

By: Representative DeLano

To: Technology; Ways and Means

HOUSE BILL NO. 235

1 AN ACT TO AMEND SECTIONS 27-17-455, 27-17-475 and 27-17-493,  
 2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE TAX COLLECTORS ISSUING  
 3 LICENSES UNDER THE LOCAL PRIVILEGE TAX LAW TO USE AN ELECTRONIC  
 4 SIGNATURE AND TO ISSUE DUPLICATES AND STORE UNUSED BLANK LICENSES  
 5 ELECTRONICALLY; TO BRING FORWARD SECTION 27-17-453, MISSISSIPPI  
 6 CODE OF 1972, WHICH REQUIRES TAXPAYERS TO SUBMIT AN APPLICATION TO  
 7 THE TAX COLLECTOR FOR THE LOCAL LICENSE, FOR PURPOSES OF POSSIBLE  
 8 AMENDMENT; TO BRING FORWARD SECTION 27-17-463, MISSISSIPPI CODE OF  
 9 1972, WHICH AUTHORIZES THE TAX FOR LICENSES ISSUED FOR LESS THAN  
 10 ONE YEAR TO BE PRO RATED, FOR PURPOSES OF POSSIBLE AMENDMENT; AND  
 11 FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 27-17-455, Mississippi Code of 1972, is  
 14 amended as follows:

15 27-17-455. Upon the receipt of the application herein  
 16 required, and payment of the amount shown thereby to be due for  
 17 the privilege to be exercised, the officer to whom said  
 18 application is made shall determine if the application is in  
 19 proper form, and if the correct amount be tendered, and may  
 20 require the applicant to furnish such other and further  
 21 information as in his opinion is necessary to ascertain the  
 22 correct amount of tax due. When the correct amount of the tax has



23 been so ascertained, the said officer shall issue to the applicant  
24 taxpayer a privilege license according to such application, and  
25 shall date the same as of the first day of the month of its  
26 issuance. The officer issuing the license shall countersign the  
27 same in writing or alternatively, by electronic or digital  
28 signature or a handwritten signature saved on a computer, when the  
29 license is issued by him, and he shall enter the same in the  
30 register prescribed by law therefor. The license issued by  
31 collectors as herein provided shall be executed in duplicate,  
32 which duplicate may be in the form of a paper copy or electronic  
33 document. The original shall be delivered to the licensee by the  
34 officer, and the paper or electronic duplicate, as the case may  
35 be, shall be attached or electronically linked to or otherwise  
36 maintained with the application therefor, and preserved by the  
37 officer as a public record.

38 If, however, such officer, shall, before issuing the said  
39 license, or at any time thereafter, have reason to believe that  
40 the statements of the business contained in the application are  
41 incorrect or false in any material particular, the said officer  
42 shall duly notify the applicant wherein the supposed discrepancy  
43 lies, and he is hereby empowered to require the applicant to  
44 render such other information as will enable him to determine the  
45 proper tax due. After making such determination of the proper tax  
46 due, if the license has not been issued, such officer shall  
47 forthwith proceed to collect the amount of tax due; and if the



48 license shall have been issued under the original application, he  
49 shall collect the difference between the sum shown to be properly  
50 due, and the sum paid with the original application, and shall  
51 issue an additional license therefor which shall expire at the  
52 same time as the original. If the additional tax is paid within  
53 thirty (30) days after the determination by the officer of the  
54 proper amount due, no penalty shall be applied. If the taxpayer  
55 shall willfully fail or refuse to furnish the information  
56 requested by such officer, he shall be liable for damages as in  
57 other cases of payment of an insufficient privilege tax, and may  
58 be proceeded against civilly or criminally as otherwise provided  
59 herein, and shall suffer the penalties provided herein therefor.

60 All licenses issued pursuant to this section shall be good,  
61 usable and valid for one (1) year after the date thereof, or for  
62 such other period as is fixed by law for the privilege, which  
63 period shall be so designated in the license. However, no such  
64 license shall be issued for a period longer than one (1) year.

65 **SECTION 2.** Section 27-17-475, Mississippi Code of 1972, is  
66 amended as follows:

67 27-17-475. It shall be the duty of the county auditor or of  
68 the governing body of a municipality to prepare and have printed  
69 and distributed to the officer collecting the tax the proper  
70 privilege tax license blanks necessary to carry into effect any  
71 law relating to privilege taxes \* \* \*. There shall be printed on  
72 each license at the bottom thereof the words "this license shall



73 not make lawful any act or thing declared to be unlawful by the  
74 State of Mississippi." All such privilege license blanks shall be  
75 printed in the form prescribed by the county auditor or in the  
76 case of a municipality, by the governing body of a  
77 municipality \* \* \*. The privilege license blanks shall be  
78 imprinted with the fiscal year for which the blanks are to be  
79 issued and shall be numbered consecutively beginning with number  
80 one (1) of each fiscal year \* \* \*. The privilege license blanks  
81 shall be made in duplicate, which duplicate may be in the form of  
82 a paper copy or electronic document. The original and paper or  
83 electronic duplicate, as the case may be, \* \* \* must bear the same  
84 serial number and be alike in all respects except that they must  
85 be marked "original" and "duplicate." \* \* \* If a paper duplicate  
86 is used, the original and duplicate shall be of different colors.

87 **SECTION 3.** Section 27-17-493, Mississippi Code of 1972, is  
88 amended as follows:

89 27-17-493. Each officer authorized to issue privilege  
90 licenses shall keep a privilege tax register in such form as he  
91 shall determine, in which the names of all privilege taxpayers  
92 shall be recorded, showing the amount paid, the serial number of  
93 the license issued and the period covered by such license, the  
94 business licensed and the location thereof. This register shall  
95 be submitted to the county auditor, or in the case of a  
96 municipality to the governing body of the municipality by such  
97 officer at the end of each fiscal year or within twenty (20) days



98 thereafter, when his final settlement shall be made. If the same  
99 be found correct and the amounts shown thereon to have been paid  
100 into the proper treasury, the county auditor or the proper officer  
101 of the municipality shall endorse the register "examined and found  
102 correct." This register shall constitute a permanent record of  
103 the officer authorized to collect privilege taxes and shall always  
104 be open for inspection by the public and the same shall be  
105 submitted to the grand jury by the keeper thereof whenever called  
106 for. At the same time when final settlement is made, as provided  
107 in this section, every officer shall return to the county auditor  
108 or to the governing body of the municipality in the case of  
109 municipalities all unused privilege tax license blanks and shall  
110 make a final settlement of his privilege tax accounts. The unused  
111 privilege tax license blanks shall be kept or electronically  
112 stored by the proper officer for three (3) years, at the  
113 expiration of which they may be destroyed or disposed of. On or  
114 before the twentieth day of January of the year in which the  
115 officer's term expires, each officer shall in like manner submit  
116 to the county auditor or in the case of municipalities to the  
117 governing body of the municipality his privilege tax register,  
118 together with itemized receipt signed by his successor in office  
119 properly certified by the county auditor or by the proper officer  
120 of the governing body of the municipality, setting forth by serial  
121 number all unused privilege tax license blanks on hand at the  
122 expiration of his term of office, and if the county auditor or the



123 proper officer of the municipality shall find the same correct, he  
124 shall endorse the same, as hereinbefore provided, and shall charge  
125 such officer's successor in office with all unused privilege tax  
126 license blanks, which shall be accounted for by said successor in  
127 office in like manner. Any other officer shall make a like  
128 settlement upon the expiration of his term of office. All monies  
129 received by the officer authorized by law to issue privilege tax  
130 licenses shall be deposited in the proper depository and shall be  
131 accounted for as provided by law.

132         **SECTION 4.** Section 27-17-453, Mississippi Code of 1972, is  
133 brought forward as follows:

134         27-17-453. Every person required to obtain a license for the  
135 privilege of engaging in any business for which a privilege tax is  
136 required shall make application therefor in writing to the officer  
137 who is required to collect the tax. The application for license  
138 shall be filed on blanks to be furnished by the tax collector for  
139 that purpose, and shall be subscribed and sworn to by the person  
140 owning the business, or having an ownership interest therein; or  
141 the officer who is required to collect the tax, or his duly  
142 authorized agent, may certify to the application. If the  
143 applicant is a corporation, a duly authorized agent shall execute  
144 the application.

145         The application shall show the name of such person or  
146 corporation and, in case of a partnership, the name of each  
147 partner thereof; the person's, firm's or corporation's business



148 office address; the location of the place of business to which the  
149 license shall apply; the nature of the business in which engaged;  
150 the total number of employees of the business for the previous  
151 twelve (12) months as shown by affidavit signed by the applicant;  
152 and any other information the officer who is required to collect  
153 the tax may require. The applications shall contain all the  
154 information necessary for the officer collecting the tax to  
155 properly classify the applicant and ascertain the amount of tax  
156 due. Applications for renewal of such license shall not require a  
157 certificate of notary public seal or signature, and the applicant  
158 shall not be required to obtain such signature or seal upon making  
159 the application for renewal.

160 The application shall be accompanied by the amount of the  
161 privilege tax as required by law.

162 Any person who shall willfully make any false statement in an  
163 application for a privilege license shall be guilty of a  
164 misdemeanor and, upon conviction thereof, shall be required to pay  
165 as damages double the amount of the difference between the tax  
166 paid and that which should have been paid, in addition to the fine  
167 and imprisonment imposed.

168 It is specifically provided that the officer taking the  
169 application for a privilege license shall carefully preserve the  
170 same for a period of three (3) years for the use of the grand  
171 jury, the courts of the state, or any duly authorized officer of  
172 the State of Mississippi; and any officer who shall refuse or fail



173 to take or require the application or affidavit, as herein  
174 required, shall be guilty of a misdemeanor and subject to the  
175 penalties therefor.

176         **SECTION 5.** Section 27-17-463, Mississippi Code of 1972, is  
177 brought forward as follows:

178         27-17-463. Except as otherwise provided in this section, all  
179 privilege licenses issued pursuant to this chapter from and after  
180 July 1, 1988, shall expire on September 30 of each year; the  
181 privilege tax for a license which is issued for a period of less  
182 than one (1) year shall be prorated according to the length of  
183 time intervening between the date of its issuance and the  
184 following September 30.

185         A municipality or county may, by ordinance, determine to  
186 issue privilege licenses which shall expire one (1) year from the  
187 date of issuance.

188         **SECTION 6.** This act shall take effect and be in force from  
189 and after July 1, 2018.

