

By: Senator(s) Hall

To: Finance

SENATE BILL NO. 2055

1 AN ACT TO AMEND SECTION 27-65-23, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE SALES TAX LEVIED UPON THE REPAIRING AND SERVICING OF
3 AIRCRAFT; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
4 LEGISLATURE OF THE STATE OF MISSISSIPPI:

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6 SECTION 1. Section 27-65-23, Mississippi Code of 1972, is
7 amended as follows:

8 27-65-23. Upon every person engaging or continuing in any of
9 the following businesses or activities there is hereby levied,
10 assessed and shall be collected a tax equal to seven percent (7%)
11 of the gross income of the business, except as otherwise provided:

- 12 Air conditioning installation or repairs;
- 13 Automobile, * * * motorcycle, boat or any other vehicle
- 14 repairing or servicing except the repairing and servicing of
- 15 aircraft;
- 16 Billiards, pool or domino parlors;
- 17 Bowling or tenpin alleys;
- 18 Burglar and fire alarm systems or services;
- 19 Car washing-automatic, self-service, or manual;
- 20 Computer software sales and services;
- 21 Cotton compresses or cotton warehouses;
- 22 Custom creosoting or treating, custom planing, custom
- 23 sawing;
- 24 Custom meat processing;
- 25 Electricians, electrical work, wiring, all repairs or
- 26 installation of electrical equipment;
- 27 Elevator or escalator installing, repairing or

28 servicing;
29 Film developing or photo finishing;
30 Foundries, machine or general repairing;
31 Furniture repairing or upholstering;
32 Grading, excavating, ditching, dredging or landscaping;
33 Hotels, motels, tourist courts or camps, trailer parks;
34 Insulating services or repairs;
35 Jewelry or watch repairing;
36 Laundering, cleaning, pressing or dyeing;
37 Marina services;
38 Mattress renovating;
39 Office and business machine repairing;
40 Parking garages and lots;
41 Plumbing or pipe fitting;
42 Public storage warehouses;
43 Refrigerating equipment repairs;
44 Radio or television installing, repairing, or servicing;
45 Renting or leasing personal property used within this
46 state;
47 Services performed in connection with geophysical
48 surveying, exploring, developing, drilling, producing,
49 distributing, or testing of oil, gas, water and other mineral
50 resources;
51 Shoe repairing;
52 Storage lockers;
53 Telephone answering or paging services;
54 Termite or pest control services;
55 Tin and sheet metal shops;
56 TV cable systems, subscription TV services, and other
57 similar activities;
58 Vulcanizing, repairing or recapping of tires or tubes;
59 Welding; and
60 Woodworking or wood turning shops.

61 Income from services taxed herein performed for electric
62 power associations in the ordinary and necessary operation of
63 their generating or distribution systems shall be taxed at the
64 rate of one percent (1%).

65 Income from services taxed herein performed on materials for
66 use in track or track structures to a railroad whose rates are
67 fixed by the Interstate Commerce Commission or the Mississippi
68 Public Service Commission shall be taxed at the rate of three
69 percent (3%).

70 Income from renting or leasing tangible personal property
71 used within this state shall be taxed at the same rates as sales
72 of the same property.

73 Persons doing business in this state who rent transportation
74 equipment with a situs within or without the state to common,
75 contract or private commercial carriers are taxed on that part of
76 the income derived from use within this state. If specific
77 accounting is impracticable, a formula may be used with approval
78 of the commissioner.

79 A lessor may deduct from the tax computed on the rental
80 income from tangible personal property a credit for sales or use
81 tax paid to this state at the time of purchase of the specific
82 personal property being leased or rented until such credit has
83 been exhausted.

84 Charges for custom processing and repairing services may be
85 excluded from gross taxable income when the property on which the
86 service was performed is delivered to the customer in another
87 state either by common carrier or in the seller's equipment.

88 When a taxpayer performs unitary services covered by this
89 section, which are performed both in intrastate and interstate
90 commerce, the commissioner is hereby invested with authority to
91 formulate in each particular case and to fix for such taxpayer in
92 each instance formulae of apportionment which will apportion to
93 this state, for taxation, that portion of the services which are

94 performed within the State of Mississippi.

95 SECTION 2. Nothing in this act shall affect or defeat any
96 claim, assessment, appeal, suit, right or cause of action for
97 taxes due or accrued under the Mississippi sales tax laws before
98 the date on which this act becomes effective, whether such claims,
99 assessments, appeals, suits or actions have been begun before the
100 date on which this act becomes effective or are begun thereafter;
101 and the provisions of the Mississippi sales tax laws are expressly
102 continued in full force, effect and operation for the purpose of
103 the assessment, collection and enrollment of liens for any taxes
104 due or accrued and the execution of any warrant under such laws
105 before the date on which this act becomes effective, and for the
106 imposition of any penalties, forfeitures or claims for failure to
107 comply with such laws.