

By: Dearing, Posey

To: Finance

SENATE BILL NO. 3125

1 AN ACT TO AMEND SECTION 27-19-63, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE AMOUNT OF TIME THAT THE OWNER OF A MOTOR VEHICLE
3 PURCHASED FROM A LICENSED MOTOR VEHICLE DEALER HAS TO MAKE
4 APPLICATION FOR A PRIVILEGE LICENSE TO FIFTEEN DAYS AFTER DELIVERY
5 OR COMPLETION OF NECESSARY REMODELING OF THE VEHICLE; TO AMEND
6 SECTION 27-19-141, MISSISSIPPI CODE OF 1972, TO INCREASE THE
7 AMOUNT OF TIME THAT THE OWNER OF A MOTOR VEHICLE ACQUIRED FROM A
8 PERSON OTHER THAN A DEALER HAS TO MAKE APPLICATION FOR A PRIVILEGE
9 LICENSE TO FIFTEEN DAYS AFTER THE VEHICLE IS ACQUIRED; AND FOR
10 RELATED PURPOSES.

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

12 SECTION 1. Section 27-19-63, Mississippi Code of 1972, is
13 amended as follows:[WAN1]

14 27-19-63. (1) Except as otherwise provided in this section,
15 the privilege license tax levied by the provisions of this article
16 shall be paid annually during the anniversary month of the
17 acquisition of the vehicle. The privilege license tax levied
18 shall be based on a period of twelve (12) months, even though the
19 actual time from the acquisition of the vehicle to the end of the
20 anniversary month of the next succeeding year may be more than
21 twelve (12) months. Any person subject to the provisions of this
22 article shall have an additional fifteen (15) days from the end of
23 the anniversary month in which to purchase the tag and/or decals
24 and to pay the privilege license tax without being in violation of
25 this section. Any person owning a vehicle subject to taxation
26 under the provisions of this article who fails or refuses to pay
27 such tax and obtain the privilege license required within the
28 prescribed period of time shall be guilty of violating the
29 provisions of this article, and shall be liable for the amount of
30 such tax plus a penalty as provided for in this section. If the

31 person owning a vehicle subject to taxation under the provisions
32 of this article does not operate such vehicle on the highways of
33 this state from the date of acquisition or, if previously
34 registered, from the end of the anniversary month of his tag and
35 decals to the date on which he makes application for the privilege
36 license, he shall pay such license tax for a period of twelve (12)
37 months beginning with the first day of the month in which he
38 applies for such privilege license. The owner shall submit an
39 affidavit with his application attesting to the fact that his
40 vehicle was not operated on the highways of this state from the
41 date of acquisition or, if previously registered, from the end of
42 the anniversary month of his tag and decals to the date on which
43 he makes application for the privilege license.

44 (2) Except as may be otherwise provided in subsection (3) of
45 this section, the privilege license tax levied by the provision of
46 this article on operators of motor vehicles in excess of ten
47 thousand (10,000) pounds, gross vehicle weight, apportioned
48 vehicles, rental and commercial trailers and buses shall be due
49 annually during the anniversary month which shall be established
50 by the Chairman of the State Tax Commission; provided, however,
51 there shall be an additional fifteen (15) days from the end of the
52 anniversary month in which to file an application with the
53 commission and pay the privilege license tax. The annual license
54 tag and/or decals issued by the commission for the license tax
55 year shall be valid for a period of time to be determined by the
56 chairman but not to exceed fifteen (15) months following the
57 anniversary month; provided, however, this does not extend the
58 time for filing the application with the commission and the
59 payment of the license tax. Any person who fails or refuses to
60 pay such tax and obtain the privilege license required when due
61 shall be guilty of violating the provision of this article and
62 shall be liable for the entire amount of such tax from the date
63 the liability was incurred, plus penalty as provided for in this
64 section.

65 (3) The privilege license tax levied by the provisions of
66 this article on operators of a motor vehicle that is in a
67 corporate fleet or an individual fleet registered under Section

68 27-19-66 shall be due annually during the anniversary month which
69 shall be established by the Chairman of the State Tax Commission
70 for corporate fleets and by the county tax collectors for
71 individual fleets; provided, however, there shall be an additional
72 fifteen (15) days from the end of the anniversary month in which
73 to file an application with the commission or the county tax
74 collector, as the case may be, and to purchase the tag or renew
75 the registration of such motor vehicle and pay the privilege
76 license tax. The commission or the county tax collector, as the
77 case may be, shall issue a tag or renew the annual registration of
78 such motor vehicle for the license tax year only after all ad
79 valorem taxes and privilege taxes due on such motor vehicle have
80 been paid. Any person who fails or refuses to pay the privilege
81 tax and obtain the privilege license required when due shall be
82 guilty of violating the provisions of this article and shall be
83 liable for the entire amount of such tax from the date the
84 liability was incurred, plus penalty as provided for in this
85 section.

86 (4) Penalties shall be assessed on the privilege license tax
87 at the rate of five percent (5%) for the first fifteen (15) days
88 of delinquency, or part thereof, and five percent (5%) for each
89 additional thirty-day period of delinquency, or part thereof, not
90 to exceed a maximum penalty of twenty-five percent (25%); however,
91 a penalty of Two Hundred Fifty Dollars (\$250.00), in addition to
92 the maximum penalty for delinquency, shall be assessed against any
93 person who is liable for the motor vehicle privilege license tax
94 but who (a) displays an out-of-state license tag on the motor
95 vehicle; or (b) displays a license tag or privilege license decal
96 on the motor vehicle which was issued for another vehicle. The
97 commission, for good reason shown, may waive all or any part of
98 the penalties imposed. No private passenger vehicle registered
99 under this chapter shall have displayed on the front of such
100 vehicle, or elsewhere, the official license tag of another state,

101 whether or not such license tag has expired. Law enforcement
102 officers of this state may remove from private passenger vehicles
103 any out-of-state license tags so displayed.

104 (5) The requirement that the privilege tax be paid during
105 the anniversary month of each year shall not apply in the
106 following cases:

107 (a) Where a motor vehicle is acquired from a duly
108 licensed automobile dealer in the regular course of trade, the
109 owner or operator of the vehicle purchased shall have fifteen (15)
110 full working days, exclusive of the date of delivery, after the
111 vehicle has been delivered to him, within which to make the
112 application for the required privilege license, otherwise such
113 person shall be liable for penalty as provided for in this
114 section. Provided, however, that when any person shall acquire a
115 vehicle as herein provided, and it shall be necessary that such
116 vehicle be remodeled, changed or altered by such person before
117 same is suitable for the purposes for which it was acquired, then
118 such person shall have fifteen (15) full working days, exclusive
119 of the day of the completion of such remodeling, change or
120 alteration, after the completion thereof within which to make
121 application for the required privilege license; provided, that if
122 such person fails to make application within such period, such
123 person shall be liable for penalty as provided for in this
124 section.

125 "Delivery" as used herein shall be construed to mean receipt
126 of such vehicle by the purchaser thereof at his residence or place
127 of business, and, in the event the vehicle is purchased at any
128 place other than in the county of residence or place of business
129 of such person, he shall be entitled to forty-eight (48) hours
130 within which to transport such vehicle to the county of his
131 residence or place of business. At all times during such
132 transportation, the owner or operator of such vehicle shall have
133 in his possession a true bill of sale, giving the description of

134 the vehicle, the name and address of the dealer from whom
135 purchased, the name and address of the owner or operator, and the
136 date on which the vehicle was acquired. For failure to have such
137 bill of sale in his possession during the entire time during which
138 the vehicle is being transported, the owner or operator shall be
139 liable for the annual privilege tax plus penalty as provided for
140 in this section.

141 (b) Where a person has paid the current privilege
142 license tax required by the laws of another state and applies for
143 a privilege license in this state within thirty (30) days, no
144 penalty shall be assessed; however, any person who fails to comply
145 herewith shall be liable for the full annual tax, plus penalty as
146 provided for in this section.

147 (6) Any nonresident of the State of Mississippi who has paid
148 the current privilege license required by the laws of another
149 state upon a private carrier of passengers, and thereafter becomes
150 a resident of the State of Mississippi, or brings such vehicle
151 into the State of Mississippi for use in connection with his
152 business in this state, or who is gainfully employed in this state
153 shall be entitled to operate such vehicle without obtaining a
154 privilege license in this state for a period of not more than
155 thirty (30) days.

156 "Resident" for the purpose of registration and operation of
157 motor vehicles shall include but not be limited to the following:

158 (a) Any person, except a tourist or out-of-town
159 student, who owns, leases or rents a place within the state and
160 occupies same as a place of residence.

161 (b) Any person who engages in a trade, profession or
162 occupation in this state or who accepts employment in other than
163 seasonal agricultural work.

164 SECTION 2. Section 27-19-141, Mississippi Code of 1972, is
165 amended as follows:[WAN2]

166 27-19-141. In case any person, other than a dealer or agent,

167 shall sell, assign or transfer any vehicle to another person, the
168 person acquiring such vehicle shall register the vehicle with the
169 county tax collector of his residence or the State Tax Commission
170 within fifteen (15) working days after such sale, assignment or
171 transfer and pay the annual privilege license taxes. The seller
172 or transferor shall remove the license plate from the vehicle and
173 retain same. Such license plate must be surrendered to the
174 issuing authority with the corresponding tax receipt if required,
175 and credit shall be allowed for the taxes paid for the remaining
176 tax year on like privilege or ad valorem taxes due on another
177 vehicle owned by the seller or transferor, or by the seller's or
178 transferor's spouse or dependent child. Privilege taxes on
179 vehicles registered in excess of ten thousand (10,000) pounds
180 gross vehicle weight, apportioned vehicles, rental and commercial
181 trailers and buses, shall be considered like taxes only for
182 vehicles registered in excess of ten thousand (10,000) pounds
183 gross vehicle weight, apportioned vehicles, rental and commercial
184 trailers and buses. Privilege or ad valorem taxes on vehicles
185 with a gross vehicle weight of ten thousand (10,000) pounds or
186 less shall be considered like taxes only for vehicles with a gross
187 vehicle weight of ten thousand (10,000) pounds or less. If the
188 seller or transferor does not elect to receive such credit at the
189 time the license plate is surrendered, the issuing authority shall
190 issue a certificate of credit to the seller or transferor, or to
191 the seller's or transferor's spouse or dependent child, or to any
192 other person, business or corporation, at the direction of the
193 seller or transferor, for the remaining unexpired taxes prorated
194 from the first day of the month following the month in which the
195 license plate is surrendered. Any credit allowed for taxes due or
196 any certificate of credit issued may be applied to like taxes owed
197 in any county by the person to whom the credit is allowed or by
198 the person possessing the certificate of credit. No credit,
199 however, shall be allowed on the charge made for registration fees

200 and any tag fees. Such license plates surrendered to the tax
201 collector shall be retained by him, and in no event shall such
202 license plate be attached to any motor vehicle after being
203 surrendered to the tax collector, nor shall any license plate be
204 transferred from one (1) motor vehicle to any other motor vehicle.
205 Certificates of credit shall be designed and furnished by the
206 commissioner.

207 SECTION 3. This act shall take effect and be in force from
208 and after July 1, 2000.