



Title 30: Professions and Occupations

Part 1301: Administrative Regulations for the Mississippi Motor Vehicle Commission.

Part 1301 Chapter 1: Damage Disclosure

Rule 1.1 Damage Disclosure. On any vehicle, corrected damage exceeding six percent (6%) of the manufacturer's suggested retail price, as measured by retail repair costs, must be disclosed in writing prior to dealer transfers and consumer deliveries. Damage to glass, tires and bumpers and any damaged components or options which can be replaced by identical components are excluded from the six percent (6%) regulation when replaced by identical manufacturer's original equipment.

This regulation does not waive or alter any requirements or obligations which may be created by other Federal or State laws and regulations.

Source: *Miss. Code Ann. § 63-17-69* (Rev.1983).

Part 1301 Chapter 2: Delivery and Preparation Obligations, Warranty Work, and Reimbursement

Rule 2. Delivery and Preparation Obligations, Warranty Work and Reimbursement.

In 2021, the statutes governing Delivery and Preparation Obligations, Warranty Work, and Reimbursement were amended. This Regulation is now a reference to the controlling statutes.

1. Delivery and Preparations Obligations. Miss. Code Ann. §§ 63-17-55(dd); 63-17-85(i).
2. Definitions. Miss. Code Ann. § 63-17-55.
3. Determination of Compensation. Miss. Code Ann. §§ 63-17-85(j); 63-17-86.
4. Warranty Work. Miss. Code Ann. §§ 63-17-55(ee); 63-17-85(j); 63-17-86.
5. Reimbursement. Miss. Code Ann. § 63-17-85(j).
6. Dispute Resolution. Miss Code Ann. §§ 63-17-85(i); 63-17-86(6).
7. Recreational Vehicles Warranty Obligations. Miss. Code Ann. § 63-17-211.

Source: *Miss. Code Ann. § 63-17-69* (Rev.1983).

Part 1301 Chapter 3: Off Premises Display and Sale Guidelines

Rule 3.1 Displays away from premises, except as otherwise provided in subdivisions (1) of the Rule. A dealer shall make all displays at the licensed established place of business.

1. A dealer may conduct display(s) at additional locations subject to a phone call to the Commission Director, followed up with a letter stating the place and dates, and a copy of your territory assigned by the factory or distributor.
 - a. The off premises display is held in your territory, assigned by the factory or distributor.
 - b. Display vehicle and / or vehicles not for sale must be locked and unattended without literature.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Rule 3.2 Off-Premises Sales Guidelines (Amendment: (Rule 3.4)(D)(Effective 4-18-97). Sales away from premises. Except as otherwise provided in Rule 3.3 and 3.4 of this rule, a dealer shall make all sales at the licensed established place of business.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Rule 3.3 A dealer may make a sale at the home of place of business of a customer.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Rule 3.4 A dealer may conduct sales at additional location subject to written authorization issued by the Mississippi Motor Vehicle Commission. Such authorization will be considered if:

- A. Must have written approval from factory or distributor giving permission to participate in the sale, a copy of your territory assigned by the factory or distributor, and a copy of the written agreement with the location owner / lessor. Copies of the written approvals must be in the Motor Vehicle Commission Office at least 15 days prior to the 3rd Wednesday of the month.
- B. The off premises sale is held in your territory, assigned by the factory or distributor.
- C. The dealership man a booth or desk at the away from premises location which has the dealers name prominently displayed and at which location written authorization from the Commission kept throughout the sale.
- D. The dealer can participate in 2 away sales within a calendar year.
- E. The sale is to be of 10 days duration or less. 12 hours prior to start of the sale and 12 hours immediately following termination will be allowed for assembling and dismantling respectively.
- F. Neither the dealer nor the away from premises location is presently on probation.
- G. No request will be approved beyond 60 days prior to the sale.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Rule 3.5 Satellite location: an extension of the primary location, within the territory assigned by the manufacturer and / or distributor, (excluding heavy truck, specialty vehicles, & motorcycles).

A. The dealer must have:

- (1) Written approval from the factory and / or distributor giving permission to build a satellite location;
- (2) Planning volume for new vehicles at this location;
- (3) and written authorization issued by the Mississippi Motor Vehicle Commission. Such authorization will be issued when the satellite guidelines are met.

B. Satellite Facility Guidelines:

Total Car & Light Truck Planning Vol.	Show Room Units	Show Room Sqaure feet	Office Square Feet	Parts Square Feet	General Service Units	Total Square Feet
50	2	800	600	900	4	4,800
100	3	1200	600	1200	5	5,900
150	3	1200	600	1500	6	6,800
200	3	1200	1000	1700	7	7,900
250	3	1200	1000	1900	8	8,500
300	4	1600	1500	2300	10	14,600
400	4	1600	1600	2800	12	16,400
500	4	1600	2000	3300	14	18,200

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Title 30: Professions and Occupations

Part 1301: Administrative Regulations for the Mississippi Motor Vehicle Commission.

Part 1301 Chapter 4: Vehicle Advertising

Rule 4.1 Rules on Advertising.

The objective of Rule 4 is to implement the intent of the legislature by providing the regulation of the advertising by licensed new motor vehicle dealers, manufacturers, and distributors, in the interest of furthering truthful and accurate advertising practices for the benefit of the citizens of the State of Mississippi. Rule 4 intended to apply to any written, visual or oral communication to a consumer by any personal representation newspaper advertisement, magazine advertisement, circular, billboard advertisement, direct mailing, sign, radio or television advertisement, telephone solicitation, internet, email electronic or other form of communication.

All advertising shall be in compliance with the Federal Trade Commission’s Regulations “M” (Lease Regulation) and “Z” (Truth in Lending Act).

Rule 4.2. Specific Rules:

- A. Employee Pricing: A dealer may not advertise they are selling vehicles at employee pricing unless it is a manufacturer's program.
- B. Bait Advertising: "Bait" advertising is an unfair and deceptive practice and shall not be used by any Licensee. Bait advertising is an alluring but sincere offer to sell a product, the primary purpose of which is to obtain leads to persons interested in buying merchandise of the type advertised and to switch consumers from buying the advertised product in order to sell some other product at a higher price or on a basis more advantageous to the advertiser. Advertising a new motor vehicle at a price which does not include all equipment listed as standard equipment by the manufacturer or distributor without disclosing such fact, or eliminating any such equipment for the purpose of advertising a low price and "baiting" the customer into changes above the advertised price is prohibited as misleading and deceptive.
- C. Availability of Vehicles:
1. A dealer may advertise a specific new or used motor vehicle or line-make of vehicles for sale if the specific motor vehicle or line-make is in the possession of the dealer at the advertised address or available to be shipped to the dealer by the manufacturer or distributor from the manufacturer's or distributor's inventory within a reasonable time, and willingly shown and sold as advertised, illustrated, or described at the advertised price and terms. When advertising motor vehicles located at a dealership(s) under common ownership, the specific location should be clearly and conspicuously disclosed.
 2. If the specific motor vehicle or line-make is not in the possession of the dealer at the time the advertisement is placed, the dealer shall clearly and conspicuously disclose that fact in the advertisement and state that the motor vehicle may be obtained from the manufacturer, distributor, or some other source, including dealership(s) under common ownership. The advertisement shall set forth the number of motor vehicles available at the advertised price, if a price is advertised, at the time the advertisement is placed or the dealer can show that it has the number of motor vehicles available to meet the reasonable expectable public demand based on prior experience.
 3. If an advertised price pertains to only one specific motor vehicle, then the advertisement shall also disclose the motor vehicle's stock number or VIN.
 4. This section does not prohibit general advertising of motor vehicles by a manufacturer, dealer advertising association, or distributor, nor does it prohibit

the inclusion of the names and addresses of the dealers authorized to sell such motor vehicles in the particular area.

D. Untrue Claims: The following statements shall not be used in any advertising by any dealer:

1. Statements such as "write your own deal", "name your own price", "name your own monthly payments", or statements with similar meaning.
2. Statements such as "everybody financed", "no credit rejected", "we finance anyone", "all applications accepted" and other similar statements representing or implying that no prospective credit purchaser will be rejected because of his inability to qualify for credit.
3. Statements representing that no other dealer grants greater allowances for trade-ins, however stated, unless such is the case and information is provided to the Commission before the ad is run.
4. Statements representing that because of its large sales volume a dealer is able to purchase vehicles for less than another dealer selling the same make of vehicles, unless such is the case and information is provided to the Commission before the ad is run.

E. Inclusion in Price and Add-ons for Dealer Advertisements: When the price of a vehicle is advertised in a local medium, the vehicles shall be fully identified as to year, make, model, and if new, used, or lease. In addition, the stated price must include all charges which the customer must pay for the vehicle, including but not limited to, "freight" or "destination charges", "dealer preparation", "dealer handling", "additional dealer profit", "additional dealer margin", and "undercoating or rust proofing" if the vehicle is already so equipped. The advertised price need not include state and local taxes, tags, registration, title fees, and documentary/service fee.

Full disclosure shall be required and shall include:

- Year./make/model
- Stock number
- Down payment
- Monthly note
- APR
- Number of payments
- With approved credit
- Plus tax, title, and doc fee

F. Minimum Trade-in Allowances: Because the amount of trade-in allowance will vary depending on the condition, model, and age of a buyer's vehicle, no specific trade-in amount or range of amounts shall be used in advertising. In the event of a government

sponsored trade-in program, the minimum trade-in amounts are allowed to be advertised.

- G. Disclosure of Material Facts: Any disclosures about material facts which are contained in advertisements and which involve types of vehicles and transactions must be made in a clear and conspicuous manner to minimize the possibility of misunderstanding by the audience. Factors to be taken into consideration include, but are not limited to, ad layout, headlines, illustrations, type size, contrast, crawl speed, and editing. Commonly known abbreviations may be used in advertising; however, those not generally known shall be avoided.
- H. Footnotes: An asterisk (or other characters) may be used to give additional information about a word or term; however, use of one or more footnotes or asterisks which, alone or in combination, contradict, confuse, materially modify or unreasonably limit a principal message of the ad shall not be used.
1. Used Vehicles - vehicles of the current and any preceding model year which are "used" shall be clearly identified as such.
 2. Whenever any advertisement relates to a lease, the advertisement must make readily apparent (in the body of the ad and not the disclaimer) to the audience that the transaction advertised is a lease.
 3. Credit Terms – when credit terms are advertised, they must comply with the specific disclosure requirements of the credit advertising provisions of the "Truth-in-Lending" Act and Regulation Z.
 4. Lease Terms - when lease terms are advertised, they must comply with the specific disclosure requirements of the lease advertising provisions of the "Truth-in-Lending" Act and Regulation M.
 5. Television Disclosures - any television advertisements must clearly feature all necessary information in a manner that can be read and understood.
 6. Internet Disclosures – any internet advertisement may be considered compliant if:
 - a) The viewer highlights, hover a mouse or cursor over, or otherwise selects certain text or images on a screen that results in an immediate and legible visible disclosure, or
 - b) Only one click or select text or image(s) is required to view the disclosure; and
 - c) The internet advertisement clearly and conspicuously indicates where to hover or click for the disclosure and is in close proximity to the information being disclosed.
- I. Disclosure in Invoice Ads: The terms "invoice", "factory invoice", "pay what we pay", "dealer invoice" or "dealer cost" shall not be used as a reference price (such as, but not limited to, \$100 over invoice or dealer cost).

- J. Discounts: When an automotive advertisement contains an offer of a discount on a new vehicle, the amount of such discount must be stated who is giving the discount by reference to the actual dollar figure to the manufacturer's suggested retail price of the vehicle. Discount must not imply the selling price to be below the dealer cost.
- K. Rebate Offers: The terms "rebate", "cash rebate", "cash incentives" or similar terms may be used only when it is clearly stated who is making the payment. Such advertisements must also state that "may affect final negotiated price" and customer has the option to determine how it is applied in the sale process. Rebates, cash rebates, cash incentives or similar terms must not imply the selling price to be below dealer cost.

When advertising an amount to be returned to the buyer, the buyer must be made aware that they have the option to determine how the dollar figure is to be used in the sale or lease.

- L. Free Offer for Dealer Advertisements: The word "Free" may be used in advertising whenever the advertiser is offering an unconditional gift. If receipt of the "free" merchandise or service furnished by the dealer is conditional on a purchase:
1. The normal price of the merchandise or service to be purchased must not have been increased nor its quantity or quality reduced. A "normal price" is not established if vehicles are usually sold at a price negotiated rather than an established regular (Normal) price;
 2. The advertiser must disclose this condition clearly and conspicuously together with the "free" offer (not by placing an asterisk or symbol next to "free" and referring to the condition(s) in a footnote); and
 3. The "Free" offer must be temporary; otherwise, it would become a continuous combination offer, no part of which is free.

However, an advertiser shall be permitted to reference free merchandise or service(s) provided by the manufacturer or distributor as part of any official promotion or incentive program offered by the same.

- M. Buy-Down Interest Rates: No buy-down interest rate may be advertised if any of the costs of securing the buy-down are passed on to the customer in any way.
- N. List or Sticker Price: Where the words "list" or "sticker" or words of similar import are used in a new motor vehicle advertisement, they shall only refer to the actual dollar figure of the Manufacturer's Suggested Retail Price.

- O. Special Status of Dealership: An automotive advertisement shall not falsely imply that the dealer has a special sponsorship, approval status, affiliation, or connection with the manufacturer that is greater or more direct than any other like dealer. However, no dealer shall be prohibited from including in an automotive advertisement an accurate statement or reference that a dealership is the recipient of an award or recognition from the manufacturer or distributor.
- P. Claims of Under Selling: Any automotive advertisements which makes under selling claims shall be capable of being substantiated.
- Q. Price Equaling: An advertisement which expresses a policy of matching or bettering competitors' prices shall fully disclose any conditions which apply and specify what evidence a consumer must present to take advantage of the offer. Such evidence shall not place an unreasonable burden on the consumer such as producing a signed contract from another dealer or requiring the consumer to find a vehicle with such identical features that the possibility of doing so is highly unlikely. Any advertisement stating this policy or “guarantee” must show the terms in the actual ad.
- R. Addendum Stickers: Dealers may use addendum stickers when adding equipment to vehicles. However, when advertising a discount on a vehicle, the dealer must clearly disclose that the discount is based on the dealer addendum price and not the factory MSRP.
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| Example: | Dealership Price \$45,000 |
| | Dealer Discount \$ 5,000 |
| | Manufacturer MSRP \$40,000 |
| | Discount \$ 2,000 |
| | Rebate \$ 1,500 |
- S. Discount Ads: Ads showing a very low priced vehicle that has a disclaimer which says the price is after a sizable customer down payment (20% or more of MSRP for new vehicles or 20% or more of selling price on used vehicles) or trade equity shall be unlawful and deemed unacceptable. Factory lease ads are excluded from this regulation.
- T. Manufacturer's Suggested Retail Price: The suggested retail price dollar figure of a new motor vehicle when advertised by a manufacturer, distributor or regional ad association shall include all costs and charges for the vehicle advertised, except that destination, and state and local taxes, title, and license fees may be excluded from such price, provided that the advertisement conspicuously states that such costs and charges are excluded. However, with respect to advertisements placed with media in Mississippi by a dealer,

such price must include all costs and charges for the vehicle advertised including destination charges, and may exclude only state and local taxes, license, title fees, insurance, and doc fees.

- U. Lease, Balloon or Residual Advertisements: Vehicle lease advertisements shall clearly and conspicuously disclose that the advertisement is for the lease of a vehicle, the balloon or residual note amount that is due at expiration of the lease, and the customer has the option to buy the vehicle at the pre-determined price, or turn vehicle in.
- V. Consolidated Loans: Credit terms which purport to consolidate other bills with new car financing, shall not be advertised.
- W. Van Conversion Advertisements: In the case of a modified vehicle, such as a converted van, the dealer may advertise using the conversion firms name and refer to the chassis manufacturer, but in no case shall the dealer advertise vans solely by a chassis manufacturers name unless enfranchised to sell that make of vehicle.
- X. Demonstrators, Executives, Officials, and Program Vehicles: The word "Demonstrator" shall be understood to refer to a vehicle which has never been sold or leased to a member of the public. This term shall include vehicles used by new motor vehicle dealers or their personnel for demonstrating performance ability but not vehicles purchased and used as their personal vehicles. "Demonstrators" may be advertised for sale as such only by a dealer franchised for the sale of such make of new vehicles. "Executives", "Officials" or "Program Vehicles", when so advertised, shall have been used exclusively by executives of the dealer's franchising manufacturer or distributor, or by any executive of the franchised dealership. These vehicles, so advertised, shall not have been sold or leased to a member of the public prior to the appearance of the advertisement. "Demonstrators", "Executives", and "Officials" vehicles shall be clearly and prominently qualified as such in immediate conjunction with year, make, and model offered.
- Y. Auction: Terms such as "Auction" or "Auction Special" and other terms of similar import shall be used in connection with vehicles offered or sold at a bona fide auction and auctioneer license number given.
- Z. Layout – Type Size: The layout, headlines, illustrations, or type size of a printed advertisement, including billboards, and the broadcast words or pictures of radio/TV/Internet advertisements shall not convey or permit an erroneous or misleading impression as to which vehicle or vehicles are offered at featured prices. No advertised offer, expression, or display of price, terms, down payment, trade-in-allowance, cash difference, savings or other such material terms shall be misleading and any necessary

qualifications shall be clearly, conspicuously, and accurately set forth to prevent misunderstanding. For purposes of these regulations, qualifying terms and phrases will be considered to be clearly, conspicuously, and accurately set forth if they are:

1. In bold print and type of such size that is capable of being read without unreasonable extra effort
2. Expressed in terms that are understandable to the buying public
3. In close proximity to the qualified representation and not separated or buried in a footnote. See 4.2.H. Footnotes.

AA. Billboard Advertising: Billboards shall not contain pricing information other than the Manufacturer's Suggested Retail Price. APR financing is not considered part of pricing information for this rule.

BB. Liquidation Sale: Use of terms "Liquidation Sale", "Public Notice", "Public Sale" or similar terms used to connote or imply a court ordered or other forced liquidation of assets shall not be advertised, unless such is the case.

CC. Changes in Monthly Payments: Changes in monthly payments are not allowed. Payments may not go up during contract term and all payments must be split-up equally for the length of contract. (Exception: National manufacturer and/or distributor plan)

DD. Alternate Payment Terms: If payments are not based on traditional monthly method, (i.e. bi-weekly, weekly, etc.) it must be disclosed as such in same size font as shown price and not referenced by use of asterisk, character, and/or footnote.

EE. Deferred Payments: No advertisement shall offer to defer the first payment on a credit sale or lease beyond the historic and accepted 45 day selective maturity date unless such advertised states with equal prominence the fact that the purchaser's own money or equity will be used in implementing such deferred payment plan (i.e. 90 days until first payment) (Exception: National manufacturer and/or distributor payment plan)

FF. Conditional Pricing, Net Pricing, Payment and Eligibility Disclosures. The most prominent reference to an advertised price or savings must be one available to all customers without condition.

The most prominent reference to an advertised monthly finance or lease payment must be the amount calculated from the vehicle price available to all customers without condition other than being creditworthy and entering into the finance or lease transaction.

The prominent price or savings may reflect rebates and discounts available to all consumers (e.g., factory cash, dealer discount), but must not reflect "conditional" rebates

and discounts available only to some consumers, including (but not limited to) college grad, military, conquest, loyalty, trade-in bonuses, and finance bonuses except as described below.

A finance bonus (incentive) may be reflected in the prominent price or savings if all of the following apply:

1. The advertised vehicle is new;
2. The incentive is offered for installment sales financing – not lease financing;
3. The incentive is offered by a motor vehicle manufacturer or its recognized retail finance subsidiary (verses at the dealership level);
4. The incentive is generally available to consumers of average creditworthiness;
5. The finance incentive savings amount is separately slated and clearly distinguishable from non-conditional incentives and savings; and
6. The requirement to finance and an available Annual Percentage Rate (APR) is clearly and conspicuously disclosed in immediate conjunction with the prominent price or savings.

The prominent monthly finance or lease payment may reflect finance incentives associated with the credit or lease offer (e.g. manufacturer / dealer finance bonus, lease cash), but must not reflect other conditional rebates and discounts referenced above (e.g., college grad, loyalty).

If referencing conditional discounts or presenting a “secondary” price available only by qualifying for conditional discounts, all essential requirements must be clearly and conspicuously disclosed in immediate conjunction with the secondary price or conditional discount. The disclosure must be made in a manner and with sufficient detail for a reasonable consumer to determine his or her eligibility for that price or discount. The secondary price must not be more prominent than the price available to all consumers. Conditional or net pricing shall not include deducting federal tax credits or other government subsidies or incentives. Conditional or net pricing shall not include other “savings.”

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983)*.

Revised February 2021

Part 1301 Chapter 5: Changes in Dealership

Rule 5.1 Name Change. Whenever a licensee of the Commission changes the name under which license was issued, the licensee shall provide written notice of the name change to the Commission prior to the effective date of the name change, and the Commission shall make the appropriate notations in its records.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Rule 5.2 Corporate Ownership Change. Any change in stock ownership in a corporate licensee of the Commission shall be reported to the Commission, in writing, within five (5) days of the manufacturer's approval of the change. If the change is stock ownership involves a person or entity that was not among the principals in the initial application, or in any application on file with the Commission, the Commission may require information regarding the financial standing and business integrity of the new stock owner.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Part 1301 Chapter 6: Standard for a Salesperson

Rule 6.1 Criteria for Securing a Salesman License.

- a. Employed by or provide services to a Motor Vehicle Dealer whose duties include the selling or offering for sale of motor vehicles. Selling or offering to sell includes selling, leasing, or offering for sale or lease, financing or insuring motor vehicles, recreational products, or specialty vehicles on behalf of said dealer.
- b. Good moral character, honesty, high ethical standards.

Source: *Miss. Code Ann. §§ 63-17-69, 81 (Rev.1983).*

Rule 6.2 Conduct which presumptively does not meet these standards includes conduct that resulted in:

1. Conviction of a felony.
2. Conviction of a misdemeanor involving misrepresentation, dishonest conduct, or breach of fiduciary duties.
3. Termination of previous employment for dishonest conduct.
4. Repetitive violations of law.
5. Civil penalties for fraud or misrepresentation.
6. Subject to cease & desist order prescribing misrepresentation or failure to disclose.
7. Adjudicated to have misrepresented or failed to disclose material facts in a court or administrative proceeding.

Any applicant who is subject to any of the foregoing actions shall be given an opportunity to appear before the Commission to present any mitigating circumstances.

Source: *Miss. Code Ann. §§ 63-17-69, 81 (Rev.1983).*

Effective January 1, 2022.

Part 1301 Chapter 7: Vehicle Protection Product Warrantors Administrative Rules

Rule 7.1 Authority (Effective July 1, 2007, House Bill 844) The rules are promulgated under the authority of the Mississippi Motor Vehicle Code §63-17-69 and House Bill 844, Section 13.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983) and House Bill 844, Section 13.*

Rule 7.2 Definitions. The following words and terms, when used in the rule, have the following meanings, unless the context clearly indicates otherwise.

1. Applicant – A person who submits to the Commission an application to be a warrantor of vehicle protection products.
2. Financial statements – A balance sheet, income statement, statement of cash flows, and a statement of equity reflecting the financial condition of the subject, prepared by an independent certified public accountant in accordance with generally accepted accounting principles.
3. Net Worth – The excess of total assets over total liabilities as reflected in audited financial statements.
4. Nonpublic personal information – Information regarding an individual that is derived from the offering of vehicle protection products and vehicle protection product warranties, the sale of such products and warranties, and claims made under such warranties.
 - A. The term includes:
 - i. customer financial and credit information,
 - ii. information concerning the price paid for a vehicle protection product or vehicle protection product warranty,
 - iii. the type of vehicle protection product purchased,
 - iv. the terms and conditions of any warranty,
 - v. the expiration date of any warranty,
 - vi. the facts and circumstances involved in any claim made on a warranty,
 - vii. the claim history of an individual,
 - viii. social security numbers, and,
 - ix. information prohibited from disclosure by state and federal statute.
 - B. The term does not include customer name, addresses, and telephone numbers.
5. Registrant – A person approved by the Commission to be a warrantor of vehicle protection products.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983) and House Bill 844, Section 13.*

Rule 7.3 Registration and Renewal Requirements – General.

- a. No person may operate as, or offer to be, a warrantor of vehicle protection products sold or offered in this state without holding a current registration issued by the Commission, unless the person is exempt under HB844, Section 4.
- b. Registration is valid for one year from July 1 and must be renewed prior to expiration.
- c. The required fee must accompany an application.

- d. Falsification of information on an application is cause for denial, suspension, or revocation of a registration and / or assessment of an administrative penalty. MMVC Law 63-17-85; HB844 Section 11(4).
- e. A complete application for registration renewal must be submitted on an approved Commission form with all required fees and proof of financial security as required. The application for registration renewal must be filed by the expiration date, or the registration will expire.
- f. Non-receipt of registration renewal notice from the Commission does not exempt a person from any requirement of this rule.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983), §63-17-85, and House Bill 844, Section 11(4).*

Rule 7.4 Registration Requirements – Financial Security Requirements.

- a. Each applicant and registrant may comply with the financial security requirement under Mississippi HB844, Section 5(2)(a) by submitting to the Commission the information required by one of the following four paragraphs.
 - 1. proof of reimbursement insurance policy described in Mississippi Code, HB844, Section 5.1(b); the reimbursement insurance policy must include the “Vehicle Protection Product Warrantor MS Endorsement” prescribed by the executive director or equivalent language.
 - 2. an audit report and audited financial statements for the most recent fiscal year which demonstrate either the applicant or the registrant, or the parent corporation of the applicant or registrant, if there is one, had a net worth in excess of \$50 million as of the end of its most recent fiscal year; HB844, Section 5(2)(a).
 - 3. the audit report of an independent certified public accountant stating the auditor’s unqualified opinion concerning the financial statements of the applicant or registrant as of the end of its most recent fiscal year, together with a certification from the same accountant who performed the audit that the applicant or registrant had a net worth in excess of \$50 million as of the end of the period audited: or
 - 4. the audit report of an independent certified public accounting stating the auditor’s unqualified opinion concerning the financial statements of the parent corporation of the applicant or registrant as of the end of the parent corporation’s most recent fiscal year, together with a certification from the same accountant who performed the audit of the parent corporation that had a net worth in excess of \$50 million as of the end of the period audited.
- b. If the applicant or registrant relies upon the net worth of its parent corporation to satisfy the financial security requirements of Mississippi Code, then the applicant or registrant must furnish sufficient written proof, such as a resolution of the parent corporation’s board of directors, that the parent corporation has agreed to guarantee the liabilities and obligations of an applicant or registrant relating to vehicle protection products sold or offered for sale by the applicant or registrant in this state.
- c. Notwithstanding the other provisions of this section, an applicant or registrant shall promptly provide all financial statements and information to the executive director or his designate that are requested in writing by the executive director or his designate.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983), §63-17-85, and House Bill 844, Section 5(1)(b), 5(2)(a).*

Part 1301. Chapter 7. Rule 7.5

Regulation 7.5 Responsibilities of Registrant.

- a. A registrant must provide the following written notification to all consumers of its vehicle protection product and warranties: “Regulated by the Mississippi Motor Vehicle Commission, 1755 Lelia Drive, Suite 200, Jackson, MS 39216, 601-987-3995”. The notification shall be provided on all warranty contracts.
- b. A registrant shall notify the Commission in writing with thirty (30) days of any change in the information set forth in the registrant’s application.
- c. A registrant shall allow the Commission to audit, examine, and copy any and all records maintained by the registrant pursuant to Mississippi Code, or relating to vehicle protection products sold or offered for sale in this state.
- d. A registrant shall provide a copy of the vehicle protection product warranty to the consumer within 10 days from the date of purchase.
- e. A registrant shall not disclose nonpublic personal information obtained in connection with the sale in this state of a vehicle protection product warranty or claims made under such a warranty except:
 1. to an entity acting on behalf of the registrant to perform the functions required to implement the vehicle protection product warranty who agrees not to disclose the nonpublic personal information;
 2. to the commission as provided in subsection (c); or
 3. as required by law or to comply with a subpoena or court order.
- f. An entity acting on behalf of the registrant under subsection (e) shall not disclose nonpublic personal information except:
 1. as necessary to fulfill the terms and conditions of the consumer’s warranty;
 2. to the Commission as requested by a Commission representative; or
 3. as required by law or to comply with a subpoena or court order.
- g. A registrant shall maintain financial security as required.
- h. In the year 2020, the Commission updated the address. All forms in circulation shall reflect the new mailing address by no later than January 1, 2024.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Rule 7.6 Fees.

- a. All fees are non-refundable.
- b. The original registration fee for a warrantor of vehicle protection products shall be \$600.
- c. The renewal registration fees shall be
 1. \$600 for registrants who become obligated as warrantors
- d. A \$25 fee shall be charged for duplicate or amended registration certificates.
- e. Late renewal fees for registrations issued under this rule are provided under MMVC Law Section 63-17-77(3) (relating to late fees).

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983), 63-17-85 and House Bill 844, Section 13, and 11(4).*

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.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983) and §63-17-85.*

Part 1301 Chapter 9: Administrative Fee

Rule 9.1 Motor Vehicle Dealer Manufacturer, Distributor, wholesaler, factory branch, and division and all Manufacturer, Distributor, and wholesale representative fee.

- a. Each Motor Vehicle Manufacturer, Distributor, wholesaler, factory branch, and divisions will be assessed a two hundred dollar (\$200.00) administrative fee upon initial application and any future renewal of licensures. Each representative of a Manufacturer, Distributor, and wholesaler will be assessed a two hundred dollar (\$200.00) administrative fee upon initial application and any future renewal of licensures.
- b. Each Motor Vehicle Protection Product Warrantor will be assessed a two hundred dollar (\$200.00) administrative fee upon initial application and any future renewal of licensures.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Part 1301 Chapter 10: Staff Sales Events

Rule 10.1 Staffed Sales Events. Rule ten establishes the requirements for conducting a staffed event sale. A staffed event sale is defined as an activity, usually lasting three (3) to five (5) days, designed to promote, solicit, or encourage a consumer to purchase a motor vehicle, conducted by a non-licensed entity with the use of temporary motor vehicle sales personnel.

Source: *Miss. Code Ann. §63-17-69 (Rev.1983)*

Rule 10.2 All staffed event sales must be approved by the Mississippi Motor Vehicle Commission prior to the proposed staffed event sale. Each approval is good for one sale and must be granted each time a dealership uses a staffed event company.

Source: *Miss. Code Ann. §63-17-69 (Rev.1983)*

Rule 10.3 An application to conduct a staffed event sale, on such form established by the Commission, must be received from a licensed motor vehicle dealer at least fifteen (15) days prior to the scheduled first day of the proposed staffed event sale. The packet contains three parts: Preferred Provider Application Form, Dealer Application Form, and Staffed Event Personnel Application. Each of these forms must have the original signatures and notarized by before they are submitted. In addition to these forms, there is a roster that should be completed that condenses the salespeople that will be attending the sale on behalf of the preferred provider. The forms will provide the following information and must be received before a staffed event sale can be approved:

- The name of the company engaged by the applying dealer to conduct the staffed event sale.
- The company's physical address and mailing address.
- The full name, home address, and social security number of the owner of the company engaged by the dealer to conduct the staffed event sale.
- The names and addresses of at least three new car dealers that have contracted with the staffed event sales company in the past two years, together with the owners names and telephone number for each dealer.
- The full names, home addresses, and social security number of any sales personnel employed by the company conducting the staffed event sale who will be participate in the staffed event sale.
- The sale dates and dealership contact information for the sales event conducted by the staffed event company.

Source: *Miss. Code Ann. §63-17-69 (Rev.1983)*

Rule 10.4 The mailer that is to be used for staffed sales events needs to be received along with the packet or via electronic mail. This must be done prior to the printing and approval by the Mississippi Motor Vehicle Commission staff will be granted once the mail piece is in compliance with Rule 4.

Source: *Miss. Code Ann. §63-17-69 (Rev.1983)*

Rule 10.5 A sales person that has not been previously licensed in our state in the last year will have to have a background check. And administrative fee of \$40.00 to conduct the background check must be received for each name submitted as part of the staffed event sale company's on-site personnel. This fee is in addition to the regular licensing fee of \$10.00 per salesperson that is needed to issue license for the sales event.

Source: *Miss. Code Ann. §63-17-69 (Rev.1983)*

Part 1301 Chapter 11: Specialty Vehicles

Rule 11.1 Specialty Vehicles. Rule eleven establishes that all second stage or “Specialty Vehicle” manufacturers must be a licensed Mississippi Motor Vehicle Manufacturer or Dealer. This requirement may be met by having Mississippi licensed salespersons representing said manufacturers in lieu of an actual facility located in the State of Mississippi.

Mississippi governmental entities, political subdivisions including Volunteer Fire Associations therein, may at their discretion exempt themselves by the way of contractual purchases from Rule Eleven and the protections provided by the Mississippi Motor Vehicle Commission. When this exemption is exercised, written notice to the Mississippi Motor Vehicle Commission is required.

The Mississippi Motor Vehicle Commission shall not impose any additional fees on second stage or “Specialty Vehicles” purchased outside the State of Mississippi.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Part 1301 Chapter 12: Export Chargeback Procedures

Rule 12.1 Definitions. Terms used herein that are defined in Section 63-17-53 shall have the meaning ascribed in that statutory section.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983) and §63-17-53.*

Rule 12.2 Prohibited Conduct. Notwithstanding any franchise or other contractual provision, policy or procedure to the contrary, no manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division may;

1. Refuse to allocate, sale, or deliver motor vehicles to a motor vehicle dealer;
2. Charge back or withhold payments or other things of value for which a motor vehicle dealer is otherwise eligible;
3. Prevent a motor vehicle dealer from participating in any promotion, program, or contest;
4. Threaten to take any prejudicial to the motor vehicle dealer by threatening to cancel any franchise or any contractual agreement existing between the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division and motor vehicle dealer; because the motor vehicle dealer sold or leased a motor vehicle to a customer who exported the vehicle to a foreign country, unless the manufacturer demonstrates that the motor vehicle dealer knew or reasonably should have known that the customer intended to export the vehicle.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983).*

Rule 12.3 Hearing.

1. A manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division may not take any action against a motor vehicle dealer, including without limitation, reducing its allocations or supply of motor

vehicles to the motor vehicle dealer, or charging back a motor vehicle dealer for an incentive payment previously paid, unless the manufacturer first meets in person, by telephone, video conference, or by registered mail with an officer or other designated employee of the motor vehicle dealer.

2. At such meeting, the manufacturer must provide a detailed explanation, with supporting documentation, as to the basis for its claim that the motor vehicle dealer knew or reasonably should have know the customer's intent to export or resell the vehicle.
3. After such meeting, the motor vehicle dealer shall have a reasonable period, commensurate with the number of vehicles at issue, but not less than 30 days not more than 90 days to respond to the manufacturer's claims. If the motor vehicle dealer does not respond within the specified time period, the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division may take actions as would otherwise be allowed under the parties' agreements or otherwise applicable procedures or policies.
4. If following the motor vehicle dealer's response and completion of all internal dispute resolution processes provided through the manufacturer, the dispute remains unsolved, the motor vehicle dealer may file a protest with this commission within 30 days after receipt of written notice from the manufacturer that it still intends to take adverse action against the dealer.
5. If the protest is timely filed, this commission shall notify the manufacturer of the filing of the protest, and the manufacturer shall not take any action adverse to the motor vehicle dealer until this commission renders a final determination, that the manufacturer's proposed action is in compliance with the provisions of this regulation.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983)*.

Rule 12.4 Burden of Proof

1. There is a rebuttal presumption that the motor vehicle dealer neither knew not reasonably should have known of its customer's intent to export or resell the vehicle if the vehicle is titled or registered in any state in the United States.
2. In any hearing pursuant to this regulation, the manufacturer has the burden of proof on all issues raised by this rule.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983)*.

Part 1301 Chapter 13: Dealing with Brokers

Rule 13.1 Dealing with Brokers. The Mississippi Motor Vehicle Commission, being of the opinion that a viable network of motor vehicle dealers throughout the State of Mississippi is important to the citizens of the State, and the viability of such network is threatened by entities acting contrary to state law, finds that the following regulation is reasonable and necessary to carry out the provisions of the Mississippi Motor Vehicle law.

Under Section 63-17-73 subsection 14(b), "It is unlawful to be a broker." No licensed New Motor Vehicle Dealer can contract with or conduct new or used vehicle sales activity with a "broker." If a new Motor Vehicle Dealer is thought to be in violation of this Regulation, the offending dealer may, at the discretion of the Commission, be requested to appear before the

Commission to answer the charge and, if found to be in violation of this Regulation, be subject to any penalties provided to the Commission under the Motor Vehicle Act.

Source: *Miss. Code Ann. § 63-17-69 (Rev.1983)*.

Part 1301 Chapter 14: Repealed