

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S.B. No. 2632: Certificates of title; provide for issuance for manufactured homes and mobile homes.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.

2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

23 63-21-1. This chapter may be cited as "The Mississippi Motor
24 Vehicle and Manufactured Housing Title Law."

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

27 63-21-3. The terms and provisions of this chapter shall be
28 administered by the State Tax Commission. The State Tax
29 Commission shall have charge of all the affairs of administering
30 the laws of the state relative to vehicle registration and titling
31 and manufactured housing titling as hereinafter provided and may
32 employ such administrative and clerical assistance, material, and
33 equipment as may be necessary to enable it to speedily,
34 completely, and efficiently perform the duties as outlined in this
35 chapter.

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

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

43 (a) "State Tax Commission" shall mean the State Tax

44 Commission of the State of Mississippi.

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

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

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

69 (e) The term "vehicle identification number" shall mean
70 the numbers and letters on a vehicle, manufactured home or mobile
71 home designated by the manufacturer or assigned by the State Tax
72 Commission for the purpose of identifying the vehicle,
73 manufactured home or mobile home.

74 (f) The term "lien" means every kind of written lease
75 which is substantially equivalent to an installment sale or which
76 provides for a right of purchase; conditional sale; reservation of
77 title; deed of trust; chattel mortgage; trust receipt; and every
78 other written agreement or instrument of whatever kind or

79 character whereby an interest other than absolute title is sought
80 to be held or given on a motor vehicle, manufactured home or
81 mobile home.

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

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

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

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

114 systems contained therein and manufactured prior to June 15, 1976.

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

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

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

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

132 (o) The term "owner" shall mean a person or persons
133 holding the legal title of a vehicle, manufactured home or mobile
134 home; in the event a vehicle, manufactured home or mobile home is
135 the subject of a deed of trust or a chattel mortgage or an
136 agreement for the conditional sale or lease thereof or other like
137 agreement, with the right of purchase upon performance of the
138 conditions stated in the agreement and with the immediate right of
139 possession vested in the grantor in the deed of trust, mortgagor,
140 conditional vendee or lessee, said grantor, mortgagor, conditional
141 vendee or lessee shall be deemed the owner for the purpose of this
142 chapter.

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

145 (q) The term "pole trailer" shall mean every vehicle
146 without motive power designed to be drawn by another vehicle and
147 attached to the towing vehicle by means of a reach or pole, or by
148 being boomed or otherwise secured to the towing vehicle, and

149 ordinarily used for transporting long or irregularly shaped loads
150 such as poles, pipes, boats or structural members capable
151 generally of sustaining themselves as beams between the supporting
152 connections.

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

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

162 (t) The term "special mobile equipment" shall mean
163 every vehicle not designed or used primarily for the
164 transportation of persons or property and only incidentally
165 operated or moved over a highway, including, but not limited to:
166 ditch-digging apparatus, well-boring apparatus and road
167 construction and maintenance machinery such as asphalt spreaders,
168 bituminous mixers, bucket loaders, tractors other than truck
169 tractors, ditchers, leveling graders, finishing machines, motor
170 graders, road rollers, scarifiers, earth-moving carryalls and
171 scrapers, power shovels and draglines, and self-propelled cranes,
172 vehicles so constructed that they exceed eight (8) feet in width
173 and/or thirteen (13) feet six (6) inches in height, and
174 earth-moving equipment. The term does not include house trailers,
175 dump trucks, truck-mounted transit mixers, cranes or shovels, or
176 other vehicles designed for the transportation of persons or
177 property to which machinery has been attached.

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

180 (v) The term "current address" shall mean a new address
181 different from the address shown on the application or on the
182 certificate of title. The owner shall within thirty (30) days
183 after his address is changed from that shown on the application or

184 on the certificate of title notify the State Tax Commission of the
185 change of address in the manner prescribed by the State Tax
186 Commission.

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

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

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

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

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

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

219 to a mobile home or manufactured home that is twenty (20) years
220 old or older.

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

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

226 63-21-9. Except as provided in Section 63-21-11, every owner
227 of a motor vehicle as defined in this chapter, which is in this
228 state and which is manufactured or assembled after July 1, 1969,
229 or which is the subject of first sale for use after July 1, 1969,
230 and every owner of a manufactured home as defined in this chapter,
231 which is in this state and which is manufactured or assembled
232 after July 1, 1999, or which is the subject of first sale for use
233 after July 1, 1999, shall make application to the State Tax
234 Commission for a certificate of title * * * with the following
235 exceptions:

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

243 (b) After July 1, 1969, any dealer, acting for himself,
244 or another, who sells, trades or otherwise transfers any new or
245 used vehicle as defined in this chapter, and after July 1, 1999,
246 any dealer, acting for himself, or another, who sells, trades or
247 otherwise transfers any new or used manufactured home or mobile
248 home as defined in this chapter, or any designated agent, shall
249 furnish to the purchaser or transferee, without charge for either
250 application or certificate of title, an application for title of
251 said vehicle, manufactured home or mobile home and cause to be
252 forwarded to the State Tax Commission any and all documents
253 required by the commission to issue certificate of title to the

254 purchaser or transferee. The purchaser or transferee may then use
255 the duplicate application for title as a permit to operate vehicle
256 as provided in Section 63-21-67, until certificate of title is
257 received.

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

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

266 63-21-11. No certificate of title need be obtained for:

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

269 (b) A vehicle, manufactured home or mobile home owned
270 by a manufacturer or dealer and held for sale, even though
271 incidentally moved on the highway or used for purposes of testing
272 or demonstration, or a vehicle used by a manufacturer solely for
273 testing;

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

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

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

281 (f) An implement of husbandry;

282 (g) Special mobile equipment;

283 (h) A pole trailer;

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

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

288 63-21-15. (1) The application for the certificate of title

289 of a vehicle, manufactured home or mobile home in this state shall
290 be made by the owner to a designated agent, on the form the State
291 Tax Commission prescribes, and shall contain or be accompanied by
292 the following, if applicable:

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

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

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

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

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

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

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

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

322 _____ (1) I hereby certify that to the best of my
323 knowledge the odometer reading reflects the amount of mileage in

324 excess of its mechanical limits.

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

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

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

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

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

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

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

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

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

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

359 of title. That statement shall read:

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

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

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

367 _____ 1. Collision;

368 _____ 2. Flood;

369 _____ 3. Fire;

370 _____ 4. Wind;

371 _____ 5. Other (please describe):

372 _____
373 _"

374 (2) The application shall be accompanied by such evidence as
375 the State Tax Commission reasonably requires to identify the
376 vehicle, manufactured home or mobile home and to enable the State
377 Tax Commission to determine whether the owner is entitled to a
378 certificate of title and the existence or nonexistence of security
379 interests in the vehicle, manufactured home or mobile home and
380 whether the applicant is liable for a use tax as provided by
381 Sections 27-67-1 through 27-67-33.

382 (3) If the application is for a vehicle, manufactured home
383 or mobile home purchased from a dealer, it shall contain the name
384 and address of any lienholder holding a security interest created
385 or reserved at the time of the sale and the date of his security
386 agreement and it shall be signed by the dealer as well as the
387 owner. The designated agent shall promptly mail or deliver the
388 application to the State Tax Commission.

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

393 (5) Each application shall contain or be accompanied by the

394 certificate of a designated agent that the vehicle, manufactured
395 home or mobile home has been physically inspected by him and that
396 the vehicle identification number and descriptive data shown on
397 the application, pursuant to the requirements of subsection (1)(b)
398 of this section, are correct, and also that he has identified the
399 person signing the application and witnessed the signature. If
400 the application is to receive a clear title for a vehicle for
401 which a salvage certificate of title has been issued, the
402 application shall be accompanied by a sworn affidavit that the
403 vehicle complies with the requirements of this section, Section
404 63-21-39 and the regulations promulgated by the State Tax
405 Commission under Section 63-21-39.

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

425 (7) Every designated agent within this state shall, no later
426 than the next business day after they are received by him, forward
427 to the State Tax Commission by mail, postage prepaid, the
428 originals of all applications received by him, together with such

429 evidence of title as may have been delivered to him by the
430 applicants.

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

434 SECTION 7. Section 63-21-16, Mississippi Code of 1972, as
435 amended by Senate Bill No. 2741, 1999 Regular Session, is amended
436 as follows:

437 63-21-16. (1) All designated agents appointed by the State
438 Tax Commission under Section 63-21-13 * * *, Mississippi Code of
439 1972, may electronically transmit to the State Tax Commission
440 information entered by them on applications for a certificate of
441 title given in connection with the sale or transfer of a motor
442 vehicle, manufactured home or mobile home or a loan for which the
443 owner's motor vehicle, manufactured home or mobile home is pledged
444 to that institution as collateral for the loan. The format and
445 the data required to be transmitted shall be established by the
446 State Tax Commission. Transmission of data shall meet minimum
447 criteria and edits established by the State Tax Commission equal
448 to any edit presently existing in the statewide title registration
449 system, or as may be established, to which the county tax
450 collectors shall also conform. All data transmitted must
451 successfully pass * * * edits established by the State Tax
452 Commission, including lienholder name, mailing address and
453 lienholder account number assigned to a lienholder by the State
454 Tax Commission to identify the lienholder, for the purpose of
455 causing the data to appear in the certificate of title for which
456 the application is made.

457 (2) It shall be the responsibility of the designated agent
458 to verify all data before it is electronically transmitted. It
459 shall also be the responsibility of the designated agent to ensure
460 that the required certification of designated agent and the
461 certification of statement of facts that are contained on the
462 application for certificate of title appear above the signatures
463 of both the owner and the authorized representative of the

464 designated agent. Data which cannot be transmitted because of
465 error shall be corrected by the designated agent when the
466 statewide title registration system indicates that the data is
467 erroneous or is not valid for the purposes of titling the motor
468 vehicle, manufactured home or mobile home or for transfer of the
469 data.

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

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

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

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

495 (b) Obtain all required signatures; and

496 (c) Forward the completed application for certificate
497 of title to the first lienholder together with any necessary
498 remittance advice, a check for the title fee payable to the State

499 Tax Commission and a cover letter to the first lienholder
500 requesting that the first lienholder attach the certificate of
501 title to the required documents sent by the second lienholder and
502 then forward the application, certificate of title and required
503 documents to the State Tax Commission.

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

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

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

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

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

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

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

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

565 63-21-17. (1) The State Tax Commission shall examine each
566 application received and, when satisfied as to its genuineness and
567 regularity and that the applicant is entitled to the issuance of a
568 certificate of title, shall issue a certificate of title of the

569 vehicle, manufactured home or mobile home on the form prescribed
570 by the commission.

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

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

576 (b) Under the vehicle identification number;

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

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

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

582 63-21-18. The Mississippi Department of Information
583 Technology Services shall provide equipment for the operation and
584 maintenance of the automated statewide motor vehicle, manufactured
585 housing and mobile home registration system by the State Tax
586 Commission.

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

594 All county tax collectors shall participate in such system as
595 it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter
596 21, Title 63; Mississippi Code of 1972, in accordance with rules
597 and regulations promulgated by the State Tax Commission. Such
598 rules and regulations shall provide that counties which have an
599 existing computer system designed to produce registration data may
600 elect to use such existing system to communicate
601 title/registration data to the commission through the computer
602 furnished by the state as hereinabove provided in this section.
603 If the State Tax Commission finds and determines that a county has

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

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

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

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

637 The State Tax Commission shall provide for the transfer of
638 motor vehicle, manufactured housing and mobile home title and lien

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

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

648 63-21-19. (1) Each certificate of title issued by the State
649 Tax Commission shall contain:

650 (a) The date issued;

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

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

653 lienholders in the order of priority as shown on the application,

654 or if the application is based on a certificate of title as shown

655 on the certificate;

656 (d) The title number;

657 (e) A description of the vehicle, manufactured home or

658 mobile home, including the following data, if applicable: year,

659 make, model, vehicle identification number, type of body, number

660 of cylinders, whether new or used, odometer reading, a statement

661 which qualifies mileage according to the odometer disclosure

662 certified by the transferor and, if a new vehicle, the date of the

663 first sale of the vehicle for use; and

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

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

666 (b) of Section 63-21-23, Mississippi Code of 1972, a distinctive

667 certificate of title shall be issued for a vehicle, manufactured

668 home or mobile home last previously registered in another state or

669 country the laws of which do not require that lienholders be named

670 on a certificate of title to perfect their security interests.

671 The certificate shall contain the legend "This vehicle,

672 manufactured home or mobile home may be subject to an undisclosed

673 lien" and may contain any other information the State Tax

674 Commission prescribes. If no notice of a security interest in the
675 vehicle, manufactured home or mobile home is received by the State
676 Tax Commission within four (4) months from the issuance of the
677 distinctive certificate of title, the State Tax Commission shall,
678 upon application and surrender of the distinctive certificate,
679 issue a certificate of title in ordinary form.

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

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

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

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

695 63-21-21. The certificate of title shall be mailed to the
696 first lienholder named in it or, if none, to the owner. If the
697 original certificate of title is delivered to a lienholder, a
698 nontransferable duplicate certificate of title shall be mailed to
699 the owner to serve as a permit for operation of the motor vehicle
700 or use or occupancy of the manufactured home or mobile home.

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

703 63-21-23. If the State Tax Commission is not satisfied as to
704 the ownership of the vehicle, manufactured home or mobile home or
705 that there are no undisclosed security interests in it, the
706 commission may accept the application but shall either:

707 (a) Withhold issuance of a certificate of title until
708 the applicant presents documents reasonably sufficient to satisfy

709 the commission as to the applicant's ownership of the vehicle,
710 manufactured home or mobile home and that there are no undisclosed
711 security interests in it; or

712 (b) As a condition of issuing a certificate of title,
713 require the applicant or dealer to file with the commission a bond
714 in the form prescribed by the commission and executed by the
715 applicant or dealer and by a person authorized to conduct a surety
716 business in this state, or require the application to be
717 accompanied by the deposit of cash with the commission. The bond
718 or cash shall be in an amount equal to one and one-half (1-1/2)
719 times the value of the vehicle, manufactured home or mobile home
720 as determined by the commission and conditioned to indemnify any
721 prior owner and lienholder and any subsequent purchaser of the
722 vehicle, manufactured home or mobile home or person acquiring any
723 security interest in it, and their respective successors in
724 interest, against any expense, loss or damage, including
725 reasonable attorney's fees, by reason of the issuance of the
726 certificates of title of the vehicle, manufactured home or mobile
727 home or on account of any defect in or undisclosed security
728 interest upon the right, title and interest of the applicant in
729 and to the vehicle, manufactured home or mobile home. Any such
730 interested person has a right of action to recover on the bond or
731 cash for any breach of its conditions, but the aggregate liability
732 of the surety to all persons shall not exceed the amount of the
733 bond or cash. The bond or cash shall be returned at the end of
734 three (3) years unless the commission has been notified of the
735 pendency of an action to recover on the bond or cash or that the
736 vehicle, manufactured home or mobile home does not belong to the
737 registered owner or that it is encumbered by an undisclosed lien.

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

740 63-21-25. The State Tax Commission shall refuse issuance of
741 a certificate of title:

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

743 (b) If the commission has reasonable grounds to believe

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

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

751 63-21-29. If the State Tax Commission is not satisfied that
752 there are no undisclosed security interests created before August
753 9, 1968, in a previously registered vehicle, or created before
754 July 1, 1999, in a previously registered manufactured home or
755 mobile home, the commission may, in addition to the commission's
756 options under Section 63-21-27, issue a distinctive certificate of
757 title of the vehicle containing the legend "This vehicle,
758 manufactured home or mobile home may be subject to an undisclosed
759 lien" and any other information the commission prescribes.

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

762 63-21-31. (1) If an owner transfers his interest in a
763 vehicle, manufactured home or mobile home, other than by the
764 creation of a security interest, he shall, at the time of the
765 delivery of the vehicle, manufactured home or mobile home, execute
766 an assignment and warranty of title to the transferee in the space
767 provided therefor on the certificate or as the State Tax
768 Commission prescribes, and cause the certificate and assignment to
769 be mailed or delivered to the transferee.

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

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

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

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

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

796 63-21-33. If a dealer buys a vehicle, manufactured home or
797 mobile home and holds it for resale and procures the certificate
798 of title from the owner or the lienholder within ten (10) days
799 after delivery to him of the vehicle, manufactured home or mobile
800 home, he need not send the certificate to the State Tax
801 Commission. However, upon transferring the vehicle, manufactured
802 home or mobile home to another person other than by the creation
803 of a security interest, he shall promptly execute the assignment
804 and warranty of title by a dealer, showing the names and addresses
805 of the transferee and of any lienholder holding a security
806 interest created or reserved at the time of the resale and the
807 date of his security agreement, in the spaces provided therefor on
808 the certificate or as the State Tax Commission prescribes, and
809 deliver the certificate to a designated agent with the
810 transferee's application for a new certificate.

811 Every dealer shall maintain for five (5) years a record in
812 the form the State Tax Commission prescribes of every vehicle,
813 manufactured home or mobile home bought, sold or exchanged by him

814 or received by him for sale or exchange, which shall be open to
815 inspection by a representative of the State Tax Commission or
816 patrol or peace officer during reasonable business hours.

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

829 An insurance company which obtains title to a motor vehicle
830 as a result of paying a total loss claim resulting from collision,
831 fire, flood or other cause shall obtain a salvage certificate of
832 title in its name for such vehicle from the State Tax Commission.

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

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

843 63-21-40. (1) An owner who scraps, dismantles or destroys a
844 manufactured home or mobile home for which a certificate of title
845 has been issued, and a person who purchases a manufactured home or
846 mobile home as scrap or to be dismantled or destroyed for which a
847 certificate of title has been issued, shall make such an
848 indication on the back of the certificate of title and shall

849 immediately cause the certificate of title and any other documents
850 required by the State Tax Commission to be mailed or delivered to
851 commission for cancellation.

852 (2) An insurance company which as a result of paying a total
853 loss claim becomes the owner of a mobile home or manufactured home
854 and obtains the insured's certificate of title, within seventy-two
855 (72) hours after obtaining the title shall apply to the State Tax
856 Commission for a new certificate of title, surrendering with its
857 application the current certificate of title, including
858 documentation to show if the title applied for is for a salvage
859 mobile home or salvage manufactured home, and including a signed
860 statement on original company letterhead that states: ()
861 collision damage, () flood damage, () fire damage, () wind
862 damage, or () other damage. If the damage is "other damage," the
863 company shall describe the nature of the damage. The insurance
864 company shall staple this statement to the certificate of title
865 and make a notation on the face of the certificate of title. the
866 application shall be made by the insurance company in the manner
867 and form prescribed and provided by the State Tax Commission. The
868 provisions of this subsection do not apply to a mobile home or
869 manufactured home that is twenty (20) years old or older.

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

884 mobile home or manufactured home has been rebuilt according to any
885 applicable federal or state laws, rules or regulations.

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

888 63-21-35. (1) If the interest of an owner in a vehicle,
889 manufactured home or mobile home passes to another other than by
890 voluntary transfer the transferee shall, except as provided in
891 subsection (2), promptly deliver to a county tax collector or a
892 designated agent the last certificate of title, if available,
893 proof of the transfer, and make application for a new certificate
894 in the form the State Tax Commission prescribes.

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

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

915 (3) Notwithstanding anything to the contrary contained in
916 this section, a person holding a certificate of title whose
917 interest in the vehicle, manufactured home or mobile home has been
918 extinguished or transferred other than by voluntary transfer shall

919 mail or deliver the certificate to the commission upon request of
920 the commission. The delivery of the certificate pursuant to the
921 request of the commission does not affect the rights of the person
922 surrendering the certificate. The action of the commission in
923 issuing a new certificate of title as provided herein is not
924 conclusive upon the rights of an owner or lienholder named in the
925 old certificate.

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

928 63-21-37. The State Tax Commission, upon receipt of a
929 properly assigned certificate of title, with an application for a
930 new certificate of title, the required fee and any other documents
931 required by the commission, shall issue a new certificate of title
932 in the name of the transferee as owner and mail it to the first
933 lienholder named in it or, if none, to the owner.

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

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

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

948 63-21-41. This chapter does not apply to or affect:

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

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

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

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

961 63-21-42. In the case of motor vehicles, trailers,
962 manufactured homes or mobile homes, notwithstanding any other
963 provision of law, a transaction does not create a sale or security
964 interest merely because it provides that the rental price is
965 permitted or required to be adjusted under the agreement either
966 upward or downward by reference to the amount realized upon sale
967 or other disposition of the motor vehicle, trailer, manufactured
968 home or mobile home.

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

971 63-21-43. (1) Unless excepted by Section 63-21-41, a
972 security interest in a vehicle, manufactured home or mobile home
973 of a type which a certificate of title is required is not valid
974 against creditors of the owner or subsequent transferees or
975 lienholders of the vehicle, manufactured home or mobile home
976 unless perfected as provided in this chapter.

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

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

989 met.

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

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

1001 (b) If the security interest was perfected under the
1002 law of the jurisdiction where the vehicle, manufactured home or
1003 mobile home was when the security interest attached, the following
1004 rules apply:

1005 (i) If the name of the lienholder is shown on an
1006 existing certificate of title issued by that jurisdiction, his
1007 security interest continues perfected in this state.

1008 (ii) If the name of the lienholder is not shown on
1009 an existing certificate of title issued by that jurisdiction the
1010 security interest continues perfected in this state for four (4)
1011 months after a first certificate of title of the vehicle,
1012 manufactured home or mobile home is issued in this state, and also
1013 thereafter if, within the period of four (4) months, it is
1014 perfected in this state. The security interest may also be
1015 perfected in this state after the expiration of the period of four
1016 (4) months, in which case perfection dates from the time of
1017 perfection in this state.

1018 (c) If the security interest was not perfected under
1019 the law of the jurisdiction where the vehicle, manufactured home
1020 or mobile home was when the security interest attached, it may be
1021 perfected in this state, in which case perfection dates from the
1022 time of perfection in this state.

1023 (d) A security interest may be perfected under

1024 paragraph (b)(ii) or paragraph (c) of this subsection, either as
1025 provided in subsection (2), or by the holder of the lien created
1026 out of this state delivering to a county tax collector or a
1027 designated agent a notice of security interest in the form the
1028 State Tax Commission prescribes, together with documents to
1029 support the security interest as required by the State Tax
1030 Commission and the required fee. The county tax collector or a
1031 designated agent shall process said notice in the manner
1032 prescribed by the State Tax Commission.

1033 SECTION 23. Section 63-21-45, Mississippi Code of 1972, is
1034 amended as follows:

1035 63-21-45. (1) If an owner creates a security interest in a
1036 vehicle, manufactured home or mobile home:

1037 (a) The owner shall immediately execute the application
1038 in the space provided therefor on the certificate of title, or on
1039 a separate form the State Tax Commission prescribes to name the
1040 lienholder on the certificate showing the name and address of the
1041 lienholder and the date of his security agreement, and cause the
1042 certificate, application and the required fee to be delivered to
1043 the lienholder.

1044 (b) The lienholder shall immediately cause the
1045 certificate, application and required fee to be mailed or
1046 delivered to a county tax collector or a designated agent.

1047 (c) Upon request of the owner or subordinate
1048 lienholder, a lienholder in possession of the certificate of title
1049 shall either mail or deliver the certificate to the subordinate
1050 lienholder for delivery to a county tax collector or a designated
1051 agent or, upon receipt from the subordinate lienholder of the
1052 owner's application and the required fee, mail or deliver them to
1053 a county tax collector or a designated agent with the certificate.
1054 The delivery of the certificate does not affect the rights of the
1055 first lienholder under his security agreement.

1056 (d) Upon receipt of the certificate of title,
1057 application and the required fee, the State Tax Commission shall
1058 either endorse on the certificate or issue a new certificate

1059 containing the name and address of the new lienholder, and mail
1060 the certificate to the first lienholder named in it.

1061 (2) Information evidencing a bank or lending institution's
1062 lien or other security interest in a motor vehicle's, manufactured
1063 home's or mobile home's certificate of title may be transferred by
1064 electronic means as provided in Section 63-21-16.

1065 SECTION 24. Section 63-21-47, Mississippi Code of 1972, is
1066 amended as follows:

1067 63-21-47. A lienholder may assign, absolutely or otherwise,
1068 his security interest in the vehicle, manufactured home or mobile
1069 home to a person other than the owner without affecting the
1070 interest of the owner or the validity of the security interest.
1071 However, any person without notice of the assignment is protected
1072 in dealing with the lienholder as the holder of the security
1073 interest and the lienholder remains liable for any obligations as
1074 lienholder until the assignee is named as lienholder on the
1075 certificate in the manner prescribed by the State Tax Commission.

1076 The commission shall file each assignment received by the
1077 commission with the required fee, and note the assignee as
1078 lienholder upon the record of notices of security interests
1079 maintained by the commission.

1080 SECTION 25. Section 63-21-49, Mississippi Code of 1972, is
1081 amended as follows:

1082 63-21-49. (1) Upon the satisfaction of a security interest
1083 in a vehicle, manufactured home or mobile home for which the
1084 certificate of title is in the possession of the lienholder, he
1085 shall, within ten (10) days after demand and, in any event, within
1086 thirty (30) days, execute a release of his security interest, in
1087 the space provided therefor on the certificate or as the State Tax
1088 Commission prescribes, and mail or deliver the certificate and
1089 release to the next lienholder named therein, or, if none, to the
1090 owner or any person who delivers to the lienholder an
1091 authorization from the owner to receive the certificate. The
1092 owner other than a dealer holding the vehicle, manufactured home
1093 or mobile home for resale, shall promptly cause the certificate

1094 and release to be mailed or delivered to the commission, who shall
1095 release the lienholder's rights on the certificate or issue a new
1096 certificate.

1097 (2) Upon the satisfaction of a security interest in a
1098 vehicle, manufactured home or mobile home for which the
1099 certificate of title is in the possession of a prior lienholder,
1100 the lienholder whose security interest is satisfied shall within
1101 ten (10) days after demand and, in any event, within thirty (30)
1102 days execute a release in the form the commission prescribes and
1103 deliver the release to the owner or any person who delivers to the
1104 lienholder an authorization from the owner to receive it. The
1105 lienholder in possession of the certificate of title shall either
1106 deliver the certificate to the owner, or the person authorized by
1107 him, for delivery to the commission or, upon receipt of the
1108 release, mail or deliver it with the certificate to the commission
1109 who shall release the subordinate lienholder's rights on the
1110 certificate or issue a new certificate.

1111 (3) Upon receipt of the aforementioned releases of security
1112 interests, the commission shall file each release in the manner
1113 prescribed by the commission and note the same upon the records of
1114 notices of security interests maintained by it.

1115 SECTION 26. Section 63-21-53, Mississippi Code of 1972, is
1116 amended as follows:

1117 63-21-53. If a security interest in a previously registered
1118 vehicle is perfected under any other applicable law of this state
1119 as of August 9, 1968, and if a security interest in a previously
1120 registered manufactured home or mobile home is perfected under any
1121 other applicable law of this state as of July 1, 1999, the
1122 security interest continues perfected until its perfection lapses
1123 under the law under which it was perfected. This would apply only
1124 to vehicles, manufactured homes or mobile homes not required to be
1125 titled under this chapter.

1126 SECTION 27. Section 63-21-57, Mississippi Code of 1972, is
1127 amended as follows:

1128 63-21-57. The State Tax Commission shall file each notice of

1129 security interest received by the commission with the required fee
1130 and maintain a record of all notices of security interests filed
1131 by the commission:

1132 (a) Alphabetically, under the name of the owner;

1133 (b) Under the vehicle, manufactured home or mobile home
1134 identification number;

1135 (c) Under the certificate of title number; and

1136 (d) In the discretion of the commission, by any other
1137 method it determines.

1138 The commission, before issuing or reissuing a certificate of
1139 title, shall check the name of the owner and the certificate of
1140 title number of the vehicle, manufactured home or mobile home
1141 against the record above provided for.

1142 SECTION 28. Section 63-21-59, Mississippi Code of 1972, is
1143 amended as follows:

1144 63-21-59. The State Tax Commission shall suspend or revoke a
1145 certificate of title, upon notice and reasonable opportunity to be
1146 heard, if the commission finds:

1147 (a) The certificate of title was fraudulently procured
1148 or erroneously issued, or

1149 (b) The vehicle, manufactured home or mobile home has
1150 been scrapped, dismantled or destroyed.

1151 Suspension or revocation of a certificate of title does not
1152 in itself affect the validity of a security interest noted on it.

1153 When the commission suspends or revokes a certificate of
1154 title, the owner or person in possession of it shall, immediately
1155 upon receiving notice of the suspension or revocation, mail or
1156 deliver the certificate to the commission.

1157 The commission may seize and impound any certificate of title
1158 which has been suspended or revoked.

1159 SECTION 29. Section 63-21-61, Mississippi Code of 1972, is
1160 amended as follows:

1161 63-21-61. The owner of any motor vehicle, manufactured home
1162 or mobile home for which the State Tax Commission has refused to
1163 issue a certificate of title, or has suspended or revoked the

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

1183 SECTION 30. Section 63-21-65, Mississippi Code of 1972, is
1184 amended as follows:

1185 63-21-65. Except as provided in Section 63-21-64, the State
1186 Tax Commission shall pay into the General Fund the fees collected
1187 under this chapter. As much of such fees as authorized by the
1188 Legislature shall be used by the State Tax Commission to defray
1189 the cost of carrying out the duties of the State Tax Commission
1190 including the maintenance of the automated statewide motor vehicle
1191 and manufactured housing registration system.

1192 SECTION 31. Section 63-21-67, Mississippi Code of 1972, is
1193 amended as follows:

1194 63-21-67. The rules and regulations promulgated by the State
1195 Tax Commission shall make suitable provisions for the use by an
1196 applicant of the duplicate copy of his application for a
1197 certificate of title to serve as a permit for the operation of the
1198 motor vehicle or the use and occupation of a manufactured home or

1199 mobile home described in the application until the commission
1200 either issues the certificate of title of such motor vehicle,
1201 manufactured home or mobile home or refuses to issue the
1202 certificate. The commission and every designated agent receiving
1203 an application for the certificate of title, when the provisions
1204 of this chapter have been otherwise complied with, shall deliver
1205 to the applicant the duplicate copy of his application which shall
1206 contain a suitable permit for the purposes mentioned in this
1207 paragraph.

1208 In the event the commission refuses to issue the certificate
1209 of title the applicant shall, immediately upon receiving written
1210 notice from the commission that such certificate will not be
1211 issued for the reason or reasons stated in the notice, deliver or
1212 mail to the commission by registered mail the duplicate copy of
1213 his application containing the permit mentioned in the previous
1214 paragraph of this section and, in the case of a vehicle, the
1215 current privilege license tag which was issued for the vehicle.
1216 The motor vehicle, manufactured home or mobile home described in
1217 said application shall not be operated on the highways or other
1218 public places of this state or used or occupied after the
1219 applicant receives notice that the certificate will not be issued
1220 unless its operation is subsequently authorized by the commission
1221 either by the issuance of a new permit or by a certificate of
1222 title. If for any reason the said duplicate copy of the
1223 application for certificate of title and, in the case of a
1224 vehicle, the current privilege license tag which was issued for
1225 the vehicle in question is not received by the commission within
1226 ten (10) calendar days after the commission mails written notice
1227 to the applicant that it will not issue the certificate of title
1228 applied for, the commission or, at the request of the commission,
1229 any state highway patrolman, sheriff or other peace officer of
1230 this state, is authorized and empowered to require and compel the
1231 surrender of said duplicate copy of the application for
1232 certificate of title and, in the case of a vehicle, the said
1233 current privilege license tag. The commission, after it obtains

1234 possession of said duplicate copy of application for certificate
1235 of title and, in the case of a vehicle, said current privilege
1236 license tag, is authorized to retain same until it is satisfied
1237 that said applicant is entitled to receive a certificate of title
1238 of the vehicle, manufactured home or mobile home in question.

1239 SECTION 32. The following provision shall be codified as
1240 Section 63-21-64, Mississippi Code of 1972:

1241 63-21-64. There shall be paid to the State Tax Commission
1242 for issuing and processing documents required by this chapter,
1243 fees for manufactured homes or mobile homes according to the
1244 following schedule:

- 1245 (a) Each application for certificate
1246 of title..... \$ 8.00
- 1247 (b) Each application for replacement or
1248 corrected certificate of title..... 8.00
- 1249 (c) Each suspension or revocation of
1250 certificate of title..... 8.00
- 1251 (d) Each notice of security interest..... 8.00
- 1252 (e) Each release of security interest..... 8.00
- 1253 (f) Each assignment by lienholder..... 8.00
- 1254 (g) Each application for information as to the
1255 status of the title of a manufactured home or mobile home.. 8.00

1256 The designated agent may add the sum of One Dollar (\$1.00) to
1257 each document processed for which a fee is charged to be retained
1258 as his commission for services rendered. All other fees collected
1259 shall be remitted to the State Tax Commission.

1260 For each fee collected according to the schedule provided in
1261 this section, Four dollars (\$4.00) of each such fee shall be paid
1262 to the State Tax Commission to defray the costs of the commission
1263 in processing and issuing such documents. The disposition of fees
1264 collected under this section shall be governed by the provisions
1265 of this section and not by any other provisions of this chapter.

1266 If more than one (1) transaction be involved in any
1267 application on a single manufactured home or mobile home and if
1268 supported by all required documents, the fee charged by the tax

1269 commission's designated agent for processing and issuing shall be
1270 considered as only one (1) transaction.

1271 SECTION 33. Section 27-41-101, Mississippi Code of 1972, is
1272 amended as follows:

1273 27-41-101. (1) In the event the tax collector elects to use
1274 the provisions of Sections 27-41-101 through 27-41-109 to collect
1275 delinquent tax payments on personal property and, upon default of
1276 the payment of ad valorem taxes upon personal property upon the
1277 due dates prescribed in this chapter or, in the case of mobile or
1278 manufactured homes classified as personal property, the due date
1279 prescribed in Section 27-53-11, the tax collector shall give
1280 written notice to the taxpayer and to any secured lender demanding
1281 the payment of the ad valorem taxes on personal property then
1282 remaining in default within twenty (20) days from the date of the
1283 delivery of the notice. The notice shall be sent by certified or
1284 registered mail to the taxpayer at the address given by the
1285 taxpayer to the tax assessor or collector upon registration, or
1286 delivered by an employee of the tax collector either to the
1287 taxpayer or someone of suitable age and discretion at the
1288 taxpayer's place of business or residence. The notice shall be
1289 sent by certified or registered mail to the secured lender at the
1290 address listed on the State Tax Commission's statewide network at
1291 the time the taxes become delinquent if a certificate of title has
1292 been issued or the address given on the instruments filed with the
1293 chancery clerk granting the lender a security interest in the
1294 manufactured home.

1295 (2) If the taxpayer, any person liable for the payment of ad
1296 valorem taxes on personal property or the secured lender, if any,
1297 fails or refuses to pay the taxes after receiving the notice and
1298 demand as provided in subsection (1) of this section, the tax
1299 collector may file a notice of a tax lien for such ad valorem
1300 taxes with the circuit clerk of the county in which the taxpayer
1301 resides or owns property which shall be enrolled as a judgment on
1302 the judgment roll.

1303 (3) Immediately upon receipt of the notice of the tax lien

1304 for ad valorem taxes on personal property, the circuit clerk shall
1305 enter the notice of a tax lien as a judgment upon the judgment
1306 roll and show in the appropriate columns the name of the taxpayer
1307 as judgment debtor, the name of the tax collector as judgment
1308 creditor, the amount of the taxes, interest, fees and costs and
1309 the date and time of enrollment. The judgment shall be valid as
1310 against mortgagees, pledgees, entrusters, purchasers, judgment
1311 creditors, and other persons from the time of filing with the
1312 clerk; provided, however, that the preference of a judgment in
1313 regard to any personal property upon which the taxes are assessed,
1314 excepting motor vehicles as defined by the Motor Vehicle Ad
1315 Valorem Tax Law of 1958, and manufactured housing and mobile homes
1316 having certificates of title as defined by the Mississippi Motor
1317 Vehicle and Manufactured Housing Title Law shall be entitled to
1318 preference over all judgments, executions, encumbrances or liens
1319 whensoever created upon such personal property. The judgment
1320 shall be valid and a preference in the case of manufactured
1321 housing and mobile homes having certificates of title if the
1322 judgment is for the taxes reflected on the county tax rolls and
1323 related fees and charges on that manufactured home or mobile home
1324 and the required notice was furnished to the taxpayer and the lien
1325 creditor reflected on the certificate of title or chancery clerk's
1326 records, as applicable. The amount of the judgment shall be a
1327 debt due the county and remain a lien upon all property and rights
1328 to property belonging to the taxpayer, both real and personal,
1329 including choses in action, with the same force and like effect as
1330 any enrolled judgment of a court of record, and shall continue
1331 until satisfied. The judgment shall be the equivalent of any
1332 enrolled judgment of a court of record and shall serve as
1333 authority for the issuance of writs of execution, writs of
1334 attachment, writs of garnishment or other remedial writs. The tax
1335 collector may issue warrants for collection of ad valorem taxes
1336 from such judgments, in lieu of the issuance of any remedial writ
1337 by the circuit clerk, as provided in Sections 27-41-103 and
1338 27-41-105; provided, however, that the judgment shall not be a

1339 lien upon the property of the taxpayer for a longer period than
1340 seven (7) years from the date of the filing of the notice of tax
1341 lien for ad valorem taxes, damages and interest unless action be
1342 brought thereon before the expiration of such time or unless the
1343 tax collector refiles such notice of tax lien before the
1344 expiration of such time. The judgment shall be a lien upon the
1345 property of the taxpayer for a period of seven (7) years from the
1346 date of refiling such notice of tax lien unless action be brought
1347 thereon before the expiration of such time or unless the tax
1348 collector refiles such notice of tax lien before the expiration of
1349 such time. There shall be no limit upon the number of times that
1350 the tax collector may refile notices of tax liens.

1351 SECTION 34. Section 27-41-103, Mississippi Code of 1972, is
1352 amended as follows:

1353 27-41-103. The tax collector may issue a warrant under his
1354 official seal directed to the sheriff of any county of the state
1355 commanding him to immediately seize and sell the real and personal
1356 property of the person owning the property found within the county
1357 in which the judgment is enrolled for the payment of the amount of
1358 ad valorem tax on personal property as set forth in the warrant,
1359 and the cost of executing the warrant. Any such property sold
1360 shall be sold by sheriff's bill of sale.

1361 SECTION 35. Section 27-53-1, Mississippi Code of 1972, is
1362 amended as follows:

1363 27-53-1. For the purposes of this chapter * * *:

1364 (a) "Manufactured home or manufactured housing" means
1365 any structure transportable in one or more sections, which, in the
1366 traveling mode, is eight (8) body feet or more in width or forty
1367 (40) body feet or more in length or, when erected on site, is
1368 three hundred twenty (320) or more square feet and which is built
1369 on a permanent chassis and designed and constructed so as to be
1370 suitable for use for domestic, commercial or industrial purposes
1371 with or without a permanent foundation that complies with the
1372 standards established under the National Manufactured Housing
1373 Construction and Safety Standards Act of 1974, 42 USCS, Section

1374 5401, when such trailer is detached from a motor vehicle and
1375 parked on real estate as opposed to being towed by a
1376 self-propelled vehicle on the highways of this state. This
1377 definition includes all such structures which are parked even for
1378 a period of only a few months and excludes only those actually in
1379 transit on the highways or parked for no more than an overnight
1380 stop.

1381 (b) "Mobile home" means any structure, transportable in
1382 one or more sections, which in the traveling mode, is eight (8)
1383 body feet or more in width or forty (40) body feet or more in
1384 length or, when erected on site, is three hundred twenty (320) or
1385 more square feet and which is built on a permanent chassis and
1386 designed and constructed so as to be suitable for use for
1387 domestic, commercial or industrial purposes, with or without a
1388 permanent foundation and manufactured prior to June 15, 1976, when
1389 such structure is detached from a motor vehicle and parked on real
1390 estate as opposed to being towed by a self-propelled vehicle on
1391 the highways of this state. This definition includes all such
1392 structures which are parked even for a period of only a few months
1393 and excludes only those actually in transit on the highways or
1394 parked for no more than an overnight stop.

1395 (c) "In transit home" means any such manufactured home
1396 or mobile home or similar structure or vehicle which is not parked
1397 but which is being moved from place to place over the highways and
1398 streets of the state by being supported by two (2) or more wheels
1399 by motive power not its own and which vehicle is taxed under the
1400 provisions of the motor vehicle ad valorem tax law. This
1401 definition is limited to those vehicles which are actually in
1402 transit and excludes any vehicles which are parked for more than
1403 an overnight stop.

1404 (d) "Person" means any natural person, agency, firm,
1405 corporation, copartnership, joint stock, or other association or
1406 organization.

1407 (e) "Manufactured home roll" means the special separate
1408 assessment roll in which all manufactured and mobile home

1409 assessments shall be kept unless and until such manufactured and
1410 mobile home shall become an improvement on real estate and placed
1411 on the land rolls.

1412 SECTION 36. Section 27-53-3, Mississippi Code of 1972, is
1413 amended as follows:

1414 27-53-3. The State Tax Commission shall furnish to each
1415 official scale located on highways at the entrance to the state
1416 printed forms to be completed by the driver of all vehicles towing
1417 manufactured homes, mobile homes or in transit homes. The forms
1418 shall contain the following information about the manufactured
1419 homes, mobile homes or in transit homes being towed: (a) the name
1420 of its owner; and (b) the post office or street address to which
1421 it is to be delivered. In addition, each manufactured home,
1422 mobile home or in transit home dealer doing business in the State
1423 of Mississippi shall furnish to the State Tax Commission, at
1424 regular intervals, detailed reports which shall include the above
1425 information. From this information and other information that may
1426 come into its possession, the State Tax Commission, at monthly
1427 intervals, shall compile and furnish to each county tax collector
1428 an accurate list of all manufactured homes and mobile homes
1429 delivered to or located in that county during the preceding month.
1430 The list shall be compiled by the county and contain the
1431 following information: (a) the name of the owner; and (b) the
1432 post office or street address to which the manufactured home or
1433 mobile home was delivered.

1434 SECTION 37. Section 27-53-5, Mississippi Code of 1972, is
1435 amended as follows:

1436 27-53-5. (1) It shall be the duty of the owner of a
1437 manufactured home or mobile home, not later than seven (7) days,
1438 Saturdays, Sundays and legal holidays excluded, after the date of
1439 purchase or entry into the county where the manufactured home or
1440 mobile home is located, to register such manufactured home or
1441 mobile home with the tax collector of the county where the
1442 manufactured home or mobile home is located. If a certificate of
1443 title has been issued or applied for concerning the manufactured

1444 home or mobile home, the original certificate of title or a copy
1445 of the application shall be presented to the tax collector at the
1446 time of the registration. The registration application for such
1447 manufactured home or mobile home shall contain the following
1448 information: name and address of owner, length and width of the
1449 manufactured home or mobile home, serial number of manufactured
1450 home or mobile home, make of manufactured home or mobile home,
1451 date of purchase, present market value, and address where
1452 manufactured home or mobile home is located if other than the
1453 address of the owner. At the time that an owner registers his
1454 manufactured home or mobile home, and before a registration
1455 certificate may be issued by the tax collector, the owner of the
1456 manufactured home or mobile home shall pay a registration fee of
1457 One Dollar (\$1.00) to the county tax collector and provide proof
1458 of payment of the previous year's taxes unless the manufactured
1459 home or mobile home was purchased from a licensed dealer. It is
1460 also the duty of the owner of the manufactured home or mobile home
1461 to reregister his manufactured home or mobile home with the tax
1462 collector within seven (7) days after the relocation of such
1463 manufactured home or mobile home from one (1) location in the
1464 county to another location in the county in order that there will
1465 always be on file with the tax collector the current address of
1466 such manufactured home or mobile home.

1467 (2) It shall be the duty of every manufactured home or
1468 mobile home owner to provide proof of registration in the county
1469 in which the manufactured home or mobile home is located and at
1470 the address at which utility service is to be provided, as
1471 required by subsection (1), to each utility company whose service
1472 is procured by the owner before the utility company shall connect
1473 its services. For purposes of this section, "utility" shall mean
1474 and include water, gas, electric and telephone services, including
1475 such utilities as are owned and operated by municipalities.

1476 (3) No utility company shall connect, provide or transfer
1477 service without receiving and recording the number of the current
1478 registration certificate issue for the manufactured home or mobile

1479 home at the address where service will be connected, provided or
1480 transferred.

1481 (4) It shall be the duty of every manufactured home or
1482 mobile home owner subject to the use tax levy in Section 27-67-5
1483 to provide proof of payment of such tax prior to the time of
1484 registration. If the manufactured home or mobile home has been
1485 registered in another county in this state, then the owner shall
1486 only need to show proof of such registration.

1487 (5) Every utility company * * * shall furnish to the county
1488 tax collector, upon request, the names, addresses and registration
1489 numbers of all manufactured home or mobile home customers to whom
1490 the utility company provides a service.

1491 SECTION 38. Section 27-53-7, Mississippi Code of 1972, is
1492 amended as follows:

1493 27-53-7. At the time of registration, the value of the
1494 manufactured home or mobile home shall be assessed and entered by
1495 the tax collector on the manufactured home roll book.

1496 SECTION 39. Section 27-53-9, Mississippi Code of 1972, is
1497 amended as follows:

1498 27-53-9. Manufactured homes and mobile homes shall be
1499 assessed in the same manner as property of like value is assessed
1500 on the land rolls or manufactured home rolls on which they appear.

1501 SECTION 40. Section 27-53-11, Mississippi Code of 1972, is
1502 amended as follows:

1503 27-53-11. The ad valorem tax on manufactured homes and
1504 mobile homes shall be computed from the date of registration but
1505 not be due and payable until ninety (90) days thereafter. All ad
1506 valorem taxes for this first year's registration shall be prorated
1507 from the date of registration to the end of the calendar year.
1508 Thereafter, all ad valorem taxes on manufactured homes and mobile
1509 homes shall be due and payable annually; provided, however, that
1510 all ad valorem taxes on manufactured homes and mobile homes that
1511 have been classified as real property shall be due and payable in
1512 the same manner as prescribed for other real property. No
1513 additional ad valorem taxes are due on a manufactured home or

1514 mobile home that is brought into a county from another county in
1515 this state if the owner shows proof of payment of ad valorem taxes
1516 in the other county.

1517 SECTION 41. Section 27-53-13, Mississippi Code of 1972, is
1518 amended as follows:

1519 27-53-13. The manufactured home or mobile home owner who
1520 does not own the land on which his manufactured home or mobile
1521 home is located must declare his manufactured home or mobile home
1522 to be personal property at the time of registration and the county
1523 tax collector shall enter it on the manufactured home rolls as
1524 personal property.

1525 SECTION 42. Section 27-53-15, Mississippi Code of 1972, is
1526 amended as follows:

1527 27-53-15. The manufactured homeowner or mobile homeowner who
1528 owns the land on which the manufactured home or mobile home is
1529 located shall have the option at the time of registration of
1530 declaring whether the manufactured home or mobile home shall be
1531 classified as personal or real property. If the manufactured home
1532 or mobile home is to be classified as real property, then the
1533 wheels and axles must be removed and it must be anchored and
1534 blocked in accordance with the rules and procedures promulgated by
1535 the Commissioner of Insurance of the State of Mississippi. After
1536 the wheels and axles have been removed and the manufactured home
1537 or mobile home has been anchored and blocked in accordance with
1538 such rules and procedures, the manufactured home or mobile home
1539 shall be considered to have been affixed to a permanent
1540 foundation. The county tax assessor shall then enter the
1541 manufactured home or mobile home on the land rolls and tax it as
1542 real property on the land on which it is located from the date of
1543 registration. At such time, the county tax assessor shall issue a
1544 certificate certifying that the manufactured home or mobile home
1545 has been classified as real property. Such certificate shall
1546 contain the name of the owner of the manufactured home or mobile
1547 home, the name of the manufacturer, the model, the serial number
1548 and the legal description of the real property on which the

1549 manufactured home or mobile home is located. The county tax
1550 assessor shall cause such certificate to be filed in the land
1551 records of the county in which the property is situated. After
1552 filing, the chancery clerk shall forward the certificate to the
1553 owner. For issuance of the certificate, a fee of Twelve Dollars
1554 (\$12.00) shall be collected by the county tax assessor, Ten
1555 Dollars (\$10.00) of which shall be retained by the assessor and
1556 Two Dollars (\$2.00) of which shall be forwarded to the chancery
1557 clerk for filing the certificate. Upon the filing of the
1558 certificate in the land records, the manufactured home or mobile
1559 home shall then be considered real property for purposes of ad
1560 valorem taxation. The filing of such a certificate shall not
1561 affect the validity or priority of any existing perfected lien.
1562 If a manufactured home or mobile home is classified as real
1563 property and no certificate of title was required to be issued or
1564 issued for such property pursuant to Chapter 21, Title 63,
1565 Mississippi Code of 1972, a security interest may be obtained
1566 therein through the use of a mortgage or deed of trust describing
1567 both the manufactured home or mobile home and the land on which
1568 the manufactured home or mobile home is located. For a
1569 manufactured home or mobile home classified as personal property
1570 for which no certificate of title was required to be issued or
1571 issued pursuant to the provisions of Chapter 21, Title 63,
1572 Mississippi Code of 1972, the perfection of a security interest
1573 therein shall be governed by the provisions of Chapter 9, Title
1574 75, Mississippi Code of 1972. Regardless of whether a
1575 manufactured home or mobile home for which a certificate of title
1576 was required to be issued or issued pursuant to the provisions of
1577 Chapter 21, Title 63, Mississippi Code of 1972, is * * *
1578 classified as real property or is classified as personal property,
1579 the perfection of a security interest therein shall be governed by
1580 the provisions of Chapter 21, Title 63, Mississippi Code of 1972.
1581 A manufactured home or mobile home that has been classified as
1582 personal property may be reclassified as real property at the
1583 option of its owner if the owner obtains a certification from the

1584 tax assessor as provided in this section. Conversely, a
1585 manufactured home or mobile home that has been classified as real
1586 property may be reclassified for purposes of ad valorem taxation
1587 as personal property at the option of its owner if there is no
1588 lien against it and if the owner notifies the county tax assessor
1589 to reassess it and have the county tax collector enter it upon the
1590 manufactured home rolls. Upon a request for reclassification, if
1591 no certificate of title was required to be issued or issued for
1592 the manufactured home or mobile home, there must be no lien
1593 against it and the property owner shall present proof satisfactory
1594 to the tax assessor that there are no liens outstanding on the
1595 property. If there is a lien against the manufactured home or
1596 mobile home, the county tax assessor shall refuse to allow the
1597 county tax collector to reclassify it as personal property until
1598 the lien has been released. If a certificate of title as provided
1599 in Chapter 21, Title 63, Mississippi Code of 1972, has been
1600 issued, the manufactured home or mobile home may be reclassified
1601 for ad valorem taxation purposes regardless of whether a lien
1602 exists on the certificate of title. Upon such request, the tax
1603 assessor may issue a certificate cancelling the classification of
1604 the manufactured home or mobile home as real property and cause
1605 such certification to be filed in the land records of the county
1606 in which the property is situated. For issuance of the
1607 certificate, a fee of Twelve Dollars (\$12.00) shall be collected
1608 by the county tax assessor, Ten Dollars (\$10.00) of which shall be
1609 retained by the assessor and Two Dollars (\$2.00) of which shall be
1610 forwarded to the chancery clerk for filing the certificate.

1611 SECTION 43. Section 27-53-17, Mississippi Code of 1972, is
1612 amended as follows:

1613 27-53-17. (1) (a) Except as otherwise provided in Section
1614 27-41-2, it shall be the duty of the tax collector of the county
1615 in which the manufactured home or mobile home is registered and
1616 assessed to collect the ad valorem taxes thereon. In cases where
1617 the manufactured home or mobile home is assessed on the land
1618 rolls, the penalty for nonpayment or delinquency of taxes shall be

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

1630 (b) After taking all possible legal action, the tax
1631 collector shall submit a report of uncollected manufactured home
1632 or mobile home taxes to the board of supervisors. Such report
1633 shall be verified by the affidavit of the collector, that he has
1634 made, in person or by deputy, a legal demand for taxes due and
1635 that the taxpayers mentioned in the report have failed to pay
1636 their taxes. Separate lists of the delinquents shall be made for
1637 each election district and for each city, town and village.

1638 (c) The board shall allow the collector a credit for
1639 those taxes which it is satisfied may remain uncollected without
1640 the default of the collector, and no more. A list of the
1641 allowances shall be made out and certified by the clerk and
1642 transmitted to the Auditor of Public Accounts, and shall be
1643 credited to the collector in his settlement with the auditor and
1644 chancery clerk.

1645 (2) As an alternative to the authority granted under this
1646 section to county tax collectors to file suit for the collection
1647 of delinquent manufactured home or mobile home taxes, the board of
1648 supervisors of any county, in its discretion, may contract in the
1649 manner provided in Section 19-3-41 with a private attorney or
1650 private collection agent or agents for the collection of
1651 delinquent ad valorem taxes on manufactured homes or mobile homes
1652 that are entered as personal property on the manufactured home
1653 rolls.

1654 (3) As an alternative to the method of collecting delinquent
1655 taxes provided for in this section, the method provided for in
1656 Sections 27-41-101 through 27-41-109 may, in the discretion of the
1657 tax collector, be used to collect delinquent ad valorem taxes on
1658 manufactured homes or mobile homes classified as personal
1659 property.

1660 SECTION 44. Section 27-53-19, Mississippi Code of 1972, is
1661 amended as follows:

1662 27-53-19. Removal of a manufactured home or mobile home
1663 after the same has been assessed and such ad valorem tax has not
1664 been paid and notice of sale has been served shall be prima facie
1665 evidence of an intent on the part of the manufactured or mobile
1666 homeowner to avoid payment of taxes, and the county tax collector
1667 shall attach the property immediately.

1668 SECTION 45. Section 27-53-21, Mississippi Code of 1972, is
1669 amended as follows:

1670 27-53-21. The county tax collector is authorized to collect
1671 the municipal as well as county tax on manufactured homes or
1672 mobile homes not included in the land rolls and return the
1673 municipal tax to the municipality, retaining the same commission
1674 as is allowed for collection of municipal tax on motor vehicles.
1675 The tax on manufactured homes or mobile homes included in the land
1676 rolls shall be collected by the county and city tax collectors as
1677 on all other realty.

1678 SECTION 46. Section 27-53-23, Mississippi Code of 1972, is
1679 amended as follows:

1680 27-53-23. Manufactured homes and mobile homes considered as
1681 personal property shall be assessed uniformly according to value
1682 and such assessed value shall be determined by an assessment
1683 schedule which shall be prepared and made of record by the State
1684 Tax Commission and shall be certified to each county tax assessor
1685 and tax collector as the official manufactured and mobile home
1686 assessment schedule which shall be used by the proper officials in
1687 assessing manufactured home or mobile home ad valorem taxes for
1688 the year.

1689 In no instance may any taxing agency, under authority of this
1690 chapter, either reduce or increase for the purpose of ad valorem
1691 taxation the existing value of any manufactured home or mobile
1692 home from that shown by the aforesaid assessment schedule.

1693 Any person objecting to the assessment schedule as it affects
1694 the assessed value of his manufactured home or mobile home as
1695 personal property may proceed as is provided for under Section
1696 27-51-23, Mississippi Code of 1972. Any person objecting to the
1697 real property assessment as it affects the assessed value of his
1698 manufactured home or mobile home may proceed as in such cases made
1699 and provided by law as pertains to real property.

1700 SECTION 47. Section 27-53-27, Mississippi Code of 1972, is
1701 amended as follows:

1702 27-53-27. The following are exempt from the taxes authorized
1703 by this chapter:

1704 (a) In transit homes subject to the motor vehicle ad
1705 valorem tax law.

1706 (b) Any manufactured home or mobile home located on
1707 land which is owned by the same person owning and occupying said
1708 manufactured home or mobile home which was assessed on the land
1709 rolls at the effective date of this chapter.

1710 (c) Manufactured homes or mobile homes owned by and/or
1711 in the possession of a dealer as merchandise.

1712 (d) Any nonresident member of the armed forces of the
1713 United States of America owning and living in a manufactured home
1714 or mobile home within the state in compliance with military
1715 orders.

1716 SECTION 48. Section 27-53-31, Mississippi Code of 1972, is
1717 amended as follows:

1718 27-53-31. If any manufactured home or mobile home on which
1719 the ad valorem taxes prescribed in this chapter have been paid
1720 shall be totally destroyed by fire, tornado, flood or acts of
1721 providence, then the owner of such manufactured home or mobile
1722 home, upon filing a petition and submission of sufficient proof to
1723 the tax collector, may be credited with the amount of the ad

1724 valorem taxes on the proportional part of the taxable year
1725 remaining, less ad valorem taxes accruing on the salvage price, if
1726 any, in calculating the amount of ad valorem taxes due on any
1727 replacement for such a manufactured home or mobile home. In no
1728 event, however, shall such person claiming credit under this
1729 provision be entitled to a cash refund.

1730 In order to obtain benefit of this credit, such person must
1731 submit proof supported by affidavit of three (3) reputable
1732 citizens that such manufactured home or mobile home has been
1733 totally destroyed and a statement must be made as to the estimated
1734 amount of salvage value remaining. The application for this
1735 credit and the three (3) supporting affidavits must be notarized
1736 by an officer who has legal authority to notarize such
1737 instruments.

1738 Any person who makes or swears to a false statement or makes
1739 or swears to a statement of facts without personal knowledge of
1740 such facts, in any connection with an adjustment claim as referred
1741 to above, shall be guilty of perjury and upon conviction shall be
1742 punished as now provided by law.

1743 SECTION 49. This act shall take effect and be in force from
1744 and after July 1, 1999.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE:

CONFEREES FOR THE HOUSE:

X
Hob Bryan

X
J. P. Compretta

X
Thomas E. Robertson

X
Tom King

X
W. L. Rayborn

X
Mark Formby