

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2632

By Representative(s) Committee

**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 and manufactured housing
31 registration and titling as hereinafter provided and may employ
32 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, is
37 amended as follows:

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

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

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

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

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

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

73 (f) The term "lien" means every kind of written lease

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

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

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

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

105 (j) The term "mobile home" shall mean any structure,

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

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

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

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

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

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

138 possession vested in the grantor in the deed of trust, mortgagor,
139 conditional vendee or lessee, said grantor, mortgagor, conditional
140 vendee or lessee shall be deemed the owner for the purpose of this
141 chapter.

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

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

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

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

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

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

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

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

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

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

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

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

200 (aa) The term "trailer" shall mean every vehicle other
201 than a "pole trailer" as defined in this chapter without motive

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

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

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

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

225 63-21-9. Except as provided in Section 63-21-11, every owner
226 of a motor vehicle as defined in this chapter, which is in this
227 state and which is manufactured or assembled after July 1, 1969,
228 or which is the subject of first sale for use after July 1, 1969,
229 and every owner of a manufactured home as defined in this chapter,
230 which is in this state and which is manufactured or assembled
231 after July 1, 1999, or which is the subject of first sale for use
232 after July 1, 1999, shall make application to the State Tax
233 Commission for a certificate of title * * * with the following

234 exceptions:

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

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

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

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

265 63-21-11. No certificate of title need be obtained for:

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

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

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

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

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

280 (f) An implement of husbandry;

281 (g) Special mobile equipment;

282 (h) A pole trailer;

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

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

287 63-21-15. (1) The application for the certificate of title
288 of a vehicle, manufactured home or mobile home in this state shall
289 be made by the owner to a designated agent, on the form the State
290 Tax Commission prescribes, and shall contain or be accompanied by
291 the following, if applicable:

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

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

298 used; and

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

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

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

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

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

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

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

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

326 (ii) In connection with the transfer of ownership
327 of a motor vehicle, each transferor shall disclose the mileage to
328 the transferee in writing on the title or on the document being
329 used to reassign the title, which form shall be prescribed and

330 furnished by the State Tax Commission. This written disclosure
331 must be signed by the transferor and transferee, including the
332 printed name of both parties.

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

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

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

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

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

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

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

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

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

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

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

366 1. Collision;

367 2. Flood;

368 3. Fire;

369 4. Wind;

370 5. Other (please describe):

371 _____
372 _"

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

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

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

392 (5) Each application shall contain or be accompanied by the
393 certificate of a designated agent that the vehicle, manufactured

394 home or mobile home has been physically inspected by him and that
395 the vehicle identification number and descriptive data shown on
396 the application, pursuant to the requirements of subsection (1)(b)
397 of this section, are correct, and also that he has identified the
398 person signing the application and witnessed the signature. If
399 the application is to receive a clear title for a vehicle,
400 manufactured home or mobile home for which a salvage certificate
401 of title has been issued, the application shall be accompanied by
402 a sworn affidavit that the vehicle, manufactured home or mobile
403 home 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 certified copies of the last two
414 (2) years' tag and tax receipts or in lieu thereof such other
415 information the State Tax Commission may reasonably require to
416 identify the vehicle, manufactured home or mobile home and to
417 enable the State Tax Commission to determine ownership of the
418 vehicle, manufactured home or mobile home and the existence or
419 nonexistence of security interest in it. If the application is
420 for a vehicle, manufactured home or mobile home last previously
421 registered in another state or country, the application shall also
422 be accompanied by the certificate of title issued by the other
423 state or country, if any, properly assigned.

424 (7) Every designated agent within this state shall, no later
425 than the next business day after they are received by him, forward

426 to the State Tax Commission by mail, postage prepaid, the
427 originals of all applications received by him, together with such
428 evidence of title as may have been delivered to him by the
429 applicants.

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

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

435 63-21-16. (1) Banks and other lending institutions that are
436 appointed designated agents by the State Tax Commission under
437 Section 63-21-13(3), Mississippi Code of 1972, may electronically
438 transmit to the State Tax Commission information entered by the
439 institution on applications for a certificate of title given in
440 connection with a loan for which the owner's motor vehicle,
441 manufactured home or mobile home is pledged to that institution as
442 collateral for the loan. The format and the data required to be
443 transmitted shall be established by the State Tax Commission.
444 Transmission of data shall meet minimum criteria and edits
445 established by the State Tax Commission equal to any edit
446 presently existing in the statewide title registration system, or
447 as may be established, to which the county tax collectors shall
448 also conform. All data transmitted must successfully pass * * *
449 edits established by the State Tax commission, including
450 lienholder name, mailing address and lienholder account number
451 assigned to a lienholder by the State Tax Commission to identify
452 the lienholder, for the purpose of causing the data to appear in
453 the certificate of title for which the application is made.

454 (2) It shall be the responsibility of the institution to
455 verify all data before it is electronically transmitted. It shall
456 also be the responsibility of the institution to ensure that the
457 required certification of designated agent and the certification

458 of statement of facts that are contained on the application for
459 certificate of title appear above the signatures of both the owner
460 and the authorized representative of the designated agent. Data
461 which cannot be transmitted because of error shall be corrected by
462 the institution when the statewide title registration system
463 indicates that the data is erroneous or is not valid for the
464 purposes of titling the motor vehicle, manufactured home or mobile
465 home or for transfer of the data.

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

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

484 (5) When an institution in this state adds a second lien on
485 a certificate of title in possession of a first lienholder
486 institution in this state, the second lienholder institution
487 seeking to be shown on the certificate of title shall:

488 (a) Prepare the application for certificate of title in
489 accordance with the requirements of Sections 63-21-15 and

490 63-21-45(c);

491 (b) Obtain all required signatures; and

492 (c) Forward the completed application for certificate

493 of title to the first lienholder together with any necessary

494 remittance advice, a check for the title fee payable to the State

495 Tax Commission and a cover letter to the first lienholder

496 requesting that the first lienholder attach the certificate of

497 title to the required documents sent by the second lienholder and

498 then forward the application, certificate of title and required

499 documents to the State Tax Commission.

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

501 from the second lienholder institution to record the second lien,

502 the first lienholder institution shall compare the data contained

503 in the application for certificate of title to the information

504 contained in the original certificate of title. If the first

505 lienholder institution is satisfied as to the ownership, accuracy

506 and order of priority of liens as shown in the application, it

507 shall enter the data contained on the application for certificate

508 of title prepared by the second lienholder on the statewide title

509 registration system, including the designated agent number of the

510 second lienholder. After entering the data from the application

511 for certificate of title, the first lienholder institution shall

512 immediately forward the application for certificate of title with

513 the certificate of title attached to the application, the

514 remittance advice and the second lienholder's check for the title

515 fee to the State Tax Commission within three (3) working days.

516 (7) In an assignment of lien pursuant to Section 63-21-47,

517 the assignee shall receive the notice of assignment along with the

518 current title attached and with the assignors interest open. The

519 assignee lienholder shall prepare an application for certificate

520 of title according to the notice of assignment, showing the

521 assignee institution as the lienholder, and then shall

522 electronically transmit the data to the State Tax Commission. The
523 completed application shall be forwarded to the State Tax
524 Commission within three (3) working days.

525 (8) The State Tax Commission, upon receipt of applications
526 for certificate of title, shall verify the data by accessing it on
527 the statewide title registration system by the title application
528 control number appearing on the application for title. After
529 receiving verification that is satisfactory to the State Tax
530 Commission that the data necessary for the issuance of a new
531 certificate of title exists, the State Tax Commission shall issue
532 a new certificate of title that records the interests of all the
533 parties named in the application for certificate of title.

534 (9) Institutions shall be connected to the statewide title
535 registration system for the purpose of electronic transfer of
536 applications for certificate of title data in the order of
537 priority established by the State Tax Commission.

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

553 (11) This section shall apply to any bank or lending

554 institution that is appointed as a designated agent by the State
555 Tax Commission under Section 63-21-13(3), that chooses to
556 electronically transmit information on applications for
557 certificates of title to the State Tax Commission. This section
558 shall not apply to other banks or lending institutions.

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

561 63-21-17. (1) The State Tax Commission shall examine each
562 application received and, when satisfied as to its genuineness and
563 regularity and that the applicant is entitled to the issuance of a
564 certificate of title, shall issue a certificate of title of the
565 vehicle, manufactured home or mobile home on the form prescribed
566 by the commission.

567 (2) The State Tax Commission shall maintain a record of all
568 certificates of title issued pursuant to the provisions of this
569 chapter:

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

572 (b) Under the vehicle identification number;

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

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

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

578 63-21-18. The Mississippi Department of Information
579 Technology Services shall provide equipment for the operation and
580 maintenance of the automated statewide motor vehicle, manufactured
581 housing and mobile home registration system by the State Tax
582 Commission.

583 The automated statewide motor vehicle, manufactured housing
584 and mobile home registration system shall provide for computer
585 terminals and printers, as authorized by the Mississippi

586 Department of Information Technology Services, to be located in
587 the quantity necessary in each county seat tax collector's office
588 and any other office in which more than fifty percent (50%) of the
589 motor vehicle registrations in the county are made.

590 All county tax collectors shall participate in such system as
591 it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter
592 21, Title 63; Mississippi Code of 1972, in accordance with rules
593 and regulations promulgated by the State Tax Commission. Such
594 rules and regulations shall provide that counties which have an
595 existing computer system designed to produce registration data may
596 elect to use such existing system to communicate
597 title/registration data to the commission through the computer
598 furnished by the state as hereinabove provided in this section.
599 If the State Tax Commission finds and determines that a county has
600 failed to successfully establish or update title/registration data
601 into the statewide vehicle, manufactured housing and mobile home
602 title/registration system, either through use of equipment
603 supplied by the State Tax Commission or through the interfacing
604 between the network system and county computer equipment, the
605 State Tax Commission shall thereafter cause to be withheld the
606 county's homestead exemption reimbursement monies, except for
607 school districts and municipalities, until such time as the county
608 has complied with this provision. Such monies as are withheld
609 from a county for failure to comply with this provision shall be
610 placed into a special escrow account to be established in the
611 State Treasury. Once the county achieves compliance by
612 successfully establishing or updating title/registration data into
613 the statewide vehicle, manufactured housing and mobile home
614 title/registration system, then the commission shall cause to be
615 released to the county all funds held in escrow on the county's
616 behalf during the period of noncompliance. All interest earned
617 shall accrue to the benefit of the county on any funds placed in

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618 an escrow account. Any cost involved in interfacing between
619 existing county computer systems and the state-provided computer
620 shall be paid by the county.

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

625 The State Fiscal Officer shall issue his warrants to the
626 State Treasurer for the expenditures for the implementation and
627 maintenance of the system upon requisitions signed by the Chairman
628 of the State Tax Commission, as authorized by the Legislature.

629 It is the intent of the Legislature that the operation of the
630 statewide motor vehicle, manufactured housing and mobile home
631 title registration system shall be the responsibility of the State
632 Tax Commission.

633 The State Tax Commission shall provide for the transfer of
634 motor vehicle, manufactured housing and mobile home title and lien
635 registration information to the commission by electronic means
636 from banks and other lending institutions as provided in Section
637 63-21-18. The Mississippi Department of Information Technology
638 Services shall cooperate with the State Tax Commission in
639 implementing the provisions of Section 63-21-18, and shall provide
640 the State Tax Commission with whatever assistance the commission
641 needs to carry out the provisions of Section 63-21-18.

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

644 63-21-19. Each certificate of title issued by the State Tax
645 Commission shall contain:

- 646 (a) The date issued;
- 647 (b) The name and current address of the owner;
- 648 (c) The names and addresses of the first two (2)

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

650 or if the application is based on a certificate of title as shown
651 on the certificate;

652 (d) The title number;

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

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

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

677 (3) The certificate of title shall contain forms for
678 assignment and warranty of title by the owner, and for assignment
679 and warranty of title by a dealer, and may contain forms for
680 applications for a certificate of title by a transferee, the
681 naming of a lienholder and the assignment or release of the

682 security interest of a lienholder.

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

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

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

692 63-21-21. The certificate of title shall be mailed to the
693 first lienholder named in it or, if none, to the owner. If the
694 original certificate of title is delivered to a lienholder, a
695 nontransferable duplicate certificate of title shall be mailed to
696 the owner to serve as a permit for operation of the motor vehicle
697 or use or occupancy of the manufactured home or mobile home.

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

700 63-21-23. If the State Tax Commission is not satisfied as to
701 the ownership of the vehicle, manufactured home or mobile home or
702 that there are no undisclosed security interests in it, the
703 commission may accept the application but shall either:

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

709 (b) As a condition of issuing a certificate of title,
710 require the applicant or dealer to file with the commission a bond
711 in the form prescribed by the commission and executed by the
712 applicant or dealer and by a person authorized to conduct a surety
713 business in this state, or require the application to be

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

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

737 63-21-25. The State Tax Commission shall refuse issuance of
738 a certificate of title:

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

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

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

748 63-21-29. If the State Tax Commission is not satisfied that
749 there are no undisclosed security interests created before August
750 9, 1968, in a previously registered vehicle, or created before
751 July 1, 1999, in a previously registered manufactured home or
752 mobile home, the commission may, in addition to the commission's
753 options under Section 63-21-27, issue a distinctive certificate of
754 title of the vehicle containing the legend "This vehicle,
755 manufactured home or mobile home may be subject to an undisclosed
756 lien" and any other information the commission prescribes.

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

759 63-21-31. (1) If an owner transfers his interest in a
760 vehicle, manufactured home or mobile home, other than by the
761 creation of a security interest, he shall, at the time of the
762 delivery of the vehicle, manufactured home or mobile home, execute
763 an assignment and warranty of title to the transferee in the space
764 provided therefor on the certificate or as the State Tax
765 Commission prescribes, and cause the certificate and assignment to
766 be mailed or delivered to the transferee.

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

776 (3) Upon request of the owner or transferee, a lienholder in
777 possession of the certificate of title shall, unless the transfer

778 was a breach of his security agreement, deliver the certificate to
779 the transferee. Upon receipt of the certificate the transferee
780 shall make application to a designated agent for a new certificate
781 as required by Section 63-21-15. The delivery of the certificate
782 does not affect the rights of the lienholder under his security
783 agreement.

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

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

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

793 63-21-33. If a dealer buys a vehicle, manufactured home or
794 mobile home and holds it for resale and procures the certificate
795 of title from the owner or the lienholder within ten (10) days
796 after delivery to him of the vehicle, manufactured home or mobile
797 home, he need not send the certificate to the State Tax
798 Commission. However, upon transferring the vehicle, manufactured
799 home or mobile home to another person other than by the creation
800 of a security interest, he shall promptly execute the assignment
801 and warranty of title by a dealer, showing the names and addresses
802 of the transferee and of any lienholder holding a security
803 interest created or reserved at the time of the resale and the
804 date of his security agreement, in the spaces provided therefor on
805 the certificate or as the State Tax Commission prescribes, and
806 deliver the certificate to a designated agent with the
807 transferee's application for a new certificate.

808 Every dealer shall maintain for five (5) years a record in
809 the form the State Tax Commission prescribes of every vehicle,

810 manufactured home or mobile home bought, sold or exchanged by him
811 or received by him for sale or exchange, which shall be open to
812 inspection by a representative of the State Tax Commission or
813 patrol or peace officer during reasonable business hours.

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

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

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

838 SECTION 17. The following shall be codified as Section
839 63-21-40, Mississippi Code of 1972:

840 63-21-40. (1) An owner who scraps, dismantles or destroys a
841 manufactured home or mobile home for which a certificate of title

842 has been issued, and a person who purchases a manufactured home or
843 mobile home as scrap or to be dismantled or destroyed for which a
844 certificate of title has been issued, shall make such an
845 indication on the back of the certificate of title and shall
846 immediately cause the certificate of title and any other documents
847 required by the State Tax Commission to be mailed or delivered to
848 commission for cancellation.

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

867 (3) Brands appearing on certificates of title issued by this
868 state or another state that reveal a pertinent fact or facts about
869 a mobile home or manufactured home shall be continued on
870 certificates of title issued by this state. The State Tax
871 Commission shall brand a certificate of title with "collision
872 damage," "flood damage," "fire damage," "wind damage," or "other
873 damage" where the immediate previous certificate of title was

874 issued by this state. The State Tax Commission shall brand a
875 certificate of title to be issued by this state with the same or
876 other brands where the immediate previous certificate of title was
877 issued by another state and such title indicates the same or other
878 brands are appropriate. Such certificate of title shall not
879 attest to the condition of the mobile home or manufactured home at
880 the time the certificate of title is issued or to whether the
881 mobile home or manufactured home has been rebuilt according to any
882 applicable federal or state laws, rules or regulations.

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

885 63-21-35. (1) If the interest of an owner in a vehicle,
886 manufactured home or mobile home passes to another other than by
887 voluntary transfer the transferee shall, except as provided in
888 subsection (2), promptly deliver to a county tax collector or a
889 designated agent the last certificate of title, if available,
890 proof of the transfer, and make application for a new certificate
891 in the form the State Tax Commission prescribes.

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

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

906 another person, shall promptly mail or deliver to the transferee
907 the certificate, affidavit and other documents required to be sent
908 to the commission by the transferee. The transferee shall
909 promptly make application to a county tax collector or a
910 designated agent for a new certificate in the form prescribed by
911 the commission.

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

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

925 63-21-37. The State Tax Commission, upon receipt of a
926 properly assigned certificate of title, with an application for a
927 new certificate of title, the required fee and any other documents
928 required by the commission, shall issue a new certificate of title
929 in the name of the transferee as owner and mail it to the first
930 lienholder named in it or, if none, to the owner.

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

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

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

945 63-21-41. This chapter does not apply to or affect:

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

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

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

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

958 63-21-42. In the case of motor vehicles, trailers,
959 manufactured homes or mobile homes, notwithstanding any other
960 provision of law, a transaction does not create a sale or security
961 interest merely because it provides that the rental price is
962 permitted or required to be adjusted under the agreement either
963 upward or downward by reference to the amount realized upon sale
964 or other disposition of the motor vehicle, trailer, manufactured
965 home or mobile home.

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

968 63-21-43. (1) Unless excepted by Section 63-21-41, a
969 security interest in a vehicle, manufactured home or mobile home

970 of a type which a certificate of title is required is not valid
971 against creditors of the owner or subsequent transferees or
972 lienholders of the vehicle, manufactured home or mobile home
973 unless perfected as provided in this chapter.

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

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

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

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

998 (b) If the security interest was perfected under the
999 law of the jurisdiction where the vehicle, manufactured home or
1000 mobile home was when the security interest attached, the following
1001 rules apply:

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1002 (i) If the name of the lienholder is shown on an
1003 existing certificate of title issued by that jurisdiction, his
1004 security interest continues perfected in this state.

1005 (ii) If the name of the lienholder is not shown on
1006 an existing certificate of title issued by that jurisdiction the
1007 security interest continues perfected in this state for four (4)
1008 months after a first certificate of title of the vehicle,
1009 manufactured home or mobile home is issued in this state, and also
1010 thereafter if, within the period of four (4) months, it is
1011 perfected in this state. The security interest may also be
1012 perfected in this state after the expiration of the period of four
1013 (4) months, in which case perfection dates from the time of
1014 perfection in this state.

1015 (c) If the security interest was not perfected under
1016 the law of the jurisdiction where the vehicle, manufactured home
1017 or mobile home was when the security interest attached, it may be
1018 perfected in this state, in which case perfection dates from the
1019 time of perfection in this state.

1020 (d) A security interest may be perfected under
1021 paragraph (b)(ii) or paragraph (c) of this subsection, either as
1022 provided in subsection (2), or by the holder of the lien created
1023 out of this state delivering to a county tax collector or a
1024 designated agent a notice of security interest in the form the
1025 State Tax Commission prescribes, together with documents to
1026 support the security interest as required by the State Tax
1027 Commission and the required fee. The county tax collector or a
1028 designated agent shall process said notice in the manner
1029 prescribed by the State Tax Commission.

1030 SECTION 23. Section 63-21-45, Mississippi Code of 1972, is
1031 amended as follows:

1032 63-21-45. (1) If an owner creates a security interest in a
1033 vehicle, manufactured home or mobile home:

1034 (a) The owner shall immediately execute the application
1035 in the space provided therefor on the certificate of title, or on
1036 a separate form the State Tax Commission prescribes to name the
1037 lienholder on the certificate showing the name and address of the
1038 lienholder and the date of his security agreement, and cause the
1039 certificate, application and the required fee to be delivered to
1040 the lienholder.

1041 (b) The lienholder shall immediately cause the
1042 certificate, application and required fee to be mailed or
1043 delivered to a county tax collector or a designated agent.

1044 (c) Upon request of the owner or subordinate
1045 lienholder, a lienholder in possession of the certificate of title
1046 shall either mail or deliver the certificate to the subordinate
1047 lienholder for delivery to a county tax collector or a designated
1048 agent or, upon receipt from the subordinate lienholder of the
1049 owner's application and the required fee, mail or deliver them to
1050 a county tax collector or a designated agent with the certificate.
1051 The delivery of the certificate does not affect the rights of the
1052 first lienholder under his security agreement.

1053 (d) Upon receipt of the certificate of title,
1054 application and the required fee, the State Tax Commission shall
1055 either endorse on the certificate or issue a new certificate
1056 containing the name and address of the new lienholder, and mail
1057 the certificate to the first lienholder named in it.

1058 (2) Information evidencing a bank or lending institution's
1059 lien or other security interest in a motor vehicle's, manufactured
1060 home's or mobile home's certificate of title may be transferred by
1061 electronic means as provided in Section 63-21-16.

1062 SECTION 24. Section 63-21-47, Mississippi Code of 1972, is
1063 amended as follows:

1064 63-21-47. A lienholder may assign, absolutely or otherwise,
1065 his security interest in the vehicle, manufactured home or mobile

1066 home to a person other than the owner without affecting the
1067 interest of the owner or the validity of the security interest.
1068 However, any person without notice of the assignment is protected
1069 in dealing with the lienholder as the holder of the security
1070 interest and the lienholder remains liable for any obligations as
1071 lienholder until the assignee is named as lienholder on the
1072 certificate in the manner prescribed by the State Tax Commission.

1073 The commission shall file each assignment received by the
1074 commission with the required fee, and note the assignee as
1075 lienholder upon the record of notices of security interests
1076 maintained by the commission.

1077 SECTION 25. Section 63-21-49, Mississippi Code of 1972, is
1078 amended as follows:

1079 63-21-49. (1) Upon the satisfaction of a security interest
1080 in a vehicle, manufactured home or mobile home for which the
1081 certificate of title is in the possession of the lienholder, he
1082 shall, within ten (10) days after demand and, in any event, within
1083 thirty (30) days, execute a release of his security interest, in
1084 the space provided therefor on the certificate or as the State Tax
1085 Commission prescribes, and mail or deliver the certificate and
1086 release to the next lienholder named therein, or, if none, to the
1087 owner or any person who delivers to the lienholder an
1088 authorization from the owner to receive the certificate. The
1089 owner other than a dealer holding the vehicle, manufactured home
1090 or mobile home for resale, shall promptly cause the certificate
1091 and release to be mailed or delivered to the commission, who shall
1092 release the lienholder's rights on the certificate or issue a new
1093 certificate.

1094 (2) Upon the satisfaction of a security interest in a
1095 vehicle, manufactured home or mobile home for which the
1096 certificate of title is in the possession of a prior lienholder,
1097 the lienholder whose security interest is satisfied shall within

1098 ten (10) days after demand and, in any event, within thirty (30)
1099 days execute a release in the form the commission prescribes and
1100 deliver the release to the owner or any person who delivers to the
1101 lienholder an authorization from the owner to receive it. The
1102 lienholder in possession of the certificate of title shall either
1103 deliver the certificate to the owner, or the person authorized by
1104 him, for delivery to the commission or, upon receipt of the
1105 release, mail or deliver it with the certificate to the commission
1106 who shall release the subordinate lienholder's rights on the
1107 certificate or issue a new certificate.

1108 (3) Upon receipt of the aforementioned releases of security
1109 interests, the commission shall file each release in the manner
1110 prescribed by the commission and note the same upon the records of
1111 notices of security interests maintained by it.

1112 SECTION 26. Section 63-21-53, Mississippi Code of 1972, is
1113 amended as follows:

1114 63-21-53. If a security interest in a previously registered
1115 vehicle is perfected under any other applicable law of this state
1116 as of August 9, 1968, and if a security interest in a previously
1117 registered manufactured home or mobile home is perfected under any
1118 other applicable law of this state as of July 1, 1999, the
1119 security interest continues perfected until its perfection lapses
1120 under the law under which it was perfected. This would apply only
1121 to vehicles, manufactured homes or mobile homes not required to be
1122 titled under this chapter.

1123 SECTION 27. Section 63-21-57, Mississippi Code of 1972, is
1124 amended as follows:

1125 63-21-57. The State Tax Commission shall file each notice of
1126 security interest received by the commission with the required fee
1127 and maintain a record of all notices of security interests filed
1128 by the commission:

1129 (a) Alphabetically, under the name of the owner;

1130 (b) Under the vehicle, manufactured home or mobile home
1131 identification number;

1132 (c) Under the certificate of title number; and

1133 (d) In the discretion of the commission, by any other
1134 method it determines.

1135 The commission, before issuing or reissuing a certificate of
1136 title, shall check the name of the owner and the certificate of
1137 title number of the vehicle, manufactured home or mobile home
1138 against the record above provided for.

1139 SECTION 28. Section 63-21-59, Mississippi Code of 1972, is
1140 amended as follows:

1141 63-21-59. The State Tax Commission shall suspend or revoke a
1142 certificate of title, upon notice and reasonable opportunity to be
1143 heard, if the commission finds:

1144 (a) The certificate of title was fraudulently procured
1145 or erroneously issued, or

1146 (b) The vehicle, manufactured home or mobile home has
1147 been scrapped, dismantled or destroyed.

1148 Suspension or revocation of a certificate of title does not
1149 in itself affect the validity of a security interest noted on it.

1150 When the commission suspends or revokes a certificate of
1151 title, the owner or person in possession of it shall, immediately
1152 upon receiving notice of the suspension or revocation, mail or
1153 deliver the certificate to the commission.

1154 The commission may seize and impound any certificate of title
1155 which has been suspended or revoked.

1156 SECTION 29. Section 63-21-61, Mississippi Code of 1972, is
1157 amended as follows:

1158 63-21-61. The owner of any motor vehicle, manufactured home
1159 or mobile home for which the State Tax Commission has refused to
1160 issue a certificate of title, or has suspended or revoked the
1161 certificate of title thereon, or any person having an interest in

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

1180 SECTION 30. Section 63-21-65, Mississippi Code of 1972, is
1181 amended as follows:

1182 63-21-65. The State Tax Commission shall pay into the
1183 General Fund the fees collected under this chapter. As much of
1184 such fees as authorized by the Legislature shall be used by the
1185 State Tax Commission to defray the cost of carrying out the duties
1186 of the State Tax Commission including the maintenance of the
1187 automated statewide motor vehicle and manufactured housing
1188 registration system.

1189 SECTION 31. Section 63-21-67, Mississippi Code of 1972, is
1190 amended as follows:

1191 63-21-67. The rules and regulations promulgated by the State
1192 Tax Commission shall make suitable provisions for the use by an
1193 applicant of the duplicate copy of his application for a

1194 certificate of title to serve as a permit for the operation of the
1195 motor vehicle or the use and occupation of a manufactured home or
1196 mobile home described in the application until the commission
1197 either issues the certificate of title of such motor vehicle,
1198 manufactured home or mobile home or refuses to issue the
1199 certificate. The commission and every designated agent receiving
1200 an application for the certificate of title, when the provisions
1201 of this chapter have been otherwise complied with, shall deliver
1202 to the applicant the duplicate copy of his application which shall
1203 contain a suitable permit for the purposes mentioned in this
1204 paragraph.

1205 In the event the commission refuses to issue the certificate
1206 of title the applicant shall, immediately upon receiving written
1207 notice from the commission that such certificate will not be
1208 issued for the reason or reasons stated in the notice, deliver or
1209 mail to the commission by registered mail the duplicate copy of
1210 his application containing the permit mentioned in the previous
1211 paragraph of this section and, in the case of a vehicle, the
1212 current privilege license tag which was issued for the vehicle.
1213 The motor vehicle, manufactured home or mobile home described in
1214 said application shall not be operated on the highways or other
1215 public places of this state or used or occupied after the
1216 applicant receives notice that the certificate will not be issued
1217 unless its operation is subsequently authorized by the commission
1218 either by the issuance of a new permit or by a certificate of
1219 title. If for any reason the said duplicate copy of the
1220 application for certificate of title and, in the case of a
1221 vehicle, the current privilege license tag which was issued for
1222 the vehicle in question is not received by the commission within
1223 ten (10) calendar days after the commission mails written notice
1224 to the applicant that it will not issue the certificate of title
1225 applied for, the commission or, at the request of the commission,

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1226 any state highway patrolman, sheriff or other peace officer of
1227 this state, is authorized and empowered to require and compel the
1228 surrender of said duplicate copy of the application for
1229 certificate of title and, in the case of a vehicle, the said
1230 current privilege license tag. The commission, after it obtains
1231 possession of said duplicate copy of application for certificate
1232 of title and, in the case of a vehicle, said current privilege
1233 license tag, is authorized to retain same until it is satisfied
1234 that said applicant is entitled to receive a certificate of title
1235 of the vehicle, manufactured home or mobile home in question.

1236 SECTION 32. The following provision shall be codified as
1237 Section 63-21-64, Mississippi Code of 1972:

1238 63-21-64. There shall be paid to the State Tax Commission
1239 for issuing and processing documents required by this chapter,
1240 fees for manufactured homes or mobile homes according to the
1241 following schedule:

- | | | |
|------|---|---------|
| 1242 | (a) Each application for certificate | |
| 1243 | of title..... | \$ 8.00 |
| 1244 | (b) Each application for replacement or | |
| 1245 | corrected certificate of title..... | 8.00 |
| 1246 | (c) Each suspension or revocation of | |
| 1247 | certificate of title..... | 8.00 |
| 1248 | (d) Each notice of security interest..... | 8.00 |
| 1249 | (e) Each release of security interest..... | 8.00 |
| 1250 | (f) Each assignment by lienholder..... | 8.00 |
| 1251 | (g) Each application for information as to the | |
| 1252 | status of the title of a manufactured home or mobile home.. | 8.00 |

1253 The designated agent may add the sum of One Dollar (\$1.00) to
1254 each document processed for which a fee is charged to be retained
1255 as his commission for services rendered. All other fees collected
1256 shall be remitted to the State Tax Commission.

1257 For each fee collected according to the schedule provided in

1258 this section, Four dollars (\$4.00) of each such fee shall be paid
1259 to the State Tax Commission to defray the costs of the commission
1260 in processing and issuing such documents. The disposition of fees
1261 collected under this section shall be governed by the provisions
1262 of this section and not by any other provisions of this chapter.

1263 If more than one (1) transaction be involved in any
1264 application on a single manufactured home or mobile home and if
1265 supported by all required documents, the fee charged by the tax
1266 commission's designated agent for processing and issuing shall be
1267 considered as only one (1) transaction.

1268 SECTION 33. Section 27-41-101, Mississippi Code of 1972, is
1269 amended as follows:

1270 27-41-101. (1) In the event the tax collector elects to use
1271 the provisions of Sections 27-41-101 through 27-41-109 to collect
1272 delinquent tax payments on personal property and, upon default of
1273 the payment of ad valorem taxes upon personal property upon the
1274 due dates prescribed in this chapter or, in the case of mobile or
1275 manufactured homes classified as personal property, the due date
1276 prescribed in Section 27-53-11, the tax collector shall give
1277 written notice to the taxpayer and to any secured lender demanding
1278 the payment of the ad valorem taxes on personal property then
1279 remaining in default within twenty (20) days from the date of the
1280 delivery of the notice. The notice shall be sent by certified or
1281 registered mail to the taxpayer at the address given by the
1282 taxpayer to the tax assessor or collector upon registration, or
1283 delivered by an employee of the tax collector either to the
1284 taxpayer or someone of suitable age and discretion at the
1285 taxpayer's place of business or residence. The notice shall be
1286 sent by certified or registered mail to the secured lender at the
1287 address listed on the State Tax Commission's statewide network at
1288 the time the taxes become delinquent if a certificate of title has
1289 been issued or the address given on the instruments filed with the

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1290 chancery clerk granting the lender a security interest in the
1291 manufactured home.

1292 (2) If the taxpayer, any person liable for the payment of ad
1293 valorem taxes on personal property or the secured lender, if any,
1294 fails or refuses to pay the taxes after receiving the notice and
1295 demand as provided in subsection (1) of this section, the tax
1296 collector may file a notice of a tax lien for such ad valorem
1297 taxes with the circuit clerk of the county in which the taxpayer
1298 resides or owns property which shall be enrolled as a judgment on
1299 the judgment roll.

1300 (3) Immediately upon receipt of the notice of the tax lien
1301 for ad valorem taxes on personal property, the circuit clerk shall
1302 enter the notice of a tax lien as a judgment upon the judgment
1303 roll and show in the appropriate columns the name of the taxpayer
1304 as judgment debtor, the name of the tax collector as judgment
1305 creditor, the amount of the taxes, interest, fees and costs and
1306 the date and time of enrollment. The judgment shall be valid as
1307 against mortgagees, pledgees, entrusters, purchasers, judgment
1308 creditors, and other persons from the time of filing with the
1309 clerk; provided, however, that the preference of a judgment in
1310 regard to any personal property upon which the taxes are assessed,
1311 excepting motor vehicles as defined by the Motor Vehicle Ad
1312 Valorem Tax Law of 1958, and manufactured housing and mobile homes
1313 having certificates of title as defined by the Mississippi Motor
1314 Vehicle and Manufactured Housing Title Law shall be entitled to
1315 preference over all judgments, executions, encumbrances or liens
1316 whensoever created upon such personal property. The judgment
1317 shall be valid and a preference in the case of manufactured
1318 housing and mobile homes having certificates of title if the
1319 judgment is for the taxes reflected on the county tax rolls and
1320 related fees and charges on that manufactured home or mobile home
1321 and the required notice was furnished to the taxpayer and the lien

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1322 creditor reflected on the certificate of title or chancery clerk's
1323 records, as applicable. The amount of the judgment shall be a
1324 debt due the county and remain a lien upon all property and rights
1325 to property belonging to the taxpayer, both real and personal,
1326 including choses in action, with the same force and like effect as
1327 any enrolled judgment of a court of record, and shall continue
1328 until satisfied. The judgment shall be the equivalent of any
1329 enrolled judgment of a court of record and shall serve as
1330 authority for the issuance of writs of execution, writs of
1331 attachment, writs of garnishment or other remedial writs. The tax
1332 collector may issue warrants for collection of ad valorem taxes
1333 from such judgments, in lieu of the issuance of any remedial writ
1334 by the circuit clerk, as provided in Sections 27-41-103 and
1335 27-41-105; provided, however, that the judgment shall not be a
1336 lien upon the property of the taxpayer for a longer period than
1337 seven (7) years from the date of the filing of the notice of tax
1338 lien for ad valorem taxes, damages and interest unless action be
1339 brought thereon before the expiration of such time or unless the
1340 tax collector refiles such notice of tax lien before the
1341 expiration of such time. The judgment shall be a lien upon the
1342 property of the taxpayer for a period of seven (7) years from the
1343 date of refileing such notice of tax lien unless action be brought
1344 thereon before the expiration of such time or unless the tax
1345 collector refiles such notice of tax lien before the expiration of
1346 such time. There shall be no limit upon the number of times that
1347 the tax collector may refile notices of tax liens.

1348 SECTION 34. Section 27-41-103, Mississippi Code of 1972, is
1349 amended as follows:

1350 27-41-103. The tax collector may issue a warrant under his
1351 official seal directed to the sheriff of any county of the state
1352 commanding him to immediately seize and sell the real and personal
1353 property of the person owning the property found within the county

1354 in which the judgment is enrolled for the payment of the amount of
1355 ad valorem tax on personal property as set forth in the warrant,
1356 and the cost of executing the warrant. Any such property sold
1357 shall be sold by sheriff's bill of sale.

1358 SECTION 35. Section 27-53-1, Mississippi Code of 1972, is
1359 amended as follows:

1360 27-53-1. For the purposes of this chapter * * *:

1361 (a) "Manufactured home or manufactured housing" means
1362 any structure transportable in one or more sections, which, in the
1363 traveling mode, is eight (8) body feet or more in width or forty
1364 (40) body feet or more in length or, when erected on site, is
1365 three hundred twenty (320) or more square feet and which is built
1366 on a permanent chassis and designed and constructed so as to be
1367 suitable for use for domestic, commercial or industrial purposes
1368 with or without a permanent foundation that complies with the
1369 standards established under the National Manufactured Housing
1370 Construction and Safety Standards Act of 1974, 42 USCS, Section
1371 5401, when such trailer is detached from a motor vehicle and
1372 parked on real estate as opposed to being towed by a
1373 self-propelled vehicle on the highways of this state. This
1374 definition includes all such structures which are parked even for
1375 a period of only a few months and excludes only those actually in
1376 transit on the highways or parked for no more than an overnight
1377 stop.

1378 (b) "Mobile home" means any structure, transportable in
1379 one or more sections, which in the traveling mode, is eight (8)
1380 body feet or more in width or forty (40) body feet or more in
1381 length or, when erected on site, is three hundred twenty (320) or
1382 more square feet and which is built on a permanent chassis and
1383 designed and constructed so as to be suitable for use for
1384 domestic, commercial or industrial purposes, with or without a
1385 permanent foundation and manufactured prior to June 15, 1976, when

1386 such structure is detached from a motor vehicle and parked on real
1387 estate as opposed to being towed by a self-propelled vehicle on
1388 the highways of this state. This definition includes all such
1389 structures which are parked even for a period of only a few months
1390 and excludes only those actually in transit on the highways or
1391 parked for no more than an overnight stop.

1392 (c) "In transit home" means any such manufactured home
1393 or mobile home or similar structure or vehicle which is not parked
1394 but which is being moved from place to place over the highways and
1395 streets of the state by being supported by two (2) or more wheels
1396 by motive power not its own and which vehicle is taxed under the
1397 provisions of the motor vehicle ad valorem tax law. This
1398 definition is limited to those vehicles which are actually in
1399 transit and excludes any vehicles which are parked for more than
1400 an overnight stop.

1401 (d) "Person" means any natural person, agency, firm,
1402 corporation, copartnership, joint stock, or other association or
1403 organization.

1404 (e) "Manufactured home roll" means the special separate
1405 assessment roll in which all manufactured and mobile home
1406 assessments shall be kept unless and until such manufactured and
1407 mobile home shall become an improvement on real estate and placed
1408 on the land rolls.

1409 SECTION 36. Section 27-53-3, Mississippi Code of 1972, is
1410 amended as follows:

1411 27-53-3. The State Tax Commission shall furnish to each
1412 official scale located on highways at the entrance to the state
1413 printed forms to be completed by the driver of all vehicles towing
1414 manufactured homes, mobile homes or in transit homes. The forms
1415 shall contain the following information about the manufactured
1416 homes, mobile homes or in transit homes being towed: (a) the name
1417 of its owner; and (b) the post office or street address to which

1418 it is to be delivered. In addition, each manufactured home,
1419 mobile home or in transit home dealer doing business in the State
1420 of Mississippi shall furnish to the State Tax Commission, at
1421 regular intervals, detailed reports which shall include the above
1422 information. From this information and other information that may
1423 come into its possession, the State Tax Commission, at monthly
1424 intervals, shall compile and furnish to each county tax collector
1425 an accurate list of all manufactured homes and mobile homes
1426 delivered to or located in that county during the preceding month.
1427 The list shall be compiled by the county and contain the
1428 following information: (a) the name of the owner; and (b) the
1429 post office or street address to which the manufactured home or
1430 mobile home was delivered.

1431 SECTION 37. Section 27-53-5, Mississippi Code of 1972, is
1432 amended as follows:

1433 27-53-5. (1) It shall be the duty of the owner of a
1434 manufactured home or mobile home, not later than seven (7) days,
1435 Saturdays, Sundays and legal holidays excluded, after the date of
1436 purchase or entry into the county where the manufactured home or
1437 mobile home is located, to register such manufactured home or
1438 mobile home with the tax collector of the county where the
1439 manufactured home or mobile home is located. If a certificate of
1440 title has been issued or applied for concerning the manufactured
1441 home or mobile home, the original certificate of title or a copy
1442 of the application shall be presented to the tax collector at the
1443 time of the registration. The registration application for such
1444 manufactured home or mobile home shall contain the following
1445 information: name and address of owner, length and width of the
1446 manufactured home or mobile home, serial number of manufactured
1447 home or mobile home, make of manufactured home or mobile home,
1448 date of purchase, present market value, and address where
1449 manufactured home or mobile home is located if other than the

1450 address of the owner. At the time that an owner registers his
1451 manufactured home or mobile home, and before a registration
1452 certificate may be issued by the tax collector, the owner of the
1453 manufactured home or mobile home shall pay a registration fee of
1454 One Dollar (\$1.00) to the county tax collector and provide proof
1455 of payment of the previous year's taxes unless the manufactured
1456 home or mobile home was purchased from a licensed dealer. It is
1457 also the duty of the owner of the manufactured home or mobile home
1458 to reregister his manufactured home or mobile home with the tax
1459 collector within seven (7) days after the relocation of such
1460 manufactured home or mobile home from one (1) location in the
1461 county to another location in the county in order that there will
1462 always be on file with the tax collector the current address of
1463 such manufactured home or mobile home.

1464 (2) It shall be the duty of every manufactured home or
1465 mobile home owner to provide proof of registration in the county
1466 in which the manufactured home or mobile home is located and at
1467 the address at which utility service is to be provided, as
1468 required by subsection (1), to each utility company whose service
1469 is procured by the owner before the utility company shall connect
1470 its services. For purposes of this section, "utility" shall mean
1471 and include water, gas, electric and telephone services, including
1472 such utilities as are owned and operated by municipalities.

1473 (3) No utility company shall connect, provide or transfer
1474 service without receiving and recording the number of the current
1475 registration certificate issue for the manufactured home or mobile
1476 home at the address where service will be connected, provided or
1477 transferred.

1478 (4) It shall be the duty of every manufactured home or
1479 mobile home owner subject to the use tax levy in Section 27-67-5
1480 to provide proof of payment of such tax prior to the time of
1481 registration. If the manufactured home or mobile home has been

1482 registered in another county in this state, then the owner shall
1483 only need to show proof of such registration.

1484 (5) Every utility company * * * shall furnish to the county
1485 tax collector, upon request, the names, addresses and registration
1486 numbers of all manufactured home or mobile home customers to whom
1487 the utility company provides a service.

1488 SECTION 38. Section 27-53-7, Mississippi Code of 1972, is
1489 amended as follows:

1490 27-53-7. At the time of registration, the value of the
1491 manufactured home or mobile home shall be assessed and entered by
1492 the tax collector on the manufactured home rollbook.

1493 SECTION 39. Section 27-53-9, Mississippi Code of 1972, is
1494 amended as follows:

1495 27-53-9. Manufactured homes and mobile homes shall be
1496 assessed in the same manner as property of like value is assessed
1497 on the land rolls or manufactured home rolls on which they appear.

1498 SECTION 40. Section 27-53-11, Mississippi Code of 1972, is
1499 amended as follows:

1500 27-53-11. The ad valorem tax on manufactured homes and
1501 mobile homes shall be computed from the date of registration but
1502 not be due and payable until ninety (90) days thereafter. All ad
1503 valorem taxes for this first year's registration shall be prorated
1504 from the date of registration to the end of the calendar year.
1505 Thereafter, all ad valorem taxes on manufactured homes and mobile
1506 homes shall be due and payable annually; provided, however, that
1507 all ad valorem taxes on manufactured homes and mobile homes that
1508 have been classified as real property shall be due and payable in
1509 the same manner as prescribed for other real property. No
1510 additional ad valorem taxes are due on a manufactured home or
1511 mobile home that is brought into a county from another county in
1512 this state if the owner shows proof of payment of ad valorem taxes
1513 in the other county.

1514 SECTION 41. Section 27-53-13, Mississippi Code of 1972, is
1515 amended as follows:

1516 27-53-13. The manufactured home or mobile home owner who
1517 does not own the land on which his manufactured home or mobile
1518 home is located must declare his manufactured home or mobile home
1519 to be personal property at the time of registration and the county
1520 tax collector shall enter it on the manufactured home rolls as
1521 personal property.

1522 SECTION 42. Section 27-53-15, Mississippi Code of 1972, is
1523 amended as follows:

1524 27-53-15. The manufactured homeowner or mobile homeowner who
1525 owns the land on which the manufactured home or mobile home is
1526 located shall have the option at the time of registration of
1527 declaring whether the manufactured home or mobile home shall be
1528 classified as personal or real property. If the manufactured home
1529 or mobile home is to be classified as real property, then the
1530 wheels and axles must be removed and it must be anchored and
1531 blocked in accordance with the rules and procedures promulgated by
1532 the Commissioner of Insurance of the State of Mississippi. After
1533 the wheels and axles have been removed and the manufactured home
1534 or mobile home has been anchored and blocked in accordance with
1535 such rules and procedures, the manufactured home or mobile home
1536 shall be considered to have been affixed to a permanent
1537 foundation. The county tax assessor shall then enter the
1538 manufactured home or mobile home on the land rolls and tax it as
1539 real property on the land on which it is located from the date of
1540 registration. At such time, the county tax assessor shall issue a
1541 certificate certifying that the manufactured home or mobile home
1542 has been classified as real property. Such certificate shall
1543 contain the name of the owner of the manufactured home or mobile
1544 home, the name of the manufacturer, the model, the serial number
1545 and the legal description of the real property on which the

1546 manufactured home or mobile home is located. The county tax
1547 assessor shall cause such certificate to be filed in the land
1548 records of the county in which the property is situated. After
1549 filing, the chancery clerk shall forward the certificate to the
1550 owner. For issuance of the certificate, a fee of Twelve Dollars
1551 (\$12.00) shall be collected by the county tax assessor, Ten
1552 Dollars (\$10.00) of which shall be retained by the assessor and
1553 Two Dollars (\$2.00) of which shall be forwarded to the chancery
1554 clerk for filing the certificate. Upon the filing of the
1555 certificate in the land records, the manufactured home or mobile
1556 home shall then be considered real property for purposes of ad
1557 valorem taxation. The filing of such a certificate shall not
1558 affect the validity or priority of any existing perfected lien.
1559 If a manufactured home or mobile home is classified as real
1560 property and no certificate of title was required to be issued or
1561 issued for such property pursuant to Chapter 21, Title 63,
1562 Mississippi Code of 1972, a security interest may be obtained
1563 therein through the use of a mortgage or deed of trust describing
1564 both the manufactured home or mobile home and the land on which
1565 the manufactured home or mobile home is located. For a
1566 manufactured home or mobile home classified as personal property
1567 for which no certificate of title was required to be issued or
1568 issued pursuant to the provisions of Chapter 21, Title 63,
1569 Mississippi Code of 1972, the perfection of a security interest
1570 therein shall be governed by the provisions of Chapter 9, Title
1571 75, Mississippi Code of 1972. Regardless of whether a
1572 manufactured home or mobile home for which a certificate of title
1573 was required to be issued or issued pursuant to the provisions of
1574 Chapter 21, Title 63, Mississippi Code of 1972, is * * *
1575 classified as real property or is classified as personal property,
1576 the perfection of a security interest therein shall be governed by
1577 the provisions of Chapter 21, Title 63, Mississippi Code of 1972.

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1578 A manufactured home or mobile home that has been classified as
1579 personal property may be reclassified as real property at the
1580 option of its owner if the owner obtains a certification from the
1581 tax assessor as provided in this section. Conversely, a
1582 manufactured home or mobile home that has been classified as real
1583 property may be reclassified for purposes of ad valorem taxation
1584 as personal property at the option of its owner if there is no
1585 lien against it and if the owner notifies the county tax assessor
1586 to reassess it and have the county tax collector enter it upon the
1587 manufactured home rolls. Upon a request for reclassification, if
1588 no certificate of title was required to be issued or issued for
1589 the manufactured home or mobile home, there must be no lien
1590 against it and the property owner shall present proof satisfactory
1591 to the tax assessor that there are no liens outstanding on the
1592 property. If there is a lien against the manufactured home or
1593 mobile home, the county tax assessor shall refuse to allow the
1594 county tax collector to reclassify it as personal property until
1595 the lien has been released. If a certificate of title as provided
1596 in Chapter 21, Title 63, Mississippi Code of 1972, has been
1597 issued, the manufactured home or mobile home may be reclassified
1598 for ad valorem taxation purposes regardless of whether a lien
1599 exists on the certificate of title. Upon such request, the tax
1600 assessor may issue a certificate cancelling the classification of
1601 the manufactured home or mobile home as real property and cause
1602 such certification to be filed in the land records of the county
1603 in which the property is situated. For issuance of the
1604 certificate, a fee of Twelve Dollars (\$12.00) shall be collected
1605 by the county tax assessor, Ten Dollars (\$10.00) of which shall be
1606 retained by the assessor and Two Dollars (\$2.00) of which shall be
1607 forwarded to the chancery clerk for filing the certificate.

1608 SECTION 43. Section 27-53-17, Mississippi Code of 1972, is
1609 amended as follows:

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1610 27-53-17. (1) (a) Except as otherwise provided in Section
1611 27-41-2, it shall be the duty of the tax collector of the county
1612 in which the manufactured home or mobile home is registered and
1613 assessed to collect the ad valorem taxes thereon. In cases where
1614 the manufactured home or mobile home is assessed on the land
1615 rolls, the penalty for nonpayment or delinquency of taxes shall be
1616 the same as is prescribed by law in regard to real estate. Except
1617 as otherwise provided in this section, in the case of all other
1618 manufactured homes or mobile homes, if the ad valorem tax is not
1619 paid within ninety (90) days after it becomes due and payable as
1620 provided by Section 27-53-11, the tax collector shall have the
1621 authority to file a civil suit in order to collect these taxes.
1622 Suits to collect delinquent manufactured home or mobile home taxes
1623 may be combined and included in one or more civil suits, the costs
1624 of which (including publication fees and like necessary expenses)
1625 shall be assessed pro rata among the delinquent taxpayers party to
1626 a suit as part of the judgment.

1627 (b) After taking all possible legal action, the tax
1628 collector shall submit a report of uncollected manufactured home
1629 or mobile home taxes to the board of supervisors. Such report
1630 shall be verified by the affidavit of the collector, that he has
1631 made, in person or by deputy, a legal demand for taxes due and
1632 that the taxpayers mentioned in the report have failed to pay
1633 their taxes. Separate lists of the delinquents shall be made for
1634 each election district and for each city, town and village.

1635 (c) The board shall allow the collector a credit for
1636 those taxes which it is satisfied may remain uncollected without
1637 the default of the collector, and no more. A list of the
1638 allowances shall be made out and certified by the clerk and
1639 transmitted to the Auditor of Public Accounts, and shall be
1640 credited to the collector in his settlement with the auditor and
1641 chancery clerk.

1642 (2) As an alternative to the authority granted under this
1643 section to county tax collectors to file suit for the collection
1644 of delinquent manufactured home or mobile home taxes, the board of
1645 supervisors of any county, in its discretion, may contract in the
1646 manner provided in Section 19-3-41 with a private attorney or
1647 private collection agent or agents for the collection of
1648 delinquent ad valorem taxes on manufactured homes or mobile homes
1649 that are entered as personal property on the manufactured home
1650 rolls.

1651 (3) As an alternative to the method of collecting delinquent
1652 taxes provided for in this section, the method provided for in
1653 Sections 27-41-101 through 27-41-109 may, in the discretion of the
1654 tax collector, be used to collect delinquent ad valorem taxes on
1655 manufactured homes or mobile homes classified as personal
1656 property.

1657 SECTION 44. Section 27-53-19, Mississippi Code of 1972, is
1658 amended as follows:

1659 27-53-19. Removal of a manufactured home or mobile home
1660 after the same has been assessed and such ad valorem tax has not
1661 been paid and notice of sale has been served shall be prima facie
1662 evidence of an intent on the part of the manufactured or mobile
1663 homeowner to avoid payment of taxes, and the county tax collector
1664 shall attach the property immediately.

1665 SECTION 45. Section 27-53-21, Mississippi Code of 1972, is
1666 amended as follows:

1667 27-53-21. The county tax collector is authorized to collect
1668 the municipal as well as county tax on manufactured homes or
1669 mobile homes not included in the land rolls and return the
1670 municipal tax to the municipality, retaining the same commission
1671 as is allowed for collection of municipal tax on motor vehicles.
1672 The tax on manufactured homes or mobile homes included in the land
1673 rolls shall be collected by the county and city tax collectors as

1674 on all other realty.

1675 SECTION 46. Section 27-53-23, Mississippi Code of 1972, is
1676 amended as follows:

1677 27-53-23. Manufactured homes and mobile homes considered as
1678 personal property shall be assessed uniformly according to value
1679 and such assessed value shall be determined by an assessment
1680 schedule which shall be prepared and made of record by the State
1681 Tax Commission and shall be certified to each county tax assessor
1682 and tax collector as the official manufactured and mobile home
1683 assessment schedule which shall be used by the proper officials in
1684 assessing manufactured home or mobile home ad valorem taxes for
1685 the year.

1686 In no instance may any taxing agency, under authority of this
1687 chapter, either reduce or increase for the purpose of ad valorem
1688 taxation the existing value of any manufactured home or mobile
1689 home from that shown by the aforesaid assessment schedule.

1690 Any person objecting to the assessment schedule as it affects
1691 the assessed value of his manufactured home or mobile home as
1692 personal property may proceed as is provided for under Section
1693 27-51-23, Mississippi Code of 1972. Any person objecting to the
1694 real property assessment as it affects the assessed value of his
1695 manufactured home or mobile home may proceed as in such cases made
1696 and provided by law as pertains to real property.

1697 SECTION 47. Section 27-53-27, Mississippi Code of 1972, is
1698 amended as follows:

1699 27-53-27. The following are exempt from the taxes authorized
1700 by this chapter:

1701 (a) In transit homes subject to the motor vehicle ad
1702 valorem tax law.

1703 (b) Any manufactured home or mobile home located on
1704 land which is owned by the same person owning and occupying said
1705 manufactured home or mobile home which was assessed on the land

1706 rolls at the effective date of this chapter.

1707 (c) Manufactured homes or mobile homes owned by and/or
1708 in the possession of a dealer as merchandise.

1709 (d) Any nonresident member of the armed forces of the
1710 United States of America owning and living in a manufactured home
1711 or mobile home within the state in compliance with military
1712 orders.

1713 SECTION 48. Section 27-53-31, Mississippi Code of 1972, is
1714 amended as follows:

1715 27-53-31. If any manufactured home or mobile home on which
1716 the ad valorem taxes prescribed in this chapter have been paid
1717 shall be totally destroyed by fire, tornado, flood or acts of
1718 providence, then the owner of such manufactured home or mobile
1719 home, upon filing a petition and submission of sufficient proof to
1720 the tax collector, may be credited with the amount of the ad
1721 valorem taxes on the proportional part of the taxable year
1722 remaining, less ad valorem taxes accruing on the salvage price, if
1723 any, in calculating the amount of ad valorem taxes due on any
1724 replacement for such a manufactured home or mobile home. In no
1725 event, however, shall such person claiming credit under this
1726 provision be entitled to a cash refund.

1727 In order to obtain benefit of this credit, such person must
1728 submit proof supported by affidavit of three (3) reputable
1729 citizens that such manufactured home or mobile home has been
1730 totally destroyed and a statement must be made as to the estimated
1731 amount of salvage value remaining. The application for this
1732 credit and the three (3) supporting affidavits must be notarized
1733 by an officer who has legal authority to notarize such
1734 instruments.

1735 Any person who makes or swears to a false statement or makes
1736 or swears to a statement of facts without personal knowledge of
1737 such facts, in any connection with an adjustment claim as referred

1738 to above, shall be guilty of perjury and upon conviction shall be
1739 punished as now provided by law.

1740 SECTION 49. This act shall take effect and be in force from
1741 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.

99\HR03\SB2632A.J *HR03/SB2632AJ*