

By: Senator(s) Robertson

To: Finance

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, 63-21-39, 63-21-41, 63-21-42, 63-21-43,
5 63-21-45, 63-21-47, 63-21-49, 63-21-53, 63-21-57, 63-21-59,
6 63-21-61, 63-21-65 AND 63-21-67, MISSISSIPPI CODE OF 1972, TO
7 PROVIDE FOR CERTIFICATES OF TITLE TO BE ISSUED FOR MANUFACTURED
8 HOMES AND MOBILE HOMES; TO CREATE A NEW CODE SECTION TO BE
9 CODIFIED AS SECTION 63-21-64, MISSISSIPPI CODE OF 1972, TO PROVIDE
10 FOR FEES TO BE PAID TO THE STATE TAX COMMISSION FOR ISSUING AND
11 PROCESSING 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 manufactured
71 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; and

292 (d) An odometer disclosure statement for vehicles made
293 by the transferor of the vehicle. The statement shall read:

294 "Federal and state law requires that you state the
295 mileage in connection with the transfer of ownership. Failure to
296 complete or providing a false statement may result in fine and/or
297 imprisonment.

298 I state that the odometer now reads _____ (no

299 tenths) miles and to the best of my knowledge that it reflects the
300 actual mileage of the vehicle described herein, unless one (1) of
301 the following statements is checked:

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

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

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

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

316 (i) A vehicle having a gross vehicle weight rating
317 of more than sixteen thousand (16,000) pounds.

318 (ii) A vehicle that is not self-propelled.

319 (iii) A vehicle that is ten (10) years old or
320 older.

321 (iv) A vehicle sold directly by the manufacturer
322 to any agency of the United States in conformity with contractual
323 specifications.

324 (v) A transferor of a new vehicle prior to its
325 first transfer for purposes other than resale need not disclose
326 the vehicle's odometer mileage.

327 (f) Any person who knowingly gives a false statement
328 concerning the odometer reading on an odometer disclosure
329 statement shall be guilty of a misdemeanor and, upon conviction,
330 shall be subject to a fine of up to One Thousand Dollars
331 (\$1,000.00) or imprisonment of up to one (1) year, or both, at the

332 discretion of the court. These penalties shall be cumulative,
333 supplemental and in addition to the penalties provided by any
334 other law.

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

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

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

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

365 home complies with the requirements of this section, Section
366 63-21-39 and the regulations promulgated by the State Tax
367 Commission under Section 63-21-39.

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

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

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

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

397 63-21-16. (1) Banks and other lending institutions that are

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

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

429 (3) When an institution has agreed to loan money for the
430 purchase of a motor vehicle, manufactured home or mobile home, the

431 institution shall complete an application for certificate of title
432 or require the borrower to provide to the institution the copy of
433 the application for certificate of title contained in the
434 application packet which is designated "Lienholder's Copy"
435 according to provisions of the Motor Vehicle and Manufactured
436 Housing Title Law, which the owner will receive from the county
437 tax collector or any designated agent upon completion of the
438 application for title and registration process.

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

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

451 (a) Prepare the application for certificate of title in
452 accordance with the requirements of Sections 63-21-15 and
453 63-21-45(c);

454 (b) Obtain all required signatures; and

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

463 (6) Upon receipt of the application for certificate of title

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

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

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

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

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

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

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

524 63-21-17. (1) The comptroller shall examine each
525 application received and, when satisfied as to its genuineness and
526 regularity and that the applicant is entitled to the issuance of a
527 certificate of title, shall issue a certificate of title of the
528 vehicle, manufactured home or mobile home on the form prescribed
529 by the comptroller.

530 (2) The comptroller shall maintain a record of all
531 certificates of title issued pursuant to the provisions of this
532 chapter:

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

535 (b) Under the vehicle identification number;

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

537 (d) In the discretion of the comptroller, by any other
538 method the comptroller determines.

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

541 63-21-18. The Mississippi Department of Information
542 Technology Services shall provide equipment for the operation and
543 maintenance of the automated statewide motor vehicle and
544 manufactured housing registration system by the State Tax
545 Commission.

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

553 All county tax collectors shall participate in such system as
554 it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter
555 21, Title 63; Mississippi Code of 1972, in accordance with rules
556 and regulations promulgated by the State Tax Commission. Such
557 rules and regulations shall provide that counties which have an
558 existing computer system designed to produce registration data may
559 elect to use such existing system to communicate
560 title/registration data to the commission through the computer
561 furnished by the state as hereinabove provided in this section.
562 If the State Tax Commission finds and determines that a county has

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

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

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

592 It is the intent of the Legislature that the operation of the
593 statewide motor vehicle and manufactured housing title
594 registration system shall be the responsibility of the State Tax
595 Commission.

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

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

607 63-21-19. Each certificate of title issued by the State Tax
608 Commission shall contain:

609 (a) The date issued;

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

611 (c) The names and addresses of the first two (2)
612 lienholders in the order of priority as shown on the application,
613 or if the application is based on a certificate of title as shown
614 on the certificate;

615 (d) The title number;

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

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

625 (2) Unless security is furnished as provided in subsection
626 (b) of Section 63-21-23, Mississippi Code of 1972, a distinctive
627 certificate of title shall be issued for a vehicle, manufactured
628 home or mobile home last previously registered in another state or

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

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

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

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

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

655 63-21-21. The certificate of title shall be mailed to the
656 first lienholder named in it or, if none, to the owner. If the
657 original certificate of title is delivered to a lienholder, a
658 nontransferable duplicate certificate of title shall be mailed to
659 the owner to serve as a permit for operation of the motor vehicle
660 or use or occupancy of the manufactured home or mobile home.

661 SECTION 12. Section 63-21-23, Mississippi Code of 1972, is

662 amended as follows:

663 63-21-23. If the comptroller is not satisfied as to the
664 ownership of the vehicle, manufactured home or mobile home or that
665 there are no undisclosed security interests in it, the comptroller
666 may accept the application but shall either:

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

672 (b) As a condition of issuing a certificate of title,
673 require the applicant or dealer to file with the comptroller a
674 bond in the form prescribed by the comptroller and executed by the
675 applicant or dealer and by a person authorized to conduct a surety
676 business in this state, or require the application to be
677 accompanied by the deposit of cash with the comptroller. The bond
678 or cash shall be in an amount equal to one and one-half (1-1/2)
679 times the value of the vehicle, manufactured home or mobile home
680 as determined by the comptroller and conditioned to indemnify any
681 prior owner and lienholder and any subsequent purchaser of the
682 vehicle, manufactured home or mobile home or person acquiring any
683 security interest in it, and their respective successors in
684 interest, against any expense, loss or damage, including
685 reasonable attorney's fees, by reason of the issuance of the
686 certificates of title of the vehicle, manufactured home or mobile
687 home or on account of any defect in or undisclosed security
688 interest upon the right, title and interest of the applicant in
689 and to the vehicle, manufactured home or mobile home. Any such
690 interested person has a right of action to recover on the bond or
691 cash for any breach of its conditions, but the aggregate liability
692 of the surety to all persons shall not exceed the amount of the
693 bond or cash. The bond or cash shall be returned at the end of
694 three (3) years unless the comptroller has been notified of the

695 pendency of an action to recover on the bond or cash or that the
696 vehicle, manufactured home or mobile home does not belong to the
697 registered owner or that it is encumbered by an undisclosed lien.

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

700 63-21-25. The comptroller shall refuse issuance of a
701 certificate of title:

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

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

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

711 63-21-29. If the comptroller is not satisfied that there are
712 no undisclosed security interests created before August 9, 1968,
713 in a previously registered vehicle, or created before July 1,
714 1999, in a previously registered manufactured home or mobile home,
715 the comptroller may, in addition to the comptroller's options
716 under Section 63-21-27 issue a distinctive certificate of title of
717 the vehicle containing the legend "This vehicle, manufactured home
718 or mobile home may be subject to an undisclosed lien" and any
719 other information the comptroller prescribes.

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

722 63-21-31. (1) If an owner transfers his interest in a
723 vehicle, manufactured home or mobile home, other than by the
724 creation of a security interest, he shall, at the time of the
725 delivery of the vehicle, manufactured home or mobile home, execute
726 an assignment and warranty of title to the transferee in the space
727 provided therefor on the certificate or as the comptroller

728 prescribes, and cause the certificate and assignment to be mailed
729 or delivered to the transferee.

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

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

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

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

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

756 63-21-33. If a dealer buys a vehicle, manufactured home or
757 mobile home and holds it for resale and procures the certificate
758 of title from the owner or the lienholder within ten (10) days
759 after delivery to him of the vehicle, manufactured home or mobile
760 home, he need not send the certificate to the State Tax

761 Commission. However, upon transferring the vehicle, manufactured
762 home or mobile home to another person other than by the creation
763 of a security interest, he shall promptly execute the assignment
764 and warranty of title by a dealer, showing the names and addresses
765 of the transferee and of any lienholder holding a security
766 interest created or reserved at the time of the resale and the
767 date of his security agreement, in the spaces provided therefor on
768 the certificate or as the State Tax Commission prescribes, and
769 deliver the certificate to a designated agent with the
770 transferee's application for a new certificate.

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

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

789 An insurance company which obtains title to a motor vehicle,
790 manufactured home or mobile home as a result of paying a total
791 loss claim resulting from collision, fire, flood or other cause
792 shall obtain a salvage certificate of title in its name for such
793 vehicle, manufactured home or mobile home from the State Tax

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

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

805 63-21-35. (1) If the interest of an owner in a vehicle,
806 manufactured home or mobile home passes to another other than by
807 voluntary transfer the transferee shall, except as provided in
808 subsection (2), promptly deliver to a county tax collector or a
809 designated agent the last certificate of title, if available,
810 proof of the transfer, and make application for a new certificate
811 in the form the comptroller prescribes.

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

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

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

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

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

845 63-21-37. The comptroller, upon receipt of a properly
846 assigned certificate of title, with an application for a new
847 certificate of title, the required fee and any other documents
848 required by the comptroller, shall issue a new certificate of
849 title in the name of the transferee as owner and mail it to the
850 first lienholder named in it or, if none, to the owner.

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

858 The comptroller shall file every surrendered certificate of
859 title, or a microfilm of every such certificate, for a period of

860 time deemed necessary by him in order to permit the tracing of
861 title of the vehicle, manufactured home or mobile home designated
862 therein.

863 SECTION 19. Section 63-21-39, Mississippi Code of 1972, is
864 amended as follows:

865 63-21-39. (1) An owner who scraps, dismantles or destroys a
866 vehicle, manufactured home or mobile home and a person who
867 purchases a vehicle, manufactured home or mobile home as scrap or
868 to be dismantled or destroyed shall indicate same on the back of
869 the certificate of title and shall immediately cause the
870 certificate of title and any other documents required by the State
871 Tax Commission to be mailed or delivered to the State Tax
872 Commission for cancellation. A certificate of title of the
873 vehicle, manufactured home or mobile home shall not again be
874 issued except upon application containing the information the
875 State Tax Commission requires, accompanied by a certificate of
876 inspection in the form and content specified in Section
877 63-21-15(5) and proof of payment of a fee as provided in
878 subsection (2) of this section if a clear title is to be issued.

879 (2) For the purpose of requesting a clear title on a
880 vehicle, manufactured home or mobile home with a salvage
881 certificate of title, every owner of a vehicle, manufactured home
882 or mobile home that has been issued a salvage certificate of title
883 in this state or any other state which has been restored in this
884 state to its operating condition which existed prior to the event
885 which caused the salvage certificate of title to issue shall make
886 application to the State Tax Commission, accompanied by a
887 certificate of inspection in the form and content specified in
888 Section 63-21-15(5) and the payment of a fee of Seventy-five
889 Dollars (\$75.00). All such monies shall be collected by the
890 Department of Public Safety and paid to the State Treasurer for
891 deposit in a special fund that is hereby created in the State
892 Treasury to be known as the "Salvage Certificate of Title Fund."

893 Monies in the special fund may be expended by the Department of
894 Public Safety, upon appropriation by the Legislature. The State
895 Tax Commission shall establish by regulation the minimum
896 requirements by which a vehicle which has been issued a salvage
897 certificate of title may be issued a clear title.

898 SECTION 20. Section 63-21-41, Mississippi Code of 1972, is
899 amended as follows:

900 63-21-41. This chapter does not apply to or affect:

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

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

906 (c) A security interest in a vehicle, manufactured home
907 or mobile home created by a manufacturer or dealer who holds the
908 vehicle, manufactured home or mobile home for sale; however, a
909 buyer in the ordinary course of trade from the manufacturer or
910 dealer takes title free of the security interest.

911 SECTION 21. Section 63-21-42, Mississippi Code of 1972, is
912 amended as follows:

913 63-21-42. In the case of motor vehicles, trailers,
914 manufactured homes or mobile homes, notwithstanding any other
915 provision of law, a transaction does not create a sale or security
916 interest merely because it provides that the rental price is
917 permitted or required to be adjusted under the agreement either
918 upward or downward by reference to the amount realized upon sale
919 or other disposition of the motor vehicle, trailer, manufactured
920 home or mobile home.

921 SECTION 22. Section 63-21-43, Mississippi Code of 1972, is
922 amended as follows:

923 63-21-43. (1) Unless excepted by Section 63-21-41, a
924 security interest in a vehicle, manufactured home or mobile home
925 of a type which a certificate of title is required is not valid

926 against creditors of the owner or subsequent transferees or
927 lienholders of the vehicle, manufactured home or mobile home
928 unless perfected as provided in this chapter.

929 (2) (a) A security interest is perfected at the time the
930 owner signs a security agreement describing the vehicle,
931 manufactured home or mobile home, the secured party gives value,
932 the owner has rights in the vehicle, manufactured home or mobile
933 home, and an application for certificate of title signed by the
934 owner is presented to a designated agent.

935 (b) The designated agent shall deliver to the State Tax
936 Commission the existing certificate of title, if any, an
937 application for a certificate of title containing the name and
938 address of the lienholder and the date of his security agreement,
939 and the required fee, but the security interest will perfect at
940 the time the requirements of subsection 2(a) of this section are
941 met.

942 (3) If a vehicle, manufactured home or mobile home is
943 subject to a security interest when brought into this state, the
944 validity of the security interest is determined by the law of the
945 jurisdiction where the vehicle, manufactured home or mobile home
946 was when the security interest attached, subject to the following:

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

953 (b) If the security interest was perfected under the
954 law of the jurisdiction where the vehicle, manufactured home or
955 mobile home was when the security interest attached, the following
956 rules apply:

957 (i) If the name of the lienholder is shown on an
958 existing certificate of title issued by that jurisdiction, his

959 security interest continues perfected in this state.

960 (ii) If the name of the lienholder is not shown on
961 an existing certificate of title issued by that jurisdiction the
962 security interest continues perfected in this state for four (4)
963 months after a first certificate of title of the vehicle,
964 manufactured home or mobile home is issued in this state, and also
965 thereafter if, within the period of four (4) months, it is
966 perfected in this state. The security interest may also be
967 perfected in this state after the expiration of the period of four
968 (4) months, in which case perfection dates from the time of
969 perfection in this state.

970 (c) If the security interest was not perfected under
971 the law of the jurisdiction where the vehicle, manufactured home
972 or mobile home was when the security interest attached, it may be
973 perfected in this state, in which case perfection dates from the
974 time of perfection in this state.

975 (d) A security interest may be perfected under
976 paragraph (b)(ii) or paragraph (c) of this subsection, either as
977 provided in subsection (2), or by the holder of the lien created
978 out of this state delivering to a county tax collector or a
979 designated agent a notice of security interest in the form the
980 State Tax Commission prescribes, together with documents to
981 support the security interest as required by the State Tax
982 Commission and the required fee. The county tax collector or a
983 designated agent shall process said notice in the manner
984 prescribed by the State Tax Commission.

985 SECTION 23. Section 63-21-45, Mississippi Code of 1972, is
986 amended as follows:

987 63-21-45. (1) If an owner creates a security interest in a
988 vehicle, manufactured home or mobile home:

989 (a) The owner shall immediately execute the application
990 in the space provided therefor on the certificate of title, or on
991 a separate form the State Tax Commission prescribes to name the

992 lienholder on the certificate showing the name and address of the
993 lienholder and the date of his security agreement, and cause the
994 certificate, application and the required fee to be delivered to
995 the lienholder.

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

999 (c) Upon request of the owner or subordinate
1000 lienholder, a lienholder in possession of the certificate of title
1001 shall either mail or deliver the certificate to the subordinate
1002 lienholder for delivery to a county tax collector or a designated
1003 agent or, upon receipt from the subordinate lienholder of the
1004 owner's application and the required fee, mail or deliver them to
1005 a county tax collector or a designated agent with the certificate.

1006 The delivery of the certificate does not affect the rights of the
1007 first lienholder under his security agreement.

1008 (d) Upon receipt of the certificate of title,
1009 application and the required fee, the State Tax Commission shall
1010 either endorse on the certificate or issue a new certificate
1011 containing the name and address of the new lienholder, and mail
1012 the certificate to the first lienholder named in it.

1013 (2) Information evidencing a bank or lending institution's
1014 lien or other security interest in a motor vehicle's, manufactured
1015 home's or mobile home's certificate of title may be transferred by
1016 electronic means as provided in Section 63-21-16.

1017 SECTION 24. Section 63-21-47, Mississippi Code of 1972, is
1018 amended as follows:

1019 63-21-47. A lienholder may assign, absolutely or otherwise,
1020 his security interest in the vehicle, manufactured home or mobile
1021 home to a person other than the owner without affecting the
1022 interest of the owner or the validity of the security interest.
1023 However, any person without notice of the assignment is protected
1024 in dealing with the lienholder as the holder of the security

1025 interest and the lienholder remains liable for any obligations as
1026 lienholder until the assignee is named as lienholder on the
1027 certificate in the manner prescribed by the comptroller.

1028 The comptroller shall file each assignment received by the
1029 comptroller with the required fee, and note the assignee as
1030 lienholder upon the record of notices of security interests
1031 maintained by the comptroller.

1032 SECTION 25. Section 63-21-49, Mississippi Code of 1972, is
1033 amended as follows:

1034 63-21-49. (1) Upon the satisfaction of a security interest
1035 in a vehicle, manufactured home or mobile home for which the
1036 certificate of title is in the possession of the lienholder, he
1037 shall, within ten (10) days after demand and, in any event, within
1038 thirty (30) days, execute a release of his security interest, in
1039 the space provided therefor on the certificate or as the
1040 comptroller prescribes, and mail or deliver the certificate and
1041 release to the next lienholder named therein, or, if none, to the
1042 owner or any person who delivers to the lienholder an
1043 authorization from the owner to receive the certificate. The
1044 owner other than a dealer holding the vehicle, manufactured home
1045 or mobile home for resale, shall promptly cause the certificate
1046 and release to be mailed or delivered to the comptroller, who
1047 shall release the lienholder's rights on the certificate or issue
1048 a new certificate.

1049 (2) Upon the satisfaction of a security interest in a
1050 vehicle, manufactured home or mobile home for which the
1051 certificate of title is in the possession of a prior lienholder,
1052 the lienholder whose security interest is satisfied shall within
1053 ten (10) days after demand and, in any event, within thirty (30)
1054 days execute a release in the form the comptroller prescribes and
1055 deliver the release to the owner or any person who delivers to the
1056 lienholder an authorization from the owner to receive it. The
1057 lienholder in possession of the certificate of title shall either

1058 deliver the certificate to the owner, or the person authorized by
1059 him, for delivery to the comptroller or, upon receipt of the
1060 release, mail or deliver it with the certificate to the
1061 comptroller who shall release the subordinate lienholder's rights
1062 on the certificate or issue a new certificate.

1063 (3) Upon receipt of the aforementioned releases of security
1064 interests, the comptroller shall file each release in the manner
1065 prescribed by the comptroller and note the same upon the records
1066 of notices of security interests maintained by him.

1067 SECTION 26. Section 63-21-53, Mississippi Code of 1972, is
1068 amended as follows:

1069 63-21-53. If a security interest in a previously registered
1070 vehicle is perfected under any other applicable law of this state
1071 as of August 9, 1968, and if a security interest in a previously
1072 registered manufactured home or mobile home is perfected under any
1073 other applicable law of this state as of July 1, 1999, the
1074 security interest continues perfected until its perfection lapses
1075 under the law under which it was perfected. This would apply only
1076 to vehicles, manufactured homes or mobile homes not required to be
1077 titled under this chapter.

1078 SECTION 27. Section 63-21-57, Mississippi Code of 1972, is
1079 amended as follows:

1080 63-21-57. The comptroller shall file each notice of security
1081 interest received by the comptroller with the required fee and
1082 maintain a record of all notices of security interests filed by
1083 the comptroller:

- 1084 (a) Alphabetically, under the name of the owner;
- 1085 (b) Under the vehicle, manufactured home or mobile home
1086 identification number;
- 1087 (c) Under the certificate of title number; and
- 1088 (d) In the discretion of the comptroller, by any other
1089 method he determines.

1090 The comptroller before issuing or reissuing a certificate of

1091 title shall check the name of the owner and the certificate of
1092 title number of the vehicle, manufactured home or mobile home
1093 against the record above provided for.

1094 SECTION 28. Section 63-21-59, Mississippi Code of 1972, is
1095 amended as follows:

1096 63-21-59. The comptroller shall suspend or revoke a
1097 certificate of title, upon notice and reasonable opportunity to be
1098 heard, if the comptroller finds:

1099 (a) The certificate of title was fraudulently procured
1100 or erroneously issued, or

1101 (b) The vehicle, manufactured home or mobile home has
1102 been scrapped, dismantled or destroyed.

1103 Suspension or revocation of a certificate of title does not
1104 in itself affect the validity of a security interest noted on it.

1105 When the comptroller suspends or revokes a certificate of
1106 title, the owner or person in possession of it shall, immediately
1107 upon receiving notice of the suspension or revocation, mail or
1108 deliver the certificate to the comptroller.

1109 The comptroller may seize and impound any certificate of
1110 title which has been suspended or revoked.

1111 SECTION 29. Section 63-21-61, Mississippi Code of 1972, is
1112 amended as follows:

1113 63-21-61. The owner of any motor vehicle, manufactured home
1114 or mobile home for which the comptroller has refused to issue a
1115 certificate of title, or has suspended or revoked the certificate
1116 of title thereon, or any person having an interest in such motor
1117 vehicle, manufactured home or mobile home, or having a lien
1118 thereon, who feels that he has been denied any right under this
1119 chapter by the comptroller, or his designated agents, may, within
1120 ninety (90) days thereafter, file a petition in the county or
1121 circuit court of either of the counties hereinafter designated for
1122 a hearing or review of such action of the comptroller. The judge
1123 of such court shall set the matter for hearing or review upon not

1124 less than ten (10) days' notice after the execution of proper
1125 process or citation duly served upon the party or parties made
1126 defendant thereto, and shall thereupon hear such cause and enter
1127 such order as may be proper. Such hearing may be heard either in
1128 term time or vacation. Such petition may be filed in either the
1129 county or circuit court of the county wherein any petitioner
1130 resides; or, in the event of a corporation or an association, in
1131 any county in which it is domiciled or does business; or in the
1132 county in which such certificate of title was issued; or in the
1133 county in which the office of the comptroller is located.

1134 SECTION 30. Section 63-21-65, Mississippi Code of 1972, is
1135 amended as follows:

1136 63-21-65. The State Tax Commission shall pay into the
1137 General Fund the fees collected under this chapter. As much of
1138 such fees as authorized by the Legislature shall be used by the
1139 State Tax Commission to defray the cost of carrying out the duties
1140 of the State Tax Commission including the maintenance of the
1141 automated statewide motor vehicle and manufactured housing
1142 registration system.

1143 SECTION 31. Section 63-21-67, Mississippi Code of 1972, is
1144 amended as follows:

1145 63-21-67. The rules and regulations promulgated by the
1146 comptroller shall make suitable provisions for the use by an
1147 applicant of the duplicate copy of his application for a
1148 certificate of title to serve as a permit for the operation of the
1149 motor vehicle or the use and occupation of a manufactured home or
1150 mobile home described in the application until the comptroller
1151 either issues the certificate of title of such motor vehicle,
1152 manufactured home or mobile home or refuses to issue the
1153 certificate. The comptroller and every designated agent receiving
1154 an application for the certificate of title, when the provisions
1155 of this chapter have been otherwise complied with, shall deliver
1156 to the applicant the duplicate copy of his application which shall

1157 contain a suitable permit for the purposes mentioned in this
1158 paragraph.

1159 In the event the comptroller refuses to issue the certificate
1160 of title the applicant shall, immediately upon receiving written
1161 notice from the comptroller that such certificate will not be
1162 issued for the reason or reasons stated in the notice, deliver or
1163 mail to the comptroller by registered mail the duplicate copy of
1164 his application containing the permit mentioned in the previous
1165 paragraph of this section and, in the case of a vehicle, the
1166 current privilege license tag which was issued for the vehicle.
1167 The motor vehicle, manufactured home or mobile home described in
1168 said application shall not be operated on the highways or other
1169 public places of this state or used or occupied after the
1170 applicant receives notice that the certificate will not be issued
1171 unless its operation is subsequently authorized by the comptroller
1172 either by the issuance of a new permit or by a certificate of
1173 title. If for any reason the said duplicate copy of the
1174 application for certificate of title and, in the case of a
1175 vehicle, the current privilege license tag which was issued for
1176 the vehicle in question is not received by the comptroller within
1177 ten (10) calendar days after the comptroller mails written notice
1178 to the applicant that he will not issue the certificate of title
1179 applied for, the comptroller or, at the request of the
1180 comptroller, any state highway patrolman, sheriff or other peace
1181 officer of this state, is authorized and empowered to require and
1182 compel the surrender of said duplicate copy of the application for
1183 certificate of title and, in the case of a vehicle, the said
1184 current privilege license tag. The comptroller, after he obtains
1185 possession of said duplicate copy of application for certificate
1186 of title and, in the case of a vehicle, said current privilege
1187 license tag, is authorized to retain same until he is satisfied
1188 that said applicant is entitled to receive a certificate of title
1189 of the vehicle, manufactured home or mobile home in question.

1190 SECTION 32. The following provision shall be codified as
1191 Section 63-21-64, Mississippi Code of 1972:

1192 63-21-64. There shall be paid to the State Tax Commission
1193 for issuing and processing documents required by this chapter,
1194 fees for manufactured homes or mobile homes according to the
1195 following schedule:

- 1196 (a) Each application for certificate
1197 of title..... \$ 8.00
- 1198 (b) Each application for replacement or
1199 corrected certificate of title..... 8.00
- 1200 (c) Each suspension or revocation of
1201 certificate of title..... 8.00
- 1202 (d) Each notice of security interest..... 8.00
- 1203 (e) Each release of security interest..... 8.00
- 1204 (f) Each assignment by lienholder..... 8.00
- 1205 (g) Each application for information as to the
1206 status of the title of a manufactured home or mobile home.. 8.00

1207 The designated agent may add the sum of One Dollar (\$1.00) to
1208 each document processed for which a fee is charged to be retained
1209 as his commission for services rendered. All other fees collected
1210 shall be remitted to the comptroller or his successor.

1211 If more than one (1) transaction be involved in any
1212 application on a single manufactured home or mobile home and if
1213 supported by all required documents, the fee charged by the tax
1214 commission's designated agent for processing and issuing shall be
1215 considered as only one (1) transaction.

1216 SECTION 33. Section 27-41-101, Mississippi Code of 1972, is
1217 amended as follows:

1218 27-41-101. (1) In the event the tax collector elects to use
1219 the provisions of Sections 27-41-101 through 27-41-109 to collect
1220 delinquent tax payments on personal property and, upon default of
1221 the payment of ad valorem taxes upon personal property upon the
1222 due dates prescribed in this chapter or, in the case of mobile or

1223 manufactured homes classified as personal property, the due date
1224 prescribed in Section 27-53-11, the tax collector shall give
1225 written notice to the taxpayer demanding the payment of the ad
1226 valorem taxes on personal property then remaining in default
1227 within twenty (20) days from the date of the delivery of the
1228 notice. The notice shall be sent by certified or registered mail
1229 to the taxpayer, or delivered by an employee of the tax collector
1230 either to the taxpayer or someone of suitable age and discretion
1231 at the taxpayer's place of business or residence. In the case of
1232 mobile homes or manufactured homes classified as personal
1233 property, copies of the notice to the taxpayer and evidence of the
1234 receipt shall be maintained by the tax collector for two (2) years
1235 from the date of the notice.

1236 (2) If any person liable for the payment of ad valorem taxes
1237 on personal property fails or refuses to pay the taxes after
1238 receiving the notice and demand as provided in subsection (1) of
1239 this section, the tax collector may file a notice of a tax lien
1240 for such ad valorem taxes with the circuit clerk of the county in
1241 which the taxpayer resides or owns property which shall be
1242 enrolled as a judgment on the judgment roll.

1243 (3) Immediately upon receipt of the notice of the tax lien
1244 for ad valorem taxes on personal property, the circuit clerk shall
1245 enter the notice of a tax lien as a judgment upon the judgment
1246 roll and show in the appropriate columns the name of the taxpayer
1247 as judgment debtor, the name of the tax collector as judgment
1248 creditor, the amount of the taxes, interest, fees and costs and
1249 the date and time of enrollment. The judgment shall be valid as
1250 against mortgagees, pledgees, entrusters, purchasers, judgment
1251 creditors, and other persons from the time of filing with the
1252 clerk; provided, however, that the preference of a judgment in
1253 regard to any personal property upon which the taxes are assessed,
1254 excepting motor vehicles as defined by the Motor Vehicle Ad
1255 Valorem Tax Law of 1958, and manufactured housing and mobile homes

1256 having certificates of title as defined by the Mississippi Motor
1257 Vehicle and Manufactured Housing Title Law shall be entitled to
1258 preference over all judgments, executions, encumbrances or liens
1259 whensoever created upon such personal property. The judgment
1260 shall be valid and a preference in the case of manufactured
1261 housing and mobile homes having certificates of title if the
1262 judgment is for the taxes due solely on that manufactured home or
1263 mobile home and the required notice was furnished to the taxpayer
1264 and the lien creditor reflected on the certificate of title. The
1265 amount of the judgment shall be a debt due the county and remain a
1266 lien upon all property and rights to property belonging to the
1267 taxpayer, both real and personal, including choses in action, with
1268 the same force and like effect as any enrolled judgment of a court
1269 of record, and shall continue until satisfied. The judgment shall
1270 be the equivalent of any enrolled judgment of a court of record
1271 and shall serve as authority for the issuance of writs of
1272 execution, writs of attachment, writs of garnishment or other
1273 remedial writs. The tax collector may issue warrants for
1274 collection of ad valorem taxes from such judgments, in lieu of the
1275 issuance of any remedial writ by the circuit clerk, as provided in
1276 Sections 27-41-103 and 27-41-105; provided, however, that the
1277 judgment shall not be a lien upon the property of the taxpayer for
1278 a longer period than seven (7) years from the date of the filing
1279 of the notice of tax lien for ad valorem taxes, damages and
1280 interest unless action be brought thereon before the expiration of
1281 such time or unless the tax collector refiles such notice of tax
1282 lien before the expiration of such time. The judgment shall be a
1283 lien upon the property of the taxpayer for a period of seven (7)
1284 years from the date of refileing such notice of tax lien unless
1285 action be brought thereon before the expiration of such time or
1286 unless the tax collector refiles such notice of tax lien before
1287 the expiration of such time. There shall be no limit upon the
1288 number of times that the tax collector may refile notices of tax

1289 liens.

1290 SECTION 34. Section 27-41-103, Mississippi Code of 1972, is
1291 amended as follows:

1292 27-41-103. (1) The tax collector may issue a warrant under
1293 his official seal directed to the sheriff of any county of the
1294 state commanding him to immediately seize and sell the real and
1295 personal property of the person owning the property found within
1296 the county in which the judgment is enrolled for the payment of
1297 the amount of ad valorem tax on personal property as set forth in
1298 the warrant, and the cost of executing the warrant.

1299 (2) (a) In the case of mobile homes or manufactured homes
1300 classified as personal property, the sale shall be conducted on
1301 the first Monday of June, if the tax collector exercises his
1302 option to direct the sheriff to hold the sale on that day, and on
1303 the first Monday of October, as the case may be, if the taxes
1304 remain unpaid, the sheriff shall proceed to sell, for the payment
1305 of the taxes then remaining due and unpaid, together with all
1306 fees, penalties and damages provided by law to the highest and
1307 best bidder for cash as will pay the amount of taxes due and all
1308 costs and charges. The purchaser of such manufactured homes or
1309 mobile homes shall be issued a receipt by the sheriff. If the
1310 mobile home or manufactured home is not redeemed as provided in
1311 paragraph (c) of this subsection and notice to all lien creditors
1312 is given as provided in paragraph (b) of this subsection, the
1313 purchaser shall be issued a sheriff's bill of sale that the
1314 purchaser can present to the tax assessor to obtain a certificate
1315 of title.

1316 (b) In order for a certificate of title to be issued to
1317 the purchaser by the tax collector, the tax collector must first
1318 have given written notice within thirty (30) days of the date of
1319 the sale to any secured creditor having a perfected lien on the
1320 home as reflected on the certificate of title as shown by the
1321 official records of the State Tax Commission demanding the payment

1322 of the ad valorem taxes on personal property then remaining in
1323 default and notifying the secured creditor of the sale. The
1324 notice shall be sent by certified or registered mail to all lien
1325 creditors, or delivered by an employee of the tax collector either
1326 to the lien creditor or someone of suitable age and discretion at
1327 the lien creditor's place of business or residence. Copies of the
1328 notice to the lien creditor and evidence of receipt, as
1329 applicable, concerning mobile homes or manufactured homes
1330 classified as personal property shall be maintained by the tax
1331 collector for two (2) years from the date of the notice.

1332 (c) In the case of a sale of mobile homes or
1333 manufactured homes classified as personal property, the owner, or
1334 any persons for him with his consent, or any lien creditor listed
1335 on a certificate of title, or any other person interested in the
1336 mobile home or manufactured home, may redeem such mobile home or
1337 manufactured home at any time within ninety (90) days after the
1338 day of sale, by paying to the tax collector, regardless of the
1339 amount of the purchaser's bid at the tax sale, the amount of all
1340 taxes for which the mobile home or manufactured home was sold
1341 together with all costs incident to the sale, five percent (5%)
1342 damages on the amount of taxes for which the land was sold, and
1343 interest on all such taxes and costs at the rate of one and
1344 one-half percent (1-1/2%) per month, or any fractional part
1345 thereof, from the date of such sale, and all costs that have
1346 accrued on the land since the sale, with interest thereon from the
1347 date such costs shall have accrued, at the rate of one and
1348 one-half percent (1-1/2%) per month, or any fractional part
1349 thereof, saving only to infants who have or may hereafter inherit
1350 or acquire land by will and persons of unsound mind whose land may
1351 be sold for taxes, the right to redeem the same within ninety (90)
1352 days after attaining full age or being restored to sanity, from
1353 the state or any purchaser thereof, on the terms herein
1354 prescribed, and on their paying the value of any permanent

1355 improvements on the land made after the expiration of ninety (90)
1356 days from the date of the sale of the lands for taxes. Upon such
1357 payment to the tax collector as provided, the tax collector shall
1358 execute to the person redeeming the mobile home or manufactured
1359 home a release of all claims or title of the state or purchaser to
1360 such home. The said release shall be attested by the seal of the
1361 tax collector and shall be entitled to be recorded without
1362 acknowledgment, in the same manner as deeds are recorded. The
1363 release, when so executed and attested, shall operate as a
1364 quitclaim on the part of the state or purchaser of any right or
1365 title under said tax sale.

1366 SECTION 35. Section 27-53-1, Mississippi Code of 1972, is
1367 amended as follows:

1368 27-53-1. For the purposes of this chapter, the following
1369 words shall have the following meanings:

1370 "Manufactured home or manufactured housing"—any
1371 structure transportable in one or more sections, which, in the
1372 traveling mode, is eight (8) body feet or more in width or forty
1373 (40) body feet or more in width or forty (40) body feet or more in
1374 length or, when erected on site, is three hundred twenty (320) or
1375 more square feet and which is built on a permanent chassis and
1376 designed and constructed so as to be suitable for use for
1377 domestic, commercial or industrial purposes with or without a
1378 permanent foundation that complies with the standards established
1379 under the National Manufactured Housing Construction and Safety
1380 Standards Act of 1974, 42 U.S.C., Section 5401, when such trailer
1381 is detached from a motor vehicle and parked on real estate as
1382 opposed to being towed by a self-propelled vehicle on the highways
1383 of this state. This definition includes all such structures which
1384 are parked even for a period of only a few months and excludes
1385 only those actually in transit on the highways or parked for no
1386 more than an overnight stop.

1387 "Mobile home" shall mean any structure, transportable in one

1388 or more sections, which in the traveling mode, is eight (8) body
1389 feet or more in width or forty (40) body feet or more in width or
1390 forty (40) body feet or more in length or, when erected on site,
1391 is three hundred twenty (320) or more square feet and which is
1392 built on a permanent chassis and designed and constructed so as to
1393 be suitable for use for domestic, commercial or industrial
1394 purposes, with or without a permanent foundation and manufactured
1395 prior to June 15, 1976, when such structure is detached from a
1396 motor vehicle and parked on real estate as opposed to being towed
1397 by a self-propelled vehicle on the highways of this state. This
1398 definition includes all such structures which are parked even for
1399 a period of only a few months and excludes only those actually in
1400 transit on the highways or parked for no more than an overnight
1401 stop.

1402 "Motor home"—any such manufactured home or mobile home
1403 or similar structure or vehicle which is not parked but which is
1404 being moved from place to place over the highways and streets of
1405 the state by being supported by two (2) or more wheels by motive
1406 power not its own and which vehicle is taxed under the provisions
1407 of the motor vehicle ad valorem tax law. This definition is
1408 limited to those vehicles which are actually in transit and
1409 excludes any vehicles which are parked for more than an overnight
1410 stop.

1411 "Person"—any natural person, agency, firm, corporation,
1412 copartnership, joint stock, or other association or organization.

1413 "Manufactured home roll"—the special separate assessment
1414 roll in which all manufactured and mobile home assessments shall
1415 be kept unless and until such manufactured and mobile home shall
1416 become an improvement on real estate and placed on the land rolls.

1417 SECTION 36. Section 27-53-3, Mississippi Code of 1972, is
1418 amended as follows:

1419 27-53-3. The State Tax Commission shall furnish to each
1420 official scale located on highways at the entrance to the state

1421 printed forms to be completed by the driver of all vehicles towing
1422 manufactured homes, mobile homes or motor homes. The forms shall
1423 contain the following information about the manufactured homes,
1424 mobile homes or motor homes being towed: (a) the name of its
1425 owner; and (b) the post office or street address to which it is to
1426 be delivered. In addition, each manufactured home, mobile home or
1427 motor home dealer doing business in the State of Mississippi shall
1428 furnish to the State Tax Commission, at regular intervals,
1429 detailed reports which shall include the above information. From
1430 this information and other information that may come into its
1431 possession, the State Tax Commission, at monthly intervals, shall
1432 compile and furnish to each county tax collector an accurate list
1433 of all manufactured homes and mobile homes delivered to or located
1434 in that county during the preceding month. The list shall be
1435 compiled by the county and contain the following information: (a)
1436 the name of the owner; and (b) the post office or street address
1437 to which the manufactured home or mobile home was delivered.

1438 SECTION 37. Section 27-53-5, Mississippi Code of 1972, is
1439 amended as follows:

1440 27-53-5. (1) It shall be the duty of the owner of a
1441 manufactured home or mobile home, not later than seven (7) days,
1442 Saturdays, Sundays and legal holidays excluded, after the date of
1443 purchase or entry into the county where the manufactured home or
1444 mobile home is located, to register such manufactured home or
1445 mobile home with the tax collector of the county where the
1446 manufactured home or mobile home is located. If a certificate of
1447 title has been issued or applied for concerning the manufactured
1448 home or mobile home, the original certificate of title or a copy
1449 of the application shall be presented to the tax collector at the
1450 time of the registration. The registration application for such
1451 manufactured home or mobile home shall contain the following
1452 information: name and address of owner, length and width of the
1453 manufactured home or mobile home, serial number of manufactured

1454 home or mobile home, make of manufactured home or mobile home,
1455 date of purchase, present market value, and address where
1456 manufactured home or mobile home is located if other than the
1457 address of the owner. At the time that an owner registers his
1458 manufactured home or mobile home, and before a registration
1459 certificate may be issued by the tax collector, the owner of the
1460 manufactured home or mobile home shall pay a registration fee of
1461 One Dollar (\$1.00) to the county tax collector and provide proof
1462 of payment of the previous year's taxes unless the manufactured
1463 home or mobile home was purchased from a licensed dealer. It is
1464 also the duty of the owner of the manufactured home or mobile home
1465 to reregister his manufactured home or mobile home with the tax
1466 collector within seven (7) days after the relocation of such
1467 manufactured home or mobile home from one (1) location in the
1468 county to another location in the county in order that there will
1469 always be on file with the tax collector the current address of
1470 such manufactured home or mobile home.

1471 (2) It shall be the duty of every manufactured home or
1472 mobile home owner to provide proof of registration in the county
1473 in which the manufactured home or mobile home is located and at
1474 the address at which utility service is to be provided, as
1475 required by subsection (1), to each utility company whose service
1476 is procured by the owner before the utility company shall connect
1477 its services. For purposes of this section, "utility" shall mean
1478 and include water, gas, electric and telephone services, including
1479 such utilities as are owned and operated by municipalities.

1480 (3) No utility company shall connect, provide or transfer
1481 service without receiving and recording the number of the current
1482 registration certificate issue for the manufactured home or mobile
1483 home at the address where service will be connected, provided or
1484 transferred.

1485 (4) It shall be the duty of every manufactured home or
1486 mobile home owner subject to the use tax levy in Section 27-67-5

1487 to provide proof of payment of such tax prior to the time of
1488 registration. If the manufactured home or mobile home has been
1489 registered in another county in this state, then the owner shall
1490 only need to show proof of such registration.

1491 (5) Every utility company * * * shall furnish to the county
1492 tax collector, upon request, the names and addresses of all
1493 manufactured home or mobile home customers to whom the utility
1494 company provides a service.

1495 SECTION 38. Section 27-53-7, Mississippi Code of 1972, is
1496 amended as follows:

1497 27-53-7. At the time of registration, the value of the
1498 manufactured home or mobile home shall be assessed and entered by
1499 the tax collector on the manufactured home rollbook.

1500 SECTION 39. Section 27-53-9, Mississippi Code of 1972, is
1501 amended as follows:

1502 27-53-9. Manufactured homes and mobile homes shall be
1503 assessed in the same manner as property of like value is assessed
1504 on the land rolls or manufactured home rolls on which they appear.

1505 SECTION 40. Section 27-53-11, Mississippi Code of 1972, is
1506 amended as follows:

1507 27-53-11. The ad valorem tax on manufactured homes and
1508 mobile homes shall be computed from the date of registration but
1509 not be due and payable until ninety (90) days thereafter. All ad
1510 valorem taxes for this first year's registration shall be prorated
1511 from the date of registration to the end of the calendar year.
1512 Thereafter, all ad valorem taxes on manufactured homes and mobile
1513 homes shall be due and payable annually; provided, however, that
1514 all ad valorem taxes on manufactured homes and mobile homes that
1515 have been classified as real property shall be due and payable in
1516 the same manner as prescribed for other real property. No
1517 additional ad valorem taxes are due on a manufactured home or
1518 mobile home that is brought into a county from another county in
1519 this state if the owner shows proof of payment of ad valorem taxes

1520 in the other county.

1521 SECTION 41. Section 27-53-13, Mississippi Code of 1972, is
1522 amended as follows:

1523 27-53-13. The manufactured home or mobile home owner who
1524 does not own the land on which his manufactured home or mobile
1525 home is located must declare his manufactured home or mobile home
1526 to be personal property at the time of registration and the county
1527 tax collector shall enter it on the manufactured home rolls as
1528 personal property.

1529 SECTION 42. Section 27-53-15, Mississippi Code of 1972, is
1530 amended as follows:

1531 27-53-15. The manufactured homeowner or mobile homeowner who
1532 owns the land on which the manufactured home or mobile home is
1533 located shall have the option at the time of registration of
1534 declaring whether the manufactured home or mobile home shall be
1535 classified as personal or real property. If the manufactured home
1536 or mobile home is to be classified as real property, then the
1537 wheels and axles must be removed and it must be anchored and
1538 blocked in accordance with the rules and procedures promulgated by
1539 the Commissioner of Insurance of the State of Mississippi. After
1540 the wheels and axles have been removed and the manufactured home
1541 or mobile home has been anchored and blocked in accordance with
1542 such rules and procedures, the manufactured home or mobile home
1543 shall be considered to have been affixed to a permanent
1544 foundation. The county tax assessor shall then enter the
1545 manufactured home or mobile home on the land rolls and tax it as
1546 real property on the land on which it is located from the date of
1547 registration. At such time, the county tax assessor shall issue a
1548 certificate certifying that the manufactured home or mobile home
1549 has been classified as real property. Such certificate shall
1550 contain the name of the owner of the manufactured home or mobile
1551 home, the name of the manufacturer, the model, the serial number
1552 and the legal description of the real property on which the

1553 manufactured home or mobile home is located. The county tax
1554 assessor shall cause such certificate to be filed in the land
1555 records of the county in which the property is situated. After
1556 filing, the chancery clerk shall forward the certificate to the
1557 owner. For issuance of the certificate, a fee of Twelve Dollars
1558 (\$12.00) shall be collected by the county tax assessor, Ten
1559 Dollars (\$10.00) of which shall be retained by the assessor and
1560 Two Dollars (\$2.00) of which shall be forwarded to the chancery
1561 clerk for filing the certificate. Upon the filing of the
1562 certificate in the land records, the manufactured home or mobile
1563 home shall then be considered real property for purposes of ad
1564 valorem taxation. The filing of such a certificate shall not
1565 affect the validity or priority of any existing perfected lien.
1566 If a manufactured home or mobile home is classified as real
1567 property and no certificate of title was required to be issued or
1568 issued for such property pursuant to Chapter 21, Title 63,
1569 Mississippi Code of 1972, a security interest may be obtained
1570 therein through the use of a mortgage or deed of trust describing
1571 both the manufactured home or mobile home and the land on which
1572 the manufactured home or mobile home is located. For a
1573 manufactured home or mobile home classified as personal property
1574 for which no certificate of title was required to be issued or
1575 issued pursuant to the provisions of Chapter 21, Title 63,
1576 Mississippi Code of 1972, the perfection of a security interest
1577 therein shall be governed by the provisions of Chapter 9, Title
1578 75, Mississippi Code of 1972. Regardless of whether a
1579 manufactured home or mobile home for which a certificate of title
1580 was required to be issued or issued pursuant to the provisions of
1581 Chapter 21, Title 63, Mississippi Code of 1972, is * * *
1582 classified as real property or is classified as personal property,
1583 the perfection of a security interest therein shall be governed by
1584 the provisions of Chapter 21, Title 63, Mississippi Code of 1972.
1585 A manufactured home or mobile home that has been classified as

1586 personal property may be reclassified as real property at the
1587 option of its owner if the owner obtains a certification from the
1588 tax assessor as provided in this section. Conversely, a
1589 manufactured home or mobile home that has been classified as real
1590 property may be reclassified for purposes of ad valorem taxation
1591 as personal property at the option of its owner if there is no
1592 lien against it and if the owner notifies the county tax assessor
1593 to reassess it and have the county tax collector enter it upon the
1594 manufactured home rolls. Upon a request for reclassification, if
1595 no certificate of title was required to be issued or issued for
1596 the manufactured home or mobile home, there must be no lien
1597 against it and the property owner shall present proof satisfactory
1598 to the tax assessor that there are no liens outstanding on the
1599 property. If there is a lien against the manufactured home or
1600 mobile home, the county tax assessor shall refuse to allow the
1601 county tax collector to reclassify it as personal property until
1602 the lien has been released. If a certificate of title as provided
1603 in Chapter 21, Title 63, Mississippi Code of 1972, has been
1604 issued, the manufactured home or mobile home may be reclassified
1605 for ad valorem taxation purposes regardless of whether a lien
1606 exists on the certificate of title. Upon such request, the tax
1607 assessor may issue a certificate cancelling the classification of
1608 the manufactured home or mobile home as real property and cause
1609 such certification to be filed in the land records of the county
1610 in which the property is situated. For issuance of the
1611 certificate, a fee of Twelve Dollars (\$12.00) shall be collected
1612 by the county tax assessor, Ten Dollars (\$10.00) of which shall be
1613 retained by the assessor and Two Dollars (\$2.00) of which shall be
1614 forwarded to the chancery clerk for filing the certificate.

1615 SECTION 43. Section 27-53-17, Mississippi Code of 1972, is
1616 amended as follows:

1617 27-53-17. (1) (a) Except as otherwise provided in Section
1618 27-41-2, it shall be the duty of the tax collector of the county

1619 in which the manufactured home or mobile home is registered and
1620 assessed to collect the ad valorem taxes thereon. In cases where
1621 the manufactured home or mobile home is assessed on the land
1622 rolls, the penalty for nonpayment or delinquency of taxes shall be
1623 the same as is prescribed by law in regard to real estate. Except
1624 as otherwise provided in this section, in the case of all other
1625 manufactured homes or mobile homes, if the ad valorem tax is not
1626 paid within ninety (90) days after it becomes due and payable as
1627 provided by Section 27-53-11, the tax collector shall have the
1628 authority to file a civil suit in order to collect these taxes.
1629 Suits to collect delinquent manufactured home or mobile home taxes
1630 may be combined and included in one or more civil suits, the costs
1631 of which (including publication fees and like necessary expenses)
1632 shall be assessed pro rata among the delinquent taxpayers party to
1633 a suit as part of the judgment.

1634 (b) After taking all possible legal action, the tax
1635 collector shall submit a report of uncollected manufactured home
1636 or mobile home taxes to the board of supervisors. Such report
1637 shall be verified by the affidavit of the collector, that he has
1638 made, in person or by deputy, a legal demand for taxes due and
1639 that the taxpayers mentioned in the report have failed to pay
1640 their taxes. Separate lists of the delinquents shall be made for
1641 each election district and for each city, town and village.

1642 (c) The board shall allow the collector a credit for
1643 those taxes which it is satisfied may remain uncollected without
1644 the default of the collector, and no more. A list of the
1645 allowances shall be made out and certified by the clerk and
1646 transmitted to the Auditor of Public Accounts, and shall be
1647 credited to the collector in his settlement with the auditor and
1648 chancery clerk.

1649 (2) As an alternative to the authority granted under this
1650 section to county tax collectors to file suit for the collection
1651 of delinquent manufactured home or mobile home taxes, the board of

1652 supervisors of any county, in its discretion, may contract in the
1653 manner provided in Section 19-3-41 with a private attorney or
1654 private collection agent or agents for the collection of
1655 delinquent ad valorem taxes on manufactured homes or mobile homes
1656 that are entered as personal property on the manufactured home
1657 rolls.

1658 (3) As an alternative to the method of collecting delinquent
1659 taxes provided for in this section, the method provided for in
1660 Sections 27-41-101 through 27-41-109 may, in the discretion of the
1661 tax collector, be used to collect delinquent ad valorem taxes on
1662 manufactured homes or mobile homes classified as personal
1663 property.

1664 SECTION 44. Section 27-53-19, Mississippi Code of 1972, is
1665 amended as follows:

1666 27-53-19. Removal of a manufactured home or mobile home
1667 after the same has been assessed and such ad valorem tax has not
1668 been paid and notice of sale has been served shall be prima facie
1669 evidence of an intent on the part of the manufactured or mobile
1670 homeowner to avoid payment of taxes, and the county tax collector
1671 shall attach the property immediately.

1672 SECTION 45. Section 27-53-21, Mississippi Code of 1972, is
1673 amended as follows:

1674 27-53-21. The county tax collector is authorized to collect
1675 the municipal as well as county tax on manufactured homes or
1676 mobile homes not included in the land rolls and return the
1677 municipal tax to the municipality, retaining the same commission
1678 as is allowed for collection of municipal tax on motor vehicles.
1679 The tax on manufactured homes or mobile homes included in the land
1680 rolls shall be collected by the county and city tax collectors as
1681 on all other realty.

1682 SECTION 46. Section 27-53-23, Mississippi Code of 1972, is
1683 amended as follows:

1684 27-53-23. Manufactured homes and mobile homes considered as

1685 personal property shall be assessed uniformly according to value
1686 and such assessed value shall be determined by an assessment
1687 schedule which shall be prepared and made of record by the State
1688 Tax Commission and shall be certified to each county tax assessor
1689 and tax collector as the official manufactured and mobile home
1690 assessment schedule which shall be used by the proper officials in
1691 assessing manufactured home or mobile home ad valorem taxes for
1692 the year.

1693 In no instance may any taxing agency, under authority of this
1694 chapter, either reduce or increase for the purpose of ad valorem
1695 taxation the existing value of any manufactured home or mobile
1696 home from that shown by the aforesaid assessment schedule.

1697 Any person objecting to the assessment schedule as it affects
1698 the assessed value of his manufactured home or mobile home as
1699 personal property may proceed as is provided for under Section
1700 27-51-23, Mississippi Code of 1972. Any person objecting to the
1701 real property assessment as it affects the assessed value of his
1702 manufactured home or mobile home may proceed as in such cases made
1703 and provided by law as pertains to real property.

1704 SECTION 47. Section 27-53-27, Mississippi Code of 1972, is
1705 amended as follows:

1706 27-53-27. The following are exempt from the taxes authorized
1707 by this chapter:

1708 (a) Motor homes subject to the motor vehicle ad valorem
1709 tax law.

1710 (b) Any manufactured home or mobile home located on
1711 land which is owned by the same person owning and occupying said
1712 manufactured home or mobile home which was assessed on the land
1713 rolls at the effective date of this chapter.

1714 (c) Manufactured homes or mobile homes owned by and/or
1715 in the possession of a dealer as merchandise.

1716 (d) Any nonresident member of the armed forces of the
1717 United States of America owning and living in a manufactured home

1718 or mobile home within the state in compliance with military
1719 orders.

1720 SECTION 48. Section 27-53-31, Mississippi Code of 1972, is
1721 amended as follows:

1722 27-53-31. If any manufactured home or mobile home on which
1723 the ad valorem taxes prescribed in this chapter have been paid
1724 shall be totally destroyed by fire, tornado, flood or acts of
1725 providence, then the owner of such manufactured home or mobile
1726 home, upon filing a petition and submission of sufficient proof to
1727 the tax collector, may be credited with the amount of the ad
1728 valorem taxes on the proportional part of the taxable year
1729 remaining, less ad valorem taxes accruing on the salvage price, if
1730 any, in calculating the amount of ad valorem taxes due on any
1731 replacement for such a manufactured home or mobile home. In no
1732 event, however, shall such person claiming credit under this
1733 provision be entitled to a cash refund.

1734 In order to obtain benefit of this credit, such person must
1735 submit proof supported by affidavit of three (3) reputable
1736 citizens that such manufactured home or mobile home has been
1737 totally destroyed and a statement must be made as to the estimated
1738 amount of salvage value remaining. The application for this
1739 credit and the three (3) supporting affidavits must be notarized
1740 by an officer who has legal authority to notarize such
1741 instruments.

1742 Any person who makes or swears to a false statement or makes
1743 or swears to a statement of facts without personal knowledge of
1744 such facts, in any connection with an adjustment claim as referred
1745 to above, shall be guilty of perjury and upon conviction shall be
1746 punished as now provided by law.

1747 SECTION 49. This act shall take effect and be in force from
1748 and after July 1, 1999.