

By: Senator(s) Little

To: Finance

SENATE BILL NO. 2051

1 AN ACT TO AMEND SECTIONS 63-21-5, 63-21-9 AND 63-21-11,  
2 MISSISSIPPI CODE OF 1972, TO MAKE IT CLEAR THAT ALL-TERRAIN  
3 VEHICLES MAY BE VOLUNTARILY TITLED; TO PROVIDE THAT TITLES TO  
4 ALL-TERRAIN VEHICLES MAY BE ISSUED TO NONRESIDENT OWNERS OF SUCH  
5 VEHICLES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-21-5, Mississippi Code of 1972, is  
8 amended as follows:

9 63-21-5. The following words and phrases when used in this  
10 chapter shall, for the purpose of this chapter, have the meanings  
11 respectively ascribed to them in this section except where the  
12 context clearly indicates a different meaning:

13 (a) "State Tax Commission" means the State Tax  
14 Commission of the State of Mississippi.

15 (b) \* \* \* "Dealer" means every person engaged regularly  
16 in the business of buying, selling or exchanging motor vehicles,  
17 trailers, semitrailers, trucks, tractors or other character of  
18 commercial or industrial motor vehicles in this state, and having  
19 in this state an established place of business as defined in  
20 Section 27-19-303, Mississippi Code of 1972. The term "dealer"  
21 shall also mean every person engaged regularly in the business of  
22 buying, selling or exchanging manufactured housing in this state,  
23 and licensed as a dealer of manufactured housing by the  
24 Mississippi Department of Insurance.

25 (c) \* \* \* "Designated agent" means each county tax  
26 collector in this state who may perform his duties under this  
27 chapter either personally or through any of his deputies, or such  
28 other persons as the State Tax Commission may designate. The term

29 shall also mean those "dealers" as herein defined and/or their  
30 officers and employees and other persons who are appointed by the  
31 State Tax Commission in the manner provided in Section 63-21-13,  
32 Mississippi Code of 1972, to perform the duties of "designated  
33 agent" for the purposes of this chapter.

34 (d) \* \* \* "Implement of husbandry" means every vehicle  
35 designed and adapted exclusively for agricultural, horticultural  
36 or livestock raising operations or for lifting or carrying an  
37 implement of husbandry and in either case not subject to  
38 registration if used upon the highways.

39 (e) \* \* \* "Vehicle identification number" means the  
40 numbers and letters on a vehicle, manufactured home or mobile home  
41 designated by the manufacturer or assigned by the State Tax  
42 Commission for the purpose of identifying the vehicle,  
43 manufactured home or mobile home.

44 (f) \* \* \* "Lien" means every kind of written lease  
45 which is substantially equivalent to an installment sale or which  
46 provides for a right of purchase; conditional sale; reservation of  
47 title; deed of trust; chattel mortgage; trust receipt; and every  
48 other written agreement or instrument of whatever kind or  
49 character whereby an interest other than absolute title is sought  
50 to be held or given on a motor vehicle, manufactured home or  
51 mobile home.

52 (g) \* \* \* "Lienholder" means any natural person, firm,  
53 copartnership, association or corporation holding a lien as herein  
54 defined on a motor vehicle, manufactured home or mobile home.

55 (h) \* \* \* "Manufactured housing" or "manufactured home"  
56 means any structure, transportable in one or more sections, which  
57 in the traveling mode, is eight (8) body feet or more in width or  
58 forty (40) body feet or more in length or, when erected on site,  
59 is three hundred twenty (320) or more square feet and which is  
60 built on a permanent chassis and designed to be used as a dwelling  
61 with or without a permanent foundation when connected to the

62 required utilities, and includes the plumbing, heating,  
63 air-conditioning and electrical systems contained therein; except  
64 that such terms shall include any structure which meets all the  
65 requirements of this paragraph except the size requirements and  
66 with respect to which the manufacturer voluntarily files a  
67 certification required by the Secretary of Housing and Urban  
68 Development and complies with the standards established under the  
69 National Manufactured Housing Construction and Safety Standards  
70 Act of 1974, 42 USCS, Section 5401.

71 (i) \* \* \* "Manufacturer" means any person regularly  
72 engaged in the business of manufacturing, constructing or  
73 assembling motor vehicles, manufactured homes or mobile homes,  
74 either within or without this state.

75 (j) \* \* \* "Mobile home" means any structure,  
76 transportable in one or more sections, which in the traveling  
77 mode, is eight (8) body feet or more in width or forty (40) body  
78 feet or more in length or, when erected on site, is three hundred  
79 twenty (320) or more square feet and which is built on a permanent  
80 chassis and designed to be used as a dwelling with or without a  
81 permanent foundation when connected to the required utilities, and  
82 includes the plumbing, heating, air-conditioning and electrical  
83 systems contained therein and manufactured prior to June 15, 1976.

84 (k) \* \* \* "Motorcycle" means every motor vehicle having  
85 a seat or saddle for the use of the rider and designed to travel  
86 on not more than three (3) wheels in contact with the ground, but  
87 excluding a farm tractor.

88 (l) \* \* \* "Motor vehicle" means every automobile,  
89 motorcycle, mobile trailer, semitrailer, truck, truck tractor,  
90 trailer and every other device in, upon, or by which any person or  
91 property is or may be transported or drawn upon a public highway  
92 which is required to have a road or bridge privilege license,  
93 except such as is moved by animal power or used exclusively upon  
94 stationary rails or tracks.

95 (m) \* \* \* "New vehicle" means a motor vehicle,  
96 manufactured home or mobile home which has never been the subject  
97 of a first sale for use.

98 (n) \* \* \* "Used vehicle" means a motor vehicle,  
99 manufactured home or mobile home that has been the subject of a  
100 first sale for use, whether within this state or elsewhere.

101 (o) \* \* \* "Owner" means a person or persons holding the  
102 legal title of a vehicle, manufactured home or mobile home; in the  
103 event a vehicle, manufactured home or mobile home is the subject  
104 of a deed of trust or a chattel mortgage or an agreement for the  
105 conditional sale or lease thereof or other like agreement, with  
106 the right of purchase upon performance of the conditions stated in  
107 the agreement and with the immediate right of possession vested in  
108 the grantor in the deed of trust, mortgagor, conditional vendee or  
109 lessee, said grantor, mortgagor, conditional vendee or lessee  
110 shall be deemed the owner for the purpose of this chapter.

111 (p) \* \* \* "Person" includes every natural person, firm,  
112 copartnership, association or corporation.

113 (q) \* \* \* "Pole trailer" means every vehicle without  
114 motive power designed to be drawn by another vehicle and attached  
115 to the towing vehicle by means of a reach or pole, or by being  
116 boomed or otherwise secured to the towing vehicle, and ordinarily  
117 used for transporting long or irregularly shaped loads such as  
118 poles, pipes, boats or structural members capable generally of  
119 sustaining themselves as beams between the supporting connections.

120 (r) \* \* \* "Security agreement" means a written  
121 agreement which reserves or creates a security interest.

122 (s) \* \* \* "Security interest" means an interest in a  
123 vehicle, manufactured home or mobile home reserved or created by  
124 agreement and which secures payment or performance of an  
125 obligation. The term includes the interest of a lessor under a  
126 lease intended as security. A security interest is "perfected"

127 when it is valid against third parties generally, subject only to  
128 specific statutory exceptions.

129 (t) \* \* \* "Special mobile equipment" means every  
130 vehicle not designed or used primarily for the transportation of  
131 persons or property and only incidentally operated or moved over a  
132 highway, including, but not limited to: ditch-digging apparatus,  
133 well-boring apparatus and road construction and maintenance  
134 machinery such as asphalt spreaders, bituminous mixers, bucket  
135 loaders, tractors other than truck tractors, ditchers, leveling  
136 graders, finishing machines, motor graders, road rollers,  
137 scarifiers, earth-moving carryalls and scrapers, power shovels and  
138 draglines, and self-propelled cranes, vehicles so constructed that  
139 they exceed eight (8) feet in width and/or thirteen (13) feet six  
140 (6) inches in height, and earth-moving equipment. The term does  
141 not include house trailers, dump trucks, truck-mounted transit  
142 mixers, cranes or shovels, or other vehicles designed for the  
143 transportation of persons or property to which machinery has been  
144 attached.

145 (u) \* \* \* "Nonresident" means every person who is not a  
146 resident of this state.

147 (v) \* \* \* "Current address" means a new address  
148 different from the address shown on the application or on the  
149 certificate of title. The owner shall within thirty (30) days  
150 after his address is changed from that shown on the application or  
151 on the certificate of title notify the State Tax Commission of the  
152 change of address in the manner prescribed by the State Tax  
153 Commission.

154 (w) \* \* \* "Odometer" means an instrument for measuring  
155 and recording the actual distance a motor vehicle travels while in  
156 operation; but shall not include any auxiliary instrument designed  
157 to be reset by the operator of the motor vehicle for the purpose  
158 of recording the distance traveled on trips.

159           (x) \* \* \* "Odometer reading" means the actual  
160 cumulative distance traveled disclosed on the odometer.

161           (y) \* \* \* "Odometer disclosure statement" means a  
162 statement certified by the owner of the motor vehicle to the  
163 transferee or to the State Tax Commission as to the odometer  
164 reading.

165           (z) \* \* \* "Mileage" means actual distance that a  
166 vehicle has traveled.

167           (aa) \* \* \* "Trailer" means every vehicle other than a  
168 "pole trailer" as defined in this chapter without motive power  
169 designed to be drawn by another vehicle and attached to the towing  
170 vehicle for the purpose of hauling goods or products. The term  
171 "trailer" shall not refer to any structure, transportable in one  
172 or more sections regardless of size, when erected on site, and  
173 which is built on a permanent chassis and designed to be used as a  
174 dwelling with or without a permanent foundation when connected to  
175 the required utilities, and includes the plumbing, heating,  
176 air-conditioning and electrical systems contained therein  
177 regardless of the date of manufacture.

178           (bb) \* \* \* "Salvage mobile home" or "salvage  
179 manufactured home" means a mobile home or manufactured home for  
180 which a certificate of title has been issued that an insurance  
181 company obtains from the owner as a result of paying a total loss  
182 claim resulting from collision, fire, flood, wind or other  
183 occurrence. The term "salvage mobile home" or "salvage  
184 manufactured home" does not mean or include and is not applicable  
185 to a mobile home or manufactured home that is twenty (20) years  
186 old or older.

187           (cc) "Salvage certificate of title" means a document  
188 issued by the State Tax Commission for a salvage mobile home or  
189 salvage manufactured home as defined in this chapter.

190            (dd) "All-terrain vehicle" means a motor vehicle that  
191 is designed for off-road use and is not required to have a motor  
192 vehicle privilege license.

193            **SECTION 2.** Section 63-21-9, Mississippi Code of 1972, is  
194 amended as follows:

195            63-21-9. (1) Except as provided in Section 63-21-11, every  
196 owner of a motor vehicle as defined in this chapter, which is in  
197 this state and which is manufactured or assembled after July 1,  
198 1969, or which is the subject of first sale for use after July 1,  
199 1969, and every owner of a manufactured home as defined in this  
200 chapter, which is in this state and which is manufactured or  
201 assembled after July 1, 1999, or which is the subject of first  
202 sale for use after July 1, 1999, shall make application to the  
203 State Tax Commission for a certificate of title with the following  
204 exceptions:

205            (a) Voluntary application for title may be made for any  
206 model motor vehicle which is in this state after July 1, 1969, and  
207 for any model manufactured home or mobile home which is in this  
208 state after July 1, 1999, and any person bringing a motor vehicle,  
209 manufactured home or mobile home into this state from a state  
210 which requires titling shall make application for title to the  
211 State Tax Commission within thirty (30) days thereafter.

212            (b) After July 1, 1969, any dealer, acting for himself,  
213 or another, who sells, trades or otherwise transfers any new or  
214 used vehicle as defined in this chapter, and after July 1, 1999,  
215 any dealer, acting for himself, or another, who sells, trades or  
216 otherwise transfers any new or used manufactured home or mobile  
217 home as defined in this chapter, or any designated agent, shall  
218 furnish to the purchaser or transferee, without charge for either  
219 application or certificate of title, an application for title of  
220 said vehicle, manufactured home or mobile home and cause to be  
221 forwarded to the State Tax Commission any and all documents  
222 required by the commission to issue certificate of title to the

223 purchaser or transferee. The purchaser or transferee may then use  
224 the duplicate application for title as a permit to operate vehicle  
225 as provided in Section 63-21-67, until certificate of title is  
226 received.

227 (2) (a) Voluntary application for title may be made for any  
228 model all-terrain vehicle which is in this state.

229 (b) A dealer who sells, trades or otherwise transfers  
230 any new or used all-terrain vehicles as defined in this chapter,  
231 may furnish to the purchaser or transferee, without charge for  
232 either application or certificate of title, an application for  
233 title of said vehicle, and cause to be forwarded to the State Tax  
234 Commission any and all documents required by the commission to  
235 issue certificate of title to the purchaser or transferee.

236 (3) Any dealer, acting for himself or another who sells,  
237 trades or otherwise transfers any vehicle, manufactured home or  
238 mobile home required to be titled under this chapter who does not  
239 comply with the provisions of this chapter shall be guilty of a  
240 misdemeanor and upon conviction shall be fined a sum not exceeding  
241 Five Hundred Dollars (\$500.00).

242 **SECTION 3.** Section 63-21-11, Mississippi Code of 1972, is  
243 amended as follows:

244 63-21-11. (1) No certificate of title need be obtained for:

245 (a) A vehicle, manufactured home or mobile home owned  
246 by the United States or any agency thereof;

247 (b) A vehicle, manufactured home or mobile home owned  
248 by a manufacturer or dealer and held for sale, even though  
249 incidentally moved on the highway or used for purposes of testing  
250 or demonstration, or a vehicle used by a manufacturer solely for  
251 testing;

252 (c) A vehicle, manufactured home or mobile home owned  
253 by a nonresident of this state and not required by law to be  
254 registered in this state;



255 (d) A vehicle regularly engaged in the interstate  
256 transportation of persons or property for which a currently  
257 effective certificate of title has been issued in another state;

258 (e) A vehicle moved solely by animal power;

259 (f) An implement of husbandry;

260 (g) Special mobile equipment;

261 (h) A pole trailer;

262 (i) Utility trailers of less than five thousand (5,000)  
263 pounds gross vehicle weight.

264 (2) Nothing in this section shall prohibit the issuance of a  
265 certificate of title to the nonresident owner of an all-terrain  
266 vehicle that is purchased in this state.

267 **SECTION 4.** This act shall take effect and be in force from  
268 and after July 1, 2004.