

By: Representative Hood

To: Ways and Means

HOUSE BILL NO. 1359

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,
 26 is 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 chairman but not to
69 exceed fifteen (15) months following the anniversary month;
70 provided, however, this does not extend the time for filing the
71 application with the department and the payment of the license
72 tax. Any person who fails or refuses to pay such tax and obtain
73 the privilege license required when due shall be guilty of
74 violating the provision of this article and shall be liable for
75 the entire amount of such tax from the date the liability was
76 incurred, plus penalty as provided for in this section.

77 (3) The privilege license tax levied by the provisions of
78 this article on operators of a motor vehicle that is in a



79 corporate fleet or an individual fleet registered under Section
80 27-19-66, a trailer in a fleet registered under Section
81 27-19-66.1, or a motor vehicle that is in a rental fleet
82 registered under Section 27-19-66.2 shall be due annually during
83 the anniversary month which shall be established by the
84 Commissioner of Revenue for corporate fleets, rental fleets and
85 trailer fleets, and by the county tax collectors for individual
86 fleets; however, there shall be an additional fifteen (15) days
87 from the end of the anniversary month in which to file an
88 application with the department or the county tax collector, as
89 the case may be, and to purchase the tag or renew the registration
90 of such motor vehicle and pay the privilege license tax. The
91 department or the county tax collector, as the case may be, shall
92 issue a tag or renew the annual registration of such motor vehicle
93 for the license tax year only after all ad valorem taxes and
94 privilege taxes due on such motor vehicle have been paid. Any
95 person who fails or refuses to pay the privilege tax and obtain
96 the privilege license required when due shall be guilty of
97 violating the provisions of this article and shall be liable for
98 the entire amount of such tax from the date the liability was
99 incurred, plus penalty as provided for in this section. If a
100 motor vehicle registered in a rental fleet is removed from the
101 fleet and the rental fleet license tag is removed from the motor
102 vehicle and transferred to and used on another motor vehicle that
103 is added to the fleet during the registration year to replace the



104 removed motor vehicle, the remaining portion of privilege tax paid
105 on the removed motor vehicle for the registration year shall be
106 transferred to the replacement motor vehicle and there shall be no
107 other privilege tax liability for the replacement motor vehicle
108 for the remaining portion of the registration year.

109 (4) Penalties shall be assessed on the privilege license tax
110 at the rate of five percent (5%) for the first fifteen (15) days
111 of delinquency, or part thereof, and five percent (5%) for each
112 additional thirty-day period of delinquency, or part thereof, not
113 to exceed a maximum penalty of twenty-five percent (25%); however,
114 a penalty of Two Hundred Fifty Dollars (\$250.00), in addition to
115 the maximum penalty for delinquency, shall be assessed against any
116 person who is liable for the motor vehicle privilege license tax
117 but who (a) displays an out-of-state license tag on the motor
118 vehicle; or (b) displays a license tag or privilege license decal
119 on the motor vehicle which was issued for another vehicle. The
120 department, for good reason shown, may waive all or any part of
121 the penalties imposed. No private passenger vehicle registered
122 under this chapter shall have displayed on the front of such
123 vehicle, or elsewhere, the official license tag of another state,
124 whether or not such license tag has expired. Law enforcement
125 officers of this state may remove from private passenger vehicles
126 any out-of-state license tags so displayed.



127 (5) The requirement that the privilege tax be paid during
128 the anniversary month of each year shall not apply in the
129 following cases:

130 (a) When a motor vehicle is acquired, the owner or
131 operator of the vehicle purchased shall have thirty (30) full
132 working days, exclusive of the date of delivery, after the vehicle
133 has been delivered to him, within which to make the application
134 for the required privilege license, otherwise such person shall be
135 liable for penalty as provided for in this section. Provided,
136 however, that when any person shall acquire a vehicle as herein
137 provided, and it shall be necessary that such vehicle be
138 remodeled, changed or altered by such person before same is
139 suitable for the purposes for which it was acquired, then such
140 person shall have seven (7) full working days, exclusive of the
141 day of the completion of such remodeling, change or alteration,
142 after the completion thereof, or thirty (30) full working days,
143 exclusive of the date of delivery, after the vehicle has been
144 delivered to him, whichever is greater, within which to make
145 application for the required privilege license; provided, that if
146 such person fails to make application within such period, such
147 person shall be liable for penalty as provided for in this
148 section. In addition, if the owner or operator of the purchased
149 vehicle acquired the vehicle from a dealer and as part of the
150 transaction of purchasing the vehicle he traded in a vehicle to
151 the dealer, the person may retain the license plate removed from



152 the traded vehicle and use the license plate on the vehicle
153 purchased and registered if (i) the license plate is of the same
154 series as that of a new license plate required for the vehicle
155 that is purchased and to be registered, (ii) the license plate is
156 authorized for use on the type of vehicle purchased and to be
157 registered and (iii) the county in which the license plate was
158 issued is the same as the county in which the purchased vehicle is
159 to be registered.

160 "Delivery" as used herein shall be construed to mean receipt
161 of such vehicle by the purchaser thereof at his residence or place
162 of business, and, in the event the vehicle is purchased at any
163 place other than in the county of residence or place of business
164 of such person, he shall be entitled to forty-eight (48) hours
165 within which to transport such vehicle to the county of his
166 residence or place of business. At all times during such
167 transportation, the owner or operator of such vehicle shall have
168 in his possession a true bill of sale, giving the description of
169 the vehicle, the name and address of the dealer from whom
170 purchased, the name and address of the owner or operator, and the
171 date on which the vehicle was acquired. For failure to have such
172 bill of sale in his possession during the entire time during which
173 the vehicle is being transported, the owner or operator shall be
174 liable for the annual privilege tax plus penalty as provided for
175 in this section.



176 (b) Where a person has paid the current privilege
177 license tax required by the laws of another state and applies for
178 a privilege license in this state within thirty (30) days, no
179 penalty shall be assessed; however, any person who fails to comply
180 herewith shall be liable for the full annual tax, plus penalty as
181 provided for in this section.

182 (6) Any nonresident of the State of Mississippi who has paid
183 the current privilege license required by the laws of another
184 state upon a private carrier of passengers, and thereafter becomes
185 a resident of the State of Mississippi, or brings such vehicle
186 into the State of Mississippi for use in connection with his
187 business in this state, or who is gainfully employed in this state
188 shall be entitled to operate such vehicle without obtaining a
189 privilege license in this state for a period of not more than
190 thirty (30) days.

191 "Resident" for the purpose of registration and operation of
192 motor vehicles shall include, but not be limited to, the
193 following:

194 (a) Any person, except a tourist or out-of-town
195 student, who owns, leases or rents a place within the state and
196 occupies same as a place of residence.

197 (b) Any person who engages in a trade, profession or
198 occupation in this state or who accepts employment in other than
199 seasonal agricultural work.



200 **SECTION 2.** Section 27-19-141, Mississippi Code of 1972, is
201 amended as follows:

202 27-19-141. In case any person, other than a dealer or agent,
203 shall sell, assign or transfer any vehicle to another person, the
204 person acquiring such vehicle shall register the vehicle with the
205 county tax collector of his residence or the * * * Department of
206 Revenue within seven (7) working days after such sale, assignment
207 or transfer and pay the annual privilege license taxes. The
208 seller or transferor shall remove the license plate from the
209 vehicle and retain same. Such license plate must be surrendered
210 to the issuing authority with the corresponding tax receipt if
211 required, or retained by the seller or transferor as authorized
212 herein, and credit shall be allowed for the taxes paid for the
213 remaining tax year on like privilege or ad valorem taxes due on
214 another vehicle owned by the seller or transferor, or by the
215 seller's or transferor's spouse or dependent child. In lieu of
216 surrendering the license plate to the issuing authority, the
217 seller or transferor may retain and use the license plate on
218 another vehicle that is to be registered by such person for the
219 first time if (a) the license plate is of the same series as that
220 of a new license plate required for such vehicle that is to be
221 registered, (b) the license plate removed from the vehicle is
222 authorized for use on the type of vehicle to be registered and (c)
223 the county in which the license plate was issued is the same as
224 the county in which the vehicle is to be registered. Privilege



225 taxes on vehicles registered in excess of ten thousand (10,000)
226 pounds gross vehicle weight, apportioned vehicles, rental and
227 commercial trailers and buses, shall be considered like taxes only
228 for vehicles registered in excess of ten thousand (10,000) pounds
229 gross vehicle weight, apportioned vehicles, rental and commercial
230 trailers and buses. Privilege or ad valorem taxes on vehicles
231 with a gross vehicle weight of ten thousand (10,000) pounds or
232 less shall be considered like taxes only for vehicles with a gross
233 vehicle weight of ten thousand (10,000) pounds or less. If the
234 seller or transferor does not elect to receive such credit at the
235 time the license plate is surrendered or retained for use on
236 another vehicle, the issuing authority shall issue a certificate
237 of credit to the seller or transferor, or to the seller's or
238 transferor's spouse or dependent child, or to any other person,
239 business or corporation, at the direction of the seller or
240 transferor, for the remaining unexpired taxes prorated from the
241 first day of the month following the month in which the license
242 plate is surrendered. Any credit allowed for taxes due or any
243 certificate of credit issued may be applied to like taxes owed in
244 any county by the person to whom the credit is allowed or by the
245 person possessing the certificate of credit. No credit, however,
246 shall be allowed on the charge made for registration fees and any
247 tag fees. Such license plates surrendered to the tax collector
248 shall be retained by him, and in no event shall such license plate
249 be attached to any motor vehicle after being surrendered to the



250 tax collector, nor shall any license plate be transferred from one
251 (1) motor vehicle to any other motor vehicle. Certificates of
252 credit shall be designed and furnished by the commissioner.

253 The credit authorized by this section shall not apply to
254 trailers or semitrailers subject to the tax levied in Section
255 27-19-18.

256 **SECTION 3.** This act shall take effect and be in force from
257 and after July 1, 2025.

