

By: Senator(s) Farris, Thames, Gollott,  
Furniss, Smith, Harvey, Hawks, Moffatt,  
Jordan (24th), Hamilton, Walls, Johnson  
(19th), Browning, Hewes, Woodfield, Kirby,  
Tollison, Johnson (38th), Burton, Ross, Bean,  
Mettetal, Carter, Little, Jordan (18th),  
Stogner, Dearing, Ferris, Turner, White (5th)

To: Finance

SENATE BILL NO. 2498

1 AN ACT PROVIDING FOR THE ISSUANCE OF A DISTINCTIVE MOTOR  
2 VEHICLE LICENSE PLATE OR TAG TO RECIPIENTS OF THE PURPLE HEART  
3 MEDAL; TO EXEMPT ONE MOTOR VEHICLE OWNED BY A PERSON WHO IS ISSUED  
4 SUCH A PLATE OR TAG FROM AD VALOREM PRIVILEGE TAXES; TO PROVIDE A  
5 PENALTY FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTIONS  
6 27-19-56.5 AND 27-51-41, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
7 THERETO; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE  
8 LEGISLATURE OF THE STATE OF MISSISSIPPI:

9  
10 SECTION 1. (1) In recognition of the patriotic service  
11 rendered by Mississippians who are recipients of the Purple Heart  
12 Medal, any such person is privileged to obtain in his or her  
13 county of legal residence for the sum of One Dollar (\$1.00) in  
14 total cost, one (1) distinctive motor vehicle license plate or tag  
15 identifying him as a Purple Heart Medal recipient. The  
16 distinctive plates or tags shall be of a color and design  
17 designated by the State Tax Commission.

18 (2) The distinctive license plates shall be prepared by the  
19 State Tax Commission and shall be issued through the tax  
20 collectors of the counties in the same manner as are other motor  
21 vehicle license plates or tags. An applicant for such distinctive  
22 plates shall present to the issuing official a duly authenticated  
23 military discharge or general order on Department of Defense Form  
24 214 showing that the applicant is a Purple Heart Medal recipient.

25 (3) (a) The distinctive license plates or tags so issued  
26 shall be used only upon a personally or jointly owned private  
27 passenger vehicle (to include station wagons, recreational motor  
28 vehicles and pickup trucks) registered in the name, or jointly in  
29 the name, of the person making application therefor, and when

30 issued to such person shall be used upon the vehicle for which  
31 issued in lieu of the standard license plate or license tag  
32 normally issued for such vehicle.

33 (b) Not more than one (1) such motor vehicle license  
34 plate or tag shall be issued to each qualified applicant.

35 (c) The vehicles for which motor vehicle license plates  
36 or tags are issued under this section are hereby exempt from all  
37 ad valorem and privilege taxes; however, the surviving spouse of a  
38 deceased person who was issued a license plate or tag under this  
39 section shall be entitled to apply for or retain a license issued  
40 under this section and may continue annually to renew registration  
41 for one (1) motor vehicle license plate or tag under this section  
42 for as long as the spouse remains unmarried. At the time for  
43 application or renewal registration, a surviving spouse who  
44 desires to retain the distinctive plate or tag issued under this  
45 section shall file with the county tax collector a sworn statement  
46 that the spouse is unmarried. Any such vehicle when so registered  
47 shall be exempt from all ad valorem and privilege taxes.

48 (d) The distinctive license plates shall not be  
49 transferable between motor vehicle owners; and in the event the  
50 owner of a vehicle bearing a distinctive plate shall sell, trade,  
51 exchange or otherwise dispose of the vehicle, such plate shall be  
52 retained by such owner and returned to the tax collector.

53 (4) Any person evading or violating any of the provisions of  
54 this section, or attempting to secure benefits hereunder to which  
55 he is not entitled, shall be guilty of a misdemeanor and, upon  
56 conviction, shall be fined not less than One Hundred Dollars  
57 (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

58 SECTION 2. Section 27-19-56.5, Mississippi Code of 1972, is  
59 amended as follows:

60 27-19-56.5. In recognition of the patriotic service rendered  
61 by Mississippians who survived the attack on Pearl Harbor \* \* \*,  
62 any such person is privileged to obtain one (1) distinctive motor  
63 vehicle license plate or tag identifying him as a Pearl Harbor  
64 survivor \* \* \*. The distinctive plates or tags shall be of a  
65 color and design designated by the tax commission.

66 The distinctive license plates shall be prepared by the tax

67 commission and shall be issued through the tax collectors of the  
68 counties in the same manner as are other motor vehicle license  
69 plates or tags. An additional tag fee of Fifteen Dollars (\$15.00)  
70 shall be collected by the tax collector for such license plates or  
71 tags and shall be forwarded to the tax commission which shall  
72 deposit such fee to the credit of the State General Fund. An  
73 applicant for such distinctive plates shall present to the issuing  
74 official \* \* \* written proof that the applicant is an honorably  
75 discharged former member of one of the Armed Forces of the United  
76 States and, while serving in the Armed Forces of the United  
77 States, was present during the attack on the island of Oahu,  
78 Territory of Hawaii, on December 7, 1941, between the hours of  
79 7:55 a.m. and 9:45 a.m., Hawaii time \* \* \*. The distinctive  
80 license plates or tags so issued shall be used only upon a  
81 personally or jointly owned private passenger vehicle (to include  
82 station wagons, recreational motor vehicles and pickup trucks)  
83 registered in the name, or jointly in the name, of the person  
84 making application therefor, and when issued to such person shall  
85 be used upon the vehicle for which issued in lieu of the standard  
86 license plate or license tag normally issued for such vehicle.

87 The distinctive license plates shall not be transferable  
88 between motor vehicle owners; and in the event the owner of a  
89 vehicle bearing a distinctive plate shall sell, trade, exchange or  
90 otherwise dispose of the vehicle, such plate shall be retained by  
91 such owner and returned to the tax collector.

92 SECTION 3. Section 27-51-41, Mississippi Code of 1972, is  
93 amended as follows:

94 27-51-41. (1) The exemptions from the provisions of this  
95 chapter shall be confined to those persons or property exempted by  
96 this chapter or by the provisions of the Constitution of the  
97 United States or the State of Mississippi. No exemption as now  
98 provided by any other statute shall be valid as against the tax  
99 levied by this chapter. Any subsequent exemption from the tax

100 levied hereunder shall be provided by amendment to this section  
101 which shall be inserted in the bill at length.

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

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

108 (b) All motor vehicles belonging to the federal  
109 government or the State of Mississippi or any agencies or  
110 instrumentalities thereof shall be exempt from all ad valorem  
111 taxes.

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

114 (d) All motor vehicles owned by any fire protection  
115 district incorporated in accordance with Sections 19-5-151 through  
116 19-5-207 or by any fire protection grading district incorporated  
117 in accordance with Sections 19-5-215 through 19-5-243 shall be  
118 exempt from all ad valorem taxes.

119 (e) All motor vehicles owned by units of the  
120 Mississippi National Guard shall be exempt from all ad valorem  
121 taxes.

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

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

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

132 (i) Street rods as defined in Section 27-19-56.6 shall

133 be exempt from all ad valorem taxes.

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

138           (k) One (1) motor vehicle owned by the unremarried  
139 surviving spouse of a member of the Armed Forces of the United  
140 States who, while on active duty, is killed or dies and one (1)  
141 motor vehicle owned by the unremarried surviving spouse of a  
142 member of a reserve component of the Armed Forces of the United  
143 States or of the National Guard who, while on active duty for  
144 training, is killed or dies shall be exempt from ad valorem taxes.

145           (l) Motor vehicles owned by recipients of the  
146 Congressional Medal of Honor or by former prisoners of war, or by  
147 spouses of such deceased persons, in accordance with Section  
148 27-19-54, shall be exempt from all ad valorem taxes.

149           (m) Any religious society, ecclesiastical body or any  
150 congregation thereof shall be exempt from ad valorem taxation on  
151 one (1) private carrier of passengers, as defined in Section  
152 27-19-3, owned by it, which is used exclusively for such society  
153 and not for profit. All motor vehicles owned by any such  
154 religious society or any educational institution having a seating  
155 capacity greater than seven (7) passengers and used exclusively  
156 for transporting passengers for religious or educational purposes  
157 and not for profit shall be exempt from all ad valorem taxes.

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

164           (o) Antique motorcycles as defined in Section  
165 27-19-47.1, shall be exempt from all ad valorem taxes.

166           (p) Motor vehicles owned by Mississippians who are  
167 recipients of the Purple Heart Medal, or by spouses of such  
168 persons, who are issued a license plate or tag in accordance with  
169 the provisions of Section 1 of Senate Bill No. 2498, 1999 Regular  
170 Session, shall be exempt from ad valorem taxation.

171           (3) Any claim for tax exemption by authority of the  
172 above-mentioned code sections or by any other legal authority  
173 shall be set out in the application for the road and bridge  
174 privilege license, and the specific legal authority for such tax  
175 exemption claim shall be cited in said application, and such  
176 authority cited shall be shown by the tax collector on the tax  
177 receipt as his authority for not collecting such ad valorem taxes,  
178 and the tax collector shall carry forward such information in his  
179 tax collection reports.

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

185           (5) If a taxpayer shall sell, trade or otherwise dispose of  
186 a vehicle on which the ad valorem and road and bridge privilege  
187 taxes have been paid in any county in the state, he shall remove  
188 the license plate from the vehicle. Such license plate must be  
189 surrendered to the issuing authority with the corresponding tax  
190 receipt, if required, and credit shall be allowed for the taxes  
191 paid for the remaining tax year on like privilege or ad valorem  
192 taxes due on another vehicle owned by the seller or transferor or  
193 by the seller's or transferor's spouse or dependent child. If the  
194 seller or transferor does not elect to receive such credit at the  
195 time the license plate is surrendered, the issuing authority shall  
196 issue a certificate of credit to the seller or transferor, or to  
197 the seller's or transferor's spouse or dependent child, or to any  
198 other person, business or corporation, at the direction of the

199 seller or transferor, for the remaining unexpired taxes prorated  
200 from the first day of the month following the month in which the  
201 license plate is surrendered. The total of such credit may be  
202 used by the person or entity to whom the certificate of credit is  
203 issued, regardless of the relative amounts attributed to privilege  
204 taxes or to county, school or municipal ad valorem taxes. Any  
205 credit allowed for taxes due or any certificate of credit issued  
206 may be applied to like taxes owed in any county by the person to  
207 whom the credit is allowed or by the person possessing the  
208 certificate of credit. No credit, however, shall be allowed on  
209 the charge made for the license plate. Such license plates  
210 surrendered to the tax collector shall be retained by him, and in  
211 no event shall such license plate be attached to any vehicle after  
212 being surrendered to the tax collector, nor shall any license  
213 plate be transferred from one (1) vehicle to any other vehicle.

214 (6) If the person owning a vehicle subject to taxation under  
215 the provisions of this chapter does not operate such vehicle on  
216 the highways of this state from the date of acquisition or, if  
217 previously registered, from the end of the anniversary month of  
218 the tag and decals to the date on which he makes application for a  
219 current license tag or decals, he shall pay such ad valorem tax  
220 for a period of twelve (12) months beginning with the first day of  
221 the month in which he applies for a current license tag or decals  
222 under Chapter 19, Title 27, Mississippi Code of 1972. The owner  
223 shall submit an affidavit with an application attesting to the  
224 fact that the vehicle was not operated on the highways of this  
225 state from the date of acquisition or, if previously registered,  
226 from the end of the anniversary month of the tag and decals to the  
227 date on which he makes application for the current license tag or  
228 decals.

229 (7) Any person found violating any of the provisions of this  
230 section shall be arrested and tried, and if found guilty shall be  
231 fined in an amount double the total amount of taxes involved.

232 SECTION 4. Nothing in this act shall affect or defeat any  
233 claim, assessment, appeal, suit, right or cause of action for  
234 taxes due or accrued under the highway privilege tax laws or the  
235 motor vehicle ad valorem tax laws before the date on which this  
236 act becomes effective, whether such claims, assessments, appeals,  
237 suits or actions have been begun before the date on which this act  
238 becomes effective or are begun thereafter; and the provisions of  
239 the highway privilege tax laws and the motor vehicle ad valorem  
240 tax laws are expressly continued in full force, effect and  
241 operation for the purpose of the assessment, collection and  
242 enrollment of liens for any taxes due or accrued and the execution  
243 of any warrant under such laws before the date on which this act  
244 becomes effective, and for the imposition of any penalties,  
245 forfeitures or claims for failure to comply with such laws.

246 SECTION 5. This act shall take effect and be in force from  
247 and after October 1, 1999.