

By: Representatives Pierce, Carlton

To: Ways and Means

HOUSE BILL NO. 404

1 AN ACT TO AMEND SECTION 27-19-51, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE FIRST DISTINCTIVE MOTOR VEHICLE LICENSE TAG
3 ISSUED TO AN ACTIVE DUTY MEMBER OF THE ARMY NATIONAL GUARD OF
4 MISSISSIPPI, THE AIR NATIONAL GUARD OF MISSISSIPPI OR THE UNITED
5 STATES RESERVES SHALL BE EXEMPT FROM AD VALOREM TAXES, PRIVILEGE
6 TAXES AND ALL OTHER TAXES AND FEES; TO AMEND SECTION 27-51-41,
7 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF
8 THIS ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 27-19-51, Mississippi Code of 1972, is
11 amended as follows:

12 27-19-51. (1) In recognition of their many and varied
13 patriotic services rendered the state, the United States and the
14 citizens thereof, Mississippians who have completed an active duty
15 career with the Armed Forces of the United States and active duty
16 and retired members of the Army National Guard, Air National Guard
17 of Mississippi, and the United States Reserves, including both
18 enlisted and officer personnel, upon application and subject to
19 the provisions of this section may be issued distinctive motor
20 vehicle license plates or tags identifying these persons with such
21 organizations. For the purposes of this section the term "Armed
22 Forces" includes the United States Merchant Marines and members
23 thereof in maritime service during the period from December 7,
24 1941 to August 15, 1945. The distinctive plates or tags so issued
25 shall comply with the provisions of Section 27-19-41 and shall be
26 of such color and design as may be agreed upon by the Adjutant
27 General and the State Tax Commission for the Army National Guard
28 or Air National Guard, by the Mississippi chapters of the Retired
29 Officers Association and the Retired Non-Commissioned Officers
30 Association and the State Tax Commission for retired active duty

31 members of the Armed Forces of the United States, and by the State
32 Tax Commission for retired members of the United States Merchant
33 Marines. Each distinctive license plate shall bear the words
34 "National Guard" or the name of the appropriate armed service and
35 need not bear prefixed numbers identifying the county of issuance.
36 The first distinctive license plate or tag issued under this
37 section to an active duty member of the Army National Guard of
38 Mississippi, the Air National Guard of Mississippi or the United
39 States Reserves shall be exempt from ad valorem taxes, privilege
40 taxes and all other taxes and fees.

41 (2) The surviving spouse of any person who was issued a
42 distinctive license plate or tag under subsection (1) of this
43 section because of completion of an active duty career with the
44 Armed Forces of the United States or because of retirement from
45 the Army National Guard, Air National Guard or United States
46 Reserves, or any prisoner of war issued a distinctive license
47 plate or tag under Section 27-19-54, shall be eligible to receive
48 the same type of distinctive license plate or tag which the
49 deceased spouse was issued.

50 (3) The distinctive license plates here provided for shall
51 be prepared by the State Tax Commission and shall be issued
52 through the tax collectors of the several counties of the state in
53 like manner as are other motor vehicle license plates or tags and
54 such officers shall be entitled to their regular fees for such
55 service. Applicants for such distinctive plates shall present to
56 the issuing official proof of their membership in the Army
57 National Guard, Air National Guard of Mississippi, or United
58 States Reserves by means of certificate signed by the commanding
59 officer of such applicant on forms prescribed by the Adjutant
60 General of Mississippi. Retired members of the Armed Forces of
61 the United States applying for such plates shall present to the
62 issuing officials a copy of their active duty retirement orders or
63 other proof of retirement from active service with one of the

64 Armed Forces of the United States. The distinctive license plates
65 or tags so issued shall be used only upon and for personally or
66 jointly owned private passenger vehicles (to include station
67 wagons, recreational motor vehicles and pickup trucks) registered
68 in the name, or jointly in the name, of the member making
69 application therefor, and when so issued to such applicant shall
70 be used upon the vehicle for which issued in lieu of the standard
71 license plate or license tag normally issued for such vehicle.

72 (4) In addition to use of such distinctive license plates or
73 tags on such personally or jointly owned vehicles, such
74 distinctive plate or tag may be used on state-owned vehicles
75 operated by the State Military Department provided the prefix
76 "MNG" is placed ahead of the number thereon. Motor vehicles for
77 which such distinctive license plates or tags are issued shall be
78 registered by the proper official as are other motor vehicles.

79 (5) The distinctive license plates issued hereunder shall
80 not be transferable between motor vehicle owners; and in the event
81 the owner of a vehicle bearing such distinctive plate shall sell,
82 trade, exchange or otherwise dispose of the vehicle, such plate
83 shall be retained by the owner to whom issued and returned by the
84 owner to the tax collector of the county or the State Tax
85 Commission, as the case may be.

86 (6) The Adjutant General is authorized to recognize not more
87 than one hundred (100) senior staff officers, commanders, command
88 sergeants major and senior enlisted advisors by designating the
89 issue of National Guard distinctive license plates or tags
90 numbered "1" through "100." These license plates or tags shall be
91 retained by the individual so designated and may be transferred
92 between vehicles or individuals under procedures established by
93 the State Tax Commission. The Adjutant General is responsible for
94 furnishing the State Tax Commission necessary information to
95 effect issue or transfer of these specially numbered license
96 plates or tags.

97 (7) National Guard plates or tags shall be prepared and
98 furnished for the licensing year commencing November 1, 1962, and
99 annually thereafter. The Adjutant General shall furnish the State
100 Tax Commission with an estimate of the number of such distinctive
101 plates or tags required in each of the several counties of the
102 state.

103 (8) The provisions of this section are supplementary to the
104 laws of this state pertaining to the licensing of motor vehicles
105 and nothing herein shall be construed as abridging or repealing
106 any of such laws.

107 **SECTION 2.** Section 27-51-41, Mississippi Code of 1972, is
108 amended as follows:

109 27-51-41. (1) The exemptions from the provisions of this
110 chapter shall be confined to those persons or property exempted by
111 this chapter or by the provisions of the Constitution of the
112 United States or the State of Mississippi. No exemption as now
113 provided by any other statute shall be valid as against the tax
114 levied by this chapter. Any subsequent exemption from the tax
115 levied hereunder shall be provided by amendment to this section
116 which shall be inserted in the bill at length.

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

118 (a) All motor vehicles, as defined in this chapter, and
119 including motor-propelled farm implements and vehicles, while in
120 the hands of bona fide dealers as merchandise and which are not
121 being operated upon the highways of this state.

122 (b) All motor vehicles belonging to the federal
123 government or the State of Mississippi or any agencies or
124 instrumentalities thereof.

125 (c) All motor vehicles owned by any school district in
126 the state.

127 (d) All motor vehicles owned by any fire protection
128 district incorporated in accordance with Sections 19-5-151 through

129 19-5-207 or by any fire protection grading district incorporated
130 in accordance with Sections 19-5-215 through 19-5-241.

131 (e) All motor vehicles owned by units of the
132 Mississippi National Guard.

133 (f) All motor vehicles which are exempted from highway
134 privilege taxes under Section 27-19-1 et seq.

135 (g) All motor vehicles operated in this state as common
136 and contract carriers of property, private commercial carriers of
137 property, private carriers of property and buses, all of which
138 have a gross weight in excess of ten thousand (10,000) pounds.

139 (h) Antique automobiles as defined in Section 27-19-47,
140 and antique pickup trucks as provided for under Section
141 27-19-47.2, Mississippi Code of 1972.

142 (i) Street rods as defined in Section 27-19-56.6.

143 (j) Motor vehicles owned by disabled American veterans,
144 or by spouses of deceased disabled American veterans, in
145 accordance with Section 27-19-53.

146 (k) One (1) motor vehicle owned by the unremarried
147 surviving spouse of a member of the Armed Forces of the United
148 States who, while on active duty, is killed or dies and one (1)
149 motor vehicle owned by the unremarried surviving spouse of a
150 member of a reserve component of the Armed Forces of the United
151 States or of the National Guard who, while on active duty for
152 training, is killed or dies.

153 (l) Motor vehicles owned by recipients of the
154 Congressional Medal of Honor or by former prisoners of war, or by
155 spouses of such deceased persons, in accordance with Section
156 27-19-54.

157 (m) (i) One (1) private carrier of passengers, as
158 defined in Section 27-19-3, owned by any religious society,
159 ecclesiastical body or any congregation thereof which is used
160 exclusively for such society and not for profit.

161 (ii) All motor vehicles owned by any such
162 religious society or any educational institution having a seating
163 capacity greater than seven (7) passengers and used exclusively
164 for transporting passengers for religious or educational purposes
165 and not for profit.

166 (n) All motor vehicles primarily used as rentals under
167 rental agreements with a term of not more than thirty (30)
168 continuous days each and under the control of persons who are
169 engaged in the business of renting such motor vehicles and who are
170 subject to the tax under Section 27-65-231.

171 (o) Antique motorcycles as defined in Section
172 27-19-47.1.

173 (p) One (1) motor vehicle owned by a recipient of the
174 Purple Heart, and one (1) motor vehicle owned by the unremarried
175 surviving spouse of a recipient of the Purple Heart, as provided
176 in Section 27-19-56.5.

177 (q) Motor vehicles that are eligible to display an
178 authentic historical license plate as provided for in Section
179 27-19-56.11.

180 (r) Motor vehicles that are (i) designed or adapted to
181 be used exclusively in the preparation and loading of chemicals or
182 other material for aerial agricultural application to crops; and
183 (ii) only incidentally used on public roadways in this state.

184 (s) One (1) motor vehicle owned by an active duty
185 member of the Army National Guard of Mississippi, the Air National
186 Guard of Mississippi or the United States Reserves, as provided
187 under Section 1 of House Bill No. 404, 2005 Regular Session.

188 (3) Any claim for tax exemption by authority of the
189 above-mentioned code sections or by any other legal authority
190 shall be set out in the application for the road and bridge
191 privilege license, and the specific legal authority for such tax
192 exemption claim shall be cited in said application, and such
193 authority cited shall be shown by the tax collector on the tax

194 receipt as his authority for not collecting such ad valorem taxes,
195 and the tax collector shall carry forward such information in his
196 tax collection reports.

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

202 (5) If a taxpayer shall sell, trade or otherwise dispose of
203 a vehicle on which the ad valorem and road and bridge privilege
204 taxes have been paid in any county in the state, he shall remove
205 the license plate from the vehicle. Such license plate must be
206 surrendered to the issuing authority with the corresponding tax
207 receipt, if required, and credit shall be allowed for the taxes
208 paid for the remaining tax year on like privilege or ad valorem
209 taxes due on another vehicle owned by the seller or transferor or
210 by the seller's or transferor's spouse or dependent child. If the
211 seller or transferor does not elect to receive such credit at the
212 time the license plate is surrendered, the issuing authority shall
213 issue a certificate of credit to the seller or transferor, or to
214 the seller's or transferor's spouse or dependent child, or to any
215 other person, business or corporation, at the direction of the
216 seller or transferor, for the remaining unexpired taxes prorated
217 from the first day of the month following the month in which the
218 license plate is surrendered. The total of such credit may be
219 used by the person or entity to whom the certificate of credit is
220 issued, regardless of the relative amounts attributed to privilege
221 taxes or to county, school or municipal ad valorem taxes. Any
222 credit allowed for taxes due or any certificate of credit issued
223 may be applied to like taxes owed in any county by the person to
224 whom the credit is allowed or by the person possessing the
225 certificate of credit. No credit, however, shall be allowed on
226 the charge made for the license plate. Such license plates

227 surrendered to the tax collector shall be retained by him, and in
228 no event shall such license plate be attached to any vehicle after
229 being surrendered to the tax collector, nor shall any license
230 plate be transferred from one (1) vehicle to any other vehicle.

231 (6) If the person owning a vehicle subject to taxation under
232 the provisions of this chapter does not operate such vehicle on
233 the highways of this state from the date of acquisition or, if
234 previously registered, from the end of the anniversary month of
235 the tag and decals to the date on which he makes application for a
236 current license tag or decals, he shall pay such ad valorem tax
237 for a period of twelve (12) months beginning with the first day of
238 the month in which he applies for a current license tag or decals
239 under Chapter 19, Title 27, Mississippi Code of 1972. The owner
240 shall submit an affidavit with an application attesting to the
241 fact that the vehicle was not operated on the highways of this
242 state from the date of acquisition or, if previously registered,
243 from the end of the anniversary month of the tag and decals to the
244 date on which he makes application for the current license tag or
245 decals.

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

249 **SECTION 3.** This act shall take effect and be in force from
250 and after July 1, 2005.