

By: Representative Snowden

To: Judiciary A;
Transportation

HOUSE BILL NO. 848

1 AN ACT TO AMEND SECTION 63-21-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF MOBILE HOME IN ORDER TO PROVIDE THAT A
3 MOBILE HOME DESIGNATED AS REALTY ON OR BEFORE JULY 1, 1999, MAY
4 HAVE A SECURITY INTEREST PERFECTED BY INCORPORATION IN A DEED OF
5 TRUST; 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" shall mean the State Tax
14 Commission of the State of Mississippi.

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

25 (c) The term "designated agent" shall mean each county
26 tax 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) The term "implement of husbandry" shall mean every
35 vehicle designed and adapted exclusively for agricultural,
36 horticultural or livestock raising operations or for lifting or
37 carrying an implement of husbandry and in either case not subject
38 to registration if used upon the highways.

39 (e) The term "vehicle identification number" shall mean
40 the numbers and letters on a vehicle, manufactured home or mobile
41 home 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) The term "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) The term "lienholder" shall mean any natural
53 person, firm, copartnership, association or corporation holding a
54 lien as herein defined on a motor vehicle, manufactured home or
55 mobile home.

56 (h) The term "manufactured housing" or "manufactured
57 home" shall mean any structure, transportable in one or more
58 sections, which in the traveling mode, is eight (8) body feet or
59 more in width or forty (40) body feet or more in length or, when
60 erected on site, is three hundred twenty (320) or more square feet
61 and which is built on a permanent chassis and designed to be used

62 as a dwelling with or without a permanent foundation when
63 connected to the required utilities, and includes the plumbing,
64 heating, air-conditioning and electrical systems contained
65 therein; except that such terms shall include any structure which
66 meets all the requirements of this paragraph except the size
67 requirements and with respect to which the manufacturer
68 voluntarily files a certification required by the Secretary of
69 Housing and Urban Development and complies with the standards
70 established under the National Manufactured Housing Construction
71 and Safety Standards Act of 1974, 42 USCS, Section 5401.

72 (i) The term "manufacturer" shall mean any person
73 regularly engaged in the business of manufacturing, constructing
74 or assembling motor vehicles, manufactured homes or mobile homes,
75 either within or without this state.

76 (j) The term "mobile home" shall mean any structure,
77 transportable in one or more sections, which in the traveling
78 mode, is eight (8) body feet or more in width or forty (40) body
79 feet or more in length or, when erected on site, is three hundred
80 twenty (320) or more square feet and which is built on a permanent
81 chassis and designed to be used as a dwelling with or without a
82 permanent foundation when connected to the required utilities, and
83 includes the plumbing, heating, air-conditioning and electrical
84 systems contained therein and manufactured prior to June 15, 1976.
85 Any mobile home designated as realty on or before July 1, 1999,
86 shall continue to be designated as realty so that a security
87 interest will be made by incorporating such mobile home in a deed
88 of trust.

89 (k) The term "motorcycle" shall mean every motor
90 vehicle having a seat or saddle for the use of the rider and
91 designed to travel on not more than three (3) wheels in contact
92 with the ground, but excluding a farm tractor.

93 (l) The term "motor vehicle" shall include every
94 automobile, motorcycle, mobile trailer, semitrailer, truck, truck

95 tractor, trailer and every other device in, upon, or by which any
96 person or property is or may be transported or drawn upon a public
97 highway which is required to have a road or bridge privilege
98 license, except such as is moved by animal power or used
99 exclusively upon stationary rails or tracks.

100 (m) The term "new vehicle" shall mean a motor vehicle,
101 manufactured home or mobile home which has never been the subject
102 of a first sale for use.

103 (n) The term "used vehicle" shall mean a motor vehicle,
104 manufactured home or mobile home that has been the subject of a
105 first sale for use, whether within this state or elsewhere.

106 (o) The term "owner" shall mean a person or persons
107 holding the legal title of a vehicle, manufactured home or mobile
108 home; in the event a vehicle, manufactured home or mobile home is
109 the subject of a deed of trust or a chattel mortgage or an
110 agreement for the conditional sale or lease thereof or other like
111 agreement, with the right of purchase upon performance of the
112 conditions stated in the agreement and with the immediate right of
113 possession vested in the grantor in the deed of trust, mortgagor,
114 conditional vendee or lessee, said grantor, mortgagor, conditional
115 vendee or lessee shall be deemed the owner for the purpose of this
116 chapter.

117 (p) The term "person" shall include every natural
118 person, firm, copartnership, association or corporation.

119 (q) The term "pole trailer" shall mean every vehicle
120 without motive power designed to be drawn by another vehicle and
121 attached to the towing vehicle by means of a reach or pole, or by
122 being boomed or otherwise secured to the towing vehicle, and
123 ordinarily used for transporting long or irregularly shaped loads
124 such as poles, pipes, boats or structural members capable
125 generally of sustaining themselves as beams between the supporting
126 connections.

127 (r) The term "security agreement" shall mean a written
128 agreement which reserves or creates a security interest.

129 (s) The term "security interest" shall mean an interest
130 in a vehicle, manufactured home or mobile home reserved or created
131 by agreement and which secures payment or performance of an
132 obligation. The term includes the interest of a lessor under a
133 lease intended as security. A security interest is "perfected"
134 when it is valid against third parties generally, subject only to
135 specific statutory exceptions.

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

152 (u) The term "nonresident" shall mean every person who
153 is not a resident of this state.

154 (v) The term "current address" shall mean a new address
155 different from the address shown on the application or on the
156 certificate of title. The owner shall within thirty (30) days
157 after his address is changed from that shown on the application or
158 on the certificate of title notify the State Tax Commission of the

159 change of address in the manner prescribed by the State Tax
160 Commission.

161 (w) The term "odometer" shall mean an instrument for
162 measuring and recording the actual distance a motor vehicle
163 travels while in operation; but shall not include any auxiliary
164 instrument designed to be reset by the operator of the motor
165 vehicle for the purpose of recording the distance traveled on
166 trips.

167 (x) The term "odometer reading" shall mean the actual
168 cumulative distance traveled disclosed on the odometer.

169 (y) The term "odometer disclosure statement" shall mean
170 a statement certified by the owner of the motor vehicle to the
171 transferee or to the State Tax Commission as to the odometer
172 reading.

173 (z) The term "mileage" shall mean actual distance that
174 a vehicle has traveled.

175 (aa) The term "trailer" shall mean every vehicle other
176 than a "pole trailer" as defined in this chapter without motive
177 power designed to be drawn by another vehicle and attached to the
178 towing vehicle for the purpose of hauling goods or products. The
179 term "trailer" shall not refer to any structure, transportable in
180 one or more sections regardless of size, when erected on site, and
181 which is built on a permanent chassis and designed to be used as a
182 dwelling with or without a permanent foundation when connected to
183 the required utilities, and includes the plumbing, heating,
184 air-conditioning and electrical systems contained therein
185 regardless of the date of manufacture.

186 (bb) The term "salvage mobile home" or "salvage
187 manufactured home" shall mean a mobile home or manufactured home
188 for which a certificate of title has been issued that an insurance
189 company obtains from the owner as a result of paying a total loss
190 claim resulting from collision, fire, flood, wind or other
191 occurrence. The term "salvage mobile home" or "salvage

192 manufactured home" does not mean or include and is not applicable
193 to a mobile home or manufactured home that is twenty (20) years
194 old or older.

195 (cc) "Salvage certificate of title" shall mean a
196 document issued by the State Tax Commission for a salvage mobile
197 home or salvage manufactured home as defined in this chapter.

198 **SECTION 2.** This act shall take effect and be in force from
199 and after its passage.