

By: Representatives Snowden, Baker (74th)

To: Judiciary A;
Transportation

HOUSE BILL NO. 827

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" means the State Tax
14 Commission of the State of Mississippi.

15 (b) "Dealer" means every person engaged regularly in
16 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 collector
26 in this state who may perform his duties under this chapter either
27 personally or through any of his deputies, or such other persons
28 as the State Tax Commission may designate. The term shall also

29 mean those "dealers" as herein defined and/or their officers and
30 employees and other persons who are appointed by the State Tax
31 Commission in the manner provided in Section 63-21-13, Mississippi
32 Code of 1972, to perform the duties of "designated agent" for the
33 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 numbers
40 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 which is
45 substantially equivalent to an installment sale or which provides
46 for a right of purchase; conditional sale; reservation of title;
47 deed of trust; chattel mortgage; trust receipt; and every other
48 written agreement or instrument of whatever kind or character
49 whereby an interest other than absolute title is sought to be held
50 or given on a motor vehicle, manufactured home or mobile home.

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

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

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

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

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

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

90 (l) "Motor vehicle" means every automobile, motorcycle,
91 mobile trailer, semitrailer, truck, truck tractor, trailer and
92 every other device in, upon, or by which any person or property is
93 or may be transported or drawn upon a public highway which is
94 required to have a road or bridge privilege license, except such

95 as is moved by animal power or used exclusively upon stationary
96 rails or tracks.

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

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

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

113 (p) "Person" includes every natural person, firm,
114 copartnership, association or corporation.

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

122 (r) "Security agreement" means a written agreement
123 which reserves or creates a security interest.

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

128 security. A security interest is "perfected" when it is valid
129 against third parties generally, subject only to specific
130 statutory exceptions.

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

147 (u) "Nonresident" means every person who is not a
148 resident of this state.

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

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

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

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

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

167 (aa) "Trailer" means every vehicle other than a "pole
168 trailer" as defined in this chapter without motive power designed
169 to be drawn by another vehicle and attached to the towing vehicle
170 for the purpose of hauling goods or products. The term "trailer"
171 shall not refer to any structure, transportable in one or more
172 sections regardless of size, when erected on site, and which is
173 built on a permanent chassis and designed to be used as a dwelling
174 with or without a permanent foundation when connected to the
175 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 manufactured
179 home" means a mobile home or manufactured home for which a
180 certificate of title has been issued that an insurance company
181 obtains from the owner as a result of paying a total loss claim
182 resulting from collision, fire, flood, wind or other occurrence.
183 The term "salvage mobile home" or "salvage manufactured home" does
184 not mean or include and is not applicable to a mobile home or
185 manufactured home that is twenty (20) years old or older.

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

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

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