

By: Representative Clarke

To: Ways and Means

HOUSE BILL NO. 1580

1 AN ACT TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT FROM AD VALOREM TAXATION SPECIAL EQUIPMENT USED OR
3 DESIGNED FOR THE PURPOSE OF ASSISTING DISABLED PERSONS THAT IS
4 MOUNTED OR ATTACHED TO OR INSTALLED ON A PRIVATE CARRIER OF
5 PASSENGERS OR LIGHT CARRIER OF PROPERTY; AND FOR RELATED 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:

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.

22 (b) All motor vehicles belonging to the federal
23 government or the State of Mississippi or any agencies or
24 instrumentalities thereof.

25 (c) All motor vehicles owned by any school district in
26 the state.

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

29 19-5-207 or by any fire protection grading district incorporated
30 in accordance with Sections 19-5-215 through 19-5-241.

31 (e) All motor vehicles owned by units of the
32 Mississippi National Guard.

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

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

39 (h) Antique automobiles as defined in Section 27-19-47,
40 and antique pickup trucks as provided for under Section
41 27-19-47.2, Mississippi Code of 1972.

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

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

46 (k) One (1) motor vehicle owned by the unremarried
47 surviving spouse of a member of the Armed Forces of the United
48 States who, while on active duty, is killed or dies and one (1)
49 motor vehicle owned by the unremarried surviving spouse of a
50 member of a reserve component of the Armed Forces of the United
51 States or of the National Guard who, while on active duty for
52 training, is killed or dies.

53 (l) Motor vehicles owned by recipients of the
54 Congressional Medal of Honor or by former prisoners of war, or by
55 spouses of such deceased persons, in accordance with Section
56 27-19-54.

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

61 (ii) All motor vehicles owned by any such
62 religious society or any educational institution having a seating
63 capacity greater than seven (7) passengers and used exclusively
64 for transporting passengers for religious or educational purposes
65 and not for profit.

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

71 (o) Antique motorcycles as defined in Section
72 27-19-47.1.

73 (p) One (1) motor vehicle owned by a recipient of the
74 Purple Heart, and one (1) motor vehicle owned by the unremarried
75 surviving spouse of a recipient of the Purple Heart, as provided
76 in Section 27-19-56.5.

77 (q) Motor vehicles that are eligible to display an
78 authentic historical license plate as provided for in Section
79 27-19-56.11.

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

84 (s) Special equipment used or designed for the purpose
85 of assisting disabled persons that is mounted or attached to or
86 installed on a private carrier of passengers or light carrier of
87 property, as defined in Section 27-51-101.

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, 2005.