

By: Senator(s) Dearing

To: Finance

## SENATE BILL NO. 2235

1 AN ACT TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE TAGS  
2 OR PLATES BY MOTOR VEHICLE DEALERS TO PURCHASERS OF THE MOTOR  
3 VEHICLE SOLD TO SUCH PERSON BY THE DEALER; TO PROVIDE THAT SUCH  
4 TAG OR PLATE SHALL BE ISSUED BY THE DEALER AT THE TIME OF THE  
5 SALE; TO PROVIDE THAT SUCH TAG OR PLATE SHALL BE VALID FOR A  
6 PERIOD OF 30 DAYS AFTER THE DATE OF THE PURCHASE; TO REQUIRE MOTOR  
7 VEHICLE DEALERS TO MAINTAIN CERTAIN RECORDS REGARDING THE  
8 TEMPORARY LICENSE TAGS OR PLATES THEY ISSUE; TO AUTHORIZE THE  
9 STATE TAX COMMISSION TO ADOPT NECESSARY RULES AND REGULATIONS TO  
10 ADMINISTER THIS ACT; TO PROVIDE A PENALTY FOR VIOLATIONS OF THIS  
11 ACT; TO AMEND SECTION 27-19-63, MISSISSIPPI CODE OF 1972, TO  
12 PROVIDE THAT THE PURCHASER OF A MOTOR VEHICLE SHALL HAVE 30 DAYS  
13 AFTER THE DELIVERY OF THE MOTOR VEHICLE TO PAY REQUIRED PRIVILEGE  
14 AND AD VALOREM TAXES ON SUCH VEHICLE WITHOUT PENALTY; TO AMEND  
15 SECTION 63-21-69, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
16 AND FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF  
17 THE STATE OF MISSISSIPPI:

18  
19 SECTION 1. (1) The State Tax Commission shall issue  
20 temporary license tags or plates to each motor vehicle dealer who  
21 applies for such plates upon payment of a fee in an amount equal  
22 to One Dollar (\$1.00) per plate. The temporary license tags or  
23 plates issued pursuant to this section shall be designed by the  
24 State Tax Commission. Such temporary license tags or plates shall  
25 be issued by the dealer to a bona fide purchaser of the motor  
26 vehicle sold to such person by the dealer at the time of the sale.  
27 The dealer shall place the correct expiration date on the tag or  
28 plate prior to the issuance of the tag or plate. Temporary  
29 license tags or plates issued pursuant to this section shall  
30 expire thirty (30) days from the date of purchase of the motor  
31 vehicle. A person to whom a temporary license tag or plate has  
32 been issued shall destroy the temporary license tag or plate on  
33 the date it expires.

34 (2) Each motor vehicle dealer who is issued temporary

35 license plates pursuant to this section shall maintain a record of  
36 all temporary license plates issued by him that shall contain the  
37 name and address of each purchaser, the date of the purchase and  
38 such other information as the State Tax Commission shall require.

39 The motor vehicle dealer shall maintain the information on each  
40 purchaser for a period of not less than three (3) years after the  
41 date of the purchase. Such records shall be open for inspection  
42 by the State Tax Commission at any time.

43 (3) The State Tax Commission shall adopt rules and  
44 regulations necessary to implement this section, including, but  
45 not limited to, rules and regulations establishing procedures for  
46 issuing temporary license plates, and for the use and display of  
47 temporary license tags or plates.

48 (4) Temporary license tags or plates may be issued to any  
49 motor vehicle which may be issued a permanent license tag or plate  
50 under Section 27-19-1 et seq., Mississippi Code of 1972.

51 (5) Any motor vehicle dealer who violates the provisions of  
52 this section shall be guilty of a misdemeanor and, upon conviction  
53 thereof, shall be punished by a fine of One Thousand Dollars  
54 (\$1,000.00).

55 (6) As used in this section, the term "motor vehicle dealer"  
56 shall have the meaning ascribed to such term in Section 27-19-303,  
57 Mississippi Code of 1972.

58 SECTION 2. Section 27-19-63, Mississippi Code of 1972, is  
59 amended as follows:

60 27-19-63. (1) Except as otherwise provided in this section,  
61 the privilege license tax levied by the provisions of this article  
62 shall be paid annually during the anniversary month of the  
63 acquisition of the vehicle. The privilege license tax levied  
64 shall be based on a period of twelve (12) months, even though the  
65 actual time from the acquisition of the vehicle to the end of the  
66 anniversary month of the next succeeding year may be more than  
67 twelve (12) months. Any person subject to the provisions of this

68 article shall have an additional fifteen (15) days from the end of  
69 the anniversary month in which to purchase the tag and/or decals  
70 and to pay the privilege license tax without being in violation of  
71 this section. Any person owning a vehicle subject to taxation  
72 under the provisions of this article who fails or refuses to pay  
73 such tax and obtain the privilege license required within the  
74 prescribed period of time shall be guilty of violating the  
75 provisions of this article, and shall be liable for the amount of  
76 such tax plus a penalty as provided for in this section. If the  
77 person owning a vehicle subject to taxation under the provisions  
78 of this article does not operate such vehicle on the highways of  
79 this state from the date of acquisition or, if previously  
80 registered, from the end of the anniversary month of his tag and  
81 decals to the date on which he makes application for the privilege  
82 license, he shall pay such license tax for a period of twelve (12)  
83 months beginning with the first day of the month in which he  
84 applies for such privilege license. The owner shall submit an  
85 affidavit with his application attesting to the fact that his  
86 vehicle was not operated on the highways of this state from the  
87 date of acquisition or, if previously registered, from the end of  
88 the anniversary month of his tag and decals to the date on which  
89 he makes application for the privilege license.

90 (2) Except as may be otherwise provided in subsection (3) of  
91 this section, the privilege license tax levied by the provision of  
92 this article on operators of motor vehicles in excess of ten  
93 thousand (10,000) pounds, gross vehicle weight, apportioned  
94 vehicles, rental and commercial trailers and buses shall be due  
95 annually during the anniversary month which shall be established  
96 by the Chairman of the State Tax Commission; provided, however,  
97 there shall be an additional fifteen (15) days from the end of the  
98 anniversary month in which to file an application with the  
99 commission and pay the privilege license tax. The annual license  
100 tag and/or decals issued by the commission for the license tax

101 year shall be valid for a period of time to be determined by the  
102 chairman but not to exceed fifteen (15) months following the  
103 anniversary month; provided, however, this does not extend the  
104 time for filing the application with the commission and the  
105 payment of the license tax. Any person who fails or refuses to  
106 pay such tax and obtain the privilege license required when due  
107 shall be guilty of violating the provision of this article and  
108 shall be liable for the entire amount of such tax from the date  
109 the liability was incurred, plus penalty as provided for in this  
110 section.

111 (3) The privilege license tax levied by the provisions of  
112 this article on operators of a motor vehicle that is in a  
113 corporate fleet or an individual fleet registered under Section  
114 27-19-66 shall be due annually during the anniversary month which  
115 shall be established by the Chairman of the State Tax Commission  
116 for corporate fleets and by the county tax collectors for  
117 individual fleets; provided, however, there shall be an additional  
118 fifteen (15) days from the end of the anniversary month in which  
119 to file an application with the commission or the county tax  
120 collector, as the case may be, and to purchase the tag or renew  
121 the registration of such motor vehicle and pay the privilege  
122 license tax. The commission or the county tax collector, as the  
123 case may be, shall issue a tag or renew the annual registration of  
124 such motor vehicle for the license tax year only after all ad  
125 valorem taxes and privilege taxes due on such motor vehicle have  
126 been paid. Any person who fails or refuses to pay the privilege  
127 tax and obtain the privilege license required when due shall be  
128 guilty of violating the provisions of this article and shall be  
129 liable for the entire amount of such tax from the date the  
130 liability was incurred, plus penalty as provided for in this  
131 section.

132 (4) Penalties shall be assessed on the privilege license tax  
133 at the rate of five percent (5%) for the first fifteen (15) days

134 of delinquency, or part thereof, and five percent (5%) for each  
135 additional thirty-day period of delinquency, or part thereof, not  
136 to exceed a maximum penalty of twenty-five percent (25%); however,  
137 a penalty of Two Hundred Fifty Dollars (\$250.00), in addition to  
138 the maximum penalty for delinquency, shall be assessed against any  
139 person who is liable for the motor vehicle privilege license tax  
140 but who (a) displays an out-of-state license tag on the motor  
141 vehicle; or (b) displays a license tag or privilege license decal  
142 on the motor vehicle which was issued for another vehicle. The  
143 commission, for good reason shown, may waive all or any part of  
144 the penalties imposed. No private passenger vehicle registered  
145 under this chapter shall have displayed on the front of such  
146 vehicle, or elsewhere, the official license tag of another state,  
147 whether or not such license tag has expired. Law enforcement  
148 officers of this state may remove from private passenger vehicles  
149 any out-of-state license tags so displayed.

150 (5) The requirement that the privilege tax be paid during  
151 the anniversary month of each year shall not apply in the  
152 following cases:

153 (a) Where a motor vehicle is acquired from a duly  
154 licensed automobile dealer in the regular course of trade, or  
155 another person by sale or otherwise, the owner or operator of the  
156 vehicle purchased shall have seven (7) full working days,  
157 exclusive of the date of delivery, after the vehicle has been  
158 delivered to him, within which to make the application for the  
159 required privilege license, otherwise such person shall be liable  
160 for penalty as provided for in this section. Provided, however,  
161 that when any person shall acquire a vehicle as herein provided,  
162 and it shall be necessary that such vehicle be remodeled, changed  
163 or altered by such person before same is suitable for the purposes  
164 for which it was acquired, then such person shall have seven (7)  
165 full working days, exclusive of the day of the completion of such  
166 remodeling, change or alteration, after the completion thereof

167 within which to make application for the required privilege  
168 license; provided, that if such person fails to make application  
169 within such period, such person shall be liable for penalty as  
170 provided for in this section.

171 "Delivery" as used herein shall be construed to mean receipt  
172 of such vehicle by the purchaser thereof at his residence or place  
173 of business, and, in the event the vehicle is purchased at any  
174 place other than in the county of residence or place of business  
175 of such person, he shall be entitled to forty-eight (48) hours  
176 within which to transport such vehicle to the county of his  
177 residence or place of business. At all times during such  
178 transportation, the owner or operator of such vehicle shall have  
179 in his possession a true bill of sale, giving the description of  
180 the vehicle, the name and address of the dealer from whom  
181 purchased, the name and address of the owner or operator, and the  
182 date on which the vehicle was acquired. For failure to have such  
183 bill of sale in his possession during the entire time during which  
184 the vehicle is being transported, the owner or operator shall be  
185 liable for the annual privilege tax plus penalty as provided for  
186 in this section.

187 (b) Where a motor vehicle is acquired from a duly  
188 licensed automobile dealer and the owner or operator of the  
189 vehicle has been issued a temporary tag or plate from such dealer  
190 as provided for in Section 1 of Senate Bill No. 2235, 1999 Regular  
191 Session, such owner shall have until the expiration date of such  
192 temporary tag or plate within which to make application for the  
193 required privilege license. If such person fails to make  
194 application for the required privilege license prior to the  
195 expiration of the temporary tag or license, such person shall be  
196 liable for penalty as provided for in this section.

197 (c) Where a person has paid the current privilege  
198 license tax required by the laws of another state and applies for  
199 a privilege license in this state within thirty (30) days, no

200 penalty shall be assessed; however, any person who fails to comply  
201 herewith shall be liable for the full annual tax, plus penalty as  
202 provided for in this section.

203 (6) Any nonresident of the State of Mississippi who has paid  
204 the current privilege license required by the laws of another  
205 state upon a private carrier of passengers, and thereafter becomes  
206 a resident of the State of Mississippi, or brings such vehicle  
207 into the State of Mississippi for use in connection with his  
208 business in this state, or who is gainfully employed in this state  
209 shall be entitled to operate such vehicle without obtaining a  
210 privilege license in this state for a period of not more than  
211 thirty (30) days.

212 "Resident" for the purpose of registration and operation of  
213 motor vehicles shall include, but not be limited to, the  
214 following:

215 (a) Any person, except a tourist or out-of-town  
216 student, who owns, leases or rents a place within the state and  
217 occupies same as a place of residence.

218 (b) Any person who engages in a trade, profession or  
219 occupation in this state or who accepts employment in other than  
220 seasonal agricultural work.

221 SECTION 3. Section 63-21-69, Mississippi Code of 1972, is  
222 amended as follows:

223 63-21-69.

224 \* \* \*

225 No privilege license tag shall be issued by any tax collector  
226 or the State Tax Commission if the vehicle is subject to titling  
227 under this chapter unless the vehicle owner makes an application  
228 therefor and shall thereupon tender his application for  
229 certificate of title with the application for a privilege license.

230 If, however, the vehicle owner already has a certificate of  
231 title, then the original certificate or, if his original  
232 certificate be in the hands of a lienholder, then his duplicate

233 certificate or other official document as prescribed by the State  
234 Tax Commission shall be tendered to the tax collector or the State  
235 Tax Commission. The tax collector or the State Tax Commission, as  
236 the case may be, shall thereupon enter the number of the  
237 application or certificate on the privilege license application  
238 and on the privilege license receipt.

239 The provisions and requirements of this section implement the  
240 provisions and requirements of Section 27-19-59 and Section  
241 27-19-61. Nothing contained in this section or in this chapter  
242 shall in any way amend or supersede any of the existing statutes  
243 of this state or any of the provisions or requirements of such  
244 statutes with respect to the registration of vehicles and making  
245 applications for privilege licenses for vehicles. However, the  
246 State Tax Commission shall by suitable rules and regulations  
247 provide for the implementation of the requirements of this section  
248 and this chapter with the requirements of existing statutes with  
249 respect to the registration of vehicles and with respect to  
250 obtaining privilege licenses therefor.

251 SECTION 4. This act shall take effect and be in force from  
252 and after July 1, 1999.