

By: The Entire Membership

To: Ways and Means

HOUSE BILL NO. 7
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 27-19-63 AND 27-51-43, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE TAX COLLECTOR IN ANY COUNTY WHERE A
3 FEDERAL DISASTER HAS BEEN DECLARED AS A RESULT OF HURRICANE
4 KATRINA TO WAIVE ALL DELINQUENCY PENALTIES IMPOSED UNDER THE
5 PRIVILEGE TAX LAWS AND THE MOTOR VEHICLE AD VALOREM TAX LAWS FOR A
6 PERIOD OF 90 DAYS AFTER THE DATE OF DECLARATION OF THE DISASTER IF
7 BECAUSE OF SUCH DISASTER THE TAX COLLECTOR HAS BEEN UNABLE TO
8 COLLECT TAXES AND ISSUE TAGS AND/OR DECALS OR THE TAXPAYER HAS
9 BEEN UNABLE TIMELY TO ACQUIRE A TAG AND/OR DECAL; AND FOR RELATED
10 PURPOSES.

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

12 SECTION 1. Section 27-19-63, Mississippi Code of 1972, is
13 amended as follows:

14 [Through December 31, 2005, this section shall read as
15 follows:]

16 27-19-63. (1) Except as otherwise provided in this section,
17 the privilege license tax levied by the provisions of this article
18 shall be paid annually during the anniversary month of the
19 acquisition of the vehicle. The privilege license tax levied
20 shall be based on a period of twelve (12) months, even though the
21 actual time from the acquisition of the vehicle to the end of the
22 anniversary month of the next succeeding year may be more than
23 twelve (12) months. Any person subject to the provisions of this
24 article shall have an additional fifteen (15) days from the end of
25 the anniversary month in which to purchase the tag and/or decals
26 and to pay the privilege license tax without being in violation of
27 this section. Any person owning a vehicle subject to taxation
28 under the provisions of this article who fails or refuses to pay
29 such tax and obtain the privilege license required within the
30 prescribed period of time shall be guilty of violating the
31 provisions of this article, and shall be liable for the amount of

32 such tax plus a penalty as provided for in this section. If the
33 person owning a vehicle subject to taxation under the provisions
34 of this article does not operate such vehicle on the highways of
35 this state from the date of acquisition or, if previously
36 registered, from the end of the anniversary month of his tag and
37 decals to the date on which he makes application for the privilege
38 license, he shall pay such license tax for a period of twelve (12)
39 months beginning with the first day of the month in which he
40 applies for such privilege license. The owner shall submit an
41 affidavit with his application attesting to the fact that his
42 vehicle was not operated on the highways of this state from the
43 date of acquisition or, if previously registered, from the end of
44 the anniversary month of his tag and decals to the date on which
45 he makes application for the privilege license.

46 (2) Except as may be otherwise provided in subsection (3) of
47 this section, the privilege license tax levied by the provision of
48 this article on operators of motor vehicles in excess of ten
49 thousand (10,000) pounds, gross vehicle weight, apportioned
50 vehicles, rental and commercial trailers and buses shall be due
51 annually during the anniversary month which shall be established
52 by the Chairman of the State Tax Commission; provided, however,
53 there shall be an additional fifteen (15) days from the end of the
54 anniversary month in which to file an application with the
55 commission and pay the privilege license tax. The annual license
56 tag and/or decals issued by the commission for the license tax
57 year shall be valid for a period of time to be determined by the
58 chairman but not to exceed fifteen (15) months following the
59 anniversary month; provided, however, this does not extend the
60 time for filing the application with the commission and the
61 payment of the license tax. Any person who fails or refuses to
62 pay such tax and obtain the privilege license required when due
63 shall be guilty of violating the provision of this article and
64 shall be liable for the entire amount of such tax from the date

65 the liability was incurred, plus penalty as provided for in this
66 section.

67 (3) The privilege license tax levied by the provisions of
68 this article on operators of a motor vehicle that is in a
69 corporate fleet or an individual fleet registered under Section
70 27-19-66 shall be due annually during the anniversary month which
71 shall be established by the Chairman of the State Tax Commission
72 for corporate fleets and by the county tax collectors for
73 individual fleets; provided, however, there shall be an additional
74 fifteen (15) days from the end of the anniversary month in which
75 to file an application with the commission or the county tax
76 collector, as the case may be, and to purchase the tag or renew
77 the registration of such motor vehicle and pay the privilege
78 license tax. The commission or the county tax collector, as the
79 case may be, shall issue a tag or renew the annual registration of
80 such motor vehicle for the license tax year only after all ad
81 valorem taxes and privilege taxes due on such motor vehicle have
82 been paid. Any person who fails or refuses to pay the privilege
83 tax and obtain the privilege license required when due shall be
84 guilty of violating the provisions of this article and shall be
85 liable for the entire amount of such tax from the date the
86 liability was incurred, plus penalty as provided for in this
87 section.

88 (4) Penalties shall be assessed on the privilege license tax
89 at the rate of five percent (5%) for the first fifteen (15) days
90 of delinquency, or part thereof, and five percent (5%) for each
91 additional thirty-day period of delinquency, or part thereof, not
92 to exceed a maximum penalty of twenty-five percent (25%); however,
93 a penalty of Two Hundred Fifty Dollars (\$250.00), in addition to
94 the maximum penalty for delinquency, shall be assessed against any
95 person who is liable for the motor vehicle privilege license tax
96 but who (a) displays an out-of-state license tag on the motor
97 vehicle; or (b) displays a license tag or privilege license decal

98 on the motor vehicle which was issued for another vehicle. The
99 commission, for good reason shown, may waive all or any part of
100 the penalties imposed. However, for a period of ninety (90) days
101 after the date of a declaration of a federal disaster as a result
102 of Hurricane Katrina, any county tax collector, for good reason
103 shown, may waive all delinquency penalties imposed by this section
104 when a taxpayer is obtaining or renewing a tag for any vehicle in
105 a county where the federal disaster has been declared and either
106 the tax collector has been unable to collect taxes and issue tags
107 and/or decals due to Hurricane Katrina or the taxpayer has been
108 unable timely to acquire tags and/or decals as a result of
109 Hurricane Katrina; however, before a tax collector may waive any
110 such penalties, the board of supervisors of the appropriate county
111 must duly adopt and enter upon its official minutes a resolution
112 authorizing the tax collector to take such action. Any such
113 waiver of penalties by a tax collector shall not apply to
114 penalties due or accrued before the date of declaration of the
115 federal disaster as a result of Hurricane Katrina. No private
116 passenger vehicle registered under this chapter shall have
117 displayed on the front of such vehicle, or elsewhere, the official
118 license tag of another state, whether or not such license tag has
119 expired. Law enforcement officers of this state may remove from
120 private passenger vehicles any out-of-state license tags so
121 displayed.

122 (5) The requirement that the privilege tax be paid during
123 the anniversary month of each year shall not apply in the
124 following cases:

125 (a) When a motor vehicle is acquired, the owner or
126 operator of the vehicle purchased shall have seven (7) full
127 working days, exclusive of the date of delivery, after the vehicle
128 has been delivered to him, within which to make the application
129 for the required privilege license, otherwise such person shall be
130 liable for penalty as provided for in this section. Provided,

131 however, that when any person shall acquire a vehicle as herein
132 provided, and it shall be necessary that such vehicle be
133 remodeled, changed or altered by such person before same is
134 suitable for the purposes for which it was acquired, then such
135 person shall have seven (7) full working days, exclusive of the
136 day of the completion of such remodeling, change or alteration,
137 after the completion thereof within which to make application for
138 the required privilege license; provided, that if such person
139 fails to make application within such period, such person shall be
140 liable for penalty as provided for in this section.

141 "Delivery" as used herein shall be construed to mean receipt
142 of such vehicle by the purchaser thereof at his residence or place
143 of business, and, in the event the vehicle is purchased at any
144 place other than in the county of residence or place of business
145 of such person, he shall be entitled to forty-eight (48) hours
146 within which to transport such vehicle to the county of his
147 residence or place of business. At all times during such
148 transportation, the owner or operator of such vehicle shall have
149 in his possession a true bill of sale, giving the description of
150 the vehicle, the name and address of the dealer from whom
151 purchased, the name and address of the owner or operator, and the
152 date on which the vehicle was acquired. For failure to have such
153 bill of sale in his possession during the entire time during which
154 the vehicle is being transported, the owner or operator shall be
155 liable for the annual privilege tax plus penalty as provided for
156 in this section.

157 (b) Where a person has paid the current privilege
158 license tax required by the laws of another state and applies for
159 a privilege license in this state within thirty (30) days, no
160 penalty shall be assessed; however, any person who fails to comply
161 herewith shall be liable for the full annual tax, plus penalty as
162 provided for in this section.

163 (6) Any nonresident of the State of Mississippi who has paid
164 the current privilege license required by the laws of another
165 state upon a private carrier of passengers, and thereafter becomes
166 a resident of the State of Mississippi, or brings such vehicle
167 into the State of Mississippi for use in connection with his
168 business in this state, or who is gainfully employed in this state
169 shall be entitled to operate such vehicle without obtaining a
170 privilege license in this state for a period of not more than
171 thirty (30) days.

172 "Resident" for the purpose of registration and operation of
173 motor vehicles shall include, but not be limited to, the
174 following:

175 (a) Any person, except a tourist or out-of-town
176 student, who owns, leases or rents a place within the state and
177 occupies same as a place of residence.

178 (b) Any person who engages in a trade, profession or
179 occupation in this state or who accepts employment in other than
180 seasonal agricultural work.

181 **[From and after January 1, 2006, this section shall read as**
182 **follows:]**

183 27-19-63. (1) Except as otherwise provided in this section,
184 the privilege license tax levied by the provisions of this article
185 shall be paid annually during the anniversary month of the
186 acquisition of the vehicle. The privilege license tax levied
187 shall be based on a period of twelve (12) months, even though the
188 actual time from the acquisition of the vehicle to the end of the
189 anniversary month of the next succeeding year may be more than
190 twelve (12) months. Any person subject to the provisions of this
191 article shall have an additional fifteen (15) days from the end of
192 the anniversary month in which to purchase the tag and/or decals
193 and to pay the privilege license tax without being in violation of
194 this section. Any person owning a vehicle subject to taxation
195 under the provisions of this article who fails or refuses to pay

196 such tax and obtain the privilege license required within the
197 prescribed period of time shall be guilty of violating the
198 provisions of this article, and shall be liable for the amount of
199 such tax plus a penalty as provided for in this section. If the
200 person owning a vehicle subject to taxation under the provisions
201 of this article does not operate such vehicle on the highways of
202 this state from the date of acquisition or, if previously
203 registered, from the end of the anniversary month of his tag and
204 decals to the date on which he makes application for the privilege
205 license, he shall pay such license tax for a period of twelve (12)
206 months beginning with the first day of the month in which he
207 applies for such privilege license. The owner shall submit an
208 affidavit with his application attesting to the fact that his
209 vehicle was not operated on the highways of this state from the
210 date of acquisition or, if previously registered, from the end of
211 the anniversary month of his tag and decals to the date on which
212 he makes application for the privilege license.

213 (2) Except as may be otherwise provided in subsection (3) of
214 this section, the privilege license tax levied by the provision of
215 this article on operators of motor vehicles in excess of ten
216 thousand (10,000) pounds, gross vehicle weight, apportioned
217 vehicles, rental and commercial trailers and buses shall be due
218 annually during the anniversary month which shall be established
219 by the Chairman of the State Tax Commission; provided, however,
220 there shall be an additional fifteen (15) days from the end of the
221 anniversary month in which to file an application with the
222 commission and pay the privilege license tax. The annual license
223 tag and/or decals issued by the commission for the license tax
224 year shall be valid for a period of time to be determined by the
225 chairman but not to exceed fifteen (15) months following the
226 anniversary month; provided, however, this does not extend the
227 time for filing the application with the commission and the
228 payment of the license tax. Any person who fails or refuses to

229 pay such tax and obtain the privilege license required when due
230 shall be guilty of violating the provision of this article and
231 shall be liable for the entire amount of such tax from the date
232 the liability was incurred, plus penalty as provided for in this
233 section.

234 (3) The privilege license tax levied by the provisions of
235 this article on operators of a motor vehicle that is in a
236 corporate fleet or an individual fleet registered under Section
237 27-19-66 shall be due annually during the anniversary month which
238 shall be established by the Chairman of the State Tax Commission
239 for corporate fleets and by the county tax collectors for
240 individual fleets; provided, however, there shall be an additional
241 fifteen (15) days from the end of the anniversary month in which
242 to file an application with the commission or the county tax
243 collector, as the case may be, and to purchase the tag or renew
244 the registration of such motor vehicle and pay the privilege
245 license tax. The commission or the county tax collector, as the
246 case may be, shall issue a tag or renew the annual registration of
247 such motor vehicle for the license tax year only after all ad
248 valorem taxes and privilege taxes due on such motor vehicle have
249 been paid. Any person who fails or refuses to pay the privilege
250 tax and obtain the privilege license required when due shall be
251 guilty of violating the provisions of this article and shall be
252 liable for the entire amount of such tax from the date the
253 liability was incurred, plus penalty as provided for in this
254 section.

255 (4) Penalties shall be assessed on the privilege license tax
256 at the rate of five percent (5%) for the first fifteen (15) days
257 of delinquency, or part thereof, and five percent (5%) for each
258 additional thirty-day period of delinquency, or part thereof, not
259 to exceed a maximum penalty of twenty-five percent (25%); however,
260 a penalty of Two Hundred Fifty Dollars (\$250.00), in addition to
261 the maximum penalty for delinquency, shall be assessed against any

262 person who is liable for the motor vehicle privilege license tax
263 but who (a) displays an out-of-state license tag on the motor
264 vehicle; or (b) displays a license tag or privilege license decal
265 on the motor vehicle which was issued for another vehicle. The
266 commission, for good reason shown, may waive all or any part of
267 the penalties imposed. No private passenger vehicle registered
268 under this chapter shall have displayed on the front of such
269 vehicle, or elsewhere, the official license tag of another state,
270 whether or not such license tag has expired. Law enforcement
271 officers of this state may remove from private passenger vehicles
272 any out-of-state license tags so displayed.

273 (5) The requirement that the privilege tax be paid during
274 the anniversary month of each year shall not apply in the
275 following cases:

276 (a) When a motor vehicle is acquired, the owner or
277 operator of the vehicle purchased shall have seven (7) full
278 working days, exclusive of the date of delivery, after the vehicle
279 has been delivered to him, within which to make the application
280 for the required privilege license, otherwise such person shall be
281 liable for penalty as provided for in this section. Provided,
282 however, that when any person shall acquire a vehicle as herein
283 provided, and it shall be necessary that such vehicle be
284 remodeled, changed or altered by such person before same is
285 suitable for the purposes for which it was acquired, then such
286 person shall have seven (7) full working days, exclusive of the
287 day of the completion of such remodeling, change or alteration,
288 after the completion thereof within which to make application for
289 the required privilege license; provided, that if such person
290 fails to make application within such period, such person shall be
291 liable for penalty as provided for in this section.

292 "Delivery" as used herein shall be construed to mean receipt
293 of such vehicle by the purchaser thereof at his residence or place
294 of business, and, in the event the vehicle is purchased at any

295 place other than in the county of residence or place of business
296 of such person, he shall be entitled to forty-eight (48) hours
297 within which to transport such vehicle to the county of his
298 residence or place of business. At all times during such
299 transportation, the owner or operator of such vehicle shall have
300 in his possession a true bill of sale, giving the description of
301 the vehicle, the name and address of the dealer from whom
302 purchased, the name and address of the owner or operator, and the
303 date on which the vehicle was acquired. For failure to have such
304 bill of sale in his possession during the entire time during which
305 the vehicle is being transported, the owner or operator shall be
306 liable for the annual privilege tax plus penalty as provided for
307 in this section.

308 (b) Where a person has paid the current privilege
309 license tax required by the laws of another state and applies for
310 a privilege license in this state within thirty (30) days, no
311 penalty shall be assessed; however, any person who fails to comply
312 herewith shall be liable for the full annual tax, plus penalty as
313 provided for in this section.

314 (6) Any nonresident of the State of Mississippi who has paid
315 the current privilege license required by the laws of another
316 state upon a private carrier of passengers, and thereafter becomes
317 a resident of the State of Mississippi, or brings such vehicle
318 into the State of Mississippi for use in connection with his
319 business in this state, or who is gainfully employed in this state
320 shall be entitled to operate such vehicle without obtaining a
321 privilege license in this state for a period of not more than
322 thirty (30) days.

323 "Resident" for the purpose of registration and operation of
324 motor vehicles shall include, but not be limited to, the
325 following:

326 (a) Any person, except a tourist or out-of-town
327 student, who owns, leases or rents a place within the state and
328 occupies same as a place of residence.

329 (b) Any person who engages in a trade, profession or
330 occupation in this state or who accepts employment in other than
331 seasonal agricultural work.

332 **SECTION 2.** Section 27-51-43, Mississippi Code of 1972, is
333 amended as follows:

334 **[Through December 31, 2005, this section shall read as**
335 **follows:]**

336 27-51-43. It shall be the duty of members of the Mississippi
337 Highway Safety Patrol, municipal law enforcement officers or any
338 other peace officer, when investigating any traffic violation,
339 wreck or routine check involving any motor vehicle, to obtain all
340 information necessary in determining whether or not the provisions
341 of this chapter have been complied with in all substantial respect
342 with reference to such motor vehicles so involved. It shall also
343 be the duty of all peace officers, including municipal law
344 enforcement officers and members of the said highway safety
345 patrol, to investigate any alleged violation of this chapter
346 reported to them and to proceed according to law.

347 On and after the effective date of this chapter, any person
348 operating a motor vehicle upon the public highways of this state
349 who has not complied with the provisions of this chapter shall be
350 arrested by any officer authorized to make arrests, and tried,
351 and, if convicted, shall be guilty of a misdemeanor for each
352 separate offense and shall be fined as now provided by law, and
353 each such illegal operation of a motor vehicle upon the public
354 highways of this state shall constitute a separate offense.

355 Penalties shall be assessed on the ad valorem taxes due at
356 the rate of five percent (5%) for the first fifteen (15) days of
357 delinquency, or part thereof, and five percent (5%) for each
358 additional thirty-day period of delinquency, or part thereof, not

359 to exceed a maximum penalty of twenty-five percent (25%).
360 Provided, however, the commission, for good reason shown, may
361 waive all or any part of the penalties imposed. The penalty shall
362 be collected by the tax collector and deposited in the county
363 general fund upon receipt. However, for a period of ninety (90)
364 days after the date of a declaration of a federal disaster as a
365 result of Hurricane Katrina, any county tax collector, for good
366 reason shown, may waive all delinquency penalties imposed by this
367 section when a taxpayer is obtaining or renewing a tag for any
368 vehicle in a county where the federal disaster has been declared
369 and either the tax collector has been unable to collect taxes and
370 issue tags and/or decals due to Hurricane Katrina or the taxpayer
371 has been unable timely to acquire tags and/or decals as a result
372 of Hurricane Katrina; however, before a tax collector may waive
373 any such penalties, the board of supervisors of the appropriate
374 county must duly adopt and enter upon its official minutes a
375 resolution authorizing the tax collector to take such action. Any
376 such waiver of penalties by a tax collector shall not apply to
377 penalties due or accrued before the date of declaration of the
378 federal disaster as a result of Hurricane Katrina.

379 **[From and after January 1, 2006, this section shall read as**
380 **follows:]**

381 27-51-43. It shall be the duty of members of the Mississippi
382 Highway Safety Patrol, municipal law enforcement officers or any
383 other peace officer, when investigating any traffic violation,
384 wreck or routine check involving any motor vehicle, to obtain all
385 information necessary in determining whether or not the provisions
386 of this chapter have been complied with in all substantial respect
387 with reference to such motor vehicles so involved. It shall also
388 be the duty of all peace officers, including municipal law
389 enforcement officers and members of the said highway safety
390 patrol, to investigate any alleged violation of this chapter
391 reported to them and to proceed according to law.

392 On and after the effective date of this chapter, any person
393 operating a motor vehicle upon the public highways of this state
394 who has not complied with the provisions of this chapter shall be
395 arrested by any officer authorized to make arrests, and tried,
396 and, if convicted, shall be guilty of a misdemeanor for each
397 separate offense and shall be fined as now provided by law, and
398 each such illegal operation of a motor vehicle upon the public
399 highways of this state shall constitute a separate offense.

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401 the rate of five percent (5%) for the first fifteen (15) days of
402 delinquency, or part thereof, and five percent (5%) for each
403 additional thirty-day period of delinquency, or part thereof, not
404 to exceed a maximum penalty of twenty-five percent (25%).
405 Provided, however, the commission, for good reason shown, may
406 waive all or any part of the penalties imposed. The penalty shall
407 be collected by the tax collector and deposited in the county
408 general fund upon receipt.

409 **SECTION 3.** This act shall take effect and be in force from
410 and after its passage.