

By: Representative Zuber

To: Ways and Means

HOUSE BILL NO. 918

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:

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 and antique pickup trucks as provided for under Section  
49 27-19-47.2, Mississippi Code of 1972, shall be exempt from all ad  
50 valorem taxes.

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

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

57           (k) One (1) motor vehicle owned by the unremarried  
58 surviving spouse of a member of the Armed Forces of the United  
59 States who, while on active duty, is killed or dies and one (1)  
60 motor vehicle owned by the unremarried surviving spouse of a  
61 member of a reserve component of the Armed Forces of the United



62 States or of the National Guard who, while on active duty for  
63 training, is killed or dies shall be exempt from ad valorem taxes.

64 (l) Motor vehicles owned by recipients of the  
65 Congressional Medal of Honor or by former prisoners of war, or by  
66 spouses of such deceased persons, in accordance with Section  
67 27-19-54, shall be exempt from all ad valorem taxes.

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

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

83 (o) Antique motorcycles as defined in Section  
84 27-19-47.1, shall be exempt from all ad valorem taxes.

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

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

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



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

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

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

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



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

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

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

158 SECTION 2. Nothing in this act shall affect or defeat any  
159 claim, assessment, appeal, suit, right or cause of action for  
160 taxes due or accrued under the motor vehicle ad valorem laws



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

171 SECTION 3. This act shall take effect and be in force from  
172 and after July 1, 2001.

