

By: Representative Fleming

To: Ways and Means

HOUSE BILL NO. 210

1 AN ACT TO PROVIDE THAT AD VALOREM TAXES ON MOTOR VEHICLES
2 SHALL BE CHARGED TO THE BUYER OF THE VEHICLE AND SHALL BE PAID ON
3 AN ANNIVERSARY DATE OR IN INSTALLMENTS AT THE ELECTION OF THE
4 BUYER; TO PROVIDE THAT SUCH TAXES SHALL BE SUBJECT TO THE SAME
5 LIEN LAWS AS OTHER PERSONAL PROPERTY; TO AMEND SECTIONS 27-41-1,
6 27-51-7, 27-51-9 AND 27-51-11, MISSISSIPPI CODE OF 1972, IN
7 CONFORMITY THERETO; TO AMEND SECTION 27-19-48, MISSISSIPPI CODE OF
8 1972, TO PROVIDE THAT THE FEE FOR PERSONALIZED LICENSE TAGS SHALL
9 BE \$10.00; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) All ad valorem taxes on motor vehicles which
12 are currently paid upon purchase of the license tag for such
13 vehicles shall be charged to the buyer of the vehicle and shall be
14 paid either on an anniversary date or in installments, at the
15 election of the buyer. Ad valorem tax payments on motor vehicles
16 shall be subject to the same lien laws as personal property and
17 shall be collected in the same manner.

18 (2) If the ad valorem taxes due on a motor vehicle are paid
19 in installments, the installment payments shall be made as
20 follows:

21 (a) One-third (1/3) of all ad valorem taxes due on a
22 motor vehicle shall be paid at the same time the road and bridge
23 privilege tax is paid;

24 (b) One-third (1/3) of all ad valorem taxes due on a
25 motor vehicle shall be paid not later than three (3) months after
26 the date the road and bridge privilege tax is paid; and

27 (c) One-third (1/3) of all ad valorem taxes due on a
28 motor vehicle shall be paid not later than six (6) months after
29 the date the road and bridge privilege tax is paid.

30 (3) Upon payment of all ad valorem taxes due on a motor
31 vehicle, the tax collector for the local government to which the
32 ad valorem taxes were paid shall issue a sticker indicating that
33 all ad valorem taxes due on such motor vehicle have been paid.
34 Such sticker shall be displayed on the driver's side of the
35 windshield of such motor vehicle and shall indicate the month and
36 year the ad valorem taxes were paid, the local government to which
37 the ad valorem taxes were paid and the month and year in which the
38 sticker will expire.

39 **SECTION 2.** Section 27-41-1, Mississippi Code of 1972, is
40 amended as follows:

41 27-41-1. Except as may otherwise be provided in Section
42 27-41-2, all state, county, school, road, levee and other taxing
43 districts and municipal ad valorem taxes, except ad valorem taxes
44 levied for county or district or municipal bonds and other
45 evidences of indebtedness for money borrowed, and interest
46 thereon, heretofore or hereafter assessed or levied shall be due,
47 payable and collectible by the tax collector and shall be paid on
48 or before the first day of February next succeeding the date of
49 the assessment and levying of such taxes. All taxes levied for
50 county and district and municipal bonds and interest thereon, or
51 betterment or improvement assessments, shall be paid by each
52 person assessed therewith on or before the first day of February
53 next succeeding the date of the assessment and levying of the
54 same, at the time of payment of the state and county ad valorem
55 taxes, except as otherwise hereinafter provided in this chapter.
56 The tax collector shall begin to accept payment for such ad
57 valorem taxes or assessments not later than December 26 of the
58 year prior to the year in which such taxes are required to be
59 paid.

60 Any county may, by an order spread upon the minutes of the
61 board of supervisors, allow the acceptance of partial payments for
62 ad valorem taxes. Any municipality wherein municipal taxes are

63 not collected by the county may, by an order spread upon the
64 minutes of the governing authority of said municipality, allow the
65 acceptance of partial payments for ad valorem taxes. If said
66 partial payments are allowed by the county or municipality, said
67 partial payments shall be made as follows:

68 (a) One-half (1/2) of all ad valorem taxes due shall be
69 paid on or before February 1.

70 (b) One-fourth (1/4) of all ad valorem taxes, interest
71 and penalty due shall be paid on or before May 1.

72 (c) One-fourth (1/4) of all ad valorem taxes, interest
73 and penalty due shall be paid on or before July 1.

74 If any unpaid balance exists on August 1, then the lands
75 shall be sold at the land sale on the last Monday in August for
76 said unpaid balance.

77 All ad valorem taxes, however, assessed against motor
78 vehicles as prescribed by the Motor Vehicle Ad Valorem Tax Law of
79 1958, for any and all purposes and in any and all jurisdictions,
80 shall be paid in full on the date such taxes are due and payable,
81 or paid in installments as provided in Section 1 of House Bill No.
82 ____, 2004 Regular Session.

83 **SECTION 3.** Section 27-51-7, Mississippi Code of 1972, is
84 amended as follows:

85 27-51-7. Any person required by law to pay a road and bridge
86 privilege license tax on any motor vehicle shall also be liable
87 for the ad valorem taxes due on such motor vehicle, unless
88 otherwise specifically exempt herein. Such ad valorem taxes due
89 shall be paid at the same time the road and bridge privilege
90 license tax is paid, and the payment of the said ad valorem taxes
91 due shall be a prerequisite to the issuance of the said road and
92 bridge privilege license. However, ad valorem taxes due on a
93 motor vehicle may be paid in installments as provided in Section 1
94 of House Bill No. _____, 2004 Regular Session, and the payment of

95 the first installment shall be a prerequisite to the issuance of
96 the road and bridge privilege license.

97 * * *

98 In all cases, however, where the time for complying with the
99 road and bridge privilege tax law has been extended by law as to
100 time of payment, then the same extension of time shall apply to
101 the date on which the ad valorem taxes on such motor vehicle must
102 be paid. Ad valorem taxes on all motor vehicles, defined in this
103 chapter, shall be calculated as of the first day of the month in
104 which such taxes were due, regardless of any extension of time for
105 payment of such taxes as provided hereinabove.

106 **SECTION 4.** Section 27-51-9, Mississippi Code of 1972, is
107 amended as follows:

108 27-51-9. For the purposes of this chapter, the fiscal year
109 shall commence on August 1 and shall end on July 31 of each year.
110 The taxable year shall run concurrently with the taxable year in
111 effect in the law pertaining to the payment of the road and bridge
112 privilege license tax on motor vehicles. Except as otherwise
113 provided in Section 27-41-2, ad valorem taxes on motor vehicles
114 shall be collected by the county tax collector for the county and
115 state and by the municipal tax collector for the municipalities.
116 Ad valorem taxes for any ensuing year may be paid during the month
117 as provided in Section 27-19-31, however, and said ad valorem
118 taxes on any motor vehicle must be paid at the same time or prior
119 to the time that the road and bridge privilege license is issued
120 for the subject motor vehicle, unless such ad valorem taxes are
121 paid in installments as provided in Section 1 of House Bill No.
122 _____ , 2004 Regular Session, or herein otherwise specifically
123 exempt from such ad valorem taxes. The ad valorem tax on motor
124 vehicles shall be computed on the millage rates in effect at the
125 time such privilege license tax is to be paid.

126 **SECTION 5.** Section 27-51-11, Mississippi Code of 1972, is
127 amended as follows:

128 27-51-11. In cases where the road and bridge privilege tax
129 license is issued by the administrator of the road and bridge
130 privilege tax law, before he shall issue such license he shall
131 require that a tax receipt, made out on the prescribed form and
132 properly issued, be presented to him showing that all ad valorem
133 taxes due on such motor vehicle have been paid according to the
134 situs of the subject motor vehicle as shown by the written
135 application for such privilege license. However, if ad valorem
136 taxes due on such motor vehicle are being paid in installments as
137 provided in Section 1 of House Bill No. ___, 2004 Regular Session,
138 the administrator of the road and bridge privilege tax shall
139 require that a tax receipt be presented to him showing that the
140 first installment payment of such ad valorem taxes has been made.
141 If the application for such privilege license reveals that the
142 situs of the subject motor vehicle is in a municipality, then the
143 administrator of the road and bridge privilege tax law, before
144 issuing said privilege license, shall require that a tax receipt
145 made out on the prescribed form and properly issued be presented
146 to him showing that such ad valorem taxes due have also been paid.
147 However, if ad valorem taxes due on such motor vehicle are being
148 paid in installments as provided in Section 1 of House Bill No.
149 ___ , 2004 Regular Session, the administrator of the road and
150 bridge privilege tax shall require that a tax receipt be presented
151 to him showing that the first installment payment of such ad
152 valorem taxes has been made. The administrator of the road and
153 bridge privilege tax law shall secure a rubber stamp to be used in
154 stamping each such ad valorem tax receipt so presented to him.
155 This stamp shall show the date of issuance and the receipt number
156 of the privilege license issued for each corresponding ad valorem
157 tax receipt, date and license receipt number to be filled in with
158 ink, or with indelible pencil, by and in the name of the
159 administrator of the road and bridge privilege tax law and
160 countersigned by the issuing deputy or clerk. The number of the

161 corresponding ad valorem tax receipt presented shall be written by
162 him on the privilege license receipt. In cases where a separate
163 municipal ad valorem tax receipt for motor vehicles is necessary,
164 the same procedure as outlined herein shall be followed with
165 reference to the municipal tax receipt.

166 The administrator of the road and bridge privilege tax law,
167 his deputies or clerks violating the provisions of this section
168 shall be liable on their official bonds in double the amount of
169 the ad valorem taxes due on each such motor vehicle.

170 Twice each fiscal year the administrator of the road and
171 bridge privilege tax law shall file a report with the State
172 Auditor showing the privilege license receipt number, the
173 corresponding ad valorem tax receipt number or numbers, and the
174 name under which such license receipt was issued, for each such
175 license receipt issued by him. A separate report shall be made
176 for each county involved, and a duplicate copy of such report
177 shall be furnished the respective tax collector of each county
178 involved, and the tax collector of each municipality in said
179 county. One (1) of these reports shall be made on or before May
180 15 covering all such license receipts issued by him for the then
181 current fiscal year, including those issued through the month of
182 April. Another such report shall be made on or before November 15
183 covering all such license receipts issued by him for the remaining
184 portion of the immediately prior fiscal year.

185 The aforesaid reports shall be preserved by the State
186 Auditor, and, in auditing the tax collector for the corresponding
187 fiscal year, such tax receipts indicated on these reports shall be
188 reconciled with the corresponding ad valorem tax receipt number in
189 the office of the tax collector.

190 **SECTION 6.** Section 27-19-48, Mississippi Code of 1972, is
191 amended as follows:

192 27-19-48. (1) Owners of motor vehicles who are residents of
193 this state, upon complying with the motor vehicle laws relating to

194 registration and licensing of motor vehicles, and upon payment of
195 the road and bridge privilege taxes, ad valorem taxes and
196 registration fees as prescribed by law for private carriers of
197 passengers, pickup trucks and other noncommercial motor vehicles,
198 and upon payment of an additional fee in the amount provided in
199 subsection (4)(a) of this section, shall be issued a personalized
200 license tag of the same color as regular license tags to consist
201 of the name of the county and not more than seven (7) letters of
202 the alphabet or seven (7) numbers in lieu of the license tag
203 numbering system prescribed by law. The purchaser of the
204 personalized license tag may choose the combination of such
205 letters or numbers, but no two (2) motor vehicles shall have the
206 same combination of letters or numbers. In the event that the
207 same combination of letters has been chosen by two (2) or more
208 purchasers, the State Tax Commission shall assign a different
209 number to each such purchaser which shall appear on the license
210 tag following the combination of letters; provided, however, this
211 combination shall not exceed seven (7) letters and/or numbers.
212 The combination of letters and/or numbers written across the
213 license tag shall be sufficiently large to be easily read but
214 shall not be less than three (3) inches in height. No combination
215 of letters or numbers which comprise words or expressions that are
216 considered obscene, slandering, insulting or vulgar in ordinary
217 usage shall be permitted, with the Chairman of the State Tax
218 Commission having the responsibility of making such determination.
219 If, however, such license plate is issued in error or otherwise
220 and is determined by the chairman to be obscene, slanderous,
221 insulting, vulgar or offensive, the chairman shall notify such
222 owner that the license plate must be surrendered and that another
223 personalized license plate may be selected by him and issued at no
224 cost. Should the vehicle owner not desire another personalized
225 license plate, the fee for such plate shall be refunded. In the
226 event the owner fails to surrender the license plate after

227 receiving proper notification, the chairman shall issue an order
228 directing that the license plate be seized by agents of the State
229 Tax Commission or any other duly authorized law enforcement
230 personnel. If such owner is aggrieved by this determination, the
231 appeal procedure and the provisions provided in Section 27-19-337
232 shall be followed.

233 (2) For the purposes of this section the terms "motor
234 vehicle" and "vehicle" include motorcycles.

235 (3) Application for the personalized license tags shall be
236 made to the county tax collector on forms prescribed by the State
237 Tax Commission. The application form shall contain space for the
238 applicant to make five (5) different choices for the combination
239 of the letters and numbers in the order in which said combination
240 is desired by the applicant. The application and the additional
241 fee, less five percent (5%) thereof to be retained by the tax
242 collector, shall be remitted to the State Tax Commission within
243 seven (7) days of the date the application is made. The portion
244 of the additional fee retained by the tax collector shall be
245 deposited into the county general fund.

246 (4) (a) Beginning with any registration year commencing on
247 or after November 1, 1986, any person applying for a personalized
248 license tag shall pay an additional fee which shall be in addition
249 to all other taxes and fees. The additional fee paid shall be for
250 a period of time to run concurrent with the vehicle's established
251 license tag year. The additional fee of Ten Dollars (\$10.00) is
252 due and payable at the time the original application is made for a
253 personalized tag and thereafter annually at the time of renewal
254 registration as long as the owner retains the personalized tag.
255 If the owner does not wish to retain such personalized tag, he
256 must surrender it to the local county tax collector. The
257 additional fee due at the time of renewal registration shall be
258 collected by the county tax collector and remitted to the State
259 Tax Commission on a monthly basis as prescribed by the commission.

260 (b) The State Tax Commission shall deposit all taxes
261 and fees into the State Treasury on the day collected. At the end
262 of each month, the State Tax Commission shall certify the total
263 fees collected under this section to the State Treasurer who shall
264 distribute to the credit of the State General Fund Six Dollars and
265 Twenty-five Cents (\$6.25) of each additional fee and the remainder
266 of each such additional fee shall be deposited to the credit of
267 the State Highway Fund to be expended solely for the repair,
268 maintenance, construction or reconstruction of highways.

269 (5) A regular license tag must be properly displayed as
270 required by law until replaced by a personalized license tag; and
271 the regular license tag must be surrendered to the tax collector
272 upon issuance of the personalized license tag. The tax collector
273 shall issue up to two (2) license decals for the personalized
274 license tag, which will expire the same month and year as the
275 original license tag.

276 (6) The applicant shall receive a refund of the fee paid for
277 a personalized license tag if the personalized license tag is not
278 issued to him because the combination of letters and numbers
279 requested to be placed thereon is not available for any reason.

280 (7) In the case of loss or theft of a personalized license
281 tag, the owner may make application and affidavit for a
282 replacement license tag as provided by Section 27-19-37. The fee
283 for a replacement personalized license tag shall be Ten Dollars
284 (\$10.00). The tax collector receiving such application and
285 affidavit shall be entitled to retain and deposit into the county
286 general fund five percent (5%) of the fee for such replacement
287 license tag and the remainder shall be distributed in the same
288 manner as funds from the sale of regular license tags.

289 (8) The owner of a personalized license tag may make
290 application for a duplicate of such tag. The fee for such
291 duplicate personalized license tag shall be Ten Dollars (\$10.00).
292 The tax collector receiving such application shall be entitled to

293 retain and deposit into the county general fund five percent (5%)
294 of the fee for such duplicate personalized license tag and the
295 remainder shall be distributed in the same manner as funds from
296 the sale of regular license tags. A duplicate personalized
297 license tag may not be fastened to the rear of a vehicle and may
298 not be utilized as a replacement for any personalized license tag
299 issued pursuant to this section. Month decals and year decals
300 shall not be issued for duplicate personalized license tags and
301 month decals and year decals shall not be attached to duplicate
302 personalized license tags.

303 **SECTION 7.** This act shall take effect and be in force from
304 and after July 1, 2004.