

By: Representative Zuber

To: Ways and Means

HOUSE BILL NO. 112

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.

24 (b) All motor vehicles belonging to the federal
25 government or the State of Mississippi or any agencies or
26 instrumentalities thereof.

27 (c) All motor vehicles owned by any school district in
28 the state.



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 19-5-241.

33 (e) All motor vehicles owned by units of the
34 Mississippi National Guard.

35 (f) All motor vehicles which are exempted from highway
36 privilege taxes under Section 27-19-1 et seq.

37 (g) All motor vehicles operated in this state as common
38 and contract carriers of property, private commercial carriers of
39 property, private carriers of property and buses, all of which
40 have a gross weight in excess of ten thousand (10,000) pounds.

41 (h) Antique automobiles as defined in Section 27-19-47,
42 and antique pickup trucks as provided for under Section
43 27-19-47.2, Mississippi Code of 1972.

44 (i) Street rods as defined in Section 27-19-56.6.

45 (j) Motor vehicles owned by disabled American veterans,
46 or by spouses of deceased disabled American veterans, in
47 accordance with Section 27-19-53.

48 (k) One (1) motor vehicle owned by the unremarried
49 surviving spouse of a member of the Armed Forces of the United
50 States who, while on active duty, is killed or dies and one (1)
51 motor vehicle owned by the unremarried surviving spouse of a
52 member of a reserve component of the Armed Forces of the United
53 States or of the National Guard who, while on active duty for
54 training, is killed or dies.

55 (l) Motor vehicles owned by recipients of the
56 Congressional Medal of Honor or by former prisoners of war, or by
57 spouses of such deceased persons, in accordance with Section
58 27-19-54.

59 (m) (i) One (1) private carrier of passengers, as
60 defined in Section 27-19-3, owned by any religious society,



61 ecclesiastical body or any congregation thereof which is used
62 exclusively for such society and not for profit.

63 (ii) All motor vehicles owned by any such
64 religious society or any educational institution having a seating
65 capacity greater than seven (7) passengers and used exclusively
66 for transporting passengers for religious or educational purposes
67 and not for profit.

68 (n) All motor vehicles primarily used as rentals under
69 rental agreements with a term of not more than thirty (30)
70 continuous days each and under the control of persons who are
71 engaged in the business of renting such motor vehicles and who are
72 subject to the tax under Section 27-65-231.

73 (o) Antique motorcycles as defined in Section
74 27-19-47.1.

75 (p) One (1) motor vehicle owned by a recipient of the
76 Purple Heart as provided in Section 27-19-56.5.

77 (q) Motor vehicles that are eligible to display an
78 authentic historical license plate as provided for in Section
79 27-19-56.11.

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

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

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

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



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

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

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



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

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

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

151 **SECTION 2.** Nothing in this act shall affect or defeat any
152 claim, assessment, appeal, suit, right or cause of action for
153 taxes due or accrued under the motor vehicle ad valorem laws
154 before the date on which this act becomes effective, whether such
155 claims, assessments, appeals, suits or actions have been begun
156 before the date on which this act becomes effective or are begun
157 thereafter; and the provisions of the motor vehicle ad valorem tax
158 laws are expressly continued in full force, effect and operation
159 for the purpose of the assessment, collection and enrollment of



160 liens for any taxes due or accrued and the execution of any
161 warrant under such laws before the date on which this act becomes
162 effective, and for the imposition of any penalties, forfeitures or
163 claims for failure to comply with such laws.

164 **SECTION 3.** This act shall take effect and be in force from
165 and after July 1, 2003.

