

By: Representative King

To: Ways and Means

HOUSE BILL NO. 1150

1 AN ACT TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF A TAXPAYER PAYS AD VALOREM AND ROAD AND BRIDGE
3 PRIVILEGE TAXES ON A MOTOR VEHICLE OPERATED IN THIS STATE AS A
4 COMMON AND CONTRACT CARRIER OF PROPERTY, PRIVATE COMMERCIAL
5 CARRIER OF PROPERTY OR A BUS, AND LATER PAYS THE ANNUAL HIGHWAY
6 PRIVILEGE TAX TO OPERATE SUCH VEHICLE AT A GROSS WEIGHT IN EXCESS
7 OF 10,000 POUNDS, HE SHALL BE ENTITLED TO A REFUND IN THE AMOUNT
8 OF AD VALOREM AND ROAD AND BRIDGE PRIVILEGE TAXES PAID FOR THE
9 REMAINING TAX YEAR ON SUCH VEHICLE; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 27-51-41, Mississippi Code of 1972, is
12 amended as follows:

13 27-51-41. (1) The exemptions from the provisions of this
14 chapter shall be confined to those persons or property exempted by
15 this chapter or by the provisions of the Constitution of the
16 United States or the State of Mississippi. No exemption as now
17 provided by any other statute shall be valid as against the tax
18 levied by this chapter. Any subsequent exemption from the tax
19 levied hereunder shall be provided by amendment to this section
20 which shall be inserted in the bill at length.

21 (2) The following shall be exempt from ad valorem taxation:

22 (a) All motor vehicles, as defined in this chapter, and
23 including motor-propelled farm implements and vehicles, while in
24 the hands of bona fide dealers as merchandise and which are not
25 being operated upon the highways of this state, shall be exempt
26 from all ad valorem taxes.

27 (b) All motor vehicles belonging to the federal
28 government or the State of Mississippi or any agencies or
29 instrumentalities thereof shall be exempt from all ad valorem

30 taxes.

31 (c) All motor vehicles owned by any school district in
32 the state shall be exempt from all ad valorem taxes.

33 (d) All motor vehicles owned by any fire protection
34 district incorporated in accordance with Sections 19-5-151 through
35 19-5-207 or by any fire protection grading district incorporated
36 in accordance with Sections 19-5-215 through 19-5-243 shall be
37 exempt from all ad valorem taxes.

38 (e) All motor vehicles owned by units of the
39 Mississippi National Guard shall be exempt from all ad valorem
40 taxes.

41 (f) All motor vehicles which are exempted from highway
42 privilege taxes under Section 27-19-1 et seq. shall be exempt from
43 ad valorem taxes.

44 (g) All motor vehicles operated in this state as common
45 and contract carriers of property, private commercial carriers of
46 property, private carriers of property and buses, all of which
47 have a gross weight in excess of ten thousand (10,000) pounds,
48 shall be exempt from all ad valorem taxes.

49 (h) Antique automobiles as defined in Section 27-19-47
50 shall be exempt from all ad valorem taxes.

51 (i) Street rods as defined in Section 27-19-56.6 shall
52 be exempt from all ad valorem taxes.

53 (j) Motor vehicles owned by disabled American veterans,
54 or by spouses of deceased disabled American veterans, in
55 accordance with Section 27-19-53, shall be exempt from all ad
56 valorem taxes.

57 (k) One (1) motor vehicle owned by the unremarried
58 surviving spouse of a member of the Armed Forces of the United
59 States who, while on active duty, is killed or dies and one (1)
60 motor vehicle owned by the unremarried surviving spouse of a
61 member of a reserve component of the Armed Forces of the United
62 States or of the National Guard who, while on active duty for
63 training, is killed or dies shall be exempt from ad valorem taxes.

64 (l) Motor vehicles owned by recipients of the
65 Congressional Medal of Honor or by former prisoners of war, or by
66 spouses of such deceased persons, in accordance with Section

67 27-19-54, shall be exempt from all ad valorem taxes.

68 (m) Any religious society, ecclesiastical body or any
69 congregation thereof shall be exempt from ad valorem taxation on
70 one (1) private carrier of passengers, as defined in Section
71 27-19-3, owned by it, which is used exclusively for such society
72 and not for profit. All motor vehicles owned by any such
73 religious society or any educational institution having a seating
74 capacity greater than seven (7) passengers and used exclusively
75 for transporting passengers for religious or educational purposes
76 and not for profit shall be exempt from all ad valorem taxes.

77 (n) All motor vehicles primarily used as rentals under
78 rental agreements with a term of not more than thirty (30)
79 continuous days each and under the control of persons who are
80 engaged in the business of renting such motor vehicles and who are
81 subject to the tax under Section 27-65-231 shall be exempt from
82 all ad valorem taxes.

83 (o) Antique motorcycles, as defined in Section
84 27-19-47.1, shall be exempt from all ad valorem taxes.

85 (3) Any claim for tax exemption by authority of the
86 above-mentioned code sections or by any other legal authority
87 shall be set out in the application for the road and bridge
88 privilege license, and the specific legal authority for such tax
89 exemption claim shall be cited in said application, and such
90 authority cited shall be shown by the tax collector on the tax
91 receipt as his authority for not collecting such ad valorem taxes,
92 and the tax collector shall carry forward such information in his
93 tax collection reports.

94 (4) Any motor vehicle driven over the highways of this state
95 to the extent that the owner of such motor vehicle is required to
96 purchase a road and bridge privilege license in this state, yet
97 the legal situs of such motor vehicle is located in another state,
98 shall be exempt from ad valorem taxes authorized by this chapter.

99 (5) If a taxpayer shall sell, trade or otherwise dispose of

100 a vehicle on which the ad valorem and road and bridge privilege
101 taxes have been paid in any county in the state, he shall remove
102 the license plate from the vehicle. Such license plate must be
103 surrendered to the issuing authority with the corresponding tax
104 receipt, if required, and credit shall be allowed for the taxes
105 paid for the remaining tax year on like privilege or ad valorem
106 taxes due on another vehicle owned by the seller or transferor or
107 by the seller's or transferor's spouse or dependent child. If the
108 seller or transferor does not elect to receive such credit at the
109 time the license plate is surrendered, the issuing authority shall
110 issue a certificate of credit to the seller or transferor, or to
111 the seller's or transferor's spouse or dependent child, or to any
112 other person, business or corporation, at the direction of the
113 seller or transferor, for the remaining unexpired taxes prorated
114 from the first day of the month following the month in which the
115 license plate is surrendered. The total of such credit may be
116 used by the person or entity to whom the certificate of credit is
117 issued, regardless of the relative amounts attributed to privilege
118 taxes or to county, school or municipal ad valorem taxes. Any
119 credit allowed for taxes due or any certificate of credit issued
120 may be applied to like taxes owed in any county by the person to
121 whom the credit is allowed or by the person possessing the
122 certificate of credit. No credit, however, shall be allowed on
123 the charge made for the license plate. Such license plates
124 surrendered to the tax collector shall be retained by him, and in
125 no event shall such license plate be attached to any vehicle
126 after being surrendered to the tax collector, nor shall any
127 license plate be transferred from one (1) vehicle to any other
128 vehicle.

129 (6) If the person owning a vehicle subject to taxation under
130 the provisions of this chapter does not operate such vehicle on
131 the highways of this state from the date of acquisition or, if
132 previously registered, from the end of the anniversary month of

133 the tag and decals to the date on which he makes application for a
134 current license tag or decals, he shall pay such ad valorem tax
135 for a period of twelve (12) months beginning with the first day of
136 the month in which he applies for a current license tag or decals
137 under Chapter 19, Title 27, Mississippi Code of 1972. The owner
138 shall submit an affidavit with an application attesting to the
139 fact that the vehicle was not operated on the highways of this
140 state from the date of acquisition or, if previously registered,
141 from the end of the anniversary month of the tag and decals to the
142 date on which he makes application for the current license tag or
143 decals.

144 (7) If a taxpayer has paid in any county in this state ad
145 valorem and road and bridge privilege taxes upon a motor vehicle
146 operated in this state as a common and contract carrier of
147 property, private commercial carrier of property or a bus, and
148 later pays the annual highway privilege tax to operate such
149 vehicle at a gross weight in excess of ten thousand (10,000)
150 pounds, he shall remove the license plate that indicates that he
151 paid the ad valorem taxes on such vehicle. The license plate must
152 be surrendered to the issuing authority with the corresponding tax
153 receipt, if required, and a copy of the tax receipt for payment of
154 the annual highway privilege tax the taxpayer was required to pay
155 to operate such vehicle at a gross weight in excess of ten
156 thousand (10,000) pounds. Upon receipt of such license plate and
157 receipts, the issuing authority shall refund the taxpayer the
158 amount of ad valorem and road and bridge privilege taxes paid for
159 the remaining tax year on such vehicle.

160 (8) Any person found violating any of the provisions of this
161 section shall be arrested and tried, and if found guilty shall be
162 fined in an amount double the total amount of taxes involved.

163 SECTION 2. Nothing in this act shall affect or defeat
164 any claim, assessment, appeal, suit, right or cause of action for
165 taxes due or accrued under the highway privilege tax laws or the

166 motor vehicle ad valorem tax laws before the date on which this
167 act becomes effective, whether such claims, assessments, appeals,
168 suits or actions have been begun before the date on which this act
169 becomes effective or are begun thereafter; and the provisions of
170 the highway privilege tax laws and the motor vehicle ad valorem
171 tax laws are expressly continued in full force, effect and
172 operation for the purpose of the assessment, collection and
173 enrollment of liens for any taxes due or accrued and the execution
174 of any warrant under such laws before the date on which this act
175 becomes effective, and for the imposition of any penalties,
176 forfeitures or claims for failure to comply with such laws.

177 SECTION 3. This act shall take effect and be in force from
178 and after its passage.