

By: Burton

To: Finance

SENATE BILL NO. 2208

1 AN ACT TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972,  
2 TO EXEMPT FROM AD VALOREM TAXATION ALL MOTOR VEHICLES OWNED AND  
3 OPERATED BY CERTAIN NONPROFIT ORGANIZATIONS AND PRIMARILY USED TO  
4 TRANSPORT CHILDREN FOR MEDICAL TREATMENT; AND FOR RELATED  
5 PURPOSES.

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

7 SECTION 1. Section 27-51-41, Mississippi Code of 1972, is  
8 amended as follows:[WAN1]

9 27-51-41. (1) The exemptions from the provisions of this  
10 chapter shall be confined to those persons or property exempted by  
11 this chapter or by the provisions of the Constitution of the  
12 United States or the State of Mississippi. No exemption as now  
13 provided by any other statute shall be valid as against the tax  
14 levied by this chapter. Any subsequent exemption from the tax  
15 levied hereunder shall be provided by amendment to this section  
16 which shall be inserted in the bill at length.

17 (2) The following shall be exempt from ad valorem taxation:

18 (a) All motor vehicles, as defined in this chapter, and  
19 including motor-propelled farm implements and vehicles, while in  
20 the hands of bona fide dealers as merchandise and which are not  
21 being operated upon the highways of this state, shall be exempt  
22 from all ad valorem taxes.

23           (b) All motor vehicles belonging to the federal  
24 government or the State of Mississippi or any agencies or  
25 instrumentalities thereof shall be exempt from all ad valorem  
26 taxes.

27           (c) All motor vehicles owned by any school district in  
28 the state shall be exempt from all ad valorem taxes.

29           (d) All motor vehicles owned by any fire protection  
30 district incorporated in accordance with Sections 19-5-151 through  
31 19-5-207 or by any fire protection grading district incorporated  
32 in accordance with Sections 19-5-215 through 19-5-243 shall be  
33 exempt from all ad valorem taxes.

34           (e) All motor vehicles owned by units of the  
35 Mississippi National Guard shall be exempt from all ad valorem  
36 taxes.

37           (f) All motor vehicles which are exempted from highway  
38 privilege taxes under Section 27-19-1 et seq. shall be exempt from  
39 ad valorem taxes.

40           (g) All motor vehicles operated in this state as common  
41 and contract carriers of property, private commercial carriers of  
42 property, private carriers of property and buses, all of which  
43 have a gross weight in excess of ten thousand (10,000) pounds,  
44 shall be exempt from all ad valorem taxes.

45           (h) Antique automobiles as defined in Section 27-19-47  
46 shall be exempt from all ad valorem taxes.

47           (i) Street rods as defined in Section 27-19-56.6 shall  
48 be exempt from all ad valorem taxes.

49           (j) Motor vehicles owned by disabled American veterans,  
50 or by spouses of deceased disabled American veterans, in  
51 accordance with Section 27-19-53, shall be exempt from all ad  
52 valorem taxes.

53           (k) One (1) motor vehicle owned by the unremarried

54 surviving spouse of a member of the Armed Forces of the United  
55 States who, while on active duty, is killed or dies and one (1)  
56 motor vehicle owned by the unremarried surviving spouse of a  
57 member of a reserve component of the Armed Forces of the United  
58 States or of the National Guard who, while on active duty for  
59 training, is killed or dies shall be exempt from ad valorem taxes.

60 (l) Motor vehicles owned by recipients of the  
61 Congressional Medal of Honor or by former prisoners of war, or by  
62 spouses of such deceased persons, in accordance with Section  
63 27-19-54, shall be exempt from all ad valorem taxes.

64 (m) Any religious society, ecclesiastical body or any  
65 congregation thereof shall be exempt from ad valorem taxation on  
66 one (1) private carrier of passengers, as defined in Section  
67 27-19-3, owned by it, which is used exclusively for such society  
68 and not for profit. All motor vehicles owned by any such  
69 religious society or any educational institution having a seating  
70 capacity greater than seven (7) passengers and used exclusively  
71 for transporting passengers for religious or educational purposes  
72 and not for profit shall be exempt from all ad valorem taxes.

73 (n) All motor vehicles primarily used as rentals under  
74 rental agreements with a term of not more than thirty (30)  
75 continuous days each and under the control of persons who are  
76 engaged in the business of renting such motor vehicles and who are  
77 subject to the tax under Section 27-65-231 shall be exempt from  
78 all ad valorem taxes.

79 (o) Antique motorcycles as defined in Section  
80 27-19-47.1, shall be exempt from all ad valorem taxes.

81 (p) Motor vehicles owned by recipients of the Purple

82 Heart as provided in Section 27-19-56.5.

83 (q) All motor vehicles owned and operated by nonprofit  
84 organizations exempt from income taxation under Section 501(c)(3)  
85 of the United States Internal Revenue Code and primarily used to  
86 transport children for medical treatment shall be exempt from all  
87 ad valorem taxes.

88 (3) Any claim for tax exemption by authority of the  
89 above-mentioned code sections or by any other legal authority  
90 shall be set out in the application for the road and bridge  
91 privilege license, and the specific legal authority for such tax  
92 exemption claim shall be cited in said application, and such  
93 authority cited shall be shown by the tax collector on the tax  
94 receipt as his authority for not collecting such ad valorem taxes,  
95 and the tax collector shall carry forward such information in his  
96 tax collection reports.

97 (4) Any motor vehicle driven over the highways of this state  
98 to the extent that the owner of such motor vehicle is required to  
99 purchase a road and bridge privilege license in this state, yet  
100 the legal situs of such motor vehicle is located in another state,  
101 shall be exempt from ad valorem taxes authorized by this chapter.

102 (5) If a taxpayer shall sell, trade or otherwise dispose of  
103 a vehicle on which the ad valorem and road and bridge privilege  
104 taxes have been paid in any county in the state, he shall remove  
105 the license plate from the vehicle. Such license plate must be  
106 surrendered to the issuing authority with the corresponding tax  
107 receipt, if required, and credit shall be allowed for the taxes  
108 paid for the remaining tax year on like privilege or ad valorem  
109 taxes due on another vehicle owned by the seller or transferor or

110 by the seller's or transferor's spouse or dependent child. If the  
111 seller or transferor does not elect to receive such credit at the  
112 time the license plate is surrendered, the issuing authority shall  
113 issue a certificate of credit to the seller or transferor, or to  
114 the seller's or transferor's spouse or dependent child, or to any  
115 other person, business or corporation, at the direction of the  
116 seller or transferor, for the remaining unexpired taxes prorated  
117 from the first day of the month following the month in which the  
118 license plate is surrendered. The total of such credit may be  
119 used by the person or entity to whom the certificate of credit is  
120 issued, regardless of the relative amounts attributed to privilege  
121 taxes or to county, school or municipal ad valorem taxes. Any  
122 credit allowed for taxes due or any certificate of credit issued  
123 may be applied to like taxes owed in any county by the person to  
124 whom the credit is allowed or by the person possessing the  
125 certificate of credit. No credit, however, shall be allowed on  
126 the charge made for the license plate. Such license plates  
127 surrendered to the tax collector shall be retained by him, and in  
128 no event shall such license plate be attached to any vehicle after  
129 being surrendered to the tax collector, nor shall any license  
130 plate be transferred from one (1) vehicle to any other vehicle.

131 (6) If the person owning a vehicle subject to taxation under  
132 the provisions of this chapter does not operate such vehicle on  
133 the highways of this state from the date of acquisition or, if  
134 previously registered, from the end of the anniversary month of  
135 the tag and decals to the date on which he makes application for a  
136 current license tag or decals, he shall pay such ad valorem tax  
137 for a period of twelve (12) months beginning with the first day of

138 the month in which he applies for a current license tag or decals  
139 under Chapter 19, Title 27, Mississippi Code of 1972. The owner  
140 shall submit an affidavit with an application attesting to the  
141 fact that the vehicle was not operated on the highways of this  
142 state from the date of acquisition or, if previously registered,  
143 from the end of the anniversary month of the tag and decals to the  
144 date on which he makes application for the current license tag or  
145 decals.

146 (7) Any person found violating any of the provisions of this  
147 section shall be arrested and tried, and if found guilty shall be  
148 fined in an amount double the total amount of taxes involved.

149 SECTION 2. This act shall take effect and be in force from  
150 and after July 1, 2000.