

By: Zuber, Lott, Ishee, Barbour, Barnett  
(116th), Eads, Formby, Guice, Janus,  
Ketchings, Montgomery (15th), Ryals,  
Whittington

To: Ways and Means

## HOUSE BILL NO. 1249

1 AN ACT TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE AN EXEMPTION FROM A CERTAIN PORTION OF THE MOTOR  
3 VEHICLE AD VALOREM TAXES ON ANY VEHICLE OWNED BY A RESIDENT OF THE  
4 STATE OF MISSISSIPPI WHO IS ON ACTIVE DUTY SERVICE AS A MEMBER OF  
5 THE ARMED FORCES OF THE UNITED STATES AND WHO IS STATIONED OUTSIDE  
6 OF THE STATE OF MISSISSIPPI PURSUANT TO MILITARY ORDERS; AND FOR  
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 27-51-41, Mississippi Code of 1972, is  
10 amended as follows:[JWB1]

11 27-51-41. (1) The exemptions from the provisions of this  
12 chapter shall be confined to those persons or property exempted by  
13 this chapter or by the provisions of the Constitution of the  
14 United States or the State of Mississippi. No exemption as now  
15 provided by any other statute shall be valid as against the tax  
16 levied by this chapter. Any subsequent exemption from the tax  
17 levied hereunder shall be provided by amendment to this section  
18 which shall be inserted in the bill at length.

19 (2) The following shall be exempt from ad valorem taxation:

20 (a) All motor vehicles, as defined in this chapter, and  
21 including motor-propelled farm implements and vehicles, while in  
22 the hands of bona fide dealers as merchandise and which are not  
23 being operated upon the highways of this state, shall be exempt  
24 from all ad valorem taxes.

25 (b) All motor vehicles belonging to the federal  
26 government or the State of Mississippi or any agencies or  
27 instrumentalities thereof shall be exempt from all ad valorem  
28 taxes.

29           (c) All motor vehicles owned by any school district in  
30 the state shall be exempt from all ad valorem taxes.

31           (d) All motor vehicles owned by any fire protection  
32 district incorporated in accordance with Sections 19-5-151 through  
33 19-5-207 or by any fire protection grading district incorporated  
34 in accordance with Sections 19-5-215 through 19-5-243 shall be  
35 exempt from all ad valorem taxes.

36           (e) All motor vehicles owned by units of the  
37 Mississippi National Guard shall be exempt from all ad valorem  
38 taxes.

39           (f) All motor vehicles which are exempted from highway  
40 privilege taxes under Section 27-19-1 et seq. shall be exempt from  
41 ad valorem taxes.

42           (g) All motor vehicles operated in this state as common  
43 and contract carriers of property, private commercial carriers of  
44 property, private carriers of property and buses, all of which  
45 have a gross weight in excess of ten thousand (10,000) pounds,  
46 shall be exempt from all ad valorem taxes.

47           (h) Antique automobiles as defined in Section 27-19-47  
48 shall be exempt from all ad valorem taxes.

49           (i) Street rods as defined in Section 27-19-56.6 shall  
50 be exempt from all ad valorem taxes.

51           (j) Motor vehicles owned by disabled American veterans,  
52 or by spouses of deceased disabled American veterans, in  
53 accordance with Section 27-19-53, shall be exempt from all ad  
54 valorem taxes.

55           (k) One (1) motor vehicle owned by the unremarried  
56 surviving spouse of a member of the Armed Forces of the United  
57 States who, while on active duty, is killed or dies and one (1)  
58 motor vehicle owned by the unremarried surviving spouse of a  
59 member of a reserve component of the Armed Forces of the United  
60 States or of the National Guard who, while on active duty for  
61 training, is killed or dies shall be exempt from ad valorem taxes.

62 (l) Motor vehicles owned by recipients of the  
63 Congressional Medal of Honor or by former prisoners of war, or by  
64 spouses of such deceased persons, in accordance with Section  
65 27-19-54, shall be exempt from all ad valorem taxes.

66 (m) Any religious society, ecclesiastical body or any  
67 congregation thereof shall be exempt from ad valorem taxation on  
68 one (1) private carrier of passengers, as defined in Section  
69 27-19-3, owned by it, which is used exclusively for such society  
70 and not for profit. All motor vehicles owned by any such  
71 religious society or any educational institution having a seating  
72 capacity greater than seven (7) passengers and used exclusively  
73 for transporting passengers for religious or educational purposes  
74 and not for profit shall be exempt from all ad valorem taxes.

75 (n) All motor vehicles primarily used as rentals under  
76 rental agreements with a term of not more than thirty (30)  
77 continuous days each and under the control of persons who are  
78 engaged in the business of renting such motor vehicles and who are  
79 subject to the tax under Section 27-65-231 shall be exempt from  
80 all ad valorem taxes.

81 (o) Antique motorcycles as defined in Section  
82 27-19-47.1, shall be exempt from all ad valorem taxes.

83 (p) Motor vehicles owned by recipients of the Purple  
84 Heart as provided in Section 27-19-56.5.

85 (q) Any motor vehicle owned by a resident of the State  
86 of Mississippi who is on active duty service as a member of the  
87 Armed Forces of the United States and who is stationed outside of  
88 the State of Mississippi pursuant to military orders is exempt  
89 from ad valorem taxes in an amount equal to the amount by which  
90 the ad valorem taxes when added to the privilege taxes exceeds:

91 (i) Fifty Dollars (\$50.00) for a vehicle that is  
92 five (5) years old or less; or

93 (ii) Twenty-five Dollars (\$25.00) for a vehicle  
94 that is older than five (5) years.

95           (3) Any claim for tax exemption by authority of the  
96 above-mentioned code sections or by any other legal authority  
97 shall be set out in the application for the road and bridge  
98 privilege license, and the specific legal authority for such tax  
99 exemption claim shall be cited in said application, and such  
100 authority cited shall be shown by the tax collector on the tax  
101 receipt as his authority for not collecting such ad valorem taxes,  
102 and the tax collector shall carry forward such information in his  
103 tax collection reports.

104           (4) Any motor vehicle driven over the highways of this state  
105 to the extent that the owner of such motor vehicle is required to  
106 purchase a road and bridge privilege license in this state, yet  
107 the legal situs of such motor vehicle is located in another state,  
108 shall be exempt from ad valorem taxes authorized by this chapter.

109           (5) If a taxpayer shall sell, trade or otherwise dispose of  
110 a vehicle on which the ad valorem and road and bridge privilege  
111 taxes have been paid in any county in the state, he shall remove  
112 the license plate from the vehicle. Such license plate must be  
113 surrendered to the issuing authority with the corresponding tax  
114 receipt, if required, and credit shall be allowed for the taxes  
115 paid for the remaining tax year on like privilege or ad valorem  
116 taxes due on another vehicle owned by the seller or transferor or  
117 by the seller's or transferor's spouse or dependent child. If the  
118 seller or transferor does not elect to receive such credit at the  
119 time the license plate is surrendered, the issuing authority shall  
120 issue a certificate of credit to the seller or transferor, or to  
121 the seller's or transferor's spouse or dependent child, or to any  
122 other person, business or corporation, at the direction of the  
123 seller or transferor, for the remaining unexpired taxes prorated  
124 from the first day of the month following the month in which the  
125 license plate is surrendered. The total of such credit may be  
126 used by the person or entity to whom the certificate of credit is  
127 issued, regardless of the relative amounts attributed to privilege

128 taxes or to county, school or municipal ad valorem taxes. Any  
129 credit allowed for taxes due or any certificate of credit issued  
130 may be applied to like taxes owed in any county by the person to  
131 whom the credit is allowed or by the person possessing the  
132 certificate of credit. No credit, however, shall be allowed on  
133 the charge made for the license plate. Such license plates  
134 surrendered to the tax collector shall be retained by him, and in  
135 no event shall such license plate be attached to any vehicle after  
136 being surrendered to the tax collector, nor shall any license  
137 plate be transferred from one (1) vehicle to any other vehicle.

138 (6) If the person owning a vehicle subject to taxation under  
139 the provisions of this chapter does not operate such vehicle on  
140 the highways of this state from the date of acquisition or, if  
141 previously registered, from the end of the anniversary month of  
142 the tag and decals to the date on which he makes application for a  
143 current license tag or decals, he shall pay such ad valorem tax  
144 for a period of twelve (12) months beginning with the first day of  
145 the month in which he applies for a current license tag or decals  
146 under Chapter 19, Title 27, Mississippi Code of 1972. The owner  
147 shall submit an affidavit with an application attesting to the  
148 fact that the vehicle was not operated on the highways of this  
149 state from the date of acquisition or, if previously registered,  
150 from the end of the anniversary month of the tag and decals to the  
151 date on which he makes application for the current license tag or  
152 decals.

153 (7) Any person found violating any of the provisions of this  
154 section shall be arrested and tried, and if found guilty shall be  
155 fined in an amount double the total amount of taxes involved.

156 SECTION 2. Nothing in this act shall affect or defeat any  
157 claim, assessment, appeal, suit, right or cause of action for  
158 taxes due or accrued under the motor vehicle ad valorem laws  
159 before the date on which this act becomes effective, whether such  
160 claims, assessments, appeals, suits or actions have been begun

161 before the date on which this act becomes effective or are begun  
162 thereafter; and the provisions of the motor vehicle ad valorem tax  
163 laws are expressly continued in full force, effect and operation  
164 for the purpose of the assessment, collection and enrollment of  
165 liens for any taxes due or accrued and the execution of any  
166 warrant under such laws before the date on which this act becomes  
167 effective, and for the imposition of any penalties, forfeitures or  
168 claims for failure to comply with such laws.

169 SECTION 2. This act shall take effect and be in force from  
170 and after July 1, 2000.