

By: Representative Watson

To: Ways and Means

HOUSE BILL NO. 1712

1 AN ACT TO AMEND SECTION 27-65-201, MISSISSIPPI CODE OF 1972,
 2 TO INCREASE THE SALES TAX AND USE TAX IMPOSED ON CASUAL SALES OF
 3 MOTOR VEHICLES; TO PROVIDE THAT IN ORDER FOR TRANSFERS OF MOTOR
 4 VEHICLES BETWEEN CERTAIN FAMILY MEMBERS TO BE EXEMPT FROM SALES
 5 TAX, THE VEHICLE MUST BE CURRENTLY REGISTERED OR LICENSED IN THE
 6 TRANSFEROR'S NAME; TO AMEND SECTION 55-3-33, MISSISSIPPI CODE OF
 7 1972, TO PROVIDE THAT THE DEPARTMENT OF WILDLIFE, FISHERIES AND
 8 PARKS SHALL CHARGE AN ADDITIONAL ADMISSION FEE UPON EACH VEHICLE
 9 ENTERING ANY PARK OPERATED BY THE DEPARTMENT; TO AMEND SECTION
 10 59-21-19, MISSISSIPPI CODE OF 1972, TO INCREASE THE TERM OF THE
 11 BOAT REGISTRATION CERTIFICATE TO THREE YEARS; TO AMEND SECTION
 12 59-21-25, MISSISSIPPI CODE OF 1972, TO REVISE FEES; TO REVISE THE
 13 LENGTH OF BOAT CATEGORIES FOR FEES; TO AMEND SECTION 59-21-5,
 14 MISSISSIPPI CODE OF 1972, TO REMOVE INCORRECT REFERENCE TO
 15 UNDOCUMENTED VESSEL; AND FOR RELATED PURPOSES.

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

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

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

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

32 (3) Upon every person, firm or corporation purchasing other
 33 than at wholesale outside the state any motor vehicle required to

34 be registered or licensed with the tax collector of any county in
35 this state from any person, firm or corporation which is not a
36 licensed dealer engaged in selling motor vehicles, for use,
37 storage or other consumption within this state there is levied a
38 use tax at the rate of five percent (5%) of the true value of the
39 motor vehicle as calculated by using the most current official
40 motor vehicle assessment schedule supplied by the State Tax
41 Commission.

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

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

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

62 Each tax collector of the several counties shall, on or
63 before the twentieth day of each month, file a report with and pay
64 to the State Tax Commission all funds collected under the
65 provisions of this section, less a commission of three percent
66 (3%) which shall be retained by the tax collector as a commission

67 for collecting such tax, and such commission shall be deposited in
68 the county general fund. The report required to be filed shall
69 cover all collections made during the calendar month next
70 preceding the date on which the report is due and filed. All
71 funds remitted to the State Tax Commission shall be deposited to
72 the credit of the State General Fund.

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

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

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

84 (a) Transfers of legal ownership of motor vehicles
85 currently registered or licensed in the transferor's name between
86 husband and wife, parent and child, or grandparents and
87 grandchildren, unless the transferor is a licensed dealer of motor
88 vehicles and the transfer of the motor vehicle is made in the
89 regular course of business.

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

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

96 **SECTION 2.** Section 55-3-33, Mississippi Code of 1972, is
97 amended as follows:

98 55-3-33. (1) The Mississippi Department of Wildlife,
99 Fisheries and Parks shall have the power and authority, and it
100 shall be its duty to:

101 (a) Take charge and have full jurisdiction and control
102 over all state parks, which parks shall be operated for the
103 purpose of providing outdoor recreational activities and enjoyment
104 for the citizens of the State of Mississippi and for the purpose
105 of attracting visitors to the state.

106 (b) Set up a uniform accounting procedure for the state
107 parks and prescribe the manner in which books, records and
108 accounts shall be kept, which procedure shall account for all
109 moneys taken in and expended by the various parks and shall
110 provide for periodic audits of such books.

111 (c) Accept gifts, bequests of money or other property,
112 real or personal, to be used for the purpose of advancing the
113 recreation and conservation interests in state parks. The
114 department is authorized, subject to approval by the State
115 Legislature, to purchase property, real or personal, to be used
116 for state park purposes.

117 (d) Contract with the State Transportation Commission,
118 any municipality or board of supervisors of the state for
119 locating, constructing and maintaining roads and other
120 improvements in state parks and for payment of a part of the costs
121 thereof; however, no county or municipality more than twenty-five
122 (25) miles distant from a state park may contract for, or do, or
123 pay for any such work for a state park other than the
124 International Gardens of Mississippi. Any county or municipality
125 authorized to assist financially under the provisions of Sections
126 55-3-31 through 55-3-51 is authorized, in the discretion of its
127 respective governing authority, to set aside, appropriate and
128 expend moneys from the General Fund for the purpose of defraying
129 such expense after a mandatory election is held on the question
130 within the county or municipality.

131 (e) Designate employees as peace officers with power to
132 make arrests for infraction of the rules and regulations of the
133 department. Such officers are authorized to carry weapons and to
134 enforce the laws of the State of Mississippi within the confines
135 of a state park.

136 (f) Enforce and delegate the responsibility to enforce
137 all reasonable rules and regulations governing the occupancy and
138 use of lands and waters in state parks under its jurisdiction,
139 supply recreational and conservation facilities and charge fees
140 for the use of same; review all rates and charges for facilities
141 and accommodations furnished at the various state parks annually,
142 making such charges as are justified; and establish fees for
143 entrance to state parks.

144 Each park shall retain from revenues generated therein, a sum
145 sufficient to pay necessary expenses of operation, but in no event
146 to be less than seventy-five percent (75%) of such revenues.

147 (2) The department shall have the authority to lease to any
148 entity, sell and convey or otherwise transfer to any county or
149 municipality, or close any state park or historical site within
150 its jurisdiction which received a General Fund subsidy in Fiscal
151 Year 1985 in excess of Two Dollars (\$2.00) per visitor to such
152 state park or historical site; * * * however, * * * this authority
153 shall not include the authority to sell, lease or convey any park
154 that was not in operation under the jurisdiction of the department
155 for a full fiscal year prior to fiscal year 1986.

156 (3) The department may execute agreements with
157 rails-to-trails and recreational districts by which the department
158 will assume responsibility for the operation and maintenance of
159 trails developed under Sections 55-25-1 through 55-25-15.

160 (4) In addition to any other fees the department charges for
161 admission to the parks, the department shall charge an additional
162 admission fee of One Dollar (\$1.00) upon each vehicle, containing
163 not more than four (4) occupants, entering any park operated by

164 the department. For any vehicle containing more than four (4)
165 occupants, the department shall charge a fee of One Dollar (\$1.00)
166 for each occupant in excess of four (4) in addition to the One
167 Dollar (\$1.00) fee charged under this subsection. The fees
168 collected under this subsection shall be deposited into the State
169 General Fund.

170 **SECTION 3.** Section 59-21-19, Mississippi Code of 1972, is
171 amended as follows:

172 59-21-19. (1) The certificate of number shall be
173 pocket-size, approximately two and one-half (2-1/2) inches by
174 three and one-half (3-1/2) inches, and water resistant.

175 (2) Pending the issuance of the original certificate of
176 number, the owner of the vessel may be furnished a temporary
177 certificate of number valid for sixty (60) days from the date of
178 issue. This temporary certificate shall be carried on board when
179 the vessel is being operated.

180 (3) Each applicant for an original or transfer certificate
181 of number, who is entitled to issuance thereof, shall be issued a
182 certificate for a period of three (3) years from the last day of
183 the month of receipt of the original or transfer certificate.
184 This subsection shall not apply to the certificate of number of a
185 livery boat.

186 (4) The certificate of number of a livery boat shall be
187 plainly marked "livery boat." The description of the motor and
188 type of fuel will be omitted from the certificate of number in any
189 case where the motor is not rented with the boat. Original and
190 renewal certificates of number of a livery boat shall be valid for
191 a period of three (3) years and shall expire at midnight on June
192 30 of each triennial.

193 (5) Numbers and certificates of number awarded boats
194 operated by manufacturers and dealers may be transferred from one
195 boat to another. In lieu of the description, the word
196 "manufacturer" or "dealer," as appropriate, will be plainly marked

197 on each certificate. The manufacturer or dealer may have the
198 number awarded printed upon or attached to a removable sign or
199 signs to be temporarily mounted upon or attached to the boat being
200 demonstrated or tested so long as the display meets the
201 requirements of Section 59-21-9.

202 **SECTION 4.** Section 59-21-25, Mississippi Code of 1972, is
203 amended as follows:

204 59-21-25. (1) Fees for the award of certificates of number
205 for original, transfer, renewal, livery, dealer and duplicate
206 shall be as follows:

- 207 (a) Less than 16 feet.....\$ 24.00
- 208 (b) 16 feet but less than 26 feet.....\$ 42.00
- 209 (c) 26 feet but less than 40 feet..... \$ 74.00
- 210 (d) 40 feet but less than 65 feet.....\$108.00
- 211 (e) 65 feet and over.....\$138.00
- 212 (f) Dealer number.....\$ 60.00
- 213 (g) Duplicate.....\$ 6.00
- 214 (h) Boat inspection fee.....\$ 10.00

215 (2) All fees for numbers and renewal of number shall be
216 payable to the Mississippi Department of Wildlife, Fisheries and
217 Parks to be deposited by the department in the State Treasury in a
218 special fund to be designated as the Fisheries and Wildlife Fund,
219 which shall be disbursed upon the recommendation of the department
220 as may be appropriated by the Legislature. The State Treasurer
221 shall release to the department such sums as are required to
222 defray all administrative costs of the boat registration fee
223 division of the department and to improve the law enforcement
224 capability of the department on the inland and marine waters of
225 the State of Mississippi and as may be budgeted by the department
226 for the purpose of paying the cost of the administration of this
227 chapter for education on water safety, improvement of water safety
228 and motorboating facilities in the state, and advertising and
229 promoting the waterways of the state. Any and all revenue over

230 and above the actual administrative cost of implementing this act
231 shall be used to fund salaries of additional conservation officers
232 in all eighty-two (82) counties.

233 **SECTION 5.** Section 59-21-5, Mississippi Code of 1972, is
234 amended as follows:

235 59-21-5. All sailboats and every * * * vessel equipped with
236 propulsion machinery, whether or not such machinery is the
237 principal source of propulsion, using the territorial and
238 navigable waters of the State of Mississippi, and every such
239 vessel owned in the State of Mississippi and using the high seas
240 shall be numbered in accordance with this chapter, except:

241 (a) Foreign vessels temporarily using the navigable
242 waters of the State of Mississippi;

243 (b) Public vessels of the United States;

244 (c) State and municipal vessels used solely for
245 official business and displaying proper visual identification on
246 its hull;

247 (d) Ships' lifeboats;

248 (e) Vessels designated by the appropriate federal
249 authority;

250 (f) Undocumented vessels used exclusively for racing;

251 (g) Undocumented vessels operating under valid
252 temporary certificates of number;

253 (h) Vessels already covered by a number in full force
254 and effect awarded pursuant to federal law, or a federally
255 approved numbering system of another state, provided that such
256 vessels shall not have been within this state for a period in
257 excess of sixty (60) days. Nothing in this section shall prohibit
258 the numbering of any undocumented vessel upon the request of the
259 owner.

260 **SECTION 6.** This act shall take effect and be in force from
261 and after July 1, 2005.