

By: Representative Lamar

To: Ways and Means

HOUSE BILL NO. 1443

1 AN ACT TO AMEND SECTION 27-65-23, MISSISSIPPI CODE OF 1972,
 2 TO LEVY A SALES TAX ON THE TRANSMITTING OF MONEY FROM A LOCATION
 3 ORIGINATING IN MISSISSIPPI TO A LOCATION OUTSIDE OF THE UNITED
 4 STATES OR ITS TERRITORIES BY A PERSON LICENSED UNDER THE
 5 MISSISSIPPI MONEY TRANSMITTERS ACT; TO AMEND SECTION 27-65-53,
 6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSON WHO HAS PAID
 7 THE SALES TAX ON THE TRANSMITTING OF MONEY WHO IS A UNITED STATES
 8 CITIZEN WITH A SOCIAL SECURITY NUMBER OR TAXPAYER IDENTIFICATION
 9 NUMBER SHALL BE PAID A REFUND OF THE TAXES PAID UPON APPLICATION
 10 TO THE DEPARTMENT OF REVENUE; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 27-65-23, Mississippi Code of 1972, is
 13 amended as follows:

14 27-65-23. (1) Upon every person engaging or continuing in
 15 any of the following businesses or activities there is hereby
 16 levied, assessed and shall be collected a tax equal to seven
 17 percent (7%) of the gross income of the business, except as
 18 otherwise provided:

- 19 (a) Air-conditioning installation or repairs;
- 20 (b) Automobile, motorcycle, boat or any other vehicle
 21 repairing or servicing;
- 22 (c) Billiards, pool or domino parlors;



- 23 (d) Bowling or tenpin alleys;
- 24 (e) Burglar and fire alarm systems or services;
- 25 (f) Car washing – automatic, self-service, or manual;
- 26 (g) Computer software sales and services;
- 27 (h) Cotton compresses or cotton warehouses;
- 28 (i) Custom creosoting or treating, custom planing,
29 custom sawing;
- 30 (j) Custom meat processing;
- 31 (k) Electricians, electrical work, wiring, all repairs
32 or installation of electrical equipment;
- 33 (l) Elevator or escalator installing, repairing or
34 servicing;
- 35 (m) Film developing or photo finishing;
- 36 (n) Foundries, machine or general repairing;
- 37 (o) Furniture repairing or upholstering;
- 38 (p) Grading, excavating, ditching, dredging or
39 landscaping;
- 40 (q) Hotels (as defined in Section 41-49-3), motels,
41 tourist courts or camps, trailer parks;
- 42 (r) Insulating services or repairs;
- 43 (s) Jewelry or watch repairing;
- 44 (t) Laundering, cleaning, pressing or dyeing;
- 45 (u) Marina services;
- 46 (v) Mattress renovating;
- 47 (w) Office and business machine repairing;



48 (x) Parking garages and lots;
49 (y) Plumbing or pipe fitting;
50 (z) Public storage warehouses (There shall be no tax
51 levied on gross income of a public storage warehouse derived from
52 the temporary storage of tangible personal property in this state
53 pending shipping or mailing of the property to another state.);
54 (aa) Refrigerating equipment repairs;
55 (bb) Radio or television installing, repairing, or
56 servicing;
57 (cc) Renting or leasing personal property used within
58 this state;
59 (dd) Services performed in connection with geophysical
60 surveying, exploring, developing, drilling, producing,
61 distributing, or testing of oil, gas, water and other mineral
62 resources;
63 (ee) Shoe repairing;
64 (ff) Storage lockers;
65 (gg) Telephone answering or paging services;
66 (hh) Termite or pest control services;
67 (ii) Tin and sheet metal shops;
68 (jj) Transmitting of money from a location originating
69 in this state to a location outside of the United States or its
70 territories by a person licensed under the Mississippi Money
71 Transmitters Act, Section 75-15-1 et seq.;



72 (kk) TV cable systems, subscription TV services, and
73 other similar activities;

74 (ll) Vulcanizing, repairing or recapping of tires or
75 tubes;

76 (mm) Welding; and

77 (nn) Woodworking or wood-turning shops.

78 (2) Income from services taxed herein performed for electric
79 power associations in the ordinary and necessary operation of
80 their generating or distribution systems shall be taxed at the
81 rate of one percent (1%).

82 (3) Income from services taxed herein performed on materials
83 for use in track or track structures to a railroad whose rates are
84 fixed by the Interstate Commerce Commission or the Mississippi
85 Public Service Commission shall be taxed at the rate of three
86 percent (3%).

87 (4) Income from renting or leasing tangible personal
88 property used within this state shall be taxed at the same rates
89 as sales of the same property.

90 (5) Persons doing business in this state who rent
91 transportation equipment with a situs within or without the state
92 to common, contract or private commercial carriers are taxed on
93 that part of the income derived from use within this state. If
94 specific accounting is impracticable, a formula may be used with
95 approval of the commissioner.



96 (6) A lessor may deduct from the tax computed on the rental
97 income from tangible personal property a credit for sales or use
98 tax paid to this state at the time of purchase of the specific
99 personal property being leased or rented until such credit has
100 been exhausted.

101 (7) Charges for custom processing and repairing services may
102 be excluded from gross taxable income when the property on which
103 the service was performed is delivered to the customer in another
104 state either by common carrier or in the seller's equipment.

105 (8) When a taxpayer performs unitary services covered by
106 this section, which are performed both in intrastate and
107 interstate commerce, the commissioner is hereby invested with
108 authority to formulate in each particular case and to fix for such
109 taxpayer in each instance formulae of apportionment which will
110 apportion to this state, for taxation, that portion of the
111 services which are performed within the State of Mississippi.

112 **SECTION 2.** Section 27-65-53, Mississippi Code of 1972, is
113 amended as follows:

114 27-65-53. (1) If the commissioner finds that the taxpayer
115 has overpaid his tax for any reason and the taxpayer has
116 discontinued business and there is no subsequent liability upon
117 which the excess may be credited, or if the amount of the excess
118 so paid shall exceed the estimated liability for the next twelve
119 (12) months, the excess shall be refunded to the taxpayer. Such
120 amount shall be certified to the State * * * Fiscal Officer by



121 the * * * department. The * * * State Fiscal Officer
122 is * * * authorized to make such investigation and audit of the
123 claim as he or she finds necessary. If he or she finds that the
124 commissioner is correct in his or her determination, the * * *
125 State Fiscal Officer may issue his or her warrant to the State
126 Treasurer in favor of the taxpayer for the amount of tax
127 erroneously paid into the State Treasury, such refunds to be made
128 from current sales tax collections. If part of the overpayment
129 has been disbursed to any municipality or state institution of
130 higher learning, under authority of Section 27-65-75, the
131 municipality or state institution of higher learning, having
132 erroneously received the money, shall adjust the amount with the
133 commissioner, or the overpayment may be withheld by the state from
134 any funds due by the state to the municipality or state
135 institution of higher learning.

136 (2) * * * Where the taxpayer has overpaid his tax, the
137 commissioner may give credit for same and allow the taxpayer to
138 take credit on a subsequent return or, if necessary, in his or her
139 discretion, have the taxpayer file for a refund as provided
140 herein.

141 (3) If any overpayment of tax as reflected in an application
142 or amended return, or both, filed by the taxpayer, and verified by
143 the commissioner or otherwise determined to be due by the
144 commissioner or * * * department, is not refunded or credited to a
145 taxpayer's account within ninety (90) days after the application



146 or amended return is filed or the date the * * * commissioner or
147 department determines a refund is due, whichever is later,
148 interest at the rate of one-half of one percent (1/2 of 1%) per
149 month shall be allowed on such overpayment computed for the period
150 after expiration of the ninety-day period provided herein to the
151 date of payment.

152 (4) Any person who has paid the tax levied by Section
153 27-65-23(1)(jj) who is a United States citizen with a social
154 security number or taxpayer identification number shall be paid a
155 refund of the taxes paid upon application to the department with
156 proof of the amount of the taxes paid and any additional
157 information that the department may require. If the taxes for
158 which a refund application has been filed are not refunded within
159 ninety (90) days after the application is filed or the date the
160 department determines that a refund is due, whichever is later,
161 interest shall be allowed on the amount of the refund in the same
162 manner as provided in subsection (3) of this section.

163 **SECTION 3.** This act shall take effect and be in force from
164 and after July 1, 2021.

