, is  
502 amended as follows:[CSQ2]

503 63-21-33. If a dealer buys a vehicle, manufactured home or  
504 mobile home and holds it for resale and procures the certificate  
505 of title from the owner or the lienholder within ten (10) days  
506 after delivery to him of the vehicle, manufactured home or mobile  
507 home, he need not send the certificate to the State Tax  
508 Commission. However, upon transferring the vehicle, manufactured  
509 home or mobile home to another person other than by the creation  
510 of a security interest, he shall promptly execute the assignment  
511 and warranty of title by a dealer, showing the names and addresses  
512 of the transferee and of any lienholder holding a security  
513 interest created or reserved at the time of the resale and the  
514 date of his security agreement, in the spaces provided therefor on  
515 the certificate or as the State Tax Commission prescribes, and  
516 deliver the certificate to a designated agent with the  
517 transferee's application for a new certificate.

518 Every dealer shall maintain for five (5) years a record in  
519 the form the State Tax Commission prescribes of every vehicle,  
520 manufactured home or mobile home bought, sold or exchanged by him  
521 or received by him for sale or exchange, which shall be open to

522 inspection by a representative of the State Tax Commission or  
523 patrol or peace officer during reasonable business hours.

524 \* \* \*

525 SECTION 4. Section 63-21-39, Mississippi Code of 1972, is  
526 amended as follows:

527 63-21-39. \* \* \* An owner who scraps, dismantles or destroys  
528 a vehicle and a person who purchases a vehicle as scrap or to be  
529 dismantled or destroyed shall indicate same on the back of the  
530 certificate of title and shall immediately cause the certificate  
531 of title and any other documents required by the State Tax  
532 Commission to be mailed or delivered to the State Tax Commission  
533 for cancellation. A certificate of title of the vehicle shall not  
534 again be issued except upon application containing the information  
535 the State Tax Commission requires, accompanied by a certificate of  
536 inspection in the form and content specified in Section  
537 63-21-15 \* \* \*.

538 \* \* \*

539 SECTION 5. Section 1 of this act shall be codified in  
540 Chapter 21 of Title 63, Mississippi Code of 1972.

541 SECTION 6. This act shall take effect and be in force from  
542 and after July 1, 2000.