AN ACT TO AMEND SECTION 27-65-201, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALES AND USE TAX IMPOSED ON SALES OF MOTOR VEHICLES BY PERSONS, FIRMS OR CORPORATIONS THAT ARE NOT LICENSED DEALERS ENGAGED IN SELLING MOTOR VEHICLES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 27-65-201, Mississippi Code of 1972, is amended as follows:

27-65-201. (1) For the purposes of this section, unless the context otherwise requires, the term "motor vehicle" means a motor vehicle required to be registered or licensed by the county tax collectors pursuant to Section 27-19-43, Mississippi Code of 1972.

(2) Upon every person, firm or corporation purchasing other than at wholesale within this state any motor vehicle required to be registered or licensed with the tax collector of any county in this state from any person, firm or corporation which is not a licensed dealer engaged in selling motor vehicles, there shall be levied and collected a sales tax at the rate of five percent (5%) of the true value of the motor vehicle as calculated by using the most current official motor vehicle assessment schedule supplied by the State Tax Commission.

(3) Upon every person, firm or corporation purchasing other than at wholesale outside the state any motor vehicle required to be registered or licensed with the tax collector of any county in this state from any person, firm or corporation which is not a licensed dealer engaged in selling motor vehicles, for use, storage or other consumption within this state there is levied a use tax at the rate of five percent (5%) of the true value of the motor vehicle.
motor vehicle as calculated by using the most current official
motor vehicle assessment schedule supplied by the State Tax
Commission.

(4) Where any motor vehicle is taken in trade as a credit or
part payment on the sale of a motor vehicle taxable under this
section, the tax levied by this section shall be paid on the net
difference, that is, the true value of the motor vehicle sold less
the credit for the motor vehicle taken in trade.

(5) The tax levied by this section shall be collected by the
tax collector at the time of, and as a prerequisite to, the
registration of or licensing of any such motor vehicle. The tax
collector shall give to the person registering the vehicle a
receipt in a form prescribed and furnished by the State Tax
Commission for the amount of tax collected.

(6) County tax collectors shall be liable for the tax they
are required to collect, and taxes which are in fact collected,
under this section and failure to properly collect or maintain
proper records shall not relieve them of liability for payment to
the State Tax Commission. Deficiencies in collection or payment
shall be assessed against the tax collector, or his successor, in
the same manner and subject to the same penalties and provisions
for appeal as are deficiencies assessed against taxpayers under
Chapter 65, Title 27, Mississippi Code of 1972.

Each tax collector of the several counties shall, on or
before the twentieth day of each month, file a report with and pay
to the State Tax Commission all funds collected under the
provisions of this section, less a commission of three percent
(3%) which shall be retained by the tax collector as a commission
for collecting such tax, and such commission shall be deposited in
the county general fund. The report required to be filed shall
cover all collections made during the calendar month next
preceding the date on which the report is due and filed. All
funds remitted to the State Tax Commission shall be deposited to
the credit of the State General Fund.

Any error in the report and remittance to the State Tax
Commission may be adjusted on a subsequent report. If the error
was in the collection by the tax collector, it shall be adjusted
through the tax collector with the taxpayer before credit is
allowed by the State Tax Commission.

All information relating to the collection of this tax by tax
collectors and such records as the State Tax Commission may
require shall be preserved in the tax collector's office for a
period of three (3) years for audit by the State Tax Commission.

(7) The tax levied by this section shall not apply to the
following:

(a) Transfers of legal ownership of motor vehicles
between husband and wife, parent and child, or grandparents and
grandchildren, unless the transferor is a licensed dealer of motor
vehicles and the transfer of the motor vehicle is made in the
regular course of business.

(b) Transfers of legal ownership of motor vehicles
pursuant to a will or pursuant to any law providing for the
distribution of the property of one dying intestate.

(c) Transfers of legal ownership of motor vehicles ten
(10) or more years after the date of the manufacture of such
vehicle.

SECTION 2. Nothing in this act shall affect or defeat any
claim, assessment, appeal, suit, right or cause of action for
taxes due or accrued under the sales tax laws before the date on
which this act becomes effective, whether such claims,
assessments, appeals, suits or actions have been begun before the
date on which this act becomes effective or are begun thereafter;
and the provisions of the sales tax laws are expressly continued
in full force, effect and operation for the purpose of the
assessment, collection and enrollment of liens for any taxes due
or accrued and the execution of any warrant under such laws before
the date on which this act becomes effective, and for the
imposition of any penalties, forfeitures or claims for failure to
comply with such laws.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2002.