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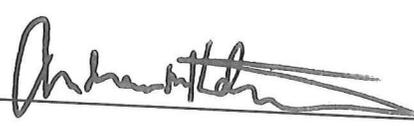
Chapter No. 570

13/HR40/R576SG

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# *HOUSE BILL NO. 1344*

Originated in House



Clerk

HOUSE BILL NO. 1344

AN ACT TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS OF THE AFFIDAVIT FORM REQUIRED TO 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 REQUIRE THAT WITHIN TWO BUSINESS DAYS OF EACH DAY'S CLOSE OF BUSINESS, THE USED MOTOR VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR WHO PURCHASES OR RECEIVES MOTOR VEHICLES FOR SCRAP OR FOR PARTS SHALL DELIVER IN A FORMAT APPROVED BY THE DEPARTMENT A LIST OF ALL SUCH VEHICLES PURCHASED THAT DAY FOR SCRAP OR FOR PARTS; TO REVISE THE DEFINITION OF "MOTOR VEHICLE" FOR THE PURPOSES OF THIS ACT; TO PROVIDE THAT WHEN A USED MOTOR VEHICLE PARTS DEALER OR SCRAP METAL PROCESSOR PURCHASES OR RECEIVES A CRUSHED OR FLATTENED VEHICLE, THAT DEALER OR PROCESSOR MUST VERIFY THAT THE SELLER HAS REPORTED THE VEHICLE AS REQUIRED BY THIS ACT; TO MAKE IT A CRIMINAL OFFENSE TO KNOWINGLY FALSIFY ANY INFORMATION ON THE AFFIDAVIT FORM PROVIDED BY THIS ACT; TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO CHARGE A FEE FOR ANY VEHICLE IDENTIFICATION NUMBER VERIFICATION REQUIRED BY FEDERAL LAW OR REGULATION ON A VEHICLE WITH A SALVAGE CERTIFICATE OF TITLE FOR WHICH A PERSON APPLIES FOR A CLEAR TITLE OR BRANDED TITLE; TO AUTHORIZE THE SEIZURE AND FORFEITURE OF ANY MOTOR VEHICLE, TRAILER OR SIMILAR CONVEYANCE USED TO TRANSPORT ANOTHER MOTOR VEHICLE OR CRUSHED MOTOR VEHICLE SOLD IN VIOLATION OF THIS SECTION; AND FOR RELATED PURPOSES.

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

**SECTION 1.** 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 chapter 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 statement that the vehicle shall never be titled again; it must be dismantled or scrapped;

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

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

( \* \* \*iv) 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;

( \* \* \*y) A certification that the vehicle:

1. Is at least ten (10) model years old; and

2. Is not subject to any \* \* \* security interest or lien;

(vi) An acknowledgment that the owner and buyer of the vehicle realizes this form will be filed with the department and that:

1. It is a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense of knowingly falsifying any information on this statement; and

2. It is a felony, punishable by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five

Thousand Dollars (\$5,000.00) or imprisonment for not less than one (1) year nor more than five (5) years, or both, for conviction of a second or subsequent offense of knowingly falsifying any information on this statement;

( \* \* \*vii) The owner's signature and the date of the transaction;

( \* \* \*viii) The name and address of the business acquiring the vehicle;

( \* \* \*ix) The National Motor Vehicle Title Information System identification number; and

( \* \* \*x) 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) Until such time as the department makes available an Internet-based system, 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 \* \* \* three (3) business days of the completion of the transaction, requesting that the department cancel the Mississippi certificate of title and registration.

\* \* \* Once the department develops an Internet-based system, the used motor vehicle parts dealer or scrap metal processor \* \* \* shall utilize such system and within two (2) business days electronically submit the information contained in the statement \* \* \* using that system.

(d) \* \* \* Within two (2) business days of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, by electronic means once developed and made available by the department, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information:

(i) The name, address and contact information for the reporting entity;

(ii) The vehicle identification numbers of such vehicles;

(iii) The dates such vehicles were obtained;

(iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;

(v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;

(vi) A statement of whether the vehicle is intended for export out of the United States; and

(vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle.

(e) (i) For purposes of this subsection, the term "motor vehicle" shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible.

(ii) In cases in which crushed or flattened vehicles are purchased or received, the purchasing or receiving used motor vehicle parts dealer or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or a contract between the seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal processor attesting to the seller's compliance with the reporting requirements of this subsection. Such verification must clearly identify the seller by a government issued photograph identification card or employer identification number, and the verification and copy of the identification card or number shall be maintained by the purchasing or receiving used motor vehicle parts dealer or scrap metal processor for a period of not less than two (2) years.

(f) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be reported to the National Motor Vehicle Title Information System, in a format that will satisfy the requirement for reporting this

information, in accordance with rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

(g) Until such time as the department develops and makes available the Internet based system described in paragraph (d) of this subsection, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within forty-eight (48) hours of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor which shall satisfy the requirements of paragraph (d).

(h) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be made available only to law enforcement agencies and for purposes of canceling certificates of title. The information shall otherwise be considered to be confidential business information of the respective reporting entities.

(i) All records required under the provisions of this subsection shall be maintained for a period of two (2) years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state issued identification card.

(j) A person who knowingly and willfully violates this subsection (1), or any person who knowingly and willfully

falsifies or assists another person in falsifying the statement or information required under paragraphs (b) or (d) of this subsection, or any person who knowingly and willfully sells a vehicle upon which there is an unsatisfied lien or security interest, or who purchases a vehicle without complying with either subsection (1)(a) or (1)(b) of this section and who knowingly and willfully destroys or dismantles a vehicle upon which he knows that there is an unsatisfied lien or security interest shall:

(i) Be guilty of a misdemeanor, punishable by a fine not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense; or

(ii) Upon conviction of a second or subsequent offense, a felony, punishable by imprisonment for not less than one (1) year nor more than five (5) years or a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both.

In addition, the court may order each person convicted to pay restitution to any party suffering monetary loss in the amount of such loss. No part of any sentence imposed by the court shall be suspended unless such restitution has been paid in full.

(k) A person who knowingly and willfully fails to deliver the title as required under paragraph (a) of this subsection, or the statement required under paragraph (b) of this subsection to the Department of Revenue within seventy-two (72)

hours of the completion of the transaction, or who, until such time as the department develops and makes available the Internet-based system described in paragraph (d), fails to deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within two (2) business days of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor shall be in violation of this section, and subject to a civil penalty of up to One Thousand Dollars (\$1,000.00) per violation. Actions to impose this penalty may be brought by any local or state law enforcement agency, district attorney, or by the Attorney General, in any court of competent jurisdiction. One-half (1/2) of the monies generated from such civil penalties shall be deposited in a special fund created in the State Treasury for use by the Department of Revenue's Title Bureau, and one-half (1/2) of the monies generated from such civil penalties shall be deposited in the general fund of the municipality if the suit was brought in a municipal court, or in the general fund of the county if the suit was brought in the court of a county.

(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. In addition, the Department of Public Safety may charge such a person a fee in the amount of Twenty-five Dollars (\$25.00) for performing any vehicle identification number verification required by federal law or regulation for the vehicle for which the person is applying for a title. 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 2.** Any motor vehicle, trailer or similar conveyance used to transport another motor vehicle or crushed motor vehicle sold in violation of this act or otherwise used to aid in the commission of a violation of this act may be seized by a law enforcement agency and is subject to forfeiture ordered by the court in the manner and under the terms and conditions set out for forfeitures of a vehicle, trailer or similar conveyance in Sections 2 through 6 of this act; however, no conveyance is subject to forfeiture under this act by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent. If the seizing law enforcement agency has reason to believe that the conveyance is a

leased or rented conveyance, then the seizing law enforcement agency shall notify the owner of the conveyance as soon as practicable after the seizure. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

**SECTION 3.** (1) When any vehicle, trailer or similar conveyance is used in the commission of a violation of this act, the vehicle, trailer or similar conveyance so used is subject to seizure by the applicable law enforcement agency and the vehicle, trailer or similar conveyance may be forfeited by the administrative forfeiture procedures provided for in Sections 2 through 5 of this act.

(2) The attorney for or any representative of the seizing law enforcement agency shall provide notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively, either by certified mail, return receipt requested, or by personal delivery, to all persons who are required to be notified pursuant to this Section 3 of this act.

(3) In the event that notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for or representative of the seizing law enforcement agency shall provide notice by publication in a

newspaper of general circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks.

(4) Notice pursuant to subsections (2) and (3) of this section shall include the following information:

(a) A description of the vehicle, trailer or similar conveyance;

(b) The approximate value of the vehicle, trailer or similar conveyance;

(c) The date and place of the seizure;

(d) The connection between the vehicle, trailer or similar conveyance and the violation of this Act;

(e) The instructions for filing a request for judicial review; and

(f) A statement that the vehicle, trailer or similar conveyance will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.

(5) Any person claiming an interest in a vehicle, trailer or similar conveyance which is the subject of a notice under this section may, within thirty (30) days after receipt of the notice or of the date of the first publication of the notice, file a petition to contest forfeiture signed by the claimant in the county court, if a county court exists, or otherwise in the circuit court of the county in which the seizure is made or the county in which the criminal prosecution is brought, in order to claim an interest in the vehicle, trailer or similar conveyance.

Upon the filing of the petition and the payment of the filing fees, service of the petition shall be made on the attorney for or representative of the seizing law enforcement agency, and the proceedings shall thereafter be governed by the rules of civil procedure.

(6) If no petition to contest forfeiture is timely filed, the attorney for the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject vehicle, trailer or similar conveyance and the forfeited vehicle, trailer or similar conveyance shall be used, distributed or disposed of in accordance with the provisions of Section 5 of this Act.

**SECTION 4.** (1) Except as otherwise provided in Section 2 of this Act, when any vehicle, trailer or similar conveyance is seized under this act, proceedings under this section shall be instituted within thirty (30) days from the date of seizure or the subject vehicle, trailer or similar conveyance shall be immediately returned to the party from whom seized.

(2) A petition for forfeiture shall be filed in the name of the county or the municipality and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought or the county in which the owner of the seized vehicle, trailer or similar conveyance is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized vehicle, trailer or similar conveyance is within the

jurisdictional limits of the county court as set forth in Section 9-9-21, Mississippi Code of 1972. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:

(a) The owner of the vehicle, trailer or similar conveyance, if address is known;

(b) Any secured party who has a registered lien or security interest or a lien or security interest of which law enforcement has actual knowledge, if the identity of such secured party can be ascertained by the local law enforcement agency by making a good faith effort to ascertain the identity of such secured party as described in subsections (3) and (4) of this section;

(c) Any other bona fide lienholder or secured party or other person holding an interest in a vehicle, trailer or similar conveyance in the nature of a security interest of whom the local law enforcement agency has actual knowledge;

(d) Any person in possession of vehicle, trailer or similar conveyance subject to forfeiture at the time that it was seized.

(3) If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle, trailer or similar conveyance has been titled, the local law enforcement agency shall

make inquiry of the Mississippi Department of Revenue as to what the records of the department show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien or security interest which affects the vehicle, trailer or similar conveyance.

(4) If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance and is not titled in the State of Mississippi, then the local law enforcement agency shall attempt to ascertain the name and address of the person in whose name the vehicle, trailer or similar conveyance is licensed, and if the vehicle, trailer or similar conveyance is licensed in a state which has in effect a certificate of title law, the local law enforcement agency shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle, trailer or similar conveyance.

(5) In the event the answer to an inquiry states that the record owner of the vehicle, trailer or similar conveyance is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, the local law enforcement agency shall cause any record owner and also any lienholder, secured party, other person who

holds an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.

(6) If the owner of the vehicle, trailer or similar conveyance cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the vehicle, trailer or similar conveyance subject to forfeiture at the time that it was seized and the owner of the vehicle, trailer or similar conveyance is unknown, the local law enforcement agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of \_\_\_\_\_," filling in the blank space with a reasonably detailed description of the vehicle, trailer or similar conveyance subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37, Mississippi Code of 1972, for publication of notice for attachments at law.

(7) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by subsections (3) through (4) of this section shall be introduced into evidence at the hearing.

**SECTION 5.** (1) Except as otherwise provided in Section 2 of this Act, an owner of a vehicle, trailer or similar conveyance that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the vehicle, trailer or similar conveyance is subject to forfeiture and forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the local law enforcement agency or the owner of the vehicle, trailer or similar conveyance, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner.

(2) If the owner of the vehicle, trailer or similar conveyance has filed an answer denying that the vehicle, trailer or similar conveyance is subject to forfeiture, then the burden is on the petitioner to prove that the vehicle, trailer or similar conveyance is subject to forfeiture. However, if an answer has not been filed by the owner of the vehicle, trailer or similar conveyance, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the vehicle, trailer or similar conveyance is subject to forfeiture. The standard of proof placed upon the petitioner in regard to a vehicle, trailer

or similar conveyance forfeited under the provisions of this article shall be by a preponderance of the evidence.

(3) At the hearing any claimant of any right, title or interest in the vehicle, trailer or similar conveyance may prove his lien, encumbrance, security interest, or other interest in the nature of a security interest, to be bona fide and created without knowledge or consent that the vehicle, trailer or similar conveyance was to be used so as to cause the vehicle, trailer or similar conveyance to be subject to forfeiture.

(4) If it is found that the vehicle, trailer or similar conveyance is subject to forfeiture, then the judge shall forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest or any holder of a bona fide encumbrance is greater than or equal to the present value of the vehicle, trailer or similar conveyance, the court shall order the vehicle, trailer or similar conveyance released to him. If such interest is less than the present value of the vehicle, trailer or similar conveyance and if the proof shows that the vehicle, trailer or similar conveyance is subject to forfeiture, the court shall order the vehicle, trailer or similar conveyance forfeited to the local law enforcement agency.

**SECTION 6.** (1) Any other vehicle, trailer or similar conveyance that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the chief law enforcement officer of the initiating law enforcement agency, or his designee, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction in which said law enforcement agency is located. Such notices shall contain a description of the vehicle, trailer or similar conveyance to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the vehicle, trailer or similar conveyance present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows:

(a) To any bona fide lienholder, secured party or other party holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to the extent of his interest; and

(b) The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall be divided, forwarded and deposited in the same manner set out in subsection (3) of this section.

(2) (a) Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes any vehicle, trailer or similar conveyance, that is described in subsection (1) of this section, that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the vehicle, trailer or similar conveyance in the nature of a security interest. Such county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the vehicle, trailer or similar conveyance can be released for its use. The law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it.

(b) (i) If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.

(ii) If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.

(c) If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-5 or in the manner provided by

law for disposing of municipal vehicle, trailer or similar conveyance.

(3) Any vehicle, trailer or similar conveyance which is forfeited under this act, except as provided in subsections (1) and (2) of this section, shall be liquidated and, after deduction of court costs and the expenses of liquidation, the proceeds shall be divided and deposited as follows:

(a) In the event only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, one hundred percent (100%) of the proceeds shall be deposited and credited to the budget of the participating law enforcement agency.

(b) In the event more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, eighty percent (80%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty percent (20%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty percent (20%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.

(4) The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.

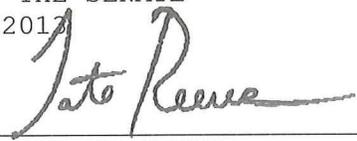
**SECTION 7.** The forfeiture procedure set forth in Sections 2 through 6 of this act are the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 1, 2013

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 2, 2013

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
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GOVERNOR  
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