

By: Senator(s) Robertson, Johnson (19th)

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2632

1 AN ACT TO AMEND SECTIONS 63-21-1, 63-21-3, 63-21-5, 63-21-9,
2 63-21-11, 63-21-15, 63-21-16, 63-21-17, 63-21-18, 63-21-19,
3 63-21-21, 63-21-23, 63-21-25, 63-21-29, 63-21-31, 63-21-33,
4 63-21-35, 63-21-37, 63-21-41, 63-21-42, 63-21-43, 63-21-45,
5 63-21-47, 63-21-49, 63-21-53, 63-21-57, 63-21-59, 63-21-61,
6 63-21-65 AND 63-21-67, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
7 CERTIFICATES OF TITLE TO BE ISSUED FOR MANUFACTURED HOMES AND
8 MOBILE HOMES; TO CREATE A NEW CODE SECTION TO BE CODIFIED AS
9 SECTION 63-21-64, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR FEES TO
10 BE PAID TO THE STATE TAX COMMISSION FOR ISSUING AND PROCESSING
11 DOCUMENTS NECESSARY TO ISSUE CERTIFICATES OF TITLE FOR
12 MANUFACTURED HOMES AND MOBILE HOMES; TO AMEND SECTIONS 27-41-101,
13 27-41-103, 27-53-1, 27-53-3, 27-53-5, 27-53-7, 27-53-9, 27-53-11,
14 27-53-13, 27-53-15, 27-53-17, 27-53-19, 27-53-21, 27-53-23,
15 27-53-27 AND 27-53-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY
16 THERETO; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
17 LEGISLATURE OF THE STATE OF MISSISSIPPI:

18
19 SECTION 1. Section 63-21-1, Mississippi Code of 1972, is
20 amended as follows:

21 63-21-1. This chapter may be cited as "The Mississippi Motor
22 Vehicle and Manufactured Housing Title Law."

23 SECTION 2. Section 63-21-3, Mississippi Code of 1972, is
24 amended as follows:

25 63-21-3. The terms and provisions of this chapter shall be
26 administered by the motor vehicle comptroller, as created by
27 Chapter 5 of Title 27, Mississippi Code of 1972, and his duly
28 authorized representatives. The motor vehicle comptroller shall
29 have charge of all the affairs of administering the laws of the
30 state relative to vehicle and manufactured housing registration
31 and titling as hereinafter provided and may employ such
32 administrative and clerical assistance, material, and equipment as
33 may be necessary to enable him to speedily, completely, and
34 efficiently perform the duties as outlined in this chapter.

35 SECTION 3. Section 63-21-5, Mississippi Code of 1972, is
36 amended as follows:

37 63-21-5. The following words and phrases when used in this
38 chapter shall, for the purpose of this chapter, have the meanings
39 respectively ascribed to them in this section except where the
40 context clearly indicates a different meaning:

41 (a) "State Tax Commission" shall mean the State Tax
42 Commission of the State of Mississippi.

43 (b) The term "dealer" shall mean every person engaged
44 regularly in the business of buying, selling or exchanging motor
45 vehicles, trailers, semitrailers, trucks, tractors or other
46 character of commercial or industrial motor vehicles in this
47 state, and having in this state an established place of business
48 as defined in Section 27-19-303, Mississippi Code of 1972. The
49 term "dealer" shall also mean every person engaged regularly in
50 the business of buying, selling or exchanging manufactured housing
51 in this state, and licensed as a dealer of manufactured housing by
52 the Mississippi Department of Insurance.

53 (c) The term "designated agent" shall mean each county
54 tax collector in this state who may perform his duties under this
55 chapter either personally or through any of his deputies, or such
56 other persons as the State Tax Commission may designate. The term
57 shall also mean those "dealers" as herein defined and/or their
58 officers and employees who are appointed by the State Tax
59 Commission in the manner provided in Section 63-21-13, Mississippi
60 Code of 1972, to perform the duties of "designated agent" for the
61 purposes of this chapter.

62 (d) The term "implement of husbandry" shall mean every
63 vehicle designed and adapted exclusively for agricultural,
64 horticultural or livestock raising operations or for lifting or
65 carrying an implement of husbandry and in either case not subject
66 to registration if used upon the highways.

67 (e) The term "vehicle identification number" shall mean

68 the numbers and letters on a vehicle, manufactured home or mobile
69 home designated by the manufacturer or assigned by the State Tax
70 Commission for the purpose of identifying the vehicle,
71 manufactured home or mobile home.

72 (f) The term "lien" means every kind of written lease
73 which is substantially equivalent to an installment sale or which
74 provides for a right of purchase; conditional sale; reservation of
75 title; deed of trust; chattel mortgage; trust receipt; and every
76 other written agreement or instrument of whatever kind or
77 character whereby an interest other than absolute title is sought
78 to be held or given on a motor vehicle, manufactured home or
79 mobile home.

80 (g) The term "lienholder" shall mean any natural
81 person, firm, copartnership, association or corporation holding a
82 lien as herein defined on a motor vehicle, manufactured home or
83 mobile home.

84 (h) The term "manufactured housing" or "manufactured
85 home" shall mean any structure, transportable in one or more
86 sections, which in the traveling mode, is eight (8) body feet or
87 more in width or forty (40) body feet or more in width or forty
88 (40) body feet or more in length or, when erected on site, is
89 three hundred twenty (320) or more square feet and which is built
90 on a permanent chassis and designed to be used as a dwelling with
91 or without a permanent foundation when connected to the required
92 utilities, and includes the plumbing, heating, air-conditioning
93 and electrical systems contained therein; except that such terms
94 shall include any structure which meets all the requirements of
95 this paragraph except the size requirements and with respect to
96 which the manufacturer voluntarily files a certification required
97 by the Secretary of Housing and Urban Development and complies
98 with the standards established under the National Manufactured
99 Housing Construction and Safety Standards Act of 1974, 42 U.S.C.,
100 Section 5401.

101 (i) The term "manufacturer" shall mean any person
102 regularly engaged in the business of manufacturing, constructing
103 or assembling motor vehicles, either within or without this state.

104 (j) The term "mobile home" shall mean any structure,
105 transportable in one or more sections, which in the traveling
106 mode, is eight (8) body feet or more in width or forty (40) body
107 feet or more in width or forty (40) body feet or more in length
108 or, when erected on site, is three hundred twenty (320) or more
109 square feet and which is built on a permanent chassis and designed
110 to be used as a dwelling with or without a permanent foundation
111 when connected to the required utilities, and includes the
112 plumbing, heating, air-conditioning and electrical systems
113 contained therein and manufactured prior to June 15, 1976.

114 (k) The term "motorcycle" shall mean every motor
115 vehicle having a seat or saddle for the use of the rider and
116 designed to travel on not more than three (3) wheels in contact
117 with the ground, but excluding a farm tractor.

118 (l) The term "motor vehicle" shall include every
119 automobile, motorcycle, mobile trailer, semitrailer, truck, truck
120 tractor, trailer and every other device in, upon, or by which any
121 person or property is or may be transported or drawn upon a public
122 highway which is required to have a road or bridge privilege
123 license, except such as is moved by animal power or used
124 exclusively upon stationary rails or tracks.

125 (m) The term "new vehicle" shall mean a motor vehicle,
126 manufactured home or mobile home which has never been the subject
127 of a first sale for use.

128 (n) The term "used vehicle" shall mean a motor vehicle,
129 manufactured home or mobile home that has been the subject of a
130 first sale for use, whether within this state or elsewhere.

131 (o) The term "owner" shall mean a person or persons
132 holding the legal title of a vehicle, manufactured home or mobile
133 home; in the event a vehicle, manufactured home or mobile home is

134 the subject of a deed of trust or a chattel mortgage or an
135 agreement for the conditional sale or lease thereof or other like
136 agreement, with the right of purchase upon performance of the
137 conditions stated in the agreement and with the immediate right of
138 possession vested in the grantor in the deed of trust, mortgagor,
139 conditional vendee or lessee, said grantor, mortgagor, conditional
140 vendee or lessee shall be deemed the owner for the purpose of this
141 chapter.

142 (p) The term "person" shall include every natural
143 person, firm, copartnership, association or corporation.

144 (q) The term "pole trailer" shall mean every vehicle
145 without motive power designed to be drawn by another vehicle and
146 attached to the towing vehicle by means of a reach or pole, or by
147 being boomed or otherwise secured to the towing vehicle, and
148 ordinarily used for transporting long or irregularly shaped loads
149 such as poles, pipes, boats or structural members capable
150 generally of sustaining themselves as beams between the supporting
151 connections.

152 (r) The term "security agreement" shall mean a written
153 agreement which reserves or creates a security interest.

154 (s) The term "security interest" shall mean an interest
155 in a vehicle, manufactured home or mobile home reserved or created
156 by agreement and which secures payment or performance of an
157 obligation. The term includes the interest of a lessor under a
158 lease intended as security. A security interest is "perfected"
159 when it is valid against third parties generally, subject only to
160 specific statutory exceptions.

161 (t) The term "special mobile equipment" shall mean
162 every vehicle not designed or used primarily for the
163 transportation of persons or property and only incidentally
164 operated or moved over a highway, including, but not limited to:
165 ditch-digging apparatus, well-boring apparatus and road
166 construction and maintenance machinery such as asphalt spreaders,

167 bituminous mixers, bucket loaders, tractors other than truck
168 tractors, ditchers, leveling graders, finishing machines, motor
169 graders, road rollers, scarifiers, earth-moving carryalls and
170 scrapers, power shovels and draglines, and self-propelled cranes,
171 vehicles so constructed that they exceed eight (8) feet in width
172 and/or thirteen (13) feet six (6) inches in height, and
173 earth-moving equipment. The term does not include house trailers,
174 dump trucks, truck-mounted transit mixers, cranes or shovels, or
175 other vehicles designed for the transportation of persons or
176 property to which machinery has been attached.

177 (u) The term "nonresident" shall mean every person who
178 is not a resident of this state.

179 (v) The term "current address" shall mean a new address
180 different from the address shown on the application or on the
181 certificate of title. The owner shall within thirty (30) days
182 after his address is changed from that shown on the application or
183 on the certificate of title notify the State Tax Commission of the
184 change of address in the manner prescribed by the State Tax
185 Commission.

186 (w) The term "odometer" shall mean an instrument for
187 measuring and recording the actual distance a motor vehicle
188 travels while in operation; but shall not include any auxiliary
189 instrument designed to be reset by the operator of the motor
190 vehicle for the purpose of recording the distance traveled on
191 trips.

192 (x) The term "odometer reading" shall mean the actual
193 cumulative distance traveled disclosed on the odometer.

194 (y) The term "odometer disclosure statement" shall mean
195 a statement certified by the owner of the motor vehicle to the
196 transferee or to the State Tax Commission as to the odometer
197 reading.

198 (z) The term "mileage" shall mean actual distance that
199 a vehicle has traveled.

200 (aa) The term "trailer" shall mean every vehicle other
201 than a "pole trailer" as defined in this chapter without motive
202 power designed to be drawn by another vehicle and attached to the
203 towing vehicle for the purpose of hauling goods or products. The
204 term "trailer" shall not refer to any structure, transportable in
205 one or more sections regardless of size, when erected on site, and
206 which is built on a permanent chassis and designed to be used as a
207 dwelling with or without a permanent foundation when connected to
208 the required utilities, and includes the plumbing, heating,
209 air-conditioning and electrical systems contained therein
210 regardless of the date of manufacture.

211 SECTION 4. Section 63-21-9, Mississippi Code of 1972, is
212 amended as follows:

213 63-21-9. Except as provided in Section 63-21-11, every owner
214 of a motor vehicle as defined in this chapter, which is in this
215 state and which is manufactured or assembled after July 1, 1969,
216 or which is the subject of first sale for use after July 1, 1969,
217 and every owner of a manufactured home as defined in this chapter,
218 which is in this state and which is manufactured or assembled
219 after July 1, 1999, or which is the subject of first sale for use
220 after July 1, 1999, shall make application to the comptroller for
221 a certificate of title * * * with the following exceptions:

222 (a) Voluntary application for title may be made for any
223 model motor vehicle which is in this state after July 1, 1969, and
224 for any model manufactured home or mobile home which is in this
225 state after July 1, 1999, and any person bringing a motor vehicle,
226 manufactured home or mobile home into this state from a state
227 which requires titling shall make application for title to the
228 comptroller within thirty (30) days thereafter.

229 (b) After July 1, 1969, any dealer, acting for himself,
230 or another, who sells, trades or otherwise transfers any new or
231 used vehicle as defined in this chapter, and after July 1, 1999,
232 any dealer, acting for himself, or another, who sells, trades or

233 otherwise transfers any new or used manufactured home or mobile
234 home as defined in this chapter, or any designated agent, shall
235 furnish to the purchaser or transferee, without charge for either
236 application or certificate of title, an application for title of
237 said vehicle, manufactured home or mobile home and cause to be
238 forwarded to the motor vehicle comptroller any and all documents
239 required by the motor vehicle comptroller to issue certificate of
240 title to the purchaser or transferee. The purchaser or transferee
241 may then use the duplicate application for title as a permit to
242 operate vehicle as provided in Section 63-21-67, until certificate
243 of title is received.

244 Any dealer, acting for himself or another who sells, trades
245 or otherwise transfers any vehicle, manufactured home or mobile
246 home required to be titled under this chapter who does not comply
247 with the provisions of this chapter shall be guilty of a
248 misdemeanor and upon conviction shall be fined a sum not exceeding
249 five hundred dollars (\$500.00).

250 SECTION 5. Section 63-21-11, Mississippi Code of 1972, is
251 amended as follows:

252 63-21-11. No certificate of title need be obtained for:

253 (a) A vehicle, manufactured home or mobile home owned
254 by the United States or any agency thereof;

255 (b) A vehicle, manufactured home or mobile home owned
256 by a manufacturer or dealer and held for sale, even though
257 incidentally moved on the highway or used for purposes of testing
258 or demonstration, or a vehicle used by a manufacturer solely for
259 testing;

260 (c) A vehicle, manufactured home or mobile home owned
261 by a nonresident of this state and not required by law to be
262 registered in this state;

263 (d) A vehicle regularly engaged in the interstate
264 transportation of persons or property for which a currently
265 effective certificate of title has been issued in another state;

- 266 (e) A vehicle moved solely by animal power;
267 (f) An implement of husbandry;
268 (g) Special mobile equipment;
269 (h) A pole trailer;
270 (i) Utility trailers of less than five thousand (5,000)
271 pounds gross vehicle weight.

272 SECTION 6. Section 63-21-15, Mississippi Code of 1972, is
273 amended as follows:

274 63-21-15. (1) The application for the certificate of title
275 of a vehicle, manufactured home or mobile home in this state shall
276 be made by the owner to a designated agent, on the form the State
277 Tax Commission prescribes, and shall contain or be accompanied by
278 the following, if applicable:

279 (a) The name, current residence and mailing address of
280 the owner;

281 (b) A description of the vehicle, manufactured home or
282 mobile home, including the following data, if applicable: year,
283 make, model, vehicle identification number, type of body, the
284 number of cylinders, odometer reading at the time of application,
285 length and width of the manufactured home or mobile home and
286 whether new or used;

287 (c) The date of purchase by applicant, the name and
288 address of the person from whom the vehicle, manufactured home or
289 mobile home was acquired, and the names and addresses of any
290 lienholders in the order of their priority and the dates of their
291 security agreements; * * *

292 (d) In connection with the transfer of ownership of a
293 manufactured home or mobile home sold by a sheriff's bill of sale,
294 a copy of the sheriff's bill of sale; and

295 (e) (i) An odometer disclosure statement made by the
296 transferor of the vehicle. The statement shall read:

297 "Federal and state law requires that you state the
298 mileage in connection with the transfer of ownership. Failure to

299 complete or providing a false statement may result in fine and/or
300 imprisonment.

301 I state that the odometer now reads _____ (no
302 tenths) miles and to the best of my knowledge that it reflects the
303 actual mileage of the vehicle described herein, unless one (1) of
304 the following statements is checked:

305 _____ (1) I hereby certify that to the best of my
306 knowledge the odometer reading reflects the amount of mileage in
307 excess of its mechanical limits.

308 _____ (2) I hereby certify that the odometer
309 reading is not the actual mileage.-WARNING-ODOMETER DISCREPANCY!"

310 (ii) In connection with the transfer of ownership
311 of a motor vehicle, each transferor shall disclose the mileage to
312 the transferee in writing on the title or on the document being
313 used to reassign the title, which form shall be prescribed and
314 furnished by the State Tax Commission. This written disclosure
315 must be signed by the transferor and transferee, including the
316 printed name of both parties.

317 Notwithstanding the requirements above, the following
318 exemptions as to odometer disclosure shall be in effect:

319 (A) A vehicle having a gross vehicle weight
320 rating of more than sixteen thousand (16,000) pounds.

321 (B) A vehicle that is not self-propelled.

322 (C) A vehicle that is ten (10) years old or
323 older.

324 (D) A vehicle sold directly by the
325 manufacturer to any agency of the United States in conformity with
326 contractual specifications.

327 (E) A transferor of a new vehicle prior to
328 its first transfer for purposes other than resale need not
329 disclose the vehicle's odometer mileage.

330 (iii) Any person who knowingly gives a false
331 statement concerning the odometer reading on an odometer

332 disclosure statement shall be guilty of a misdemeanor and, upon
333 conviction, shall be subject to a fine of up to One Thousand
334 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or
335 both, at the discretion of the court. These penalties shall be
336 cumulative, supplemental and in addition to the penalties provided
337 by any other law.

338 (2) The application shall be accompanied by such evidence as
339 the State Tax Commission reasonably requires to identify the
340 vehicle, manufactured home or mobile home and to enable the State
341 Tax Commission to determine whether the owner is entitled to a
342 certificate of title and the existence or nonexistence of security
343 interests in the vehicle, manufactured home or mobile home and
344 whether the applicant is liable for a use tax as provided by
345 Sections 27-67-1 through 27-67-33.

346 (3) If the application is for a vehicle, manufactured home
347 or mobile home purchased from a dealer, it shall contain the name
348 and address of any lienholder holding a security interest created
349 or reserved at the time of the sale and the date of his security
350 agreement and it shall be signed by the dealer as well as the
351 owner. The designated agent shall promptly mail or deliver the
352 application to the State Tax Commission.

353 (4) If the application is for a new vehicle, manufactured
354 home or mobile home, it shall contain the certified manufacturer's
355 statement of origin showing proper assignments to the applicant
356 and a copy of each security interest document.

357 (5) Each application shall contain or be accompanied by the
358 certificate of a designated agent that the vehicle, manufactured
359 home or mobile home has been physically inspected by him and that
360 the vehicle identification number and descriptive data shown on
361 the application, pursuant to the requirements of subsection (1)(b)
362 of this section, are correct, and also that he has identified the
363 person signing the application and witnessed the signature. If
364 the application is to receive a clear title for a vehicle,

365 manufactured home or mobile home for which a salvage certificate
366 of title has been issued, the application shall be accompanied by
367 a sworn affidavit that the vehicle, manufactured home or mobile
368 home complies with the requirements of this section, Section
369 63-21-39 and the regulations promulgated by the State Tax
370 Commission under Section 63-21-39.

371 (6) If the application is for a first certificate of title
372 on a vehicle, manufactured home or mobile home other than a new
373 vehicle, manufactured home or mobile home, then the application
374 shall conform with the requirements of this section except that in
375 lieu of the manufacturer's statement of origin, the application
376 shall be accompanied by a copy of the bill of sale of said motor
377 vehicle, manufactured home or mobile home whereby the applicant
378 claims title or in lieu thereof certified copies of the last two
379 (2) years' tag and tax receipts or in lieu thereof such other
380 information the State Tax Commission may reasonably require to
381 identify the vehicle, manufactured home or mobile home and to
382 enable the State Tax Commission to determine ownership of the
383 vehicle, manufactured home or mobile home and the existence or
384 nonexistence of security interest in it. If the application is
385 for a vehicle, manufactured home or mobile home last previously
386 registered in another state or country, the application shall also
387 be accompanied by the certificate of title issued by the other
388 state or country, if any, properly assigned.

389 (7) Every designated agent within this state shall, no later
390 than the next business day after they are received by him, forward
391 to the State Tax Commission by mail, postage prepaid, the
392 originals of all applications received by him, together with such
393 evidence of title as may have been delivered to him by the
394 applicants.

395 (8) An application for certificate of title and information
396 to be placed on an application for certificate of title may be
397 transferred electronically as provided in Section 63-21-16.

398 SECTION 7. Section 63-21-16, Mississippi Code of 1972, is
399 amended as follows:

400 63-21-16. (1) Banks and other lending institutions that are
401 appointed designated agents by the State Tax Commission under
402 Section 63-21-13(3), Mississippi Code of 1972, may electronically
403 transmit to the State Tax Commission information entered by the
404 institution on applications for a certificate of title given in
405 connection with a loan for which the owner's motor vehicle,
406 manufactured home or mobile home is pledged to that institution as
407 collateral for the loan. The format and the data required to be
408 transmitted shall be established by the State Tax Commission.
409 Transmission of data shall meet minimum criteria and edits
410 established by the State Tax Commission equal to any edit
411 presently existing in the statewide title registration system, or
412 as may be established, to which the county tax collectors shall
413 also conform. All data transmitted must successfully pass
414 established edits of vehicle identification number, title number,
415 year, make, series, body style, title type, lienholder name,
416 mailing address and lienholder account number assigned to a
417 lienholder by the State Tax Commission to identify the lienholder,
418 for the purpose of causing the data to appear in the certificate
419 of title for which the application is made.

420 (2) It shall be the responsibility of the institution to
421 verify all data before it is electronically transmitted. It shall
422 also be the responsibility of the institution to ensure that the
423 required certification of designated agent and the certification
424 of statement of facts that are contained on the application for
425 certificate of title appear above the signatures of both the owner
426 and the authorized representative of the designated agent. Data
427 which cannot be transmitted because of error shall be corrected by
428 the institution when the statewide title registration system
429 indicates that the data is erroneous or is not valid for the
430 purposes of titling the motor vehicle, manufactured home or mobile

431 home or for transfer of the data.

432 (3) When an institution has agreed to loan money for the
433 purchase of a motor vehicle, manufactured home or mobile home, the
434 institution shall complete an application for certificate of title
435 or require the borrower to provide to the institution the copy of
436 the application for certificate of title contained in the
437 application packet which is designated "Lienholder's Copy"
438 according to provisions of the Motor Vehicle and Manufactured
439 Housing Title Law, which the owner will receive from the county
440 tax collector or any designated agent upon completion of the
441 application for title and registration process.

442 (4) An application for certificate of title originating from
443 a designated agent shall be entered on the statewide title
444 registration system by the originating lending institution when
445 the transaction is for the purpose of perfecting the institution's
446 interest in a vehicle, manufactured home or mobile home currently
447 owned or purchased by the applicant, in connection with
448 application for certificate of title or the purchase of a license
449 tag or both.

450 (5) When an institution in this state adds a second lien on
451 a certificate of title in possession of a first lienholder
452 institution in this state, the second lienholder institution
453 seeking to be shown on the certificate of title shall:

454 (a) Prepare the application for certificate of title in
455 accordance with the requirements of Sections 63-21-15 and
456 63-21-45(c);

457 (b) Obtain all required signatures; and

458 (c) Forward the completed application for certificate
459 of title to the first lienholder together with any necessary
460 remittance advice, a check for the title fee payable to the State
461 Tax Commission and a cover letter to the first lienholder
462 requesting that the first lienholder attach the certificate of
463 title to the required documents sent by the second lienholder and

464 then forward the application, certificate of title and required
465 documents to the State Tax Commission.

466 (6) Upon receipt of the application for certificate of title
467 from the second lienholder institution to record the second lien,
468 the first lienholder institution shall compare the data contained
469 in the application for certificate of title to the information
470 contained in the original certificate of title. If the first
471 lienholder institution is satisfied as to the ownership, accuracy
472 and order of priority of liens as shown in the application, it
473 shall enter the data contained on the application for certificate
474 of title prepared by the second lienholder on the statewide title
475 registration system, including the designated agent number of the
476 second lienholder. After entering the data from the application
477 for certificate of title, the first lienholder institution shall
478 immediately forward the application for certificate of title with
479 the certificate of title attached to the application, the
480 remittance advice and the second lienholder's check for the title
481 fee to the State Tax Commission within three (3) working days.

482 (7) In an assignment of lien pursuant to Section 63-21-47,
483 the assignee shall receive the notice of assignment along with the
484 current title attached and with the assignors interest open. The
485 assignee lienholder shall prepare an application for certificate
486 of title according to the notice of assignment, showing the
487 assignee institution as the lienholder, and then shall
488 electronically transmit the data to the State Tax Commission. The
489 completed application shall be forwarded to the State Tax
490 Commission within three (3) working days.

491 (8) The State Tax Commission, upon receipt of applications
492 for certificate of title, shall verify the data by accessing it on
493 the statewide title registration system by the title application
494 control number appearing on the application for title. After
495 receiving verification that is satisfactory to the State Tax
496 Commission that the data necessary for the issuance of a new

497 certificate of title exists, the State Tax Commission shall issue
498 a new certificate of title that records the interests of all the
499 parties named in the application for certificate of title.

500 (9) Institutions shall be connected to the statewide title
501 registration system for the purpose of electronic transfer of
502 applications for certificate of title data in the order of
503 priority established by the State Tax Commission.

504 (10) If a participating institution fails to comply with the
505 provisions of this section or the rules adopted by the State Tax
506 Commission to implement this section, the State Tax Commission may
507 impose a penalty of Twenty-five Dollars (\$25.00) for each instance
508 of noncompliance. Any penalty imposed under this section not paid
509 within thirty (30) days after a notice is given shall be subject
510 to collection from the bond of the designated agent that is
511 required to be provided under the provisions of Section
512 63-21-13(3). The penalty provided shall also be assessable, due
513 and collectible from any licensed motor vehicle dealer or
514 manufactured or mobile home dealer for failure to accept an
515 application for certificate of title for each and every vehicle,
516 manufactured home or mobile home he sells to a consumer. These
517 penalties shall be cumulative, supplemental and in addition to the
518 penalties provided by any other law.

519 (11) This section shall apply to any bank or lending
520 institution that is appointed as a designated agent by the State
521 Tax Commission under Section 63-21-13(3), that chooses to
522 electronically transmit information on applications for
523 certificates of title to the State Tax Commission. This section
524 shall not apply to other banks or lending institutions.

525 SECTION 8. Section 63-21-17, Mississippi Code of 1972, is
526 amended as follows:

527 63-21-17. (1) The comptroller shall examine each
528 application received and, when satisfied as to its genuineness and
529 regularity and that the applicant is entitled to the issuance of a

530 certificate of title, shall issue a certificate of title of the
531 vehicle, manufactured home or mobile home on the form prescribed
532 by the comptroller.

533 (2) The comptroller shall maintain a record of all
534 certificates of title issued pursuant to the provisions of this
535 chapter:

536 (a) Under a distinctive title number assigned to the
537 vehicle, manufactured home or mobile home;

538 (b) Under the vehicle identification number;

539 (c) Under the name of the owner; and

540 (d) In the discretion of the comptroller, by any other
541 method the comptroller determines.

542 SECTION 9. Section 63-21-18, Mississippi Code of 1972, is
543 amended as follows:

544 63-21-18. The Mississippi Department of Information
545 Technology Services shall provide equipment for the operation and
546 maintenance of the automated statewide motor vehicle, manufactured
547 housing and mobile home registration system by the State Tax
548 Commission.

549 The automated statewide motor vehicle, manufactured housing
550 and mobile home registration system shall provide for computer
551 terminals and printers, as authorized by the Mississippi
552 Department of Information Technology Services, to be located in
553 the quantity necessary in each county seat tax collector's office
554 and any other office in which more than fifty percent (50%) of the
555 motor vehicle registrations in the county are made.

556 All county tax collectors shall participate in such system as
557 it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter
558 21, Title 63; Mississippi Code of 1972, in accordance with rules
559 and regulations promulgated by the State Tax Commission. Such
560 rules and regulations shall provide that counties which have an
561 existing computer system designed to produce registration data may
562 elect to use such existing system to communicate

563 title/registration data to the commission through the computer
564 furnished by the state as hereinabove provided in this section.
565 If the State Tax Commission finds and determines that a county has
566 failed to successfully establish or update title/registration data
567 into the statewide vehicle, manufactured housing and mobile home
568 title/registration system, either through use of equipment
569 supplied by the State Tax Commission or through the interfacing
570 between the network system and county computer equipment, the
571 State Tax Commission shall thereafter cause to be withheld the
572 county's homestead exemption reimbursement monies, except for
573 school districts and municipalities, until such time as the county
574 has complied with this provision. Such monies as are withheld
575 from a county for failure to comply with this provision shall be
576 placed into a special escrow account to be established in the
577 State Treasury. Once the county achieves compliance by
578 successfully establishing or updating title/registration data into
579 the statewide vehicle, manufactured housing and mobile home
580 title/registration system, then the commission shall cause to be
581 released to the county all funds held in escrow on the county's
582 behalf during the period of noncompliance. All interest earned
583 shall accrue to the benefit of the county on any funds placed in
584 an escrow account. Any cost involved in interfacing between
585 existing county computer systems and the state-provided computer
586 shall be paid by the county.

587 The computer terminals and printers placed in each county tax
588 collector's office may be utilized to provide additional computer
589 functions as authorized by the Mississippi Department of
590 Information Technology Services.

591 The State Fiscal Officer shall issue his warrants to the
592 State Treasurer for the expenditures for the implementation and
593 maintenance of the system upon requisitions signed by the Chairman
594 of the State Tax Commission, as authorized by the Legislature.

595 It is the intent of the Legislature that the operation of the

596 statewide motor vehicle, manufactured housing and mobile home
597 title registration system shall be the responsibility of the State
598 Tax Commission.

599 The State Tax Commission shall provide for the transfer of
600 motor vehicle, manufactured housing and mobile home title and lien
601 registration information to the commission by electronic means
602 from banks and other lending institutions as provided in Section
603 63-21-18. The Mississippi Department of Information Technology
604 Services shall cooperate with the State Tax Commission in
605 implementing the provisions of Section 63-21-18, and shall provide
606 the State Tax Commission with whatever assistance the commission
607 needs to carry out the provisions of Section 63-21-18.

608 SECTION 10. Section 63-21-19, Mississippi Code of 1972, is
609 amended as follows:

610 63-21-19. Each certificate of title issued by the State Tax
611 Commission shall contain:

612 (a) The date issued;

613 (b) The name and current address of the owner;

614 (c) The names and addresses of the first two (2)

615 lienholders in the order of priority as shown on the application,
616 or if the application is based on a certificate of title as shown
617 on the certificate;

618 (d) The title number;

619 (e) A description of the vehicle, manufactured home or
620 mobile home, including the following data, if applicable: year,
621 make, model, vehicle identification number, type of body, number
622 of cylinders, whether new or used, odometer reading, a statement
623 which qualifies mileage according to the odometer disclosure
624 certified by the transferor, length and width of the manufactured
625 home or mobile home, and if a new vehicle the date of the first
626 sale of the vehicle for use; and

627 (f) Any other data the State Tax Commission prescribes.

628 (2) Unless security is furnished as provided in subsection

629 (b) of Section 63-21-23, Mississippi Code of 1972, a distinctive
630 certificate of title shall be issued for a vehicle, manufactured
631 home or mobile home last previously registered in another state or
632 country the laws of which do not require that lienholders be named
633 on a certificate of title to perfect their security interests.
634 The certificate shall contain the legend "This vehicle,
635 manufactured home or mobile home may be subject to an undisclosed
636 lien" and may contain any other information the State Tax
637 Commission prescribes. If no notice of a security interest in the
638 vehicle, manufactured home or mobile home is received by the State
639 Tax Commission within four (4) months from the issuance of the
640 distinctive certificate of title, the State Tax Commission shall,
641 upon application and surrender of the distinctive certificate,
642 issue a certificate of title in ordinary form.

643 (3) The certificate of title shall contain forms for
644 assignment and warranty of title by the owner, and for assignment
645 and warranty of title by a dealer, and may contain forms for
646 applications for a certificate of title by a transferee, the
647 naming of a lienholder and the assignment or release of the
648 security interest of a lienholder.

649 (4) A certificate of title issued by the State Tax
650 Commission is prima facie evidence of the facts appearing on it.

651 (5) A certificate of title for a vehicle, manufactured home
652 or mobile home is not subject to garnishment, attachment,
653 execution or other judicial process. However, this paragraph
654 shall not prevent a lawful levy upon the vehicle, manufactured
655 home or mobile home.

656 SECTION 11. Section 63-21-21, Mississippi Code of 1972, is
657 amended as follows:

658 63-21-21. The certificate of title shall be mailed to the
659 first lienholder named in it or, if none, to the owner. If the
660 original certificate of title is delivered to a lienholder, a
661 nontransferable duplicate certificate of title shall be mailed to

662 the owner to serve as a permit for operation of the motor vehicle
663 or use or occupancy of the manufactured home or mobile home.

664 SECTION 12. Section 63-21-23, Mississippi Code of 1972, is
665 amended as follows:

666 63-21-23. If the comptroller is not satisfied as to the
667 ownership of the vehicle, manufactured home or mobile home or that
668 there are no undisclosed security interests in it, the comptroller
669 may accept the application but shall either:

670 (a) Withhold issuance of a certificate of title until
671 the applicant presents documents reasonably sufficient to satisfy
672 the comptroller as to the applicant's ownership of the vehicle,
673 manufactured home or mobile home and that there are no undisclosed
674 security interests in it; or

675 (b) As a condition of issuing a certificate of title,
676 require the applicant or dealer to file with the comptroller a
677 bond in the form prescribed by the comptroller and executed by the
678 applicant or dealer and by a person authorized to conduct a surety
679 business in this state, or require the application to be
680 accompanied by the deposit of cash with the comptroller. The bond
681 or cash shall be in an amount equal to one and one-half (1-1/2)
682 times the value of the vehicle, manufactured home or mobile home
683 as determined by the comptroller and conditioned to indemnify any
684 prior owner and lienholder and any subsequent purchaser of the
685 vehicle, manufactured home or mobile home or person acquiring any
686 security interest in it, and their respective successors in
687 interest, against any expense, loss or damage, including
688 reasonable attorney's fees, by reason of the issuance of the
689 certificates of title of the vehicle, manufactured home or mobile
690 home or on account of any defect in or undisclosed security
691 interest upon the right, title and interest of the applicant in
692 and to the vehicle, manufactured home or mobile home. Any such
693 interested person has a right of action to recover on the bond or
694 cash for any breach of its conditions, but the aggregate liability

695 of the surety to all persons shall not exceed the amount of the
696 bond or cash. The bond or cash shall be returned at the end of
697 three (3) years unless the comptroller has been notified of the
698 pendency of an action to recover on the bond or cash or that the
699 vehicle, manufactured home or mobile home does not belong to the
700 registered owner or that it is encumbered by an undisclosed lien.

701 SECTION 13. Section 63-21-25, Mississippi Code of 1972, is
702 amended as follows:

703 63-21-25. The comptroller shall refuse issuance of a
704 certificate of title:

705 (a) If any required fee is not paid; or

706 (b) If the comptroller has reasonable grounds to
707 believe that the applicant is not the owner of the vehicle,
708 manufactured home or mobile home, or that the application contains
709 a false or fraudulent statement, or that the applicant has failed
710 to furnish required information or documents or any additional
711 information the comptroller reasonably requires.

712 SECTION 14. Section 63-21-29, Mississippi Code of 1972, is
713 amended as follows:

714 63-21-29. If the comptroller is not satisfied that there are
715 no undisclosed security interests created before August 9, 1968,
716 in a previously registered vehicle, or created before July 1,
717 1999, in a previously registered manufactured home or mobile home,
718 the comptroller may, in addition to the comptroller's options
719 under Section 63-21-27 issue a distinctive certificate of title of
720 the vehicle containing the legend "This vehicle, manufactured home
721 or mobile home may be subject to an undisclosed lien" and any
722 other information the comptroller prescribes.

723 SECTION 15. Section 63-21-31, Mississippi Code of 1972, is
724 amended as follows:

725 63-21-31. (1) If an owner transfers his interest in a
726 vehicle, manufactured home or mobile home, other than by the
727 creation of a security interest, he shall, at the time of the

728 delivery of the vehicle, manufactured home or mobile home, execute
729 an assignment and warranty of title to the transferee in the space
730 provided therefor on the certificate or as the comptroller
731 prescribes, and cause the certificate and assignment to be mailed
732 or delivered to the transferee.

733 (2) Except as provided in Section 63-21-35, the transferee
734 shall, promptly after delivery to him of the vehicle, manufactured
735 home or mobile home, execute the application for a new certificate
736 of title in the space provided therefor on the certificate or as
737 the comptroller prescribes, and cause the certificate and
738 application to be delivered to a designated agent. If however,
739 the transferor is not a designated agent, the certificate and
740 application shall be processed by a county tax collector or a
741 designated agent.

742 (3) Upon request of the owner or transferee, a lienholder in
743 possession of the certificate of title shall, unless the transfer
744 was a breach of his security agreement, deliver the certificate to
745 the transferee. Upon receipt of the certificate the transferee
746 shall make application to a designated agent for a new certificate
747 as required by Section 63-21-15. The delivery of the certificate
748 does not affect the rights of the lienholder under his security
749 agreement.

750 (4) If a security interest is reserved or created at the
751 time of the transfer, the certificate of title shall be retained
752 by or delivered to the person who becomes the lienholder and the
753 parties shall comply with the provisions of Section 63-21-47.

754 (5) Except as provided in Section 63-21-35, and as between
755 the parties, a transfer by an owner is not effective until the
756 provisions of this section have been complied with.

757 SECTION 16. Section 63-21-33, Mississippi Code of 1972, is
758 amended as follows:

759 63-21-33. If a dealer buys a vehicle, manufactured home or
760 mobile home and holds it for resale and procures the certificate

761 of title from the owner or the lienholder within ten (10) days
762 after delivery to him of the vehicle, manufactured home or mobile
763 home, he need not send the certificate to the State Tax
764 Commission. However, upon transferring the vehicle, manufactured
765 home or mobile home to another person other than by the creation
766 of a security interest, he shall promptly execute the assignment
767 and warranty of title by a dealer, showing the names and addresses
768 of the transferee and of any lienholder holding a security
769 interest created or reserved at the time of the resale and the
770 date of his security agreement, in the spaces provided therefor on
771 the certificate or as the State Tax Commission prescribes, and
772 deliver the certificate to a designated agent with the
773 transferee's application for a new certificate.

774 Every dealer shall maintain for five (5) years a record in
775 the form the State Tax Commission prescribes of every vehicle,
776 manufactured home or mobile home bought, sold or exchanged by him
777 or received by him for sale or exchange, which shall be open to
778 inspection by a representative of the State Tax Commission or
779 patrol or peace officer during reasonable business hours.

780 Any person found to be in possession of a vehicle,
781 manufactured home or mobile home with an improperly assigned title
782 which fails to identify the transferee shall immediately establish
783 ownership of the vehicle, manufactured home or mobile home,
784 register the vehicle, manufactured home or mobile home and pay the
785 required tax and penalty. The vehicle, manufactured home or
786 mobile home shall be impounded by state or local law enforcement
787 officials until such time as the person in possession can prove
788 ownership or until the rightful owner is located. In the event
789 the rightful owner cannot be established within thirty (30) days,
790 the vehicle, manufactured home or mobile home shall be deemed
791 abandoned and shall be disposed of as provided by law.

792 An insurance company which obtains title to a motor vehicle
793 as a result of paying a total loss claim resulting from collision,

794 fire, flood or other cause shall obtain a salvage certificate of
795 title in its name for such vehicle from the State Tax Commission.

796 The provisions of this subsection shall not apply to vehicles ten
797 (10) years old or older with a value of One Thousand Five Hundred
798 Dollars (\$1,500.00) or less, or to vehicles with damage which
799 requires the replacement of five (5) or fewer minor components,
800 which such insurer may dispose of by endorsing change in ownership
801 on the certificate of title using space reserved for reassignment
802 of title by licensed dealer without obtaining a salvage
803 certificate of title.

804 SECTION 17. Section 63-21-35, Mississippi Code of 1972, is
805 amended as follows:

806 63-21-35. (1) If the interest of an owner in a vehicle,
807 manufactured home or mobile home passes to another other than by
808 voluntary transfer the transferee shall, except as provided in
809 subsection (2), promptly deliver to a county tax collector or a
810 designated agent the last certificate of title, if available,
811 proof of the transfer, and make application for a new certificate
812 in the form the comptroller prescribes.

813 (2) If the interest of the owner is terminated or the
814 vehicle, manufactured home or mobile home is sold under a security
815 agreement by a lienholder named in the certificate of title, the
816 transferee shall promptly make application to a county tax
817 collector or a designated agent for a new certificate in the form
818 the comptroller prescribes. The application shall be accompanied
819 by the last certificate of title and an affidavit made by or on
820 behalf of the lienholder that the vehicle, manufactured home or
821 mobile home was repossessed and that the interest of the owner was
822 lawfully terminated or sold pursuant to the terms of the security
823 agreement.

824 If the lienholder succeeds to the interest of the owner and
825 holds the vehicle, manufactured home or mobile home for resale, he
826 need not secure a new certificate of title but, upon transfer to

827 another person, shall promptly mail or deliver to the transferee
828 the certificate, affidavit and other documents required to be sent
829 to the comptroller by the transferee. The transferee shall
830 promptly make application to a county tax collector or a
831 designated agent for a new certificate in the form prescribed by
832 the comptroller.

833 (3) Notwithstanding anything to the contrary contained in
834 this section, a person holding a certificate of title whose
835 interest in the vehicle, manufactured home or mobile home has been
836 extinguished or transferred other than by voluntary transfer shall
837 mail or deliver the certificate to the comptroller upon request of
838 the comptroller. The delivery of the certificate pursuant to the
839 request of the comptroller does not affect the rights of the
840 person surrendering the certificate. The action of the
841 comptroller in issuing a new certificate of title as provided
842 herein is not conclusive upon the rights of an owner or lienholder
843 named in the old certificate.

844 SECTION 18. Section 63-21-37, Mississippi Code of 1972, is
845 amended as follows:

846 63-21-37. The comptroller, upon receipt of a properly
847 assigned certificate of title, with an application for a new
848 certificate of title, the required fee and any other documents
849 required by the comptroller, shall issue a new certificate of
850 title in the name of the transferee as owner and mail it to the
851 first lienholder named in it or, if none, to the owner.

852 The comptroller, upon receipt of an application for a new
853 certificate of title by a transferee other than by voluntary
854 transfer, with proof of the transfer, the required fee and any
855 other documents required by law, shall issue a new certificate of
856 title in the name of the transferee as owner. If the outstanding
857 certificate of title is not delivered to the comptroller, the
858 comptroller shall make demand therefor from the holder thereof.

859 The comptroller shall file every surrendered certificate of

860 title, or a microfilm of every such certificate, for a period of
861 time deemed necessary by him in order to permit the tracing of
862 title of the vehicle, manufactured home or mobile home designated
863 therein.

864 SECTION 19. Section 63-21-41, Mississippi Code of 1972, is
865 amended as follows:

866 63-21-41. This chapter does not apply to or affect:

867 (a) A lien given by statute or rule of law to a
868 supplier of services or materials for the vehicle, manufactured
869 home or mobile home;

870 (b) A lien given by statute to the United States, this
871 state, or any political subdivision of this state;

872 (c) A security interest in a vehicle, manufactured home
873 or mobile home created by a manufacturer or dealer who holds the
874 vehicle, manufactured home or mobile home for sale; however, a
875 buyer in the ordinary course of trade from the manufacturer or
876 dealer takes title free of the security interest.

877 SECTION 20. Section 63-21-42, Mississippi Code of 1972, is
878 amended as follows:

879 63-21-42. In the case of motor vehicles, trailers,
880 manufactured homes or mobile homes, notwithstanding any other
881 provision of law, a transaction does not create a sale or security
882 interest merely because it provides that the rental price is
883 permitted or required to be adjusted under the agreement either
884 upward or downward by reference to the amount realized upon sale
885 or other disposition of the motor vehicle, trailer, manufactured
886 home or mobile home.

887 SECTION 21. Section 63-21-43, Mississippi Code of 1972, is
888 amended as follows:

889 63-21-43. (1) Unless excepted by Section 63-21-41, a
890 security interest in a vehicle, manufactured home or mobile home
891 of a type which a certificate of title is required is not valid
892 against creditors of the owner or subsequent transferees or

893 lienholders of the vehicle, manufactured home or mobile home
894 unless perfected as provided in this chapter.

895 (2) (a) A security interest is perfected at the time the
896 owner signs a security agreement describing the vehicle,
897 manufactured home or mobile home, the secured party gives value,
898 the owner has rights in the vehicle, manufactured home or mobile
899 home, and an application for certificate of title signed by the
900 owner is presented to a designated agent.

901 (b) The designated agent shall deliver to the State Tax
902 Commission the existing certificate of title, if any, an
903 application for a certificate of title containing the name and
904 address of the lienholder and the date of his security agreement,
905 and the required fee, but the security interest will perfect at
906 the time the requirements of subsection 2(a) of this section are
907 met.

908 (3) If a vehicle, manufactured home or mobile home is
909 subject to a security interest when brought into this state, the
910 validity of the security interest is determined by the law of the
911 jurisdiction where the vehicle, manufactured home or mobile home
912 was when the security interest attached, subject to the following:

913 (a) If the parties understood at the time the security
914 interest attached that the vehicle, manufactured home or mobile
915 home would be kept in this state and it was brought into this
916 state within thirty (30) days thereafter for purposes other than
917 transportation through this state, the validity of the security
918 interest in this state is determined by the law of this state.

919 (b) If the security interest was perfected under the
920 law of the jurisdiction where the vehicle, manufactured home or
921 mobile home was when the security interest attached, the following
922 rules apply:

923 (i) If the name of the lienholder is shown on an
924 existing certificate of title issued by that jurisdiction, his
925 security interest continues perfected in this state.

926 (ii) If the name of the lienholder is not shown on
927 an existing certificate of title issued by that jurisdiction the
928 security interest continues perfected in this state for four (4)
929 months after a first certificate of title of the vehicle,
930 manufactured home or mobile home is issued in this state, and also
931 thereafter if, within the period of four (4) months, it is
932 perfected in this state. The security interest may also be
933 perfected in this state after the expiration of the period of four
934 (4) months, in which case perfection dates from the time of
935 perfection in this state.

936 (c) If the security interest was not perfected under
937 the law of the jurisdiction where the vehicle, manufactured home
938 or mobile home was when the security interest attached, it may be
939 perfected in this state, in which case perfection dates from the
940 time of perfection in this state.

941 (d) A security interest may be perfected under
942 paragraph (b)(ii) or paragraph (c) of this subsection, either as
943 provided in subsection (2), or by the holder of the lien created
944 out of this state delivering to a county tax collector or a
945 designated agent a notice of security interest in the form the
946 State Tax Commission prescribes, together with documents to
947 support the security interest as required by the State Tax
948 Commission and the required fee. The county tax collector or a
949 designated agent shall process said notice in the manner
950 prescribed by the State Tax Commission.

951 SECTION 22. Section 63-21-45, Mississippi Code of 1972, is
952 amended as follows:

953 63-21-45. (1) If an owner creates a security interest in a
954 vehicle, manufactured home or mobile home:

955 (a) The owner shall immediately execute the application
956 in the space provided therefor on the certificate of title, or on
957 a separate form the State Tax Commission prescribes to name the
958 lienholder on the certificate showing the name and address of the

959 lienholder and the date of his security agreement, and cause the
960 certificate, application and the required fee to be delivered to
961 the lienholder.

962 (b) The lienholder shall immediately cause the
963 certificate, application and required fee to be mailed or
964 delivered to a county tax collector or a designated agent.

965 (c) Upon request of the owner or subordinate
966 lienholder, a lienholder in possession of the certificate of title
967 shall either mail or deliver the certificate to the subordinate
968 lienholder for delivery to a county tax collector or a designated
969 agent or, upon receipt from the subordinate lienholder of the
970 owner's application and the required fee, mail or deliver them to
971 a county tax collector or a designated agent with the certificate.

972 The delivery of the certificate does not affect the rights of the
973 first lienholder under his security agreement.

974 (d) Upon receipt of the certificate of title,
975 application and the required fee, the State Tax Commission shall
976 either endorse on the certificate or issue a new certificate
977 containing the name and address of the new lienholder, and mail
978 the certificate to the first lienholder named in it.

979 (2) Information evidencing a bank or lending institution's
980 lien or other security interest in a motor vehicle's, manufactured
981 home's or mobile home's certificate of title may be transferred by
982 electronic means as provided in Section 63-21-16.

983 SECTION 23. Section 63-21-47, Mississippi Code of 1972, is
984 amended as follows:

985 63-21-47. A lienholder may assign, absolutely or otherwise,
986 his security interest in the vehicle, manufactured home or mobile
987 home to a person other than the owner without affecting the
988 interest of the owner or the validity of the security interest.
989 However, any person without notice of the assignment is protected
990 in dealing with the lienholder as the holder of the security
991 interest and the lienholder remains liable for any obligations as

992 lienholder until the assignee is named as lienholder on the
993 certificate in the manner prescribed by the comptroller.

994 The comptroller shall file each assignment received by the
995 comptroller with the required fee, and note the assignee as
996 lienholder upon the record of notices of security interests
997 maintained by the comptroller.

998 SECTION 24. Section 63-21-49, Mississippi Code of 1972, is
999 amended as follows:

1000 63-21-49. (1) Upon the satisfaction of a security interest
1001 in a vehicle, manufactured home or mobile home for which the
1002 certificate of title is in the possession of the lienholder, he
1003 shall, within ten (10) days after demand and, in any event, within
1004 thirty (30) days, execute a release of his security interest, in
1005 the space provided therefor on the certificate or as the
1006 comptroller prescribes, and mail or deliver the certificate and
1007 release to the next lienholder named therein, or, if none, to the
1008 owner or any person who delivers to the lienholder an
1009 authorization from the owner to receive the certificate. The
1010 owner other than a dealer holding the vehicle, manufactured home
1011 or mobile home for resale, shall promptly cause the certificate
1012 and release to be mailed or delivered to the comptroller, who
1013 shall release the lienholder's rights on the certificate or issue
1014 a new certificate.

1015 (2) Upon the satisfaction of a security interest in a
1016 vehicle, manufactured home or mobile home for which the
1017 certificate of title is in the possession of a prior lienholder,
1018 the lienholder whose security interest is satisfied shall within
1019 ten (10) days after demand and, in any event, within thirty (30)
1020 days execute a release in the form the comptroller prescribes and
1021 deliver the release to the owner or any person who delivers to the
1022 lienholder an authorization from the owner to receive it. The
1023 lienholder in possession of the certificate of title shall either
1024 deliver the certificate to the owner, or the person authorized by

1025 him, for delivery to the comptroller or, upon receipt of the
1026 release, mail or deliver it with the certificate to the
1027 comptroller who shall release the subordinate lienholder's rights
1028 on the certificate or issue a new certificate.

1029 (3) Upon receipt of the aforementioned releases of security
1030 interests, the comptroller shall file each release in the manner
1031 prescribed by the comptroller and note the same upon the records
1032 of notices of security interests maintained by him.

1033 SECTION 25. Section 63-21-53, Mississippi Code of 1972, is
1034 amended as follows:

1035 63-21-53. If a security interest in a previously registered
1036 vehicle is perfected under any other applicable law of this state
1037 as of August 9, 1968, and if a security interest in a previously
1038 registered manufactured home or mobile home is perfected under any
1039 other applicable law of this state as of July 1, 1999, the
1040 security interest continues perfected until its perfection lapses
1041 under the law under which it was perfected. This would apply only
1042 to vehicles, manufactured homes or mobile homes not required to be
1043 titled under this chapter.

1044 SECTION 26. Section 63-21-57, Mississippi Code of 1972, is
1045 amended as follows:

1046 63-21-57. The comptroller shall file each notice of security
1047 interest received by the comptroller with the required fee and
1048 maintain a record of all notices of security interests filed by
1049 the comptroller:

- 1050 (a) Alphabetically, under the name of the owner;
- 1051 (b) Under the vehicle, manufactured home or mobile home
1052 identification number;
- 1053 (c) Under the certificate of title number; and
- 1054 (d) In the discretion of the comptroller, by any other
1055 method he determines.

1056 The comptroller before issuing or reissuing a certificate of
1057 title shall check the name of the owner and the certificate of

1058 title number of the vehicle, manufactured home or mobile home
1059 against the record above provided for.

1060 SECTION 27. Section 63-21-59, Mississippi Code of 1972, is
1061 amended as follows:

1062 63-21-59. The comptroller shall suspend or revoke a
1063 certificate of title, upon notice and reasonable opportunity to be
1064 heard, if the comptroller finds:

1065 (a) The certificate of title was fraudulently procured
1066 or erroneously issued, or

1067 (b) The vehicle, manufactured home or mobile home has
1068 been scrapped, dismantled or destroyed.

1069 Suspension or revocation of a certificate of title does not
1070 in itself affect the validity of a security interest noted on it.

1071 When the comptroller suspends or revokes a certificate of
1072 title, the owner or person in possession of it shall, immediately
1073 upon receiving notice of the suspension or revocation, mail or
1074 deliver the certificate to the comptroller.

1075 The comptroller may seize and impound any certificate of
1076 title which has been suspended or revoked.

1077 SECTION 28. Section 63-21-61, Mississippi Code of 1972, is
1078 amended as follows:

1079 63-21-61. The owner of any motor vehicle, manufactured home
1080 or mobile home for which the comptroller has refused to issue a
1081 certificate of title, or has suspended or revoked the certificate
1082 of title thereon, or any person having an interest in such motor
1083 vehicle, manufactured home or mobile home, or having a lien
1084 thereon, who feels that he has been denied any right under this
1085 chapter by the comptroller, or his designated agents, may, within
1086 ninety (90) days thereafter, file a petition in the county or
1087 circuit court of either of the counties hereinafter designated for
1088 a hearing or review of such action of the comptroller. The judge
1089 of such court shall set the matter for hearing or review upon not
1090 less than ten (10) days' notice after the execution of proper

1091 process or citation duly served upon the party or parties made
1092 defendant thereto, and shall thereupon hear such cause and enter
1093 such order as may be proper. Such hearing may be heard either in
1094 term time or vacation. Such petition may be filed in either the
1095 county or circuit court of the county wherein any petitioner
1096 resides; or, in the event of a corporation or an association, in
1097 any county in which it is domiciled or does business; or in the
1098 county in which such certificate of title was issued; or in the
1099 county in which the office of the comptroller is located.

1100 SECTION 29. Section 63-21-65, Mississippi Code of 1972, is
1101 amended as follows:

1102 63-21-65. The State Tax Commission shall pay into the
1103 General Fund the fees collected under this chapter. As much of
1104 such fees as authorized by the Legislature shall be used by the
1105 State Tax Commission to defray the cost of carrying out the duties
1106 of the State Tax Commission including the maintenance of the
1107 automated statewide motor vehicle and manufactured housing
1108 registration system.

1109 SECTION 30. Section 63-21-67, Mississippi Code of 1972, is
1110 amended as follows:

1111 63-21-67. The rules and regulations promulgated by the
1112 comptroller shall make suitable provisions for the use by an
1113 applicant of the duplicate copy of his application for a
1114 certificate of title to serve as a permit for the operation of the
1115 motor vehicle or the use and occupation of a manufactured home or
1116 mobile home described in the application until the comptroller
1117 either issues the certificate of title of such motor vehicle,
1118 manufactured home or mobile home or refuses to issue the
1119 certificate. The comptroller and every designated agent receiving
1120 an application for the certificate of title, when the provisions
1121 of this chapter have been otherwise complied with, shall deliver
1122 to the applicant the duplicate copy of his application which shall
1123 contain a suitable permit for the purposes mentioned in this

1124 paragraph.

1125 In the event the comptroller refuses to issue the certificate
1126 of title the applicant shall, immediately upon receiving written
1127 notice from the comptroller that such certificate will not be
1128 issued for the reason or reasons stated in the notice, deliver or
1129 mail to the comptroller by registered mail the duplicate copy of
1130 his application containing the permit mentioned in the previous
1131 paragraph of this section and, in the case of a vehicle, the
1132 current privilege license tag which was issued for the vehicle.
1133 The motor vehicle, manufactured home or mobile home described in
1134 said application shall not be operated on the highways or other
1135 public places of this state or used or occupied after the
1136 applicant receives notice that the certificate will not be issued
1137 unless its operation is subsequently authorized by the comptroller
1138 either by the issuance of a new permit or by a certificate of
1139 title. If for any reason the said duplicate copy of the
1140 application for certificate of title and, in the case of a
1141 vehicle, the current privilege license tag which was issued for
1142 the vehicle in question is not received by the comptroller within
1143 ten (10) calendar days after the comptroller mails written notice
1144 to the applicant that he will not issue the certificate of title
1145 applied for, the comptroller or, at the request of the
1146 comptroller, any state highway patrolman, sheriff or other peace
1147 officer of this state, is authorized and empowered to require and
1148 compel the surrender of said duplicate copy of the application for
1149 certificate of title and, in the case of a vehicle, the said
1150 current privilege license tag. The comptroller, after he obtains
1151 possession of said duplicate copy of application for certificate
1152 of title and, in the case of a vehicle, said current privilege
1153 license tag, is authorized to retain same until he is satisfied
1154 that said applicant is entitled to receive a certificate of title
1155 of the vehicle, manufactured home or mobile home in question.

1156 SECTION 31. The following provision shall be codified as

1157 Section 63-21-64, Mississippi Code of 1972:

1158 63-21-64. There shall be paid to the State Tax Commission
1159 for issuing and processing documents required by this chapter,
1160 fees for manufactured homes or mobile homes according to the
1161 following schedule:

- 1162 (a) Each application for certificate
1163 of title..... \$ 8.00
- 1164 (b) Each application for replacement or
1165 corrected certificate of title..... 8.00
- 1166 (c) Each suspension or revocation of
1167 certificate of title..... 8.00
- 1168 (d) Each notice of security interest..... 8.00
- 1169 (e) Each release of security interest..... 8.00
- 1170 (f) Each assignment by lienholder..... 8.00
- 1171 (g) Each application for information as to the
1172 status of the title of a manufactured home or mobile home.. 8.00

1173 The designated agent may add the sum of One Dollar (\$1.00) to
1174 each document processed for which a fee is charged to be retained
1175 as his commission for services rendered. All other fees collected
1176 shall be remitted to the comptroller or his successor.

1177 If more than one (1) transaction be involved in any
1178 application on a single manufactured home or mobile home and if
1179 supported by all required documents, the fee charged by the tax
1180 commission's designated agent for processing and issuing shall be
1181 considered as only one (1) transaction.

1182 SECTION 32. Section 27-41-101, Mississippi Code of 1972, is
1183 amended as follows:

1184 27-41-101. (1) In the event the tax collector elects to use
1185 the provisions of Sections 27-41-101 through 27-41-109 to collect
1186 delinquent tax payments on personal property and, upon default of
1187 the payment of ad valorem taxes upon personal property upon the
1188 due dates prescribed in this chapter or, in the case of mobile or
1189 manufactured homes classified as personal property, the due date

1190 prescribed in Section 27-53-11, the tax collector shall give
1191 written notice to the taxpayer and to any secured lender demanding
1192 the payment of the ad valorem taxes on personal property then
1193 remaining in default within twenty (20) days from the date of the
1194 delivery of the notice. The notice shall be sent by certified or
1195 registered mail to the taxpayer at the address given by the
1196 taxpayer to the tax assessor or collector upon registration, or
1197 delivered by an employee of the tax collector either to the
1198 taxpayer or someone of suitable age and discretion at the
1199 taxpayer's place of business or residence. The notice shall be
1200 sent by certified or registered mail to the secured lender at the
1201 address listed on the State Tax Commission's statewide network at
1202 the time the taxes become delinquent if a certificate of title has
1203 been issued or the address given on the instruments filed with the
1204 chancery clerk granting the lender a security interest in the
1205 manufactured home.

1206 (2) If the taxpayer, any person liable for the payment of ad
1207 valorem taxes on personal property or the secured lender, if any,
1208 fails or refuses to pay the taxes after receiving the notice and
1209 demand as provided in subsection (1) of this section, the tax
1210 collector may file a notice of a tax lien for such ad valorem
1211 taxes with the circuit clerk of the county in which the taxpayer
1212 resides or owns property which shall be enrolled as a judgment on
1213 the judgment roll.

1214 (3) Immediately upon receipt of the notice of the tax lien
1215 for ad valorem taxes on personal property, the circuit clerk shall
1216 enter the notice of a tax lien as a judgment upon the judgment
1217 roll and show in the appropriate columns the name of the taxpayer
1218 as judgment debtor, the name of the tax collector as judgment
1219 creditor, the amount of the taxes, interest, fees and costs and
1220 the date and time of enrollment. The judgment shall be valid as
1221 against mortgagees, pledgees, entrusters, purchasers, judgment
1222 creditors, and other persons from the time of filing with the

1223 clerk; provided, however, that the preference of a judgment in
1224 regard to any personal property upon which the taxes are assessed,
1225 excepting motor vehicles as defined by the Motor Vehicle Ad
1226 Valorem Tax Law of 1958, and manufactured housing and mobile homes
1227 having certificates of title as defined by the Mississippi Motor
1228 Vehicle and Manufactured Housing Title Law shall be entitled to
1229 preference over all judgments, executions, encumbrances or liens
1230 whensoever created upon such personal property. The judgment
1231 shall be valid and a preference in the case of manufactured
1232 housing and mobile homes having certificates of title if the
1233 judgment is for the taxes reflected on the county tax rolls and
1234 related fees and charges on that manufactured home or mobile home
1235 and the required notice was furnished to the taxpayer and the lien
1236 creditor reflected on the certificate of title or chancery clerk's
1237 records, as applicable. The amount of the judgment shall be a
1238 debt due the county and remain a lien upon all property and rights
1239 to property belonging to the taxpayer, both real and personal,
1240 including choses in action, with the same force and like effect as
1241 any enrolled judgment of a court of record, and shall continue
1242 until satisfied. The judgment shall be the equivalent of any
1243 enrolled judgment of a court of record and shall serve as
1244 authority for the issuance of writs of execution, writs of
1245 attachment, writs of garnishment or other remedial writs. The tax
1246 collector may issue warrants for collection of ad valorem taxes
1247 from such judgments, in lieu of the issuance of any remedial writ
1248 by the circuit clerk, as provided in Sections 27-41-103 and
1249 27-41-105; provided, however, that the judgment shall not be a
1250 lien upon the property of the taxpayer for a longer period than
1251 seven (7) years from the date of the filing of the notice of tax
1252 lien for ad valorem taxes, damages and interest unless action be
1253 brought thereon before the expiration of such time or unless the
1254 tax collector refiles such notice of tax lien before the
1255 expiration of such time. The judgment shall be a lien upon the

1256 property of the taxpayer for a period of seven (7) years from the
1257 date of refiling such notice of tax lien unless action be brought
1258 thereon before the expiration of such time or unless the tax
1259 collector refiles such notice of tax lien before the expiration of
1260 such time. There shall be no limit upon the number of times that
1261 the tax collector may refile notices of tax liens.

1262 SECTION 33. Section 27-41-103, Mississippi Code of 1972, is
1263 amended as follows:

1264 27-41-103. The tax collector may issue a warrant under his
1265 official seal directed to the sheriff of any county of the state
1266 commanding him to immediately seize and sell the real and personal
1267 property of the person owning the property found within the county
1268 in which the judgment is enrolled for the payment of the amount of
1269 ad valorem tax on personal property as set forth in the warrant,
1270 and the cost of executing the warrant. Any such property sold
1271 shall be sold by sheriff's bill of sale.

1272 SECTION 34. Section 27-53-1, Mississippi Code of 1972, is
1273 amended as follows:

1274 27-53-1. For the purposes of this chapter * * *:

1275 (a) "Manufactured home or manufactured housing" means
1276 any structure transportable in one or more sections, which, in the
1277 traveling mode, is eight (8) body feet or more in width or forty
1278 (40) body feet or more in width or forty (40) body feet or more in
1279 length or, when erected on site, is three hundred twenty (320) or
1280 more square feet and which is built on a permanent chassis and
1281 designed and constructed so as to be suitable for use for
1282 domestic, commercial or industrial purposes with or without a
1283 permanent foundation that complies with the standards established
1284 under the National Manufactured Housing Construction and Safety
1285 Standards Act of 1974, 42 U.S.C., Section 5401, when such trailer
1286 is detached from a motor vehicle and parked on real estate as
1287 opposed to being towed by a self-propelled vehicle on the highways
1288 of this state. This definition includes all such structures which

1289 are parked even for a period of only a few months and excludes
1290 only those actually in transit on the highways or parked for no
1291 more than an overnight stop.

1292 (b) "Mobile home" means any structure, transportable in
1293 one or more sections, which in the traveling mode, is eight (8)
1294 body feet or more in width or forty (40) body feet or more in
1295 width or forty (40) body feet or more in length or, when erected
1296 on site, is three hundred twenty (320) or more square feet and
1297 which is built on a permanent chassis and designed and constructed
1298 so as to be suitable for use for domestic, commercial or
1299 industrial purposes, with or without a permanent foundation and
1300 manufactured prior to June 15, 1976, when such structure is
1301 detached from a motor vehicle and parked on real estate as opposed
1302 to being towed by a self-propelled vehicle on the highways of this
1303 state. This definition includes all such structures which are
1304 parked even for a period of only a few months and excludes only
1305 those actually in transit on the highways or parked for no more
1306 than an overnight stop.

1307 (c) "Motor home" means any such manufactured home or
1308 mobile home or similar structure or vehicle which is not parked
1309 but which is being moved from place to place over the highways and
1310 streets of the state by being supported by two (2) or more wheels
1311 by motive power not its own and which vehicle is taxed under the
1312 provisions of the motor vehicle ad valorem tax law. This
1313 definition is limited to those vehicles which are actually in
1314 transit and excludes any vehicles which are parked for more than
1315 an overnight stop.

1316 (d) "Person" means any natural person, agency, firm,
1317 corporation, copartnership, joint stock, or other association or
1318 organization.

1319 (e) "Manufactured home roll" means the special separate
1320 assessment roll in which all manufactured and mobile home
1321 assessments shall be kept unless and until such manufactured and

1322 mobile home shall become an improvement on real estate and placed
1323 on the land rolls.

1324 SECTION 35. Section 27-53-3, Mississippi Code of 1972, is
1325 amended as follows:

1326 27-53-3. The State Tax Commission shall furnish to each
1327 official scale located on highways at the entrance to the state
1328 printed forms to be completed by the driver of all vehicles towing
1329 manufactured homes, mobile homes or motor homes. The forms shall
1330 contain the following information about the manufactured homes,
1331 mobile homes or motor homes being towed: (a) the name of its
1332 owner; and (b) the post office or street address to which it is to
1333 be delivered. In addition, each manufactured home, mobile home or
1334 motor home dealer doing business in the State of Mississippi shall
1335 furnish to the State Tax Commission, at regular intervals,
1336 detailed reports which shall include the above information. From
1337 this information and other information that may come into its
1338 possession, the State Tax Commission, at monthly intervals, shall
1339 compile and furnish to each county tax collector an accurate list
1340 of all manufactured homes and mobile homes delivered to or located
1341 in that county during the preceding month. The list shall be
1342 compiled by the county and contain the following information: (a)
1343 the name of the owner; and (b) the post office or street address
1344 to which the manufactured home or mobile home was delivered.

1345 SECTION 36. Section 27-53-5, Mississippi Code of 1972, is
1346 amended as follows:

1347 27-53-5. (1) It shall be the duty of the owner of a
1348 manufactured home or mobile home, not later than seven (7) days,
1349 Saturdays, Sundays and legal holidays excluded, after the date of
1350 purchase or entry into the county where the manufactured home or
1351 mobile home is located, to register such manufactured home or
1352 mobile home with the tax collector of the county where the
1353 manufactured home or mobile home is located. If a certificate of
1354 title has been issued or applied for concerning the manufactured

1355 home or mobile home, the original certificate of title or a copy
1356 of the application shall be presented to the tax collector at the
1357 time of the registration. The registration application for such
1358 manufactured home or mobile home shall contain the following
1359 information: name and address of owner, length and width of the
1360 manufactured home or mobile home, serial number of manufactured
1361 home or mobile home, make of manufactured home or mobile home,
1362 date of purchase, present market value, and address where
1363 manufactured home or mobile home is located if other than the
1364 address of the owner. At the time that an owner registers his
1365 manufactured home or mobile home, and before a registration
1366 certificate may be issued by the tax collector, the owner of the
1367 manufactured home or mobile home shall pay a registration fee of
1368 One Dollar (\$1.00) to the county tax collector and provide proof
1369 of payment of the previous year's taxes unless the manufactured
1370 home or mobile home was purchased from a licensed dealer. It is
1371 also the duty of the owner of the manufactured home or mobile home
1372 to reregister his manufactured home or mobile home with the tax
1373 collector within seven (7) days after the relocation of such
1374 manufactured home or mobile home from one (1) location in the
1375 county to another location in the county in order that there will
1376 always be on file with the tax collector the current address of
1377 such manufactured home or mobile home.

1378 (2) It shall be the duty of every manufactured home or
1379 mobile home owner to provide proof of registration in the county
1380 in which the manufactured home or mobile home is located and at
1381 the address at which utility service is to be provided, as
1382 required by subsection (1), to each utility company whose service
1383 is procured by the owner before the utility company shall connect
1384 its services. For purposes of this section, "utility" shall mean
1385 and include water, gas, electric and telephone services, including
1386 such utilities as are owned and operated by municipalities.

1387 (3) No utility company shall connect, provide or transfer

1388 service without receiving and recording the number of the current
1389 registration certificate issue for the manufactured home or mobile
1390 home at the address where service will be connected, provided or
1391 transferred.

1392 (4) It shall be the duty of every manufactured home or
1393 mobile home owner subject to the use tax levy in Section 27-67-5
1394 to provide proof of payment of such tax prior to the time of
1395 registration. If the manufactured home or mobile home has been
1396 registered in another county in this state, then the owner shall
1397 only need to show proof of such registration.

1398 (5) Every utility company * * * shall furnish to the county
1399 tax collector, upon request, the names, addresses and registration
1400 numbers of all manufactured home or mobile home customers to whom
1401 the utility company provides a service.

1402 SECTION 37. Section 27-53-7, Mississippi Code of 1972, is
1403 amended as follows:

1404 27-53-7. At the time of registration, the value of the
1405 manufactured home or mobile home shall be assessed and entered by
1406 the tax collector on the manufactured home rollbook.

1407 SECTION 38. Section 27-53-9, Mississippi Code of 1972, is
1408 amended as follows:

1409 27-53-9. Manufactured homes and mobile homes shall be
1410 assessed in the same manner as property of like value is assessed
1411 on the land rolls or manufactured home rolls on which they appear.

1412 SECTION 39. Section 27-53-11, Mississippi Code of 1972, is
1413 amended as follows:

1414 27-53-11. The ad valorem tax on manufactured homes and
1415 mobile homes shall be computed from the date of registration but
1416 not be due and payable until ninety (90) days thereafter. All ad
1417 valorem taxes for this first year's registration shall be prorated
1418 from the date of registration to the end of the calendar year.
1419 Thereafter, all ad valorem taxes on manufactured homes and mobile
1420 homes shall be due and payable annually; provided, however, that

1421 all ad valorem taxes on manufactured homes and mobile homes that
1422 have been classified as real property shall be due and payable in
1423 the same manner as prescribed for other real property. No
1424 additional ad valorem taxes are due on a manufactured home or
1425 mobile home that is brought into a county from another county in
1426 this state if the owner shows proof of payment of ad valorem taxes
1427 in the other county.

1428 SECTION 40. Section 27-53-13, Mississippi Code of 1972, is
1429 amended as follows:

1430 27-53-13. The manufactured home or mobile home owner who
1431 does not own the land on which his manufactured home or mobile
1432 home is located must declare his manufactured home or mobile home
1433 to be personal property at the time of registration and the county
1434 tax collector shall enter it on the manufactured home rolls as
1435 personal property.

1436 SECTION 41. Section 27-53-15, Mississippi Code of 1972, is
1437 amended as follows:

1438 27-53-15. The manufactured homeowner or mobile homeowner who
1439 owns the land on which the manufactured home or mobile home is
1440 located shall have the option at the time of registration of
1441 declaring whether the manufactured home or mobile home shall be
1442 classified as personal or real property. If the manufactured home
1443 or mobile home is to be classified as real property, then the
1444 wheels and axles must be removed and it must be anchored and
1445 blocked in accordance with the rules and procedures promulgated by
1446 the Commissioner of Insurance of the State of Mississippi. After
1447 the wheels and axles have been removed and the manufactured home
1448 or mobile home has been anchored and blocked in accordance with
1449 such rules and procedures, the manufactured home or mobile home
1450 shall be considered to have been affixed to a permanent
1451 foundation. The county tax assessor shall then enter the
1452 manufactured home or mobile home on the land rolls and tax it as
1453 real property on the land on which it is located from the date of

1454 registration. At such time, the county tax assessor shall issue a
1455 certificate certifying that the manufactured home or mobile home
1456 has been classified as real property. Such certificate shall
1457 contain the name of the owner of the manufactured home or mobile
1458 home, the name of the manufacturer, the model, the serial number
1459 and the legal description of the real property on which the
1460 manufactured home or mobile home is located. The county tax
1461 assessor shall cause such certificate to be filed in the land
1462 records of the county in which the property is situated. After
1463 filing, the chancery clerk shall forward the certificate to the
1464 owner. For issuance of the certificate, a fee of Twelve Dollars
1465 (\$12.00) shall be collected by the county tax assessor, Ten
1466 Dollars (\$10.00) of which shall be retained by the assessor and
1467 Two Dollars (\$2.00) of which shall be forwarded to the chancery
1468 clerk for filing the certificate. Upon the filing of the
1469 certificate in the land records, the manufactured home or mobile
1470 home shall then be considered real property for purposes of ad
1471 valorem taxation. The filing of such a certificate shall not
1472 affect the validity or priority of any existing perfected lien.
1473 If a manufactured home or mobile home is classified as real
1474 property and no certificate of title was required to be issued or
1475 issued for such property pursuant to Chapter 21, Title 63,
1476 Mississippi Code of 1972, a security interest may be obtained
1477 therein through the use of a mortgage or deed of trust describing
1478 both the manufactured home or mobile home and the land on which
1479 the manufactured home or mobile home is located. For a
1480 manufactured home or mobile home classified as personal property
1481 for which no certificate of title was required to be issued or
1482 issued pursuant to the provisions of Chapter 21, Title 63,
1483 Mississippi Code of 1972, the perfection of a security interest
1484 therein shall be governed by the provisions of Chapter 9, Title
1485 75, Mississippi Code of 1972. Regardless of whether a
1486 manufactured home or mobile home for which a certificate of title

1487 was required to be issued or issued pursuant to the provisions of
1488 Chapter 21, Title 63, Mississippi Code of 1972, is * * *
1489 classified as real property or is classified as personal property,
1490 the perfection of a security interest therein shall be governed by
1491 the provisions of Chapter 21, Title 63, Mississippi Code of 1972.
1492 A manufactured home or mobile home that has been classified as
1493 personal property may be reclassified as real property at the
1494 option of its owner if the owner obtains a certification from the
1495 tax assessor as provided in this section. Conversely, a
1496 manufactured home or mobile home that has been classified as real
1497 property may be reclassified for purposes of ad valorem taxation
1498 as personal property at the option of its owner if there is no
1499 lien against it and if the owner notifies the county tax assessor
1500 to reassess it and have the county tax collector enter it upon the
1501 manufactured home rolls. Upon a request for reclassification, if
1502 no certificate of title was required to be issued or issued for
1503 the manufactured home or mobile home, there must be no lien
1504 against it and the property owner shall present proof satisfactory
1505 to the tax assessor that there are no liens outstanding on the
1506 property. If there is a lien against the manufactured home or
1507 mobile home, the county tax assessor shall refuse to allow the
1508 county tax collector to reclassify it as personal property until
1509 the lien has been released. If a certificate of title as provided
1510 in Chapter 21, Title 63, Mississippi Code of 1972, has been
1511 issued, the manufactured home or mobile home may be reclassified
1512 for ad valorem taxation purposes regardless of whether a lien
1513 exists on the certificate of title. Upon such request, the tax
1514 assessor may issue a certificate cancelling the classification of
1515 the manufactured home or mobile home as real property and cause
1516 such certification to be filed in the land records of the county
1517 in which the property is situated. For issuance of the
1518 certificate, a fee of Twelve Dollars (\$12.00) shall be collected
1519 by the county tax assessor, Ten Dollars (\$10.00) of which shall be

1520 retained by the assessor and Two Dollars (\$2.00) of which shall be
1521 forwarded to the chancery clerk for filing the certificate.

1522 SECTION 42. Section 27-53-17, Mississippi Code of 1972, is
1523 amended as follows:

1524 27-53-17. (1) (a) Except as otherwise provided in Section
1525 27-41-2, it shall be the duty of the tax collector of the county
1526 in which the manufactured home or mobile home is registered and
1527 assessed to collect the ad valorem taxes thereon. In cases where
1528 the manufactured home or mobile home is assessed on the land
1529 rolls, the penalty for nonpayment or delinquency of taxes shall be
1530 the same as is prescribed by law in regard to real estate. Except
1531 as otherwise provided in this section, in the case of all other
1532 manufactured homes or mobile homes, if the ad valorem tax is not
1533 paid within ninety (90) days after it becomes due and payable as
1534 provided by Section 27-53-11, the tax collector shall have the
1535 authority to file a civil suit in order to collect these taxes.
1536 Suits to collect delinquent manufactured home or mobile home taxes
1537 may be combined and included in one or more civil suits, the costs
1538 of which (including publication fees and like necessary expenses)
1539 shall be assessed pro rata among the delinquent taxpayers party to
1540 a suit as part of the judgment.

1541 (b) After taking all possible legal action, the tax
1542 collector shall submit a report of uncollected manufactured home
1543 or mobile home taxes to the board of supervisors. Such report
1544 shall be verified by the affidavit of the collector, that he has
1545 made, in person or by deputy, a legal demand for taxes due and
1546 that the taxpayers mentioned in the report have failed to pay
1547 their taxes. Separate lists of the delinquents shall be made for
1548 each election district and for each city, town and village.

1549 (c) The board shall allow the collector a credit for
1550 those taxes which it is satisfied may remain uncollected without
1551 the default of the collector, and no more. A list of the
1552 allowances shall be made out and certified by the clerk and

1553 transmitted to the Auditor of Public Accounts, and shall be
1554 credited to the collector in his settlement with the auditor and
1555 chancery clerk.

1556 (2) As an alternative to the authority granted under this
1557 section to county tax collectors to file suit for the collection
1558 of delinquent manufactured home or mobile home taxes, the board of
1559 supervisors of any county, in its discretion, may contract in the
1560 manner provided in Section 19-3-41 with a private attorney or
1561 private collection agent or agents for the collection of
1562 delinquent ad valorem taxes on manufactured homes or mobile homes
1563 that are entered as personal property on the manufactured home
1564 rolls.

1565 (3) As an alternative to the method of collecting delinquent
1566 taxes provided for in this section, the method provided for in
1567 Sections 27-41-101 through 27-41-109 may, in the discretion of the
1568 tax collector, be used to collect delinquent ad valorem taxes on
1569 manufactured homes or mobile homes classified as personal
1570 property.

1571 SECTION 43. Section 27-53-19, Mississippi Code of 1972, is
1572 amended as follows:

1573 27-53-19. Removal of a manufactured home or mobile home
1574 after the same has been assessed and such ad valorem tax has not
1575 been paid and notice of sale has been served shall be prima facie
1576 evidence of an intent on the part of the manufactured or mobile
1577 homeowner to avoid payment of taxes, and the county tax collector
1578 shall attach the property immediately.

1579 SECTION 44. Section 27-53-21, Mississippi Code of 1972, is
1580 amended as follows:

1581 27-53-21. The county tax collector is authorized to collect
1582 the municipal as well as county tax on manufactured homes or
1583 mobile homes not included in the land rolls and return the
1584 municipal tax to the municipality, retaining the same commission
1585 as is allowed for collection of municipal tax on motor vehicles.

1586 The tax on manufactured homes or mobile homes included in the land
1587 rolls shall be collected by the county and city tax collectors as
1588 on all other realty.

1589 SECTION 45. Section 27-53-23, Mississippi Code of 1972, is
1590 amended as follows:

1591 27-53-23. Manufactured homes and mobile homes considered as
1592 personal property shall be assessed uniformly according to value
1593 and such assessed value shall be determined by an assessment
1594 schedule which shall be prepared and made of record by the State
1595 Tax Commission and shall be certified to each county tax assessor
1596 and tax collector as the official manufactured and mobile home
1597 assessment schedule which shall be used by the proper officials in
1598 assessing manufactured home or mobile home ad valorem taxes for
1599 the year.

1600 In no instance may any taxing agency, under authority of this
1601 chapter, either reduce or increase for the purpose of ad valorem
1602 taxation the existing value of any manufactured home or mobile
1603 home from that shown by the aforesaid assessment schedule.

1604 Any person objecting to the assessment schedule as it affects
1605 the assessed value of his manufactured home or mobile home as
1606 personal property may proceed as is provided for under Section
1607 27-51-23, Mississippi Code of 1972. Any person objecting to the
1608 real property assessment as it affects the assessed value of his
1609 manufactured home or mobile home may proceed as in such cases made
1610 and provided by law as pertains to real property.

1611 SECTION 46. Section 27-53-27, Mississippi Code of 1972, is
1612 amended as follows:

1613 27-53-27. The following are exempt from the taxes authorized
1614 by this chapter:

1615 (a) Motor homes subject to the motor vehicle ad valorem
1616 tax law.

1617 (b) Any manufactured home or mobile home located on
1618 land which is owned by the same person owning and occupying said

1619 manufactured home or mobile home which was assessed on the land
1620 rolls at the effective date of this chapter.

1621 (c) Manufactured homes or mobile homes owned by and/or
1622 in the possession of a dealer as merchandise.

1623 (d) Any nonresident member of the armed forces of the
1624 United States of America owning and living in a manufactured home
1625 or mobile home within the state in compliance with military
1626 orders.

1627 SECTION 47. Section 27-53-31, Mississippi Code of 1972, is
1628 amended as follows:

1629 27-53-31. If any manufactured home or mobile home on which
1630 the ad valorem taxes prescribed in this chapter have been paid
1631 shall be totally destroyed by fire, tornado, flood or acts of
1632 providence, then the owner of such manufactured home or mobile
1633 home, upon filing a petition and submission of sufficient proof to
1634 the tax collector, may be credited with the amount of the ad
1635 valorem taxes on the proportional part of the taxable year
1636 remaining, less ad valorem taxes accruing on the salvage price, if
1637 any, in calculating the amount of ad valorem taxes due on any
1638 replacement for such a manufactured home or mobile home. In no
1639 event, however, shall such person claiming credit under this
1640 provision be entitled to a cash refund.

1641 In order to obtain benefit of this credit, such person must
1642 submit proof supported by affidavit of three (3) reputable
1643 citizens that such manufactured home or mobile home has been
1644 totally destroyed and a statement must be made as to the estimated
1645 amount of salvage value remaining. The application for this
1646 credit and the three (3) supporting affidavits must be notarized
1647 by an officer who has legal authority to notarize such
1648 instruments.

1649 Any person who makes or swears to a false statement or makes
1650 or swears to a statement of facts without personal knowledge of
1651 such facts, in any connection with an adjustment claim as referred

1652 to above, shall be guilty of perjury and upon conviction shall be
1653 punished as now provided by law.

1654 SECTION 48. This act shall take effect and be in force from
1655 and after July 1, 1999.