

By: Senator(s) Burton

To: Finance

SENATE BILL NO. 2274

1 AN ACT TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT FROM AD VALOREM TAXATION ALL MOTOR VEHICLES OWNED AND
3 OPERATED BY CERTAIN NONPROFIT ORGANIZATIONS AND PRIMARILY USED TO
4 TRANSPORT CHILDREN FOR MEDICAL TREATMENT; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. Section 27-51-41, Mississippi Code of 1972, is
8 amended as follows:

9 27-51-41. (1) The exemptions from the provisions of this
10 chapter shall be confined to those persons or property exempted by
11 this chapter or by the provisions of the Constitution of the
12 United States or the State of Mississippi. No exemption as now
13 provided by any other statute shall be valid as against the tax
14 levied by this chapter. Any subsequent exemption from the tax
15 levied hereunder shall be provided by amendment to this section
16 which shall be inserted in the bill at length.

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

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

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

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



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

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

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

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

45 (h) Antique automobiles as defined in Section 27-19-47,
46 and antique pickup trucks as provided for under Section
47 27-19-47.2, Mississippi Code of 1972, shall be exempt from all ad
48 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 shall be exempt from all
85 ad valorem taxes.

86 (q) All motor vehicles owned and operated by nonprofit
87 organizations exempt from income taxation under Section 501(c)(3)
88 of the United States Internal Revenue Code and primarily used to
89 transport children for medical treatment, shall be exempt from all
90 ad valorem taxes.

91 (3) Any claim for tax exemption by authority of the
92 above-mentioned code sections or by any other legal authority
93 shall be set out in the application for the road and bridge
94 privilege license, and the specific legal authority for such tax



95 exemption claim shall be cited in said application, and such
96 authority cited shall be shown by the tax collector on the tax
97 receipt as his authority for not collecting such ad valorem taxes,
98 and the tax collector shall carry forward such information in his
99 tax collection reports.

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

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



128 certificate of credit. No credit, however, shall be allowed on
129 the charge made for the license plate. Such license plates
130 surrendered to the tax collector shall be retained by him, and in
131 no event shall such license plate be attached to any vehicle after
132 being surrendered to the tax collector, nor shall any license
133 plate be transferred from one (1) vehicle to any other vehicle.

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

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

152 SECTION 2. This act shall take effect and be in force from
153 and after July 1, 2001.

