

By: Representative DeLano

To: Ways and Means

HOUSE BILL NO. 234

1 AN ACT TO AMEND SECTION 27-65-17, MISSISSIPPI CODE OF 1972,
2 TO REDUCE THE SALES TAX RATE ON RETAIL SALES OF MOTORCYCLES FROM
3 SEVEN PERCENT TO FIVE PERCENT; AND FOR RELATED PURPOSES.

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

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

7 27-65-17. (1) (a) Except as otherwise provided in this
8 section, upon every person engaging or continuing within this
9 state in the business of selling any tangible personal property
10 whatsoever there is hereby levied, assessed and shall be collected
11 a tax equal to seven percent (7%) of the gross proceeds of the
12 retail sales of the business.

13 (b) Retail sales of farm tractors and parts and labor
14 used to maintain and/or repair such tractors shall be taxed at the
15 rate of one and one-half percent (1-1/2%) when made to farmers for
16 agricultural purposes.

17 (c) (i) Retail sales of farm implements sold to
18 farmers and used directly in the production of poultry, ratite,



19 domesticated fish as defined in Section 69-7-501, livestock,
20 livestock products, agricultural crops or ornamental plant crops
21 or used for other agricultural purposes, and parts and labor used
22 to maintain and/or repair such implements, shall be taxed at the
23 rate of one and one-half percent (1-1/2%) when used on the farm.

24 (ii) The one and one-half percent (1-1/2%) rate
25 shall also apply to all equipment used in logging, pulpwood
26 operations or tree farming, and parts and labor used to maintain
27 and/or repair such equipment, which is either:

- 28 1. Self-propelled, or
- 29 2. Mounted so that it is permanently attached
30 to other equipment which is self-propelled or permanently attached
31 to other equipment drawn by a vehicle which is self-propelled.

32 In order to be eligible for the rate of tax provided for in
33 this subparagraph (ii), such sales must be made to a professional
34 logger. For the purposes of this subparagraph (ii), a
35 "professional logger" is a person, corporation, limited liability
36 company or other entity, or an agent thereof, who possesses a
37 professional logger's permit issued by the Department of Revenue
38 and who presents the permit to the seller at the time of purchase.
39 The department shall establish an application process for a
40 professional logger's permit to be issued, which shall include a
41 requirement that the applicant submit a copy of documentation
42 verifying that the applicant is certified according to Sustainable
43 Forestry Initiative guidelines. Upon a determination that an



44 applicant is a professional logger, the department shall issue the
45 applicant a numbered professional logger's permit.

46 (d) Except as otherwise provided in subsection (3) of
47 this section, retail sales of aircraft, automobiles, trucks,
48 truck-tractors, semitrailers and manufactured or mobile homes
49 shall be taxed at the rate of three percent (3%).

50 (e) Sales of manufacturing machinery or manufacturing
51 machine parts when made to a manufacturer or custom processor for
52 plant use only when the machinery and machine parts will be used
53 exclusively and directly within this state in manufacturing a
54 commodity for sale, rental or in processing for a fee shall be
55 taxed at the rate of one and one-half percent (1-1/2%).

56 (f) Sales of machinery and machine parts when made to a
57 technology intensive enterprise for plant use only when the
58 machinery and machine parts will be used exclusively and directly
59 within this state for industrial purposes, including, but not
60 limited to, manufacturing or research and development activities,
61 shall be taxed at the rate of one and one-half percent (1-1/2%).
62 In order to be considered a technology intensive enterprise for
63 purposes of this paragraph:

64 (i) The enterprise shall meet minimum criteria
65 established by the Mississippi Development Authority;

66 (ii) The enterprise shall employ at least ten (10)
67 persons in full-time jobs;



68 (iii) At least ten percent (10%) of the workforce
69 in the facility operated by the enterprise shall be scientists,
70 engineers or computer specialists;

71 (iv) The enterprise shall manufacture plastics,
72 chemicals, automobiles, aircraft, computers or electronics; or
73 shall be a research and development facility, a computer design or
74 related facility, or a software publishing facility or other
75 technology intensive facility or enterprise as determined by the
76 Mississippi Development Authority;

77 (v) The average wage of all workers employed by
78 the enterprise at the facility shall be at least one hundred fifty
79 percent (150%) of the state average annual wage; and

80 (vi) The enterprise must provide a basic health
81 care plan to all employees at the facility.

82 (g) Sales of materials for use in track and track
83 structures to a railroad whose rates are fixed by the Interstate
84 Commerce Commission or the Mississippi Public Service Commission
85 shall be taxed at the rate of three percent (3%).

86 (h) Sales of tangible personal property to electric
87 power associations for use in the ordinary and necessary operation
88 of their generating or distribution systems shall be taxed at the
89 rate of one percent (1%).

90 (i) Wholesale sales of beer shall be taxed at the rate
91 of seven percent (7%), and the retailer shall file a return and
92 compute the retail tax on retail sales but may take credit for the



93 amount of the tax paid to the wholesaler on said return covering
94 the subsequent sales of same property, provided adequate invoices
95 and records are maintained to substantiate the credit.

96 (j) Wholesale sales of food and drink for human
97 consumption to full-service vending machine operators to be sold
98 through vending machines located apart from and not connected with
99 other taxable businesses shall be taxed at the rate of eight
100 percent (8%).

101 (k) Sales of equipment used or designed for the purpose
102 of assisting disabled persons, such as wheelchair equipment and
103 lifts, that is mounted or attached to or installed on a private
104 carrier of passengers or light carrier of property, as defined in
105 Section 27-51-101, at the time when the private carrier of
106 passengers or light carrier of property is sold shall be taxed at
107 the same rate as the sale of such vehicles under this section.

108 (l) Sales of the factory-built components of modular
109 homes, panelized homes and precut homes, and panel constructed
110 homes consisting of structural insulated panels, shall be taxed at
111 the rate of three percent (3%).

112 (m) Sales of materials used in the repair, renovation,
113 addition to, expansion and/or improvement of buildings and related
114 facilities used by a dairy producer shall be taxed at the rate of
115 three and one-half percent (3-1/2%). For the purposes of this
116 paragraph (m), "dairy producer" means any person engaged in the
117 production of milk for commercial use.



118 (n) Retail sales of motorcycles, as defined in Section
119 27-19-3, shall be taxed at the rate of five percent (5%).

120 (2) From and after January 1, 1995, retail sales of private
121 carriers of passengers and light carriers of property, as defined
122 in Section 27-51-101, shall be taxed an additional two percent
123 (2%).

124 (3) A manufacturer selling at retail in this state shall be
125 required to make returns of the gross proceeds of such sales and
126 pay the tax imposed in this section.

127 **SECTION 2.** Nothing in this act shall affect or defeat any
128 claim, assessment, appeal, suit, right or cause of action for
129 taxes due or accrued under the sales tax laws before the date on
130 which this act becomes effective, whether such claims,
131 assessments, appeals, suits or actions have been begun before the
132 date on which this act becomes effective or are begun thereafter;
133 and the provisions of the sales tax laws are expressly continued
134 in full force, effect and operation for the purpose of the
135 assessment, collection and enrollment of liens for any taxes due
136 or accrued and the execution of any warrant under such laws before
137 the date on which this act becomes effective, and for the
138 imposition of any penalties, forfeitures or claims for failure to
139 comply with such laws.

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

