

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

To: Finance

SENATE BILL NO. 2632  
(As Passed the Senate)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

431 home or for transfer of the data.

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

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

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

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

457 (b) Obtain all required signatures; and

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

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

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

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

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

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

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

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

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

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

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



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

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

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

538 (b) Under the vehicle identification number;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

612 (a) The date issued;

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

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

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

618 (d) The title number;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

859 The comptroller shall file every surrendered certificate of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1124 paragraph.

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

1156           SECTION 31. The following provision shall be codified as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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