

By: Representative Watson

To: Ways and Means

HOUSE BILL NO. 1164

1 AN ACT TO AMEND SECTION 27-65-27, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE CHAIRMAN OF THE STATE TAX COMMISSION TO REFUSE TO
3 ISSUE TO OR REVOKE THE PERMIT TO ENGAGE IN BUSINESS UNDER THE
4 SALES TAX LAW OF, ANY PERSON WHO HAS NOT SATISFIED ALL TAX
5 LIABILITIES TO THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 27-65-27, Mississippi Code of 1972, is
8 amended as follows:

9 27-65-27. (1) Any person who engages, or who intends to
10 engage, in any business or activity which will subject such person
11 to a privilege tax imposed by this chapter, shall apply to the
12 commissioner for a permit to engage in and to conduct any business
13 or activity upon the condition that he shall pay the tax accruing
14 to the State of Mississippi under the provisions of this chapter,
15 and shall keep adequate records of such business or activity as
16 required by this chapter. By making an application for a permit
17 issued pursuant to this section, a person agrees, regardless of
18 his presence in this state, to:

19 (a) Be subject to the jurisdiction of this state for
20 purposes of taxation;

21 (b) Collect and remit all taxes levied under this
22 chapter on the type of business or activity to be conducted by the
23 applicant;

24 (c) Be subject to all the provisions of this chapter.

25 (2) Upon receipt of such permit, the applicant shall be duly
26 licensed under this chapter to engage in and conduct such business
27 or activity. Said permit shall continue in force so long as the

28 person to whom it is issued shall continue in the same business at
29 the same location, unless revoked by the commissioner for cause.

30 (3) The commissioner shall require of every person desiring
31 to engage in business within this state who maintains no permanent
32 place of business within this state, of every person desiring to
33 engage in the business of making sales of mobile homes, a cash
34 bond or an approved surety bond in an amount sufficient to cover
35 twice the estimated tax liability for a period of three (3)
36 months. * * * However, * * * the bond shall in no case be less
37 than One Hundred Dollars (\$100.00) and * * * the tax may be
38 prepaid in lieu of filing bond if the amount is approved by the
39 commissioner. This bond shall be filed with the commissioner
40 prior to the issuance of a permit to do business and before
41 any * * * person may engage in business within this state.
42 Failure to comply with the provision will subject such person to
43 the penalties provided by this chapter.

44 (4) The commissioner is hereby authorized to revoke the
45 permit of any person failing to comply with any of the provisions
46 of this chapter, after giving to the person holding the permit ten
47 (10) days' notice of the intention of the commissioner to revoke
48 the license. Unless good cause be shown within the ten-day period
49 why the permit should not be revoked, the commissioner may revoke
50 the permit, and revocation of the permit, or engaging or
51 continuing in business after the permit is revoked, shall subject
52 the person to all the penalties imposed by this chapter.

53 (5) Any person liable for the tax who fails to obtain a
54 permit from the commissioner, or who continues in business after a
55 permit has been revoked, or who fails to make his returns for
56 taxation as provided, or who fails to keep adequate records and
57 invoices provided by this chapter, or who fails or refuses to
58 permit inspection of such records, or who fails to pay any taxes
59 due under this chapter, shall forfeit his rights to do business in
60 this state until he complies with all the provisions of this

61 chapter and until he enters into a bond, with sureties, to be
62 approved by the commissioner, in an amount not to exceed twice the
63 amount of all taxes estimated to become due under this chapter by
64 the person for any period of three (3) months, conditioned to
65 comply with the provisions of this chapter, and pay all taxes
66 legally due by him.

67 (6) If any person is engaged in or continuing in this state
68 in any business or activity without obtaining a permit, or after a
69 permit has been revoked, or without filing a required bond, or
70 without keeping and allowing inspection of all records required by
71 this chapter, or without making a return, or returns, and without
72 paying all taxes due by him under this chapter, it shall be the
73 duty of the commissioner to proceed by injunction to prevent the
74 continuance of the business. Any temporary injunction enjoining
75 the continuance of the business shall be granted without notice by
76 a judge or chancellor now authorized to grant injunctions.

77 (7) (a) The commissioner may deny the issuance of a permit
78 to, or revoke the existing permit of, any person, who has not
79 satisfied all tax liabilities to the State of Mississippi.

80 (b) Notice of denial or revocation under this
81 subsection shall be given by regular mail or by personal delivery
82 to the person applying for or holding the permit. The notice of
83 denial or revocation shall state the reasons for denial of the
84 permit.

85 **SECTION 2.** This act shall take effect and be in force from
86 and after July 1, 2005.