

By: Representatives Boyd, Gibbs (72nd)

To: County Affairs

HOUSE BILL NO. 52

1 AN ACT TO AMEND SECTION 19-5-18, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE ANY BOARD OF SUPERVISORS TO REQUIRE A PERSON WHO DESIRES
 3 TO OPEN AN ACCOUNT FOR GARBAGE OR RUBBISH COLLECTION TO PROVIDE A
 4 SOCIAL SECURITY CARD, DRIVER'S LICENSE OR STATE IDENTIFICATION
 5 CARD NUMBER BEFORE AN ACCOUNT MAY BE OPENED; TO AMEND SECTION
 6 19-5-22, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PERSON MAY
 7 NOT HAVE HIS OR HER DRIVER'S LICENSE ISSUED OR RENEWED IF HE OR
 8 SHE IS DELINQUENT ON THE PAYMENT OF GARBAGE FEES; TO PROVIDE THAT
 9 THE BOARD OF SUPERVISORS MAY PROVIDE INFORMATION CONCERNING UNPAID
 10 DELINQUENT GARBAGE FEES TO A CONSUMER CREDIT REPORTING AGENCY; AND
 11 FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 19-5-18, Mississippi Code of 1972, is
 14 amended as follows:

15 19-5-18. (1) (a) From and after July 1, 2018, the board of
 16 supervisors is authorized to require any person who desires to
 17 open an account for garbage or rubbish collection to provide a
 18 valid and current social security card, driver's license or state
 19 identification number.

20 (b) To defray the cost of establishing, operating and
 21 maintaining the system provided for in Section 19-5-17, the board
 22 of supervisors may develop a system for the billing and/or the



23 collection of any fees or charges imposed on each person furnished
24 garbage and/or rubbish collection and/or disposal service by the
25 county or at the expense of the county. The board of supervisors
26 may designate, by resolution, a county official to collect the
27 fees or charges. If the board of supervisors designates an
28 elected county official to collect the fees or charges, the board
29 of supervisors shall pay the reasonable costs incurred in
30 collecting the fees or charges. The county official so designated
31 shall notify the board of supervisors monthly of any unpaid fees
32 or charges assessed under Section 19-5-21. The sheriff of the
33 county, in accordance with the performance of his regular duties,
34 shall assist in the collection of any delinquent fees or charges.

35 (2) The board of supervisors may enter into a contract upon
36 mutual agreement with a public or private corporation, nonprofit
37 corporation, planning and development district or a public agency,
38 association, utility or utility district within the county and/or
39 the area receiving garbage and/or rubbish collection and/or
40 disposal services from the county for the purpose of developing,
41 maintaining, operating and administering a system for the billing
42 and/or collection of fees or charges imposed by the county for
43 garbage and/or rubbish collection and/or disposal services. The
44 entity with whom the board of supervisors contracts shall notify
45 the board of supervisors monthly of any unpaid fees or charges
46 assessed under Section 19-5-21. Any entity that contracts to
47 provide a service to customers, within the area being served by



48 the county's garbage and/or rubbish collection and/or disposal
49 system, may provide a list of its customers to the board of
50 supervisors upon the request of the board.

51 **SECTION 2.** Section 19-5-22, Mississippi Code of 1972, is
52 amended as follows:

53 19-5-22. (1) Fees for garbage or rubbish collection or
54 disposal shall be assessed jointly and severally against the
55 generator of the garbage or rubbish and against the owner of the
56 property furnished the service. In addition to such fees, an
57 additional amount not to exceed up to One Dollar (\$1.00) or ten
58 percent (10%) per month, whichever is greater, on the current
59 monthly bill may be assessed on the balance of any delinquent
60 monthly fees. Any person who pays, as a part of a rental or lease
61 agreement, an amount for garbage or rubbish collection or disposal
62 services shall not be held liable upon the failure of the property
63 owner to pay those fees.

64 (2) Every generator assessed the fees authorized by Section
65 19-5-21 and the owner of the property occupied by that generator
66 shall be jointly and severally liable for the fees. The fees
67 shall be a lien upon the real property offered garbage or rubbish
68 collection or disposal service.

69 The board of supervisors may assess the fees annually. If
70 the fees are assessed annually, the fees for each calendar year
71 shall be a lien upon the real property beginning on January 1 of
72 the next immediately succeeding calendar year. The person or



73 entity owing the fees, upon signing a form provided by the board
74 of supervisors, may pay the fees in equal installments.

75 If fees are assessed on a basis other than annually, the fees
76 shall become a lien on the real property offered the service on
77 the date that the fees become due and payable.

78 No real or personal property shall be sold to satisfy any
79 lien imposed under this subsection (2).

80 The county shall mail a notice of the lien, including the
81 amount of unpaid fees and a description of the property subject to
82 the lien, to the owner of the property.

83 (3) Liens created under subsection (2) may be discharged by
84 filing with the circuit clerk a receipt or acknowledgement, signed
85 by the designated county official or billing and collection
86 entity, that the lien has been paid or discharged.

87 (4) (a) The board of supervisors may notify the tax
88 collector of any unpaid fees assessed under Section 19-5-21 within
89 ninety (90) days after the fees are due. Before notifying the tax
90 collector, the board of supervisors shall provide notice of the
91 delinquency to the person who owes the delinquent fees and shall
92 afford an opportunity for a hearing, that complies with the due
93 process protections the board deems necessary, consistent with the
94 Constitutions of the United States and the State of Mississippi.
95 The board of supervisors shall establish procedures for the manner
96 in which notice shall be given and the contents of the notice;
97 however, each notice shall include the amount of fees and shall



98 prescribe the procedure required for payment of the delinquent
99 fees. The board of supervisors may designate a disinterested
100 individual to serve as hearing officer.

101 (b) Upon receipt of a delinquency notice, the tax
102 collector shall not issue or renew a motor vehicle road and bridge
103 privilege license for any motor vehicle owned by a person who is
104 delinquent in the payment of fees unless those fees in addition to
105 any other taxes or fees assessed against the motor vehicle are
106 paid. Payment of all delinquent garbage fees shall be deemed a
107 condition of receiving a motor vehicle road and privilege license
108 tag.

109 (c) The tax collector may forward the motor vehicle
110 road and privilege license tag renewal notices to the designated
111 county official or entity that is responsible for the billing and
112 collection of the county garbage fees. The designated county
113 official or the billing and collection entity shall identify those
114 license tags that shall not be issued due to delinquent garbage
115 fees. The designated county official or the billing and
116 collection entity shall stamp a message on the license tag renewal
117 notices that the tag will not be renewed until delinquent garbage
118 fees are paid. The designated county official or the billing and
119 collection entity shall return the license tag notices to the tax
120 collector before the first of the month.



121 (d) Any appeal from a decision of the board of
122 supervisors under this section regarding payment of delinquent
123 garbage fees may be taken as provided in Section 11-51-75.

124 (5) (a) The board of supervisors may notify the
125 Commissioner of Public Safety of any unpaid fees assessed under
126 Section 19-5-21 within ninety (90) days after the fees are due.
127 Before notifying the Commissioner of Public Safety, the board of
128 supervisors shall provide notice of the delinquency to the person
129 who owes the delinquent fees and shall afford an opportunity for a
130 hearing, that complies with the due process protections the board
131 deems necessary, consistent with the Constitutions of the United
132 States and the State of Mississippi. The board of supervisors
133 shall establish procedures for the manner in which notice shall be
134 given and the contents of the notice; however, each notice shall
135 include the amount of fees and shall prescribe the procedure
136 required for payment of the delinquent fees. The board of
137 supervisors may designate a disinterested individual to serve as
138 hearing officer.

139 (b) Upon receipt of a delinquency notice, the
140 Commissioner of Public Safety shall not issue or renew the
141 driver's license of a person who is delinquent in the payment of
142 garbage fees unless those fees in addition to any other taxes or
143 fees assessed are paid. Payment of all delinquent garbage fees
144 shall be deemed a condition of receiving a driver's license or the
145 renewal of such license.



146 (c) The Commissioner of Public Safety may forward the
147 driver's license nonrenewal notices or notices to not issue a
148 driver's license to the designated county official or entity that
149 is responsible for the billing and collection of the county
150 garbage fees. The designated county official or the billing and
151 collection entity shall identify those drivers' license that shall
152 not be renewed or issued due to unpaid delinquent garbage fees and
153 shall provide such notice to the Commissioner of Public Safety.
154 The designated county official or the billing and collection
155 entity shall notify the Commissioner of Public Safety of the
156 driver's license notices and that the driver's license shall not
157 be issued or renewed until the delinquent garbage fees are paid.
158 The designated county official or the billing and collection
159 entity shall return the driver's license notices to the
160 Commissioner of Public Safety before the first of the month.

161 (d) In addition to the actions that may be taken by the
162 board of supervisors that are prescribed under this subsection,
163 the board of supervisors is authorized, after proper notice is
164 provided as described under paragraph (a) of this subsection, to
165 provide information regarding the nonpayment of delinquent garbage
166 fees to a consumer credit reporting agency. As used under this
167 subsection "consumer credit reporting agency" means any person
168 which, for monetary fees, dues or on a cooperative nonprofit
169 basis, regularly engages, in whole or in part, in the practice of
170 assembling or evaluating consumer credit information or other



171 information on consumers for the purpose of furnishing consumer
172 credit reports to third parties.

173 (e) Any appeal from a decision of the board of
174 supervisors under this subsection regarding payment of delinquent
175 garbage fees may be taken as provided in Section 11-51-75.

176 (* * *6) The board of supervisors may levy the garbage fees
177 as a special assessment against the property in lieu of the lien
178 authorized in this section. The board of supervisors shall
179 certify to the tax collector the assessment due from the owner of
180 the property. The tax collector shall enter the assessment upon
181 the annual tax roll of the county and shall collect the assessment
182 at the same time he collects the county ad valorem taxes on the
183 property.

184 No real or personal property shall be sold to satisfy any
185 assessment imposed under this subsection (* * *6).

186 **SECTION 3.** This act shall take effect and be in force from
187 and after July 1, 2018.

