Title 30: Professions and Occupations

Part 1301: Administrative Regulations for Mississippi Motor Vehicle Commission

Part 1301 Chapter 8: Motor Vehicle Dealer Document/Service Fee – Disclosures

Rule 8.1 Motor Vehicle Dealer Document/Service Fee – Disclosures:

A. A Document/Service Fee (Fee) may be charged by a motor vehicle dealer for services rendered to, for, or on behalf of a purchaser in preparing, handling, and processing documents relating to the sale or lease of a motor vehicle.

B. The Fee must:
   1. be reasonable and based on the market price of the services rendered; and
   2. be directly related to the preparation and processing of documents; and
   3. be related to activities required to comply with local, state, or federal law concerning motor vehicle sales; and
   4. be charged to all purchasers and lessees of vehicles regardless of the payment method (i.e., cash or credit); and
   5. be disclosed as a separate itemized charge with the exact dollar amount of the Fee listed on the buyer’s order; and
   6. not include costs associated with the preparation of a retail installment contract, the lease, or perfection of a security interest; and
   7. not include any finance charge; and
   8. not exceed $425.00.

C. The Fee shall be deemed to comply with the requirements of this regulation so long as it meets the foregoing requirements.

D. On all documents where the Fee is disclosed, the following notice must be bold and capitalized as follows:

“A DOCUMENT/SERVICE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW, HOWEVER, IT MAY BE CHARGED TO A BUYER/LESSEE FOR THE PREPARATION, HANDLING AND PROCESSING OF DOCUMENTS AND THE PERFORMANCE OF SERVICES RELATED TO THE SALE OR LEASE OF A MOTOR VEHICLE AND MAY INCLUDE DEALER PROFIT. THIS NOTICE IS REQUIRED BY REGULATION OF THE MISSISSIPPI MOTOR VEHICLE COMMISSION.”
E. All motor vehicle dealers who charge a Fee must report amount of their Fee to the Motor Vehicle Commission within thirty (30) days of the effective date of this regulation, and annually by December 31st of each year.

F. This regulation is promulgated under and in accordance with Mississippi Code of 1972 § 63-17-69, and this regulation is enforceable pursuant to Mississippi Code of 1972 § 63-17-85.
Rule 8.1 Motor Vehicle Dealer Documentary/Service Fee – Disclosures:

A. Documentary/Service Fee (Fee) may be charged by a motor vehicle dealer for services rendered to, for, or on behalf of a purchaser in preparing, handling, and processing documents relating to the sale or lease of a motor vehicle.¹

B. Documentary/service fees The Fee must be:

1. be reasonable and based on the market price of the Services rendered in the local area; and
2. be directly related to the preparation and processing of documents; and
3. be related to activities required to comply with local, state, or federal law concerning motor vehicle sales; and
4. be charged to all purchasers and lessees of vehicles regardless of the payment method used (i.e., cash or credit); and
5. be disclosed as a separate itemized charge with the exact dollar amount of the documentary/service fee Fee listed on the bill of sale and/or buyer’s order; and
6. not include costs associated with the preparation of a retail installment contract, the lease, or perfection of a security interest; and
7. not include any finance charge; and
8. not exceed $425.00.

(c) Preparation of a retail installment contract, the lease, or perfection of a security interest shall not be components of the documentary/service fee.

C. The fee shall be deemed to comply with the requirements of this regulation so long as it meets the foregoing requirements.

D. On all documents where the documentary/service fee Fee is disclosed, the following notice must be typed in bold and capitalized as follows:

“**A DOCUMENT/SERVICE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW. HOWEVER, IT MAY BE CHARGED TO A BUYER/LESSEE FOR THE PREPARATION, HANDLING AND PROCESSING OF DOCUMENTS AND THE PERFORMING OF SERVICES RELATED TO THE SALE OR LEASE OF A MOTOR**
VEHICLE AND MAY INCLUDE DEALER PROFIT. THIS NOTICE IS REQUIRED BY
REGULATION OF THE MISSISSIPPI MOTOR VEHICLE COMMISSION.”

E. All motor vehicle dealers who charge a documentary/service fee must report the amount of their documentary/service fee to the Motor Vehicle Commission within thirty (30) days of adoption the effective date of this regulation, and all changes to motor vehicle documentary/service fees must be reported to the Motor Vehicle Commission within thirty (30) days of the change, annually by December 31st of each year.

(f) This regulation is promulgated under and in accordance with Mississippi Code of 1972 § 63-17-69, and this regulation is enforceable pursuant to Mississippi Code of 1972 § 63-17-85.

¹Service examples may include but are not limited to checking vehicle safety, history, and titles; providing full condition information on the window label; discovering and disclosing accurate vehicle mileage; checking for recalls on used vehicles where required; completing required forms and contracts that protect buyers and lessees; interests; processing titles and plates; clearing liens; keeping buyers’ and lessees’ information private and secure; fulfilling vehicle emission laws; passing along manufacturer information, including lemon law notices; processing taxes on buyers’ and lessees’ purchases and rebates; keeping buyers and lessees informed of their rights and obligations; keeping important records of buyers’ and lessees’ purchases; purchasing required forms and supplies; maintaining technology to process buyers’ and lessees’ paperwork; training staff to carry out laws that protect buyers and lessees; and maintaining professional licenses that ensure quality service. Not all services will be performed on every sale or by every dealer.