

By: Senator(s) Walley

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2437

1 AN ACT TO AMEND SECTION 63-21-33, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT AN INSURANCE COMPANY SHALL NOT BE REQUIRED TO
3 OBTAIN A SALVAGE CERTIFICATE OF TITLE WHEN IT OBTAINS TITLE TO A
4 MOTOR VEHICLE THAT IS 10 YEARS OLD OR OLDER AS A RESULT OF PAYING
5 CERTAIN TOTAL LOSS CLAIMS REGARDLESS OF THE VALUE OF THE VEHICLE;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-21-33, Mississippi Code of 1972, is
9 amended as follows:

10 63-21-33. (1) If a dealer buys a vehicle, manufactured home
11 or mobile home and holds it for resale and procures the
12 certificate of title from the owner or the lienholder within ten
13 (10) days after delivery to him of the vehicle, manufactured home
14 or mobile home, he need not send the certificate to the State Tax
15 Commission. However, upon transferring the vehicle, manufactured
16 home or mobile home to another person other than by the creation
17 of a security interest, he shall promptly execute the assignment
18 and warranty of title by a dealer, showing the names and addresses
19 of the transferee and of any lienholder holding a security
20 interest created or reserved at the time of the resale and the
21 date of his security agreement, in the spaces provided therefor on
22 the certificate or as the State Tax Commission prescribes, and
23 deliver the certificate to a designated agent with the
24 transferee's application for a new certificate.

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

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

31 (3) Any person found to be in possession of a vehicle,
32 manufactured home or mobile home with an improperly assigned title
33 which fails to identify the transferee shall immediately establish
34 ownership of the vehicle, manufactured home or mobile home,
35 register the vehicle, manufactured home or mobile home and pay the
36 required tax and penalty. The vehicle, manufactured home or
37 mobile home shall be impounded by state or local law enforcement
38 officials until such time as the person in possession can prove
39 ownership or until the rightful owner is located. In the event
40 the rightful owner cannot be established within thirty (30) days,
41 the vehicle, manufactured home or mobile home shall be deemed
42 abandoned and shall be disposed of as provided by law.

43 (4) An insurance company which obtains title to a motor
44 vehicle as a result of paying a total loss claim resulting from
45 collision, fire, flood or other cause shall obtain a salvage
46 certificate of title in its name for such vehicle from the State
47 Tax Commission. The provisions of this subsection shall not apply
48 to vehicles ten (10) years old or older * * *, or to vehicles with
49 damage which requires the replacement of five (5) or fewer minor
50 components, which the insurer may dispose of by endorsing change
51 in ownership on the certificate of title using space reserved for
52 reassignment of title by licensed dealer without obtaining a
53 salvage certificate of title.

54 **SECTION 2.** This act shall take effect and be in force from
55 and after July 1, 2005.