

By: Representative Hood

To: Ways and Means

HOUSE BILL NO. 1320

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 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  
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, 2024.

