

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

To: Finance

SENATE BILL NO. 2632
(As Sent to Governor)

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 63-21-40, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
10 ISSUANCE OF SALVAGE CERTIFICATES OF TITLE FOR DAMAGED MANUFACTURED
11 HOMES OR MOBILE HOMES; TO CREATE A NEW CODE SECTION TO BE CODIFIED
12 AS SECTION 63-21-64, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR FEES
13 TO BE PAID TO THE STATE TAX COMMISSION FOR ISSUING AND PROCESSING
14 DOCUMENTS NECESSARY TO ISSUE CERTIFICATES OF TITLE FOR
15 MANUFACTURED HOMES AND MOBILE HOMES; TO AMEND SECTIONS 27-41-101,
16 27-41-103, 27-53-1, 27-53-3, 27-53-5, 27-53-7, 27-53-9, 27-53-11,
17 27-53-13, 27-53-15, 27-53-17, 27-53-19, 27-53-21, 27-53-23,
18 27-53-27 AND 27-53-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY
19 THERETO; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
20 LEGISLATURE OF THE STATE OF MISSISSIPPI:

21
22 SECTION 1. Section 63-21-1, Mississippi Code of 1972, is
23 amended as follows:

24 63-21-1. This chapter may be cited as "The Mississippi Motor
25 Vehicle and Manufactured Housing Title Law."

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

28 63-21-3. The terms and provisions of this chapter shall be
29 administered by the State Tax Commission. The State Tax
30 Commission shall have charge of all the affairs of administering
31 the laws of the state relative to vehicle registration and titling
32 and manufactured housing titling as hereinafter provided and may
33 employ such administrative and clerical assistance, material, and
34 equipment as may be necessary to enable it to speedily,
35 completely, and efficiently perform the duties as outlined in this

36 chapter.

37 SECTION 3. Section 63-21-5, Mississippi Code of 1972, as
38 amended by Senate Bill No. 2741, 1999 Regular Session, is amended
39 as follows:

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

44 (a) "State Tax Commission" shall mean the State Tax
45 Commission of the State of Mississippi.

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

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

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

70 (e) The term "vehicle identification number" shall mean
71 the numbers and letters on a vehicle, manufactured home or mobile
72 home designated by the manufacturer or assigned by the State Tax

73 Commission for the purpose of identifying the vehicle,
74 manufactured home or mobile home.

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

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

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

103 (i) The term "manufacturer" shall mean any person
104 regularly engaged in the business of manufacturing, constructing
105 or assembling motor vehicles, manufactured homes or mobile homes,

106 either within or without this state.

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

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

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

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

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

133 (o) The term "owner" shall mean a person or persons
134 holding the legal title of a vehicle, manufactured home or mobile
135 home; in the event a vehicle, manufactured home or mobile home is
136 the subject of a deed of trust or a chattel mortgage or an
137 agreement for the conditional sale or lease thereof or other like
138 agreement, with the right of purchase upon performance of the

139 conditions stated in the agreement and with the immediate right of
140 possession vested in the grantor in the deed of trust, mortgagor,
141 conditional vendee or lessee, said grantor, mortgagor, conditional
142 vendee or lessee shall be deemed the owner for the purpose of this
143 chapter.

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

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

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

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

163 (t) The term "special mobile equipment" shall mean
164 every vehicle not designed or used primarily for the
165 transportation of persons or property and only incidentally
166 operated or moved over a highway, including, but not limited to:
167 ditch-digging apparatus, well-boring apparatus and road
168 construction and maintenance machinery such as asphalt spreaders,
169 bituminous mixers, bucket loaders, tractors other than truck
170 tractors, ditchers, leveling graders, finishing machines, motor
171 graders, road rollers, scarifiers, earth-moving carryalls and

172 scrapers, power shovels and draglines, and self-propelled cranes,
173 vehicles so constructed that they exceed eight (8) feet in width
174 and/or thirteen (13) feet six (6) inches in height, and
175 earth-moving equipment. The term does not include house trailers,
176 dump trucks, truck-mounted transit mixers, cranes or shovels, or
177 other vehicles designed for the transportation of persons or
178 property to which machinery has been attached.

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

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

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

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

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

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

202 (aa) The term "trailer" shall mean every vehicle other
203 than a "pole trailer" as defined in this chapter without motive
204 power designed to be drawn by another vehicle and attached to the

205 towing vehicle for the purpose of hauling goods or products. The
206 term "trailer" shall not refer to any structure, transportable in
207 one or more sections regardless of size, when erected on site, and
208 which is built on a permanent chassis and designed to be used as a
209 dwelling with or without a permanent foundation when connected to
210 the required utilities, and includes the plumbing, heating,
211 air-conditioning and electrical systems contained therein
212 regardless of the date of manufacture.

213 (bb) The term "salvage mobile home" or "salvage
214 manufactured home" shall mean a mobile home or manufactured home
215 for which a certificate of title has been issued that an insurance
216 company obtains from the owner as a result of paying a total loss
217 claim resulting from collision, fire, flood, wind or other
218 occurrence. The term "salvage mobile home" or "salvage
219 manufactured home" does not mean or include and is not applicable
220 to a mobile home or manufactured home that is twenty (20) years
221 old or older.

222 (cc) "Salvage certificate of title" shall mean a
223 document issued by the State Tax Commission for a salvage mobile
224 home or salvage manufactured home as defined in this chapter.

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

227 63-21-9. Except as provided in Section 63-21-11, every owner
228 of a motor vehicle as defined in this chapter, which is in this
229 state and which is manufactured or assembled after July 1, 1969,
230 or which is the subject of first sale for use after July 1, 1969,
231 and every owner of a manufactured home as defined in this chapter,
232 which is in this state and which is manufactured or assembled
233 after July 1, 1999, or which is the subject of first sale for use
234 after July 1, 1999, shall make application to the State Tax
235 Commission for a certificate of title * * * with the following
236 exceptions:

237 (a) Voluntary application for title may be made for any

238 model motor vehicle which is in this state after July 1, 1969, and
239 for any model manufactured home or mobile home which is in this
240 state after July 1, 1999, and any person bringing a motor vehicle,
241 manufactured home or mobile home into this state from a state
242 which requires titling shall make application for title to the
243 State Tax Commission within thirty (30) days thereafter.

244 (b) After July 1, 1969, any dealer, acting for himself,
245 or another, who sells, trades or otherwise transfers any new or
246 used vehicle as defined in this chapter, and after July 1, 1999,
247 any dealer, acting for himself, or another, who sells, trades or
248 otherwise transfers any new or used manufactured home or mobile
249 home as defined in this chapter, or any designated agent, shall
250 furnish to the purchaser or transferee, without charge for either
251 application or certificate of title, an application for title of
252 said vehicle, manufactured home or mobile home and cause to be
253 forwarded to the State Tax Commission any and all documents
254 required by the commission to issue certificate of title to the
255 purchaser or transferee. The purchaser or transferee may then use
256 the duplicate application for title as a permit to operate vehicle
257 as provided in Section 63-21-67, until certificate of title is
258 received.

259 Any dealer, acting for himself or another who sells, trades
260 or otherwise transfers any vehicle, manufactured home or mobile
261 home required to be titled under this chapter who does not comply
262 with the provisions of this chapter shall be guilty of a
263 misdemeanor and upon conviction shall be fined a sum not exceeding
264 Five Hundred Dollars (\$500.00).

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

267 63-21-11. No certificate of title need be obtained for:

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

270 (b) A vehicle, manufactured home or mobile home owned

271 by a manufacturer or dealer and held for sale, even though
272 incidentally moved on the highway or used for purposes of testing
273 or demonstration, or a vehicle used by a manufacturer solely for
274 testing;

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

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

281 (e) A vehicle moved solely by animal power;

282 (f) An implement of husbandry;

283 (g) Special mobile equipment;

284 (h) A pole trailer;

285 (i) Utility trailers of less than five thousand (5,000)
286 pounds gross vehicle weight.

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

289 63-21-15. (1) The application for the certificate of title
290 of a vehicle, manufactured home or mobile home in this state shall
291 be made by the owner to a designated agent, on the form the State
292 Tax Commission prescribes, and shall contain or be accompanied by
293 the following, if applicable:

294 (a) The name, current residence and mailing address of
295 the owner;

296 (b) (i) If a vehicle, a description of the vehicle,
297 including the following data: year, make, model, vehicle
298 identification number, type of body, the number of cylinders,
299 odometer reading at the time of application, and whether new or
300 used; and

301 (ii) If a manufactured home or mobile home, a
302 description of the manufactured home or mobile home, including the
303 following data: year, make, model number, serial number and

304 whether new or used;

305 (c) The date of purchase by applicant, the name and
306 address of the person from whom the vehicle, manufactured home or
307 mobile home was acquired, and the names and addresses of any
308 lienholders in the order of their priority and the dates of their
309 security agreements; * * *

310 (d) In connection with the transfer of ownership of a
311 manufactured home or mobile home sold by a sheriff's bill of sale,
312 a copy of the sheriff's bill of sale;

313 (e) (i) An odometer disclosure statement made by the
314 transferor of a motor vehicle. The statement shall read:

315 "Federal and state law requires that you state the
316 mileage in connection with the transfer of ownership. Failure to
317 complete or providing a false statement may result in fine and/or
318 imprisonment.

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

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

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

328 (ii) In connection with the transfer of ownership
329 of a motor vehicle, each transferor shall disclose the mileage to
330 the transferee in writing on the title or on the document being
331 used to reassign the title, which form shall be prescribed and
332 furnished by the State Tax Commission. This written disclosure
333 must be signed by the transferor and transferee, including the
334 printed name of both parties.

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

337 1. A vehicle having a gross vehicle weight
338 rating of more than sixteen thousand (16,000) pounds.

339 2. A vehicle that is not self-propelled.

340 3. A vehicle that is ten (10) years old or
341 older.

342 4. A vehicle sold directly by the
343 manufacturer to any agency of the United States in conformity with
344 contractual specifications.

345 5. A transferor of a new vehicle prior to its
346 first transfer for purposes other than resale need not disclose
347 the vehicle's odometer mileage.

348 (iii) Any person who knowingly gives a false
349 statement concerning the odometer reading on an odometer
350 disclosure statement shall be guilty of a misdemeanor and, upon
351 conviction, shall be subject to a fine of up to One Thousand
352 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or
353 both, at the discretion of the court. These penalties shall be
354 cumulative, supplemental and in addition to the penalties provided
355 by any other law; and

356 (f) For previously used manufactured homes and mobile
357 homes that previously have not been titled in this state or any
358 other state, a disclosure statement shall be made by the owner of
359 the manufactured home or mobile home applying for the certificate
360 of title. That statement shall read:

361 "I state that the previously used manufactured home or mobile
362 home owned by me for which I am applying for a certificate of
363 title, to the best of my knowledge:

364 _____ (i) Has never been declared a total loss due
365 to flood damage, fire damage, wind damage or other damage; or

366 _____ (ii) Has previously been declared a total
367 loss due to:

368 _____ 1. Collision;

369 _____ 2. Flood;

403 application shall be accompanied by a sworn affidavit that the
404 vehicle complies with the requirements of this section, Section
405 63-21-39 and the regulations promulgated by the State Tax
406 Commission under Section 63-21-39.

407 (6) If the application is for a first certificate of title
408 on a vehicle, manufactured home or mobile home other than a new
409 vehicle, manufactured home or mobile home, then the application
410 shall conform with the requirements of this section except that in
411 lieu of the manufacturer's statement of origin, the application
412 shall be accompanied by a copy of the bill of sale of said motor
413 vehicle, manufactured home or mobile home whereby the applicant
414 claims title or in lieu thereof, in the case of a motor vehicle,
415 certified copies of the last two (2) years' tag and tax receipts
416 or in lieu thereof, in any case, such other information the State
417 Tax Commission may reasonably require to identify the vehicle,
418 manufactured home or mobile home and to enable the State Tax
419 Commission to determine ownership of the vehicle, manufactured
420 home or mobile home and the existence or nonexistence of security
421 interest in it. If the application is for a vehicle, manufactured
422 home or mobile home last previously registered in another state or
423 country, the application shall also be accompanied by the
424 certificate of title issued by the other state or country, if any,
425 properly assigned.

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

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

435 SECTION 7. Section 63-21-16, Mississippi Code of 1972, as

436 amended by Senate Bill No. 2741, 1999 Regular Session, is amended
437 as follows:

438 63-21-16. (1) All designated agents appointed by the State
439 Tax Commission under Section 63-21-13 * * *, Mississippi Code of
440 1972, may electronically transmit to the State Tax Commission
441 information entered by them on applications for a certificate of
442 title given in connection with the sale or transfer of a motor
443 vehicle, manufactured home or mobile home or a loan for which the
444 owner's motor vehicle, manufactured home or mobile home is pledged
445 to that institution as collateral for the loan. The format and
446 the data required to be transmitted shall be established by the
447 State Tax Commission. Transmission of data shall meet minimum
448 criteria and edits established by the State Tax Commission equal
449 to any edit presently existing in the statewide title registration
450 system, or as may be established, to which the county tax
451 collectors shall also conform. All data transmitted must
452 successfully pass * * * edits established by the State Tax
453 Commission, including lienholder name, mailing address and
454 lienholder account number assigned to a lienholder by the State
455 Tax Commission to identify the lienholder, for the purpose of
456 causing the data to appear in the certificate of title for which
457 the application is made.

458 (2) It shall be the responsibility of the designated agent
459 to verify all data before it is electronically transmitted. It
460 shall also be the responsibility of the designated agent to ensure
461 that the required certification of designated agent and the
462 certification of statement of facts that are contained on the
463 application for certificate of title appear above the signatures
464 of both the owner and the authorized representative of the
465 designated agent. Data which cannot be transmitted because of
466 error shall be corrected by the designated agent when the
467 statewide title registration system indicates that the data is
468 erroneous or is not valid for the purposes of titling the motor

469 vehicle, manufactured home or mobile home or for transfer of the
470 data.

471 (3) When an institution has agreed to loan money for the
472 purchase of a motor vehicle, manufactured home or mobile home, the
473 institution shall complete an application for certificate of title
474 or require the borrower to provide to the institution the copy of
475 the application for certificate of title contained in the
476 application packet which is designated "Lienholder's Copy"
477 according to provisions of the Motor Vehicle and Manufactured
478 Housing Title Law, which the owner will receive from the county
479 tax collector or any designated agent upon completion of the
480 application for title and registration process.

481 (4) An application for certificate of title originating from
482 a designated agent shall be entered on the statewide title
483 registration system by the originating lending institution when
484 the transaction is for the purpose of perfecting the institution's
485 interest in a vehicle, manufactured home or mobile home currently
486 owned or purchased by the applicant, in connection with
487 application for certificate of title or the purchase of a license
488 tag or both.

489 (5) When an institution in this state adds a second lien on
490 a certificate of title in possession of a first lienholder
491 institution in this state, the second lienholder institution
492 seeking to be shown on the certificate of title shall:

493 (a) Prepare the application for certificate of title in
494 accordance with the requirements of Sections 63-21-15 and
495 63-21-45(c);

496 (b) Obtain all required signatures; and

497 (c) Forward the completed application for certificate
498 of title to the first lienholder together with any necessary
499 remittance advice, a check for the title fee payable to the State
500 Tax Commission and a cover letter to the first lienholder
501 requesting that the first lienholder attach the certificate of

502 title to the required documents sent by the second lienholder and
503 then forward the application, certificate of title and required
504 documents to the State Tax Commission.

505 (6) Upon receipt of the application for certificate of title
506 from the second lienholder institution to record the second lien,
507 the first lienholder institution shall compare the data contained
508 in the application for certificate of title to the information
509 contained in the original certificate of title. If the first
510 lienholder institution is satisfied as to the ownership, accuracy
511 and order of priority of liens as shown in the application, it
512 shall enter the data contained on the application for certificate
513 of title prepared by the second lienholder on the statewide title
514 registration system, including the designated agent number of the
515 second lienholder. After entering the data from the application
516 for certificate of title, the first lienholder institution shall
517 immediately forward the application for certificate of title with
518 the certificate of title attached to the application, the
519 remittance advice and the second lienholder's check for the title
520 fee to the State Tax Commission within three (3) working days.

521 (7) In an assignment of lien pursuant to Section 63-21-47,
522 the assignee shall receive the notice of assignment along with the
523 current title attached and with the assignors interest open. The
524 assignee lienholder shall prepare an application for certificate
525 of title according to the notice of assignment, showing the
526 assignee institution as the lienholder, and then shall
527 electronically transmit the data to the State Tax Commission.
528 The completed application shall be forwarded to the State Tax
529 Commission within three (3) working days.

530 (8) The State Tax Commission, upon receipt of applications
531 for certificate of title, shall verify the data by accessing it on
532 the statewide title registration system by the title application
533 control number appearing on the application for title. After
534 receiving verification that is satisfactory to the State Tax

535 Commission that the data necessary for the issuance of a new
536 certificate of title exists, the State Tax Commission shall issue
537 a new certificate of title that records the interests of all the
538 parties named in the application for certificate of title.

539 (9) Designated agents shall be connected to the statewide
540 title registration system for the purpose of electronic transfer
541 of applications for certificate of title data in the order of
542 priority established by the State Tax Commission.

543 (10) If a participating designated agent fails to comply
544 with the provisions of this section or the rules adopted by the
545 State Tax Commission to implement this section, the State Tax
546 Commission may impose a penalty of Twenty-five Dollars (\$25.00)
547 for each instance of noncompliance. Any penalty imposed under
548 this section not paid within thirty (30) days after a notice is
549 given shall be subject to collection from the bond of the
550 designated agent that is required to be provided under the
551 provisions of Section 63-21-13(3). The penalty provided shall
552 also be assessable, due and collectible from any licensed motor
553 vehicle dealer or manufactured home or mobile home dealer for
554 failure to accept an application for certificate of title for each
555 and every vehicle, manufactured home or mobile home he sells to a
556 consumer. These penalties shall be cumulative, supplemental and
557 in addition to the penalties provided by any other law.

558 (11) This section shall apply to all designated agents
559 appointed by the State Tax Commission under Section
560 63-21-13 * * *, that choose to electronically transmit information
561 on applications for certificates of title to the State Tax
562 Commission. This section shall not apply to other designated
563 agents.

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

566 63-21-17. (1) The State Tax Commission shall examine each
567 application received and, when satisfied as to its genuineness and

568 regularity and that the applicant is entitled to the issuance of a
569 certificate of title, shall issue a certificate of title of the
570 vehicle, manufactured home or mobile home on the form prescribed
571 by the commission.

572 (2) The State Tax Commission shall maintain a record of all
573 certificates of title issued pursuant to the provisions of this
574 chapter:

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

577 (b) Under the vehicle identification number;

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

579 (d) In the discretion of the State Tax Commission, by
580 any other method the commission determines.

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

583 63-21-18. The Mississippi Department of Information
584 Technology Services shall provide equipment for the operation and
585 maintenance of the automated statewide motor vehicle, manufactured
586 housing and mobile home registration system by the State Tax
587 Commission.

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

595 All county tax collectors shall participate in such system as
596 it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter
597 21, Title 63; Mississippi Code of 1972, in accordance with rules
598 and regulations promulgated by the State Tax Commission. Such
599 rules and regulations shall provide that counties which have an
600 existing computer system designed to produce registration data may

601 elect to use such existing system to communicate
602 title/registration data to the commission through the computer
603 furnished by the state as hereinabove provided in this section.
604 If the State Tax Commission finds and determines that a county has
605 failed to successfully establish or update title/registration data
606 into the statewide vehicle, manufactured housing and mobile home
607 title/registration system, either through use of equipment
608 supplied by the State Tax Commission or through the interfacing
609 between the network system and county computer equipment, the
610 State Tax Commission shall thereafter cause to be withheld the
611 county's homestead exemption reimbursement monies, except for
612 school districts and municipalities, until such time as the county
613 has complied with this provision. Such monies as are withheld
614 from a county for failure to comply with this provision shall be
615 placed into a special escrow account to be established in the
616 State Treasury. Once the county achieves compliance by
617 successfully establishing or updating title/registration data into
618 the statewide vehicle, manufactured housing and mobile home
619 title/registration system, then the commission shall cause to be
620 released to the county all funds held in escrow on the county's
621 behalf during the period of noncompliance. All interest earned
622 shall accrue to the benefit of the county on any funds placed in
623 an escrow account. Any cost involved in interfacing between
624 existing county computer systems and the state-provided computer
625 shall be paid by the county.

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

630 The State Fiscal Officer shall issue his warrants to the
631 State Treasurer for the expenditures for the implementation and
632 maintenance of the system upon requisitions signed by the Chairman
633 of the State Tax Commission, as authorized by the Legislature.

634 It is the intent of the Legislature that the operation of the
635 statewide motor vehicle, manufactured housing and mobile home
636 title registration system shall be the responsibility of the State
637 Tax Commission.

638 The State Tax Commission shall provide for the transfer of
639 motor vehicle, manufactured housing and mobile home title and lien
640 registration information to the commission by electronic means
641 from banks and other lending institutions as provided in Section
642 63-21-18. The Mississippi Department of Information Technology
643 Services shall cooperate with the State Tax Commission in
644 implementing the provisions of Section 63-21-18, and shall provide
645 the State Tax Commission with whatever assistance the commission
646 needs to carry out the provisions of Section 63-21-18.

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

649 63-21-19. (1) Each certificate of title issued by the State
650 Tax Commission shall contain:

651 (a) The date issued;

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

653 (c) The names and addresses of the first two (2)
654 lienholders in the order of priority as shown on the application,
655 or if the application is based on a certificate of title as shown
656 on the certificate;

657 (d) The title number;

658 (e) A description of the vehicle, manufactured home or
659 mobile home, including the following data, if applicable: year,
660 make, model, vehicle identification number, type of body, number
661 of cylinders, whether new or used, odometer reading, a statement
662 which qualifies mileage according to the odometer disclosure
663 certified by the transferor and, if a new vehicle, the date of the
664 first sale of the vehicle for use; and

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

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

667 (b) of Section 63-21-23, Mississippi Code of 1972, a distinctive
668 certificate of title shall be issued for a vehicle, manufactured
669 home or mobile home last previously registered in another state or
670 country the laws of which do not require that lienholders be named
671 on a certificate of title to perfect their security interests.
672 The certificate shall contain the legend "This vehicle,
673 manufactured home or mobile home may be subject to an undisclosed
674 lien" and may contain any other information the State Tax
675 Commission prescribes. If no notice of a security interest in the
676 vehicle, manufactured home or mobile home is received by the State
677 Tax Commission within four (4) months from the issuance of the
678 distinctive certificate of title, the State Tax Commission shall,
679 upon application and surrender of the distinctive certificate,
680 issue a certificate of title in ordinary form.

681 (3) The certificate of title shall contain forms for
682 assignment and warranty of title by the owner, and for assignment
683 and warranty of title by a dealer, and may contain forms for
684 applications for a certificate of title by a transferee, the
685 naming of a lienholder and the assignment or release of the
686 security interest of a lienholder.

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

689 (5) A certificate of title for a vehicle, manufactured home
690 or mobile home is not subject to garnishment, attachment,
691 execution or other judicial process. However, this paragraph
692 shall not prevent a lawful levy upon the vehicle, manufactured
693 home or mobile home.

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

696 63-21-21. The certificate of title shall be mailed to the
697 first lienholder named in it or, if none, to the owner. If the
698 original certificate of title is delivered to a lienholder, a
699 nontransferable duplicate certificate of title shall be mailed to

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

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

704 63-21-23. If the State Tax Commission is not satisfied as to
705 the ownership of the vehicle, manufactured home or mobile home or
706 that there are no undisclosed security interests in it, the
707 commission may accept the application but shall either:

708 (a) Withhold issuance of a certificate of title until
709 the applicant presents documents reasonably sufficient to satisfy
710 the commission as to the applicant's ownership of the vehicle,
711 manufactured home or mobile home and that there are no undisclosed
712 security interests in it; or

713 (b) As a condition of issuing a certificate of title,
714 require the applicant or dealer to file with the commission a bond
715 in the form prescribed by the commission and executed by the
716 applicant or dealer and by a person authorized to conduct a surety
717 business in this state, or require the application to be
718 accompanied by the deposit of cash with the commission. The bond
719 or cash shall be in an amount equal to one and one-half (1-1/2)
720 times the value of the vehicle, manufactured home or mobile home
721 as determined by the commission and conditioned to indemnify any
722 prior owner and lienholder and any subsequent purchaser of the
723 vehicle, manufactured home or mobile home or person acquiring any
724 security interest in it, and their respective successors in
725 interest, against any expense, loss or damage, including
726 reasonable attorney's fees, by reason of the issuance of the
727 certificates of title of the vehicle, manufactured home or mobile
728 home or on account of any defect in or undisclosed security
729 interest upon the right, title and interest of the applicant in
730 and to the vehicle, manufactured home or mobile home. Any such
731 interested person has a right of action to recover on the bond or
732 cash for any breach of its conditions, but the aggregate liability

733 of the surety to all persons shall not exceed the amount of the
734 bond or cash. The bond or cash shall be returned at the end of
735 three (3) years unless the commission has been notified of the
736 pendency of an action to recover on the bond or cash or that the
737 vehicle, manufactured home or mobile home does not belong to the
738 registered owner or that it is encumbered by an undisclosed lien.

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

741 63-21-25. The State Tax Commission shall refuse issuance of
742 a certificate of title:

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

744 (b) If the commission has reasonable grounds to believe
745 that the applicant is not the owner of the vehicle, manufactured
746 home or mobile home, or that the application contains a false or
747 fraudulent statement, or that the applicant has failed to furnish
748 required information or documents or any additional information
749 the commission reasonably requires.

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

752 63-21-29. If the State Tax Commission is not satisfied that
753 there are no undisclosed security interests created before August
754 9, 1968, in a previously registered vehicle, or created before
755 July 1, 1999, in a previously registered manufactured home or
756 mobile home, the commission may, in addition to the commission's
757 options under Section 63-21-27, issue a distinctive certificate of
758 title of the vehicle containing the legend "This vehicle,
759 manufactured home or mobile home may be subject to an undisclosed
760 lien" and any other information the commission prescribes.

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

763 63-21-31. (1) If an owner transfers his interest in a
764 vehicle, manufactured home or mobile home, other than by the
765 creation of a security interest, he shall, at the time of the

766 delivery of the vehicle, manufactured home or mobile home, execute
767 an assignment and warranty of title to the transferee in the space
768 provided therefor on the certificate or as the State Tax
769 Commission prescribes, and cause the certificate and assignment to
770 be mailed or delivered to the transferee.

771 (2) Except as provided in Section 63-21-35, the transferee
772 shall, promptly after delivery to him of the vehicle, manufactured
773 home or mobile home, execute the application for a new certificate
774 of title in the space provided therefor on the certificate or as
775 the commission prescribes, and cause the certificate and
776 application to be delivered to a designated agent. If however,
777 the transferor is not a designated agent, the certificate and
778 application shall be processed by a county tax collector or a
779 designated agent.

780 (3) Upon request of the owner or transferee, a lienholder in
781 possession of the certificate of title shall, unless the transfer
782 was a breach of his security agreement, deliver the certificate to
783 the transferee. Upon receipt of the certificate the transferee
784 shall make application to a designated agent for a new certificate
785 as required by Section 63-21-15. The delivery of the certificate
786 does not affect the rights of the lienholder under his security
787 agreement.

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

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

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

797 63-21-33. If a dealer buys a vehicle, manufactured home or
798 mobile home and holds it for resale and procures the certificate

799 of title from the owner or the lienholder within ten (10) days
800 after delivery to him of the vehicle, manufactured home or mobile
801 home, he need not send the certificate to the State Tax
802 Commission. However, upon transferring the vehicle, manufactured
803 home or mobile home to another person other than by the creation
804 of a security interest, he shall promptly execute the assignment
805 and warranty of title by a dealer, showing the names and addresses
806 of the transferee and of any lienholder holding a security
807 interest created or reserved at the time of the resale and the
808 date of his security agreement, in the spaces provided therefor on
809 the certificate or as the State Tax Commission prescribes, and
810 deliver the certificate to a designated agent with the
811 transferee's application for a new certificate.

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

818 Any person found to be in possession of a vehicle,
819 manufactured home or mobile home with an improperly assigned title
820 which fails to identify the transferee shall immediately establish
821 ownership of the vehicle, manufactured home or mobile home,
822 register the vehicle, manufactured home or mobile home and pay the
823 required tax and penalty. The vehicle, manufactured home or
824 mobile home shall be impounded by state or local law enforcement
825 officials until such time as the person in possession can prove
826 ownership or until the rightful owner is located. In the event
827 the rightful owner cannot be established within thirty (30) days,
828 the vehicle, manufactured home or mobile home shall be deemed
829 abandoned and shall be disposed of as provided by law.

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

832 fire, flood or other cause shall obtain a salvage certificate of
833 title in its name for such vehicle from the State Tax Commission.
834 The provisions of this subsection shall not apply to vehicles ten
835 (10) years old or older with a value of One Thousand Five Hundred
836 Dollars (\$1,500.00) or less, or to vehicles with damage which
837 requires the replacement of five (5) or fewer minor components,
838 which such insurer may dispose of by endorsing change in ownership
839 on the certificate of title using space reserved for reassignment
840 of title by licensed dealer without obtaining a salvage
841 certificate of title.

842 SECTION 17. The following shall be codified as Section
843 63-21-40, Mississippi Code of 1972:

844 63-21-40. (1) An owner who scraps, dismantles or destroys a
845 manufactured home or mobile home for which a certificate of title
846 has been issued, and a person who purchases a manufactured home or
847 mobile home as scrap or to be dismantled or destroyed for which a
848 certificate of title has been issued, shall make such an
849 indication on the back of the certificate of title and shall
850 immediately cause the certificate of title and any other documents
851 required by the State Tax Commission to be mailed or delivered to
852 commission for cancellation.

853 (2) An insurance company which as a result of paying a total
854 loss claim becomes the owner of a mobile home or manufactured home
855 and obtains the insured's certificate of title, within seventy-two
856 (72) hours after obtaining the title shall apply to the State Tax
857 Commission for a new certificate of title, surrendering with its
858 application the current certificate of title, including
859 documentation to show if the title applied for is for a salvage
860 mobile home or salvage manufactured home, and including a signed
861 statement on original company letterhead that states: ()
862 collision damage, () flood damage, () fire damage, () wind
863 damage, or () other damage. If the damage is "other damage," the
864 company shall describe the nature of the damage. The insurance

865 company shall staple this statement to the certificate of title
866 and make a notation on the face of the certificate of title. The
867 application shall be made by the insurance company in the manner
868 and form prescribed and provided by the State Tax Commission. The
869 provisions of this subsection do not apply to a mobile home or
870 manufactured home that is twenty (20) years old or older.

871 (3) Brands appearing on certificates of title issued by this
872 state or another state that reveal a pertinent fact or facts about
873 a mobile home or manufactured home shall be continued on
874 certificates of title issued by this state. The State Tax
875 Commission shall brand a certificate of title with "collision
876 damage," "flood damage," "fire damage," "wind damage," or "other
877 damage" where the immediate previous certificate of title was
878 issued by this state. The State Tax Commission shall brand a
879 certificate of title to be issued by this state with the same or
880 other brands where the immediate previous certificate of title was
881 issued by another state and such title indicates the same or other
882 brands are appropriate. Such certificate of title shall not
883 attest to the condition of the mobile home or manufactured home at
884 the time the certificate of title is issued or to whether the
885 mobile home or manufactured home has been rebuilt according to any
886 applicable federal or state laws, rules or regulations.

887 SECTION 18. Section 63-21-35, Mississippi Code of 1972, is
888 amended as follows:

889 63-21-35. (1) If the interest of an owner in a vehicle,
890 manufactured home or mobile home passes to another other than by
891 voluntary transfer the transferee shall, except as provided in
892 subsection (2), promptly deliver to a county tax collector or a
893 designated agent the last certificate of title, if available,
894 proof of the transfer, and make application for a new certificate
895 in the form the State Tax Commission prescribes.

896 (2) If the interest of the owner is terminated or the
897 vehicle, manufactured home or mobile home is sold under a security

898 agreement by a lienholder named in the certificate of title, the
899 transferee shall promptly make application to a county tax
900 collector or a designated agent for a new certificate in the form
901 the commission prescribes. The application shall be accompanied
902 by the last certificate of title and an affidavit made by or on
903 behalf of the lienholder that the vehicle, manufactured home or
904 mobile home was repossessed and that the interest of the owner was
905 lawfully terminated or sold pursuant to the terms of the security
906 agreement.

907 If the lienholder succeeds to the interest of the owner and
908 holds the vehicle, manufactured home or mobile home for resale, he
909 need not secure a new certificate of title but, upon transfer to
910 another person, shall promptly mail or deliver to the transferee
911 the certificate, affidavit and other documents required to be sent
912 to the commission by the transferee. The transferee shall
913 promptly make application to a county tax collector or a
914 designated agent for a new certificate in the form prescribed by
915 the commission.

916 (3) Notwithstanding anything to the contrary contained in
917 this section, a person holding a certificate of title whose
918 interest in the vehicle, manufactured home or mobile home has been
919 extinguished or transferred other than by voluntary transfer shall
920 mail or deliver the certificate to the commission upon request of
921 the commission. The delivery of the certificate pursuant to the
922 request of the commission does not affect the rights of the person
923 surrendering the certificate. The action of the commission in
924 issuing a new certificate of title as provided herein is not
925 conclusive upon the rights of an owner or lienholder named in the
926 old certificate.

927 SECTION 19. Section 63-21-37, Mississippi Code of 1972, is
928 amended as follows:

929 63-21-37. The State Tax Commission, upon receipt of a
930 properly assigned certificate of title, with an application for a

931 new certificate of title, the required fee and any other documents
932 required by the commission, shall issue a new certificate of title
933 in the name of the transferee as owner and mail it to the first
934 lienholder named in it or, if none, to the owner.

935 The commission, upon receipt of an application for a new
936 certificate of title by a transferee other than by voluntary
937 transfer, with proof of the transfer, the required fee and any
938 other documents required by law, shall issue a new certificate of
939 title in the name of the transferee as owner. If the outstanding
940 certificate of title is not delivered to the commission, the
941 commission shall make demand therefor from the holder thereof.

942 The commission shall file every surrendered certificate of
943 title, or a microfilm of every such certificate, for a period of
944 time deemed necessary by it in order to permit the tracing of
945 title of the vehicle, manufactured home or mobile home designated
946 therein.

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

949 63-21-41. This chapter does not apply to or affect:

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

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

955 (c) A security interest in a vehicle, manufactured home
956 or mobile home created by a manufacturer or dealer who holds the
957 vehicle, manufactured home or mobile home for sale; however, a
958 buyer in the ordinary course of trade from the manufacturer or
959 dealer takes title free of the security interest.

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

962 63-21-42. In the case of motor vehicles, trailers,
963 manufactured homes or mobile homes, notwithstanding any other

964 provision of law, a transaction does not create a sale or security
965 interest merely because it provides that the rental price is
966 permitted or required to be adjusted under the agreement either
967 upward or downward by reference to the amount realized upon sale
968 or other disposition of the motor vehicle, trailer, manufactured
969 home or mobile home.

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

972 63-21-43. (1) Unless excepted by Section 63-21-41, a
973 security interest in a vehicle, manufactured home or mobile home
974 of a type which a certificate of title is required is not valid
975 against creditors of the owner or subsequent transferees or
976 lienholders of the vehicle, manufactured home or mobile home
977 unless perfected as provided in this chapter.

978 (2) (a) A security interest is perfected at the time the
979 owner signs a security agreement describing the vehicle,
980 manufactured home or mobile home, the secured party gives value,
981 the owner has rights in the vehicle, manufactured home or mobile
982 home, and an application for certificate of title signed by the
983 owner is presented to a designated agent.

984 (b) The designated agent shall deliver to the State Tax
985 Commission the existing certificate of title, if any, an
986 application for a certificate of title containing the name and
987 address of the lienholder and the date of his security agreement,
988 and the required fee, but the security interest will perfect at
989 the time the requirements of subsection 2(a) of this section are
990 met.

991 (3) If a vehicle, manufactured home or mobile home is
992 subject to a security interest when brought into this state, the
993 validity of the security interest is determined by the law of the
994 jurisdiction where the vehicle, manufactured home or mobile home
995 was when the security interest attached, subject to the following:

996 (a) If the parties understood at the time the security

997 interest attached that the vehicle, manufactured home or mobile
998 home would be kept in this state and it was brought into this
999 state within thirty (30) days thereafter for purposes other than
1000 transportation through this state, the validity of the security
1001 interest in this state is determined by the law of this state.

1002 (b) If the security interest was perfected under the
1003 law of the jurisdiction where the vehicle, manufactured home or
1004 mobile home was when the security interest attached, the following
1005 rules apply:

1006 (i) If the name of the lienholder is shown on an
1007 existing certificate of title issued by that jurisdiction, his
1008 security interest continues perfected in this state.

1009 (ii) If the name of the lienholder is not shown on
1010 an existing certificate of title issued by that jurisdiction the
1011 security interest continues perfected in this state for four (4)
1012 months after a first certificate of title of the vehicle,
1013 manufactured home or mobile home is issued in this state, and also
1014 thereafter if, within the period of four (4) months, it is
1015 perfected in this state. The security interest may also be
1016 perfected in this state after the expiration of the period of four
1017 (4) months, in which case perfection dates from the time of
1018 perfection in this state.

1019 (c) If the security interest was not perfected under
1020 the law of the jurisdiction where the vehicle, manufactured home
1021 or mobile home was when the security interest attached, it may be
1022 perfected in this state, in which case perfection dates from the
1023 time of perfection in this state.

1024 (d) A security interest may be perfected under
1025 paragraph (b)(ii) or paragraph (c) of this subsection, either as
1026 provided in subsection (2), or by the holder of the lien created
1027 out of this state delivering to a county tax collector or a
1028 designated agent a notice of security interest in the form the
1029 State Tax Commission prescribes, together with documents to

1030 support the security interest as required by the State Tax
1031 Commission and the required fee. The county tax collector or a
1032 designated agent shall process said notice in the manner
1033 prescribed by the State Tax Commission.

1034 SECTION 23. Section 63-21-45, Mississippi Code of 1972, is
1035 amended as follows:

1036 63-21-45. (1) If an owner creates a security interest in a
1037 vehicle, manufactured home or mobile home:

1038 (a) The owner shall immediately execute the application
1039 in the space provided therefor on the certificate of title, or on
1040 a separate form the State Tax Commission prescribes to name the
1041 lienholder on the certificate showing the name and address of the
1042 lienholder and the date of his security agreement, and cause the
1043 certificate, application and the required fee to be delivered to
1044 the lienholder.

1045 (b) The lienholder shall immediately cause the
1046 certificate, application and required fee to be mailed or
1047 delivered to a county tax collector or a designated agent.

1048 (c) Upon request of the owner or subordinate
1049 lienholder, a lienholder in possession of the certificate of title
1050 shall either mail or deliver the certificate to the subordinate
1051 lienholder for delivery to a county tax collector or a designated
1052 agent or, upon receipt from the subordinate lienholder of the
1053 owner's application and the required fee, mail or deliver them to
1054 a county tax collector or a designated agent with the certificate.
1055 The delivery of the certificate does not affect the rights of the
1056 first lienholder under his security agreement.

1057 (d) Upon receipt of the certificate of title,
1058 application and the required fee, the State Tax Commission shall
1059 either endorse on the certificate or issue a new certificate
1060 containing the name and address of the new lienholder, and mail
1061 the certificate to the first lienholder named in it.

1062 (2) Information evidencing a bank or lending institution's

1063 lien or other security interest in a motor vehicle's, manufactured
1064 home's or mobile home's certificate of title may be transferred by
1065 electronic means as provided in Section 63-21-16.

1066 SECTION 24. Section 63-21-47, Mississippi Code of 1972, is
1067 amended as follows:

1068 63-21-47. A lienholder may assign, absolutely or otherwise,
1069 his security interest in the vehicle, manufactured home or mobile
1070 home to a person other than the owner without affecting the
1071 interest of the owner or the validity of the security interest.
1072 However, any person without notice of the assignment is protected
1073 in dealing with the lienholder as the holder of the security
1074 interest and the lienholder remains liable for any obligations as
1075 lienholder until the assignee is named as lienholder on the
1076 certificate in the manner prescribed by the State Tax Commission.

1077 The commission shall file each assignment received by the
1078 commission with the required fee, and note the assignee as
1079 lienholder upon the record of notices of security interests
1080 maintained by the commission.

1081 SECTION 25. Section 63-21-49, Mississippi Code of 1972, is
1082 amended as follows:

1083 63-21-49. (1) Upon the satisfaction of a security interest
1084 in a vehicle, manufactured home or mobile home for which the
1085 certificate of title is in the possession of the lienholder, he
1086 shall, within ten (10) days after demand and, in any event, within
1087 thirty (30) days, execute a release of his security interest, in
1088 the space provided therefor on the certificate or as the State Tax
1089 Commission prescribes, and mail or deliver the certificate and
1090 release to the next lienholder named therein, or, if none, to the
1091 owner or any person who delivers to the lienholder an
1092 authorization from the owner to receive the certificate. The
1093 owner other than a dealer holding the vehicle, manufactured home
1094 or mobile home for resale, shall promptly cause the certificate
1095 and release to be mailed or delivered to the commission, who shall

1096 release the lienholder's rights on the certificate or issue a new
1097 certificate.

1098 (2) Upon the satisfaction of a security interest in a
1099 vehicle, manufactured home or mobile home for which the
1100 certificate of title is in the possession of a prior lienholder,
1101 the lienholder whose security interest is satisfied shall within
1102 ten (10) days after demand and, in any event, within thirty (30)
1103 days execute a release in the form the commission prescribes and
1104 deliver the release to the owner or any person who delivers to the
1105 lienholder an authorization from the owner to receive it. The
1106 lienholder in possession of the certificate of title shall either
1107 deliver the certificate to the owner, or the person authorized by
1108 him, for delivery to the commission or, upon receipt of the
1109 release, mail or deliver it with the certificate to the commission
1110 who shall release the subordinate lienholder's rights on the
1111 certificate or issue a new certificate.

1112 (3) Upon receipt of the aforementioned releases of security
1113 interests, the commission shall file each release in the manner
1114 prescribed by the commission and note the same upon the records of
1115 notices of security interests maintained by it.

1116 SECTION 26. Section 63-21-53, Mississippi Code of 1972, is
1117 amended as follows:

1118 63-21-53. If a security interest in a previously registered
1119 vehicle is perfected under any other applicable law of this state
1120 as of August 9, 1968, and if a security interest in a previously
1121 registered manufactured home or mobile home is perfected under any
1122 other applicable law of this state as of July 1, 1999, the
1123 security interest continues perfected until its perfection lapses
1124 under the law under which it was perfected. This would apply only
1125 to vehicles, manufactured homes or mobile homes not required to be
1126 titled under this chapter.

1127 SECTION 27. Section 63-21-57, Mississippi Code of 1972, is
1128 amended as follows:

1129 63-21-57. The State Tax Commission shall file each notice of
1130 security interest received by the commission with the required fee
1131 and maintain a record of all notices of security interests filed
1132 by the commission:

1133 (a) Alphabetically, under the name of the owner;

1134 (b) Under the vehicle, manufactured home or mobile home
1135 identification number;

1136 (c) Under the certificate of title number; and

1137 (d) In the discretion of the commission, by any other
1138 method it determines.

1139 The commission, before issuing or reissuing a certificate of
1140 title, shall check the name of the owner and the certificate of
1141 title number of the vehicle, manufactured home or mobile home
1142 against the record above provided for.

1143 SECTION 28. Section 63-21-59, Mississippi Code of 1972, is
1144 amended as follows:

1145 63-21-59. The State Tax Commission shall suspend or revoke a
1146 certificate of title, upon notice and reasonable opportunity to be
1147 heard, if the commission finds:

1148 (a) The certificate of title was fraudulently procured
1149 or erroneously issued, or

1150 (b) The vehicle, manufactured home or mobile home has
1151 been scrapped, dismantled or destroyed.

1152 Suspension or revocation of a certificate of title does not
1153 in itself affect the validity of a security interest noted on it.

1154 When the commission suspends or revokes a certificate of
1155 title, the owner or person in possession of it shall, immediately
1156 upon receiving notice of the suspension or revocation, mail or
1157 deliver the certificate to the commission.

1158 The commission may seize and impound any certificate of title
1159 which has been suspended or revoked.

1160 SECTION 29. Section 63-21-61, Mississippi Code of 1972, is
1161 amended as follows:

1162 63-21-61. The owner of any motor vehicle, manufactured home
1163 or mobile home for which the State Tax Commission has refused to
1164 issue a certificate of title, or has suspended or revoked the
1165 certificate of title thereon, or any person having an interest in
1166 such motor vehicle, manufactured home or mobile home, or having a
1167 lien thereon, who feels that he has been denied any right under
1168 this chapter by the commission, or its designated agents, or his
1169 designated agents, may, within ninety (90) days thereafter, file a
1170 petition in the county or circuit court of either of the counties
1171 hereinafter designated for a hearing or review of such action of
1172 the commission. The judge of such court shall set the matter for
1173 hearing or review upon not less than ten (10) days' notice after
1174 the execution of proper process or citation duly served upon the
1175 party or parties made defendant thereto, and shall thereupon hear
1176 such cause and enter such order as may be proper. Such hearing
1177 may be heard either in term time or vacation. Such petition may
1178 be filed in either the county or circuit court of the county
1179 wherein any petitioner resides; or, in the event of a corporation
1180 or an association, in any county in which it is domiciled or does
1181 business; or in the county in which such certificate of title was
1182 issued; or in the county in which the office of the State Tax
1183 Commission is located.

1184 SECTION 30. Section 63-21-65, Mississippi Code of 1972, is
1185 amended as follows:

1186 63-21-65. Except as provided in Section 63-21-64, the State
1187 Tax Commission shall pay into the General Fund the fees collected
1188 under this chapter. As much of such fees as authorized by the
1189 Legislature shall be used by the State Tax Commission to defray
1190 the cost of carrying out the duties of the State Tax Commission
1191 including the maintenance of the automated statewide motor vehicle
1192 and manufactured housing registration system.

1193 SECTION 31. Section 63-21-67, Mississippi Code of 1972, is
1194 amended as follows:

1195 63-21-67. The rules and regulations promulgated by the State
1196 Tax Commission shall make suitable provisions for the use by an
1197 applicant of the duplicate copy of his application for a
1198 certificate of title to serve as a permit for the operation of the
1199 motor vehicle or the use and occupation of a manufactured home or
1200 mobile home described in the application until the commission
1201 either issues the certificate of title of such motor vehicle,
1202 manufactured home or mobile home or refuses to issue the
1203 certificate. The commission and every designated agent receiving
1204 an application for the certificate of title, when the provisions
1205 of this chapter have been otherwise complied with, shall deliver
1206 to the applicant the duplicate copy of his application which shall
1207 contain a suitable permit for the purposes mentioned in this
1208 paragraph.

1209 In the event the commission refuses to issue the certificate
1210 of title the applicant shall, immediately upon receiving written
1211 notice from the commission that such certificate will not be
1212 issued for the reason or reasons stated in the notice, deliver or
1213 mail to the commission by registered mail the duplicate copy of
1214 his application containing the permit mentioned in the previous
1215 paragraph of this section and, in the case of a vehicle, the
1216 current privilege license tag which was issued for the vehicle.
1217 The motor vehicle, manufactured home or mobile home described in
1218 said application shall not be operated on the highways or other
1219 public places of this state or used or occupied after the
1220 applicant receives notice that the certificate will not be issued
1221 unless its operation is subsequently authorized by the commission
1222 either by the issuance of a new permit or by a certificate of
1223 title. If for any reason the said duplicate copy of the
1224 application for certificate of title and, in the case of a
1225 vehicle, the current privilege license tag which was issued for
1226 the vehicle in question is not received by the commission within
1227 ten (10) calendar days after the commission mails written notice

1228 to the applicant that it will not issue the certificate of title
 1229 applied for, the commission or, at the request of the commission,
 1230 any state highway patrolman, sheriff or other peace officer of
 1231 this state, is authorized and empowered to require and compel the
 1232 surrender of said duplicate copy of the application for
 1233 certificate of title and, in the case of a vehicle, the said
 1234 current privilege license tag. The commission, after it obtains
 1235 possession of said duplicate copy of application for certificate
 1236 of title and, in the case of a vehicle, said current privilege
 1237 license tag, is authorized to retain same until it is satisfied
 1238 that said applicant is entitled to receive a certificate of title
 1239 of the vehicle, manufactured home or mobile home in question.

1240 SECTION 32. The following provision shall be codified as
 1241 Section 63-21-64, Mississippi Code of 1972:

1242 63-21-64. There shall be paid to the State Tax Commission
 1243 for issuing and processing documents required by this chapter,
 1244 fees for manufactured homes or mobile homes according to the
 1245 following schedule:

- 1246 (a) Each application for certificate
 1247 of title..... \$ 8.00
- 1248 (b) Each application for replacement or
 1249 corrected certificate of title..... 8.00
- 1250 (c) Each suspension or revocation of
 1251 certificate of title..... 8.00
- 1252 (d) Each notice of security interest..... 8.00
- 1253 (e) Each release of security interest..... 8.00
- 1254 (f) Each assignment by lienholder..... 8.00
- 1255 (g) Each application for information as to the
 1256 status of the title of a manufactured home or mobile home.. 8.00

1257 The designated agent may add the sum of One Dollar (\$1.00) to
 1258 each document processed for which a fee is charged to be retained
 1259 as his commission for services rendered. All other fees collected
 1260 shall be remitted to the State Tax Commission.

1261 For each fee collected according to the schedule provided in
1262 this section, Four Dollars (\$4.00) of each such fee shall be paid
1263 to the State Tax Commission to defray the costs of the commission
1264 in processing and issuing such documents. The disposition of fees
1265 collected under this section shall be governed by the provisions
1266 of this section and not by any other provisions of this chapter.

1267 If more than one (1) transaction be involved in any
1268 application on a single manufactured home or mobile home and if
1269 supported by all required documents, the fee charged by the tax
1270 commission's designated agent for processing and issuing shall be
1271 considered as only one (1) transaction.

1272 SECTION 33. Section 27-41-101, Mississippi Code of 1972, is
1273 amended as follows:

1274 27-41-101. (1) In the event the tax collector elects to use
1275 the provisions of Sections 27-41-101 through 27-41-109 to collect
1276 delinquent tax payments on personal property and, upon default of
1277 the payment of ad valorem taxes upon personal property upon the
1278 due dates prescribed in this chapter or, in the case of mobile or
1279 manufactured homes classified as personal property, the due date
1280 prescribed in Section 27-53-11, the tax collector shall give
1281 written notice to the taxpayer and to any secured lender demanding
1282 the payment of the ad valorem taxes on personal property then
1283 remaining in default within twenty (20) days from the date of the
1284 delivery of the notice. The notice shall be sent by certified or
1285 registered mail to the taxpayer at the address given by the
1286 taxpayer to the tax assessor or collector upon registration, or
1287 delivered by an employee of the tax collector either to the
1288 taxpayer or someone of suitable age and discretion at the
1289 taxpayer's place of business or residence. The notice shall be
1290 sent by certified or registered mail to the secured lender at the
1291 address listed on the State Tax Commission's statewide network at
1292 the time the taxes become delinquent if a certificate of title has
1293 been issued or the address given on the instruments filed with the

1294 chancery clerk granting the lender a security interest in the
1295 manufactured home.

1296 (2) If the taxpayer, any person liable for the payment of ad
1297 valorem taxes on personal property or the secured lender, if any,
1298 fails or refuses to pay the taxes after receiving the notice and
1299 demand as provided in subsection (1) of this section, the tax
1300 collector may file a notice of a tax lien for such ad valorem
1301 taxes with the circuit clerk of the county in which the taxpayer
1302 resides or owns property which shall be enrolled as a judgment on
1303 the judgment roll.

1304 (3) Immediately upon receipt of the notice of the tax lien
1305 for ad valorem taxes on personal property, the circuit clerk shall
1306 enter the notice of a tax lien as a judgment upon the judgment
1307 roll and show in the appropriate columns the name of the taxpayer
1308 as judgment debtor, the name of the tax collector as judgment
1309 creditor, the amount of the taxes, interest, fees and costs and
1310 the date and time of enrollment. The judgment shall be valid as
1311 against mortgagees, pledgees, entrusters, purchasers, judgment
1312 creditors, and other persons from the time of filing with the
1313 clerk; provided, however, that the preference of a judgment in
1314 regard to any personal property upon which the taxes are assessed,
1315 excepting motor vehicles as defined by the Motor Vehicle Ad
1316 Valorem Tax Law of 1958, and manufactured housing and mobile homes
1317 having certificates of title as defined by the Mississippi Motor
1318 Vehicle and Manufactured Housing Title Law shall be entitled to
1319 preference over all judgments, executions, encumbrances or liens
1320 whensoever created upon such personal property. The judgment
1321 shall be valid and a preference in the case of manufactured
1322 housing and mobile homes having certificates of title if the
1323 judgment is for the taxes reflected on the county tax rolls and
1324 related fees and charges on that manufactured home or mobile home
1325 and the required notice was furnished to the taxpayer and the lien
1326 creditor reflected on the certificate of title or chancery clerk's

1327 records, as applicable. The amount of the judgment shall be a
1328 debt due the county and remain a lien upon all property and rights
1329 to property belonging to the taxpayer, both real and personal,
1330 including choses in action, with the same force and like effect as
1331 any enrolled judgment of a court of record, and shall continue
1332 until satisfied. The judgment shall be the equivalent of any
1333 enrolled judgment of a court of record and shall serve as
1334 authority for the issuance of writs of execution, writs of
1335 attachment, writs of garnishment or other remedial writs. The tax
1336 collector may issue warrants for collection of ad valorem taxes
1337 from such judgments, in lieu of the issuance of any remedial writ
1338 by the circuit clerk, as provided in Sections 27-41-103 and
1339 27-41-105; provided, however, that the judgment shall not be a
1340 lien upon the property of the taxpayer for a longer period than
1341 seven (7) years from the date of the filing of the notice of tax
1342 lien for ad valorem taxes, damages and interest unless action be
1343 brought thereon before the expiration of such time or unless the
1344 tax collector refiles such notice of tax lien before the
1345 expiration of such time. The judgment shall be a lien upon the
1346 property of the taxpayer for a period of seven (7) years from the
1347 date of refileing such notice of tax lien unless action be brought
1348 thereon before the expiration of such time or unless the tax
1349 collector refiles such notice of tax lien before the expiration of
1350 such time. There shall be no limit upon the number of times that
1351 the tax collector may refile notices of tax liens.

1352 SECTION 34. Section 27-41-103, Mississippi Code of 1972, is
1353 amended as follows:

1354 27-41-103. The tax collector may issue a warrant under his
1355 official seal directed to the sheriff of any county of the state
1356 commanding him to immediately seize and sell the real and personal
1357 property of the person owning the property found within the county
1358 in which the judgment is enrolled for the payment of the amount of
1359 ad valorem tax on personal property as set forth in the warrant,

1360 and the cost of executing the warrant. Any such property sold
1361 shall be sold by sheriff's bill of sale.

1362 SECTION 35. Section 27-53-1, Mississippi Code of 1972, is
1363 amended as follows:

1364 27-53-1. For the purposes of this chapter * * *:

1365 (a) "Manufactured home or manufactured housing" means
1366 any structure transportable in one or more sections, which, in the
1367 traveling mode, is eight (8) body feet or more in width or forty
1368 (40) body feet or more in length or, when erected on site, is
1369 three hundred twenty (320) or more square feet and which is built
1370 on a permanent chassis and designed and constructed so as to be
1371 suitable for use for domestic, commercial or industrial purposes
1372 with or without a permanent foundation that complies with the
1373 standards established under the National Manufactured Housing
1374 Construction and Safety Standards Act of 1974, 42 USCS, Section
1375 5401, when such trailer is detached from a motor vehicle and
1376 parked on real estate as opposed to being towed by a
1377 self-propelled vehicle on the highways of this state. This
1378 definition includes all such structures which are parked even for
1379 a period of only a few months and excludes only those actually in
1380 transit on the highways or parked for no more than an overnight
1381 stop.

1382 (b) "Mobile home" means any structure, transportable in
1383 one or more sections, which in the traveling mode, is eight (8)
1384 body feet or more in width or forty (40) body feet or more in
1385 length or, when erected on site, is three hundred twenty (320) or
1386 more square feet and which is built on a permanent chassis and
1387 designed and constructed so as to be suitable for use for
1388 domestic, commercial or industrial purposes, with or without a
1389 permanent foundation and manufactured prior to June 15, 1976, when
1390 such structure is detached from a motor vehicle and parked on real
1391 estate as opposed to being towed by a self-propelled vehicle on
1392 the highways of this state. This definition includes all such

1393 structures which are parked even for a period of only a few months
1394 and excludes only those actually in transit on the highways or
1395 parked for no more than an overnight stop.

1396 (c) "In transit home" means any such manufactured home
1397 or mobile home or similar structure or vehicle which is not parked
1398 but which is being moved from place to place over the highways and
1399 streets of the state by being supported by two (2) or more wheels
1400 by motive power not its own and which vehicle is taxed under the
1401 provisions of the motor vehicle ad valorem tax law. This
1402 definition is limited to those vehicles which are actually in
1403 transit and excludes any vehicles which are parked for more than
1404 an overnight stop.

1405 (d) "Person" means any natural person, agency, firm,
1406 corporation, copartnership, joint stock, or other association or
1407 organization.

1408 (e) "Manufactured home roll" means the special separate
1409 assessment roll in which all manufactured and mobile home
1410 assessments shall be kept unless and until such manufactured and
1411 mobile home shall become an improvement on real estate and placed
1412 on the land rolls.

1413 SECTION 36. Section 27-53-3, Mississippi Code of 1972, is
1414 amended as follows:

1415 27-53-3. The State Tax Commission shall furnish to each
1416 official scale located on highways at the entrance to the state
1417 printed forms to be completed by the driver of all vehicles towing
1418 manufactured homes, mobile homes or in transit homes. The forms
1419 shall contain the following information about the manufactured
1420 homes, mobile homes or in transit homes being towed: (a) the name
1421 of its owner; and (b) the post office or street address to which
1422 it is to be delivered. In addition, each manufactured home,
1423 mobile home or in transit home dealer doing business in the State
1424 of Mississippi shall furnish to the State Tax Commission, at
1425 regular intervals, detailed reports which shall include the above

1426 information. From this information and other information that may
1427 come into its possession, the State Tax Commission, at monthly
1428 intervals, shall compile and furnish to each county tax collector
1429 an accurate list of all manufactured homes and mobile homes
1430 delivered to or located in that county during the preceding month.

1431 The list shall be compiled by the county and contain the
1432 following information: (a) the name of the owner; and (b) the
1433 post office or street address to which the manufactured home or
1434 mobile home was delivered.

1435 SECTION 37. Section 27-53-5, Mississippi Code of 1972, is
1436 amended as follows:

1437 27-53-5. (1) It shall be the duty of the owner of a
1438 manufactured home or mobile home, not later than seven (7) days,
1439 Saturdays, Sundays and legal holidays excluded, after the date of
1440 purchase or entry into the county where the manufactured home or
1441 mobile home is located, to register such manufactured home or
1442 mobile home with the tax collector of the county where the
1443 manufactured home or mobile home is located. If a certificate of
1444 title has been issued or applied for concerning the manufactured
1445 home or mobile home, the original certificate of title or a copy
1446 of the application shall be presented to the tax collector at the
1447 time of the registration. The registration application for such
1448 manufactured home or mobile home shall contain the following
1449 information: name and address of owner, length and width of the
1450 manufactured home or mobile home, serial number of manufactured
1451 home or mobile home, make of manufactured home or mobile home,
1452 date of purchase, present market value, and address where
1453 manufactured home or mobile home is located if other than the
1454 address of the owner. At the time that an owner registers his
1455 manufactured home or mobile home, and before a registration
1456 certificate may be issued by the tax collector, the owner of the
1457 manufactured home or mobile home shall pay a registration fee of
1458 One Dollar (\$1.00) to the county tax collector and provide proof

1459 of payment of the previous year's taxes unless the manufactured
1460 home or mobile home was purchased from a licensed dealer. It is
1461 also the duty of the owner of the manufactured home or mobile home
1462 to reregister his manufactured home or mobile home with the tax
1463 collector within seven (7) days after the relocation of such
1464 manufactured home or mobile home from one (1) location in the
1465 county to another location in the county in order that there will
1466 always be on file with the tax collector the current address of
1467 such manufactured home or mobile home.

1468 (2) It shall be the duty of every manufactured home or
1469 mobile home owner to provide proof of registration in the county
1470 in which the manufactured home or mobile home is located and at
1471 the address at which utility service is to be provided, as
1472 required by subsection (1), to each utility company whose service
1473 is procured by the owner before the utility company shall connect
1474 its services. For purposes of this section, "utility" shall mean
1475 and include water, gas, electric and telephone services, including
1476 such utilities as are owned and operated by municipalities.

1477 (3) No utility company shall connect, provide or transfer
1478 service without receiving and recording the number of the current
1479 registration certificate issue for the manufactured home or mobile
1480 home at the address where service will be connected, provided or
1481 transferred.

1482 (4) It shall be the duty of every manufactured home or
1483 mobile home owner subject to the use tax levy in Section 27-67-5
1484 to provide proof of payment of such tax prior to the time of
1485 registration. If the manufactured home or mobile home has been
1486 registered in another county in this state, then the owner shall
1487 only need to show proof of such registration.

1488 (5) Every utility company * * * shall furnish to the county
1489 tax collector, upon request, the names, addresses and registration
1490 numbers of all manufactured home or mobile home customers to whom
1491 the utility company provides a service.

1492 SECTION 38. Section 27-53-7, Mississippi Code of 1972, is
1493 amended as follows:

1494 27-53-7. At the time of registration, the value of the
1495 manufactured home or mobile home shall be assessed and entered by
1496 the tax collector on the manufactured home roll book.

1497 SECTION 39. Section 27-53-9, Mississippi Code of 1972, is
1498 amended as follows:

1499 27-53-9. Manufactured homes and mobile homes shall be
1500 assessed in the same manner as property of like value is assessed
1501 on the land rolls or manufactured home rolls on which they appear.

1502 SECTION 40. Section 27-53-11, Mississippi Code of 1972, is
1503 amended as follows:

1504 27-53-11. The ad valorem tax on manufactured homes and
1505 mobile homes shall be computed from the date of registration but
1506 not be due and payable until ninety (90) days thereafter. All ad
1507 valorem taxes for this first year's registration shall be prorated
1508 from the date of registration to the end of the calendar year.
1509 Thereafter, all ad valorem taxes on manufactured homes and mobile
1510 homes shall be due and payable annually; provided, however, that
1511 all ad valorem taxes on manufactured homes and mobile homes that
1512 have been classified as real property shall be due and payable in
1513 the same manner as prescribed for other real property. No
1514 additional ad valorem taxes are due on a manufactured home or
1515 mobile home that is brought into a county from another county in
1516 this state if the owner shows proof of payment of ad valorem taxes
1517 in the other county.

1518 SECTION 41. Section 27-53-13, Mississippi Code of 1972, is
1519 amended as follows:

1520 27-53-13. The manufactured home or mobile home owner who
1521 does not own the land on which his manufactured home or mobile
1522 home is located must declare his manufactured home or mobile home
1523 to be personal property at the time of registration and the county
1524 tax collector shall enter it on the manufactured home rolls as

1525 personal property.

1526 SECTION 42. Section 27-53-15, Mississippi Code of 1972, is
1527 amended as follows:

1528 27-53-15. The manufactured homeowner or mobile homeowner who
1529 owns the land on which the manufactured home or mobile home is
1530 located shall have the option at the time of registration of
1531 declaring whether the manufactured home or mobile home shall be
1532 classified as personal or real property. If the manufactured home
1533 or mobile home is to be classified as real property, then the
1534 wheels and axles must be removed and it must be anchored and
1535 blocked in accordance with the rules and procedures promulgated by
1536 the Commissioner of Insurance of the State of Mississippi. After
1537 the wheels and axles have been removed and the manufactured home
1538 or mobile home has been anchored and blocked in accordance with
1539 such rules and procedures, the manufactured home or mobile home
1540 shall be considered to have been affixed to a permanent
1541 foundation. The county tax assessor shall then enter the
1542 manufactured home or mobile home on the land rolls and tax it as
1543 real property on the land on which it is located from the date of
1544 registration. At such time, the county tax assessor shall issue a
1545 certificate certifying that the manufactured home or mobile home
1546 has been classified as real property. Such certificate shall
1547 contain the name of the owner of the manufactured home or mobile
1548 home, the name of the manufacturer, the model, the serial number
1549 and the legal description of the real property on which the
1550 manufactured home or mobile home is located. The county tax
1551 assessor shall cause such certificate to be filed in the land
1552 records of the county in which the property is situated. After
1553 filing, the chancery clerk shall forward the certificate to the
1554 owner. For issuance of the certificate, a fee of Twelve Dollars
1555 (\$12.00) shall be collected by the county tax assessor, Ten
1556 Dollars (\$10.00) of which shall be retained by the assessor and
1557 Two Dollars (\$2.00) of which shall be forwarded to the chancery

1558 clerk for filing the certificate. Upon the filing of the
1559 certificate in the land records, the manufactured home or mobile
1560 home shall then be considered real property for purposes of ad
1561 valorem taxation. The filing of such a certificate shall not
1562 affect the validity or priority of any existing perfected lien.
1563 If a manufactured home or mobile home is classified as real
1564 property and no certificate of title was required to be issued or
1565 issued for such property pursuant to Chapter 21, Title 63,
1566 Mississippi Code of 1972, a security interest may be obtained
1567 therein through the use of a mortgage or deed of trust describing
1568 both the manufactured home or mobile home and the land on which
1569 the manufactured home or mobile home is located. For a
1570 manufactured home or mobile home classified as personal property
1571 for which no certificate of title was required to be issued or
1572 issued pursuant to the provisions of Chapter 21, Title 63,
1573 Mississippi Code of 1972, the perfection of a security interest
1574 therein shall be governed by the provisions of Chapter 9, Title
1575 75, Mississippi Code of 1972. Regardless of whether a
1576 manufactured home or mobile home for which a certificate of title
1577 was required to be issued or issued pursuant to the provisions of
1578 Chapter 21, Title 63, Mississippi Code of 1972, is * * *
1579 classified as real property or is classified as personal property,
1580 the perfection of a security interest therein shall be governed by
1581 the provisions of Chapter 21, Title 63, Mississippi Code of 1972.
1582 A manufactured home or mobile home that has been classified as
1583 personal property may be reclassified as real property at the
1584 option of its owner if the owner obtains a certification from the
1585 tax assessor as provided in this section. Conversely, a
1586 manufactured home or mobile home that has been classified as real
1587 property may be reclassified for purposes of ad valorem taxation
1588 as personal property at the option of its owner if there is no
1589 lien against it and if the owner notifies the county tax assessor
1590 to reassess it and have the county tax collector enter it upon the

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

1612 SECTION 43. Section 27-53-17, Mississippi Code of 1972, is
1613 amended as follows:

1614 27-53-17. (1) (a) Except as otherwise provided in Section
1615 27-41-2, it shall be the duty of the tax collector of the county
1616 in which the manufactured home or mobile home is registered and
1617 assessed to collect the ad valorem taxes thereon. In cases where
1618 the manufactured home or mobile home is assessed on the land
1619 rolls, the penalty for nonpayment or delinquency of taxes shall be
1620 the same as is prescribed by law in regard to real estate. Except
1621 as otherwise provided in this section, in the case of all other
1622 manufactured homes or mobile homes, if the ad valorem tax is not
1623 paid within ninety (90) days after it becomes due and payable as

1624 provided by Section 27-53-11, the tax collector shall have the
1625 authority to file a civil suit in order to collect these taxes.
1626 Suits to collect delinquent manufactured home or mobile home taxes
1627 may be combined and included in one or more civil suits, the costs
1628 of which (including publication fees and like necessary expenses)
1629 shall be assessed pro rata among the delinquent taxpayers party to
1630 a suit as part of the judgment.

1631 (b) After taking all possible legal action, the tax
1632 collector shall submit a report of uncollected manufactured home
1633 or mobile home taxes to the board of supervisors. Such report
1634 shall be verified by the affidavit of the collector, that he has
1635 made, in person or by deputy, a legal demand for taxes due and
1636 that the taxpayers mentioned in the report have failed to pay
1637 their taxes. Separate lists of the delinquents shall be made for
1638 each election district and for each city, town and village.

1639 (c) The board shall allow the collector a credit for
1640 those taxes which it is satisfied may remain uncollected without
1641 the default of the collector, and no more. A list of the
1642 allowances shall be made out and certified by the clerk and
1643 transmitted to the Auditor of Public Accounts, and shall be
1644 credited to the collector in his settlement with the auditor and
1645 chancery clerk.

1646 (2) As an alternative to the authority granted under this
1647 section to county tax collectors to file suit for the collection
1648 of delinquent manufactured home or mobile home taxes, the board of
1649 supervisors of any county, in its discretion, may contract in the
1650 manner provided in Section 19-3-41 with a private attorney or
1651 private collection agent or agents for the collection of
1652 delinquent ad valorem taxes on manufactured homes or mobile homes
1653 that are entered as personal property on the manufactured home
1654 rolls.

1655 (3) As an alternative to the method of collecting delinquent
1656 taxes provided for in this section, the method provided for in

1657 Sections 27-41-101 through 27-41-109 may, in the discretion of the
1658 tax collector, be used to collect delinquent ad valorem taxes on
1659 manufactured homes or mobile homes classified as personal
1660 property.

1661 SECTION 44. Section 27-53-19, Mississippi Code of 1972, is
1662 amended as follows:

1663 27-53-19. Removal of a manufactured home or mobile home
1664 after the same has been assessed and such ad valorem tax has not
1665 been paid and notice of sale has been served shall be prima facie
1666 evidence of an intent on the part of the manufactured or mobile
1667 homeowner to avoid payment of taxes, and the county tax collector
1668 shall attach the property immediately.

1669 SECTION 45. Section 27-53-21, Mississippi Code of 1972, is
1670 amended as follows:

1671 27-53-21. The county tax collector is authorized to collect
1672 the municipal as well as county tax on manufactured homes or
1673 mobile homes not included in the land rolls and return the
1674 municipal tax to the municipality, retaining the same commission
1675 as is allowed for collection of municipal tax on motor vehicles.
1676 The tax on manufactured homes or mobile homes included in the land
1677 rolls shall be collected by the county and city tax collectors as
1678 on all other realty.

1679 SECTION 46. Section 27-53-23, Mississippi Code of 1972, is
1680 amended as follows:

1681 27-53-23. Manufactured homes and mobile homes considered as
1682 personal property shall be assessed uniformly according to value
1683 and such assessed value shall be determined by an assessment
1684 schedule which shall be prepared and made of record by the State
1685 Tax Commission and shall be certified to each county tax assessor
1686 and tax collector as the official manufactured and mobile home
1687 assessment schedule which shall be used by the proper officials in
1688 assessing manufactured home or mobile home ad valorem taxes for
1689 the year.

1690 In no instance may any taxing agency, under authority of this
1691 chapter, either reduce or increase for the purpose of ad valorem
1692 taxation the existing value of any manufactured home or mobile
1693 home from that shown by the aforesaid assessment schedule.

1694 Any person objecting to the assessment schedule as it affects
1695 the assessed value of his manufactured home or mobile home as
1696 personal property may proceed as is provided for under Section
1697 27-51-23, Mississippi Code of 1972. Any person objecting to the
1698 real property assessment as it affects the assessed value of his
1699 manufactured home or mobile home may proceed as in such cases made
1700 and provided by law as pertains to real property.

1701 SECTION 47. Section 27-53-27, Mississippi Code of 1972, is
1702 amended as follows:

1703 27-53-27. The following are exempt from the taxes authorized
1704 by this chapter:

1705 (a) In transit homes subject to the motor vehicle ad
1706 valorem tax law.

1707 (b) Any manufactured home or mobile home located on
1708 land which is owned by the same person owning and occupying said
1709 manufactured home or mobile home which was assessed on the land
1710 rolls at the effective date of this chapter.

1711 (c) Manufactured homes or mobile homes owned by and/or
1712 in the possession of a dealer as merchandise.

1713 (d) Any nonresident member of the armed forces of the
1714 United States of America owning and living in a manufactured home
1715 or mobile home within the state in compliance with military
1716 orders.

1717 SECTION 48. Section 27-53-31, Mississippi Code of 1972, is
1718 amended as follows:

1719 27-53-31. If any manufactured home or mobile home on which
1720 the ad valorem taxes prescribed in this chapter have been paid
1721 shall be totally destroyed by fire, tornado, flood or acts of
1722 providence, then the owner of such manufactured home or mobile

1723 home, upon filing a petition and submission of sufficient proof to
1724 the tax collector, may be credited with the amount of the ad
1725 valorem taxes on the proportional part of the taxable year
1726 remaining, less ad valorem taxes accruing on the salvage price, if
1727 any, in calculating the amount of ad valorem taxes due on any
1728 replacement for such a manufactured home or mobile home. In no
1729 event, however, shall such person claiming credit under this
1730 provision be entitled to a cash refund.

1731 In order to obtain benefit of this credit, such person must
1732 submit proof supported by affidavit of three (3) reputable
1733 citizens that such manufactured home or mobile home has been
1734 totally destroyed and a statement must be made as to the estimated
1735 amount of salvage value remaining. The application for this
1736 credit and the three (3) supporting affidavits must be notarized
1737 by an officer who has legal authority to notarize such
1738 instruments.

1739 Any person who makes or swears to a false statement or makes
1740 or swears to a statement of facts without personal knowledge of
1741 such facts, in any connection with an adjustment claim as referred
1742 to above, shall be guilty of perjury and upon conviction shall be
1743 punished as now provided by law.

1744 SECTION 49. This act shall take effect and be in force from
1745 and after July 1, 1999.