

By: Representative Moak

To: Transportation

HOUSE BILL NO. 285

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 27-17-36, MISSISSIPPI CODE OF 1972, TO REQUIRE PERSONS WHO APPLY
3 FOR THE ISSUANCE OF A PRIVILEGE LICENSE FOR THE PURPOSE OF
4 ENGAGING IN THE BUSINESS OF SELLING USED MOTOR VEHICLES TO PRESENT
5 TO THE TAX COLLECTOR A CERTIFICATE EVIDENCING THAT SUCH PERSON HAS
6 MET CERTAIN ANNUAL CONTINUING EDUCATION REQUIREMENTS FOR USED CAR
7 DEALERS AND SALESMEN; TO CREATE A NEW SECTION TO BE CODIFIED AS
8 SECTION 63-17-82, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
9 MISSISSIPPI MOTOR VEHICLE COMMISSION SHALL CONDUCT OR SHALL
10 CONTRACT WITH A NONPROFIT CORPORATE ENTITY AUTHORIZED TO DO
11 BUSINESS IN THIS STATE TO CONDUCT CONTINUING EDUCATION COURSES FOR
12 PERSONS ENGAGED IN THE BUSINESS OF SELLING PRE-OWNED OR USED MOTOR
13 VEHICLES AT RETAIL; TO PRESCRIBE THE CONTENTS OF SUCH COURSES, TO
14 AUTHORIZE THE COMMISSION TO COLLECT FEES FROM COURSE PARTICIPANTS
15 TO DEFRAY THE COSTS OF SUCH COURSES; TO AUTHORIZE THE COMMISSION
16 TO ISSUE CERTIFICATES EVIDENCING COMPLETION OF SUCH COURSES; AND
17 FOR RELATED PURPOSES.

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

19 **SECTION 1.** The following shall be codified as Section
20 27-17-36, Mississippi Code of 1972:

21 27-17-36. Every person who applies for the issuance of a
22 privilege license for the purpose of authorizing such person to
23 engage in the business of selling pre-owned or used motor vehicles
24 at retail shall present to the tax collector at the time of
25 application for a privilege license a valid certificate issued by
26 the Mississippi Motor Vehicle Commission evidencing that such
27 person has met the annual continuing education requirements
28 prescribed by Section 63-17-82 for used car dealers and salesmen.
29 The tax collector shall not issue a privilege license to such
30 person unless the certificate accompanies the application.

31 **SECTION 2.** The following shall be codified as Section
32 63-17-82, Mississippi Code of 1972:

33 63-17-82. (1) The Mississippi Motor Vehicle Commission
34 shall conduct or shall contract with a nonprofit corporate entity

35 authorized to do business in this state to conduct continuing
36 education courses for persons engaged in the business of selling
37 pre-owned or used motor vehicles at retail. Such courses shall be
38 designed to enhance the knowledge and competence of pre-owned used
39 car dealers and salesmen and shall include, but not be limited to,
40 classroom instruction in the following areas of law:

- 41 (a) The Mississippi Certificate of Title Law;
- 42 (b) Odometer laws, both state and federal;
- 43 (c) Buyers Guide:
 - 44 (i) Implied warranties;
 - 45 (ii) No warranties ("As Is");
- 46 (d) Proper use of dealer tags;
- 47 (e) Towing and storage laws;
- 48 (f) Bad check laws;
- 49 (g) Draft auto purchase law;
- 50 (h) State Inspection Law;
- 51 (i) Repossession laws;
- 52 (j) Sales tax laws (As applicable to motor vehicle
53 sales);
- 54 (k) Department of Human Services regulations on
55 reporting a new hire.

56 (2) The commission shall issue a certificate to each person
57 who completes at least five (5) hours of classroom instruction.
58 No written or oral examination shall be required of course
59 participants. The certificates shall be valid for not more than
60 one (1) year from the date of issue and shall contain the
61 participant's name and address, an identification number and an
62 expiration date thereon. The commission may charge a fee not to
63 exceed the actual costs incurred by the commission in conducting
64 or contracting for the conducting of the courses and the issuance
65 of certificates.

66 **SECTION 3.** This act shall take effect and be in force from
67 and after July 1, 2005.