

By: Representative Eubanks

To: Ways and Means

HOUSE BILL NO. 21

1 AN ACT TO AMEND SECTION 27-19-63, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF THE OWNER OR OPERATOR OF A PURCHASED VEHICLE
3 ACQUIRED THE VEHICLE FROM A DEALER AND AS PART OF THE TRANSACTION
4 OF PURCHASING THE VEHICLE TRADED IN A VEHICLE TO THE DEALER, THE
5 PERSON MAY RETAIN THE LICENSE PLATE REMOVED FROM THE TRADED
6 VEHICLE AND USE THE LICENSE PLATE ON THE VEHICLE PURCHASED AND
7 REGISTERED IF THE LICENSE PLATE IS OF THE SAME SERIES AS THAT OF A
8 NEW LICENSE PLATE REQUIRED FOR THE VEHICLE THAT IS PURCHASED AND
9 TO BE REGISTERED, THE LICENSE PLATE IS AUTHORIZED FOR USE ON THE
10 TYPE OF VEHICLE PURCHASED AND TO BE REGISTERED AND THE COUNTY IN
11 WHICH THE LICENSE PLATE WAS ISSUED IS THE SAME AS THE COUNTY IN
12 WHICH THE PURCHASED VEHICLE IS TO BE REGISTERED; AN ACT TO AMEND
13 SECTION 27-19-141, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A
14 PERSON, OTHER THAN A DEALER OR AGENT, SELLS OR TRANSFERS A VEHICLE
15 TO ANOTHER PERSON, IN LIEU OF SURRENDERING THE LICENSE PLATE, THE
16 PERSON MAY RETAIN AND USE THE LICENSE PLATE ON A ANOTHER VEHICLE
17 THAT IS TO BE REGISTERED BY SUCH PERSON FOR THE FIRST TIME IF THE
18 LICENSE PLATE IS OF THE SAME SERIES AS THAT OF A NEW LICENSE PLATE
19 REQUIRED FOR SUCH VEHICLE THAT IS TO BE REGISTERED, THE LICENSE
20 PLATE REMOVED FROM THE VEHICLE IS AUTHORIZED FOR USE ON THE TYPE
21 OF VEHICLE TO BE REGISTERED AND THE COUNTY IN WHICH THE LICENSE
22 PLATE WAS ISSUED IS THE SAME AS THE COUNTY IN WHICH THE VEHICLE IS
23 TO BE REGISTERED; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** Section 27-19-63, Mississippi Code of 1972, is
26 amended as follows:

27 27-19-63. (1) Except as otherwise provided in this section,
28 the privilege license tax levied by the provisions of this article



29 shall be paid annually during the anniversary month of the
30 acquisition of the vehicle. The privilege license tax levied
31 shall be based on a period of twelve (12) months, even though the
32 actual time from the acquisition of the vehicle to the end of the
33 anniversary month of the next succeeding year may be more than
34 twelve (12) months. Any person subject to the provisions of this
35 article shall have an additional fifteen (15) days from the end of
36 the anniversary month in which to purchase the tag and/or decals
37 and to pay the privilege license tax without being in violation of
38 this section. Any person owning a vehicle subject to taxation
39 under the provisions of this article who fails or refuses to pay
40 such tax and obtain the privilege license required within the
41 prescribed period of time shall be guilty of violating the
42 provisions of this article, and shall be liable for the amount of
43 such tax plus a penalty as provided for in this section. If the
44 person owning a vehicle subject to taxation under the provisions
45 of this article does not operate such vehicle on the highways of
46 this state from the date of acquisition or, if previously
47 registered, from the end of the anniversary month of his tag and
48 decals to the date on which he makes application for the privilege
49 license, he shall pay such license tax for a period of twelve (12)
50 months beginning with the first day of the month in which he
51 applies for such privilege license. The owner shall submit an
52 affidavit with his application attesting to the fact that his
53 vehicle was not operated on the highways of this state from the



54 date of acquisition or, if previously registered, from the end of
55 the anniversary month of his tag and decals to the date on which
56 he makes application for the privilege license.

57 (2) Except as may be otherwise provided in subsection (3) of
58 this section, the privilege license tax levied by the provision of
59 this article on operators of motor vehicles in excess of ten
60 thousand (10,000) pounds, gross vehicle weight, apportioned
61 vehicles, rental and commercial trailers and buses shall be due
62 annually during the anniversary month which shall be established
63 by the Commissioner of Revenue; however, there shall be an
64 additional fifteen (15) days from the end of the anniversary month
65 in which to file an application with the department and pay the
66 privilege license tax. The annual license tag and/or decals
67 issued by the department for the license tax year shall be valid
68 for a period of time to be determined by the * * * Commissioner of
69 Revenue but not to exceed fifteen (15) months following the
70 anniversary month; provided, however, this does not extend the
71 time for filing the application with the department and the
72 payment of the license tax. Any person who fails or refuses to
73 pay such tax and obtain the privilege license required when due
74 shall be guilty of violating the provision of this article and
75 shall be liable for the entire amount of such tax from the date
76 the liability was incurred, plus penalty as provided for in this
77 section.



78 (3) The privilege license tax levied by the provisions of
79 this article on operators of a motor vehicle that is in a
80 corporate fleet or an individual fleet registered under Section
81 27-19-66 or a trailer in a fleet registered under Section
82 27-19-66.1 shall be due annually during the anniversary month
83 which shall be established by the Commissioner of Revenue for
84 corporate fleets and trailer fleets, and by the county tax
85 collectors for individual fleets; however, there shall be an
86 additional fifteen (15) days from the end of the anniversary month
87 in which to file an application with the department or the county
88 tax collector, as the case may be, and to purchase the tag or
89 renew the registration of such motor vehicle and pay the privilege
90 license tax. The department or the county tax collector, as the
91 case may be, shall issue a tag or renew the annual registration of
92 such motor vehicle for the license tax year only after all ad
93 valorem taxes and privilege taxes due on such motor vehicle have
94 been paid. Any person who fails or refuses to pay the privilege
95 tax and obtain the privilege license required when due shall be
96 guilty of violating the provisions of this article and shall be
97 liable for the entire amount of such tax from the date the
98 liability was incurred, plus penalty as provided for in this
99 section.

100 (4) Penalties shall be assessed on the privilege license tax
101 at the rate of five percent (5%) for the first fifteen (15) days
102 of delinquency, or part thereof, and five percent (5%) for each



103 additional thirty-day period of delinquency, or part thereof, not
104 to exceed a maximum penalty of twenty-five percent (25%); however,
105 a penalty of Two Hundred Fifty Dollars (\$250.00), in addition to
106 the maximum penalty for delinquency, shall be assessed against any
107 person who is liable for the motor vehicle privilege license tax
108 but who (a) displays an out-of-state license tag on the motor
109 vehicle; or (b) displays a license tag or privilege license decal
110 on the motor vehicle which was issued for another vehicle. The
111 department, for good reason shown, may waive all or any part of
112 the penalties imposed. No private passenger vehicle registered
113 under this chapter shall have displayed on the front of such
114 vehicle, or elsewhere, the official license tag of another state,
115 whether or not such license tag has expired. Law enforcement
116 officers of this state may remove from private passenger vehicles
117 any out-of-state license tags so displayed.

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

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



128 provided, and it shall be necessary that such vehicle be
129 remodeled, changed or altered by such person before same is
130 suitable for the purposes for which it was acquired, then such
131 person shall have seven (7) full working days, exclusive of the
132 day of the completion of such remodeling, change or alteration,
133 after the completion thereof within which to make application for
134 the required privilege license; provided, that if such person
135 fails to make application within such period, such person shall be
136 liable for penalty as provided for in this section. In addition,
137 if the owner or operator of the purchased vehicle acquired the
138 vehicle from a dealer and as part of the transaction of purchasing
139 the vehicle he traded in a vehicle to the dealer, the person may
140 retain the license plate removed from the traded vehicle and use
141 the license plate on the vehicle purchased and registered if (i)
142 the license plate is of the same series as that of a new license
143 plate required for the vehicle that is purchased and to be
144 registered, (ii) the license plate is authorized for use on the
145 type of vehicle purchased and to be registered and (iii) the
146 county in which the license plate was issued is the same as the
147 county in which the purchased vehicle is to be registered.

148 "Delivery" as used herein shall be construed to mean receipt
149 of such vehicle by the purchaser thereof at his residence or place
150 of business, and, in the event the vehicle is purchased at any
151 place other than in the county of residence or place of business
152 of such person, he shall be entitled to forty-eight (48) hours



153 within which to transport such vehicle to the county of his
154 residence or place of business. At all times during such
155 transportation, the owner or operator of such vehicle shall have
156 in his possession a true bill of sale, giving the description of
157 the vehicle, the name and address of the dealer from whom
158 purchased, the name and address of the owner or operator, and the
159 date on which the vehicle was acquired. For failure to have such
160 bill of sale in his possession during the entire time during which
161 the vehicle is being transported, the owner or operator shall be
162 liable for the annual privilege tax plus penalty as provided for
163 in this section.

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

170 (6) Any nonresident of the State of Mississippi who has paid
171 the current privilege license required by the laws of another
172 state upon a private carrier of passengers, and thereafter becomes
173 a resident of the State of Mississippi, or brings such vehicle
174 into the State of Mississippi for use in connection with his
175 business in this state, or who is gainfully employed in this state
176 shall be entitled to operate such vehicle without obtaining a



177 privilege license in this state for a period of not more than
178 thirty (30) days.

179 "Resident" for the purpose of registration and operation of
180 motor vehicles shall include, but not be limited to, the
181 following:

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

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

188 **SECTION 2.** Section 27-19-141, Mississippi Code of 1972, is
189 amended as follows:

190 27-19-141. In case any person, other than a dealer or agent,
191 shall sell, assign or transfer any vehicle to another person, the
192 person acquiring such vehicle shall register the vehicle with the
193 county tax collector of his residence or the * * * Department of
194 Revenue within seven (7) working days after such sale, assignment
195 or transfer and pay the annual privilege license taxes. The
196 seller or transferor shall remove the license plate from the
197 vehicle and retain same. Such license plate must be surrendered
198 to the issuing authority with the corresponding tax receipt if
199 required, or retained by the seller or transferor as authorized
200 herein, and credit shall be allowed for the taxes paid for the
201 remaining tax year on like privilege or ad valorem taxes due on



202 another vehicle owned by the seller or transferor, or by the
203 seller's or transferor's spouse or dependent child. In lieu of
204 surrendering the license plate to the issuing authority, the
205 seller or transferor may retain and use the license plate on a
206 another vehicle that is to be registered by such person for the
207 first time if (a) the license plate is of the same series as that
208 of a new license plate required for such vehicle that is to be
209 registered, (b) the license plate removed from the vehicle is
210 authorized for use on the type of vehicle to be registered and (c)
211 the county in which the license plate was issued is the same as
212 the county in which the vehicle is to be registered. Privilege
213 taxes on vehicles registered in excess of ten thousand (10,000)
214 pounds gross vehicle weight, apportioned vehicles, rental and
215 commercial trailers and buses, shall be considered like taxes only
216 for vehicles registered in excess of ten thousand (10,000) pounds
217 gross vehicle weight, apportioned vehicles, rental and commercial
218 trailers and buses. Privilege or ad valorem taxes on vehicles
219 with a gross vehicle weight of ten thousand (10,000) pounds or
220 less shall be considered like taxes only for vehicles with a gross
221 vehicle weight of ten thousand (10,000) pounds or less. If the
222 seller or transferor does not elect to receive such credit at the
223 time the license plate is surrendered or retained for use on
224 another vehicle, the issuing authority shall issue a certificate
225 of credit to the seller or transferor, or to the seller's or
226 transferor's spouse or dependent child, or to any other person,



227 business or corporation, at the direction of the seller or
228 transferor, for the remaining unexpired taxes prorated from the
229 first day of the month following the month in which the license
230 plate is surrendered. Any credit allowed for taxes due or any
231 certificate of credit issued may be applied to like taxes owed in
232 any county by the person to whom the credit is allowed or by the
233 person possessing the certificate of credit. No credit, however,
234 shall be allowed on the charge made for registration fees and any
235 tag fees. Such license plates surrendered to the tax collector
236 shall be retained by him, and in no event shall such license plate
237 be attached to any motor vehicle after being surrendered to the
238 tax collector, nor shall any license plate be transferred from one
239 (1) motor vehicle to any other motor vehicle. Certificates of
240 credit shall be designed and furnished by the commissioner.

241 The credit authorized by this section shall not apply to
242 trailers or semitrailers subject to the tax levied in Section
243 27-19-18.

244 **SECTION 3.** This act shall take effect and be in force from
245 and after July 1, 2019.

