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Chapter No. 451
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HOUSE BILL NO. 1216

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1216

AN ACT TO PROVIDE THAT A MOTOR VEHICLE THAT IS LOCATED UPON PRIVATE PROPERTY MAY NOT BE TOWED EXCEPT WHEN AUTHORIZED BY THE OWNER OR LEINHOLDER OF THE MOTOR VEHICLE, THE OWNER OF THE PROPERTY UPON WHICH THE MOTOR VEHICLE IS LOCATED OR THE TOWING IS AUTHORIZED BY OTHER LOCAL, STATE OR FEDERAL LAW; TO PROVIDE REQUIREMENTS OF SCRAP METAL PROCESSORS AND USED MOTOR VEHICLE PARTS DEALERS WHEN PURCHASING A VEHICLE OR SCRAP VEHICLE; TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972, TO REQUIRE AN AFFIDAVIT BE FILED WITH THE DEPARTMENT OF REVENUE WHEN CANCELLING A CERTIFICATE OF TITLE FOR SCRAP MOTOR VEHICLES WHEN THE CERTIFICATE OF TITLE IS NOT AVAILABLE; TO REPEAL SECTION 63-25-13, MISSISSIPPI CODE OF 1972, WHICH REGARDS THE SELLING OF A MOTOR VEHICLE OR MOTOR VEHICLE PART TO A MOTOR VEHICLE SCRAP PROCESSOR WITHIN THE MOTOR VEHICLE CHOP SHOP, STOLEN AND ALTERED PROPERTY ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. A motor vehicle that is located upon private property may not be towed except when authorized by the owner of the motor vehicle, the lienholder of the motor vehicle, the owner of the property upon which the motor vehicle is located or the towing is authorized by other local, state or federal law.

SECTION 2. Should a scrap metal processor or used motor vehicle parts dealer be presented the certificate of title or vehicle license plate for any vehicle or scrap vehicle purchased, that scrap metal processor or used motor vehicle parts dealer shall mail or deliver the same to the Department of Revenue as required by law. In lieu of a certificate of title, an affidavit in accordance with the provisions of Section 63-21-39(1) shall be obtained by a scrap metal processor. All other requirements of Section 63-21-39(1) shall be complied with and any other rules promulgated according to that section.

SECTION 3. Section 63-21-39, Mississippi Code of 1972, is amended as follows:

63-21-39. (1) (a) An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the Department of Revenue to be mailed or delivered to the Department of Revenue for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the Department of Revenue requires, accompanied by a certificate of inspection in the form and content specified in Section 63-21-15(5) and proof of payment of a fee as provided in subsection (2) of this section.

(b) Notwithstanding any other provision of this article to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, has lost the title for the vehicle to be transferred, or has returned the title to the Department of Revenue in accordance with Section 63-21-39(1)(a), he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is at least ten (10) model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer or scrap metal processor. The department shall promulgate a form for the statement which shall include, but not be limited to:

(i) A description of the vehicle including the year, make, model and vehicle identification number;

(ii) The name, address, and driver's license number of the owner;

(iii) A certification that the owner:

1. Never obtained a title to the vehicle in

his or her name; or

2. Was issued a title for the vehicle, but the title was lost or stolen;

(iv) A certification that the vehicle:

1. Is at least ten (10) model years old; and
2. Is not subject to any secured interest or

lien;

(v) The owner's signature and the date of the transaction;

(vi) The name and address of the business acquiring the vehicle;

(vii) The National Motor Vehicle Title Information System identification number; and

(viii) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.

(c) The used motor vehicle parts dealer or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (b) of this subsection (1) to the Department of Revenue within seventy-two (72) hours of the completion of the transaction, requesting that the department cancel the Mississippi certificate of title and registration. In lieu of mailing, the used motor vehicle parts dealer or scrap metal processor may electronically submit the information contained in the statement via an Internet-based system to be developed by the department.

(d) The used motor vehicle parts dealer or scrap metal processor shall retain a copy of all documents required by this section for a period of two (2) years from the date of the transaction.

(2) For the purpose of requesting a clear title or a branded title on a vehicle with a salvage certificate of title, every owner of a vehicle that has been issued a salvage certificate of title in this state or any other state which has been restored in this state to its operating condition which existed prior to the

event which caused the salvage certificate of title to be issued shall make application to the Department of Revenue, accompanied by a certificate of inspection issued by the Department of Public Safety in the form and content specified in Section 63-21-15(5) and the payment of a fee of Seventy-five Dollars (\$75.00) for each motor vehicle for which a certificate of inspection is issued. All such monies shall be collected by the Department of Public Safety and paid to the State Treasurer for deposit in a special fund that is hereby created in the State Treasury to be known as the "Salvage Certificate of Title Fund." Monies in the special fund may be expended by the Department of Public Safety, upon appropriation by the Legislature. The Department of Revenue shall establish by regulation the minimum requirements by which a vehicle which has been issued a salvage certificate of title may be issued a clear title.

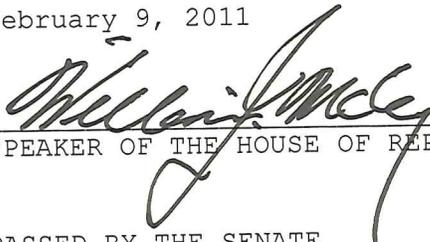
(3) Before a clear title or a branded title may be issued for a vehicle for which a salvage certificate of title has been issued, the applicant shall submit, by hand delivery or mail, such documents and information to the Department of Public Safety as the department may require for the purpose of determining if the vehicle complies with the requirements of this section and all applicable regulations promulgated by the Commissioner of Public Safety and the Department of Revenue. The Department of Public Safety also may require that an applicant bring a vehicle for which application for a clear title or a branded title is being made to a Highway Patrol facility for a visual inspection whenever the department deems that a visual inspection is necessary or advisable. Nothing in this section shall be construed to prohibit inspectors of the Mississippi Highway Patrol from conducting on-site inspections and investigations of motor vehicle rebuilders or motor vehicle repair businesses to determine if such businesses are in compliance with all applicable laws relating to the motor

vehicle title laws of this state and regulations promulgated by the Commissioner of Public Safety and the Department of Revenue.

SECTION 4. Section 63-25-13, Mississippi Code of 1972, which regards the selling of a motor vehicle or motor vehicle part to a motor vehicle scrap processor within the Motor Vehicle Chop Shop, Stolen and Altered Property Act, is repealed.

SECTION 5. This act shall take effect and be in force from and after July 1, 2011.

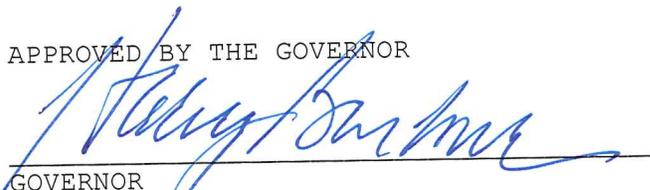
PASSED BY THE HOUSE OF REPRESENTATIVES
February 9, 2011


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 9, 2011


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

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