

By: Senator(s) Doxey

To: Finance

SENATE BILL NO. 2267

1 AN ACT TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT FROM AD VALOREM TAXATION ONE MOTOR VEHICLE OWNED BY
3 ACTIVE DUTY MEMBERS OF THE UNITED STATES ARMED FORCES; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 27-51-41, Mississippi Code of 1972, is
7 amended as follows:

8 27-51-41. (1) The exemptions from the provisions of this
9 chapter shall be confined to those persons or property exempted by
10 this chapter or by the provisions of the Constitution of the
11 United States or the State of Mississippi. No exemption as now
12 provided by any other statute shall be valid as against the tax
13 levied by this chapter. Any subsequent exemption from the tax
14 levied hereunder shall be provided by amendment to this section
15 which shall be inserted in the bill at length.

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

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

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

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

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

28 19-5-207 or by any fire protection grading district incorporated
29 in accordance with Sections 19-5-215 through 19-5-241.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

83 (s) One (1) motor vehicle owned by a person domiciled
84 in this state who is an active duty member of the United States
85 Armed Forces, including members of the Reserves and National
86 Guard.

87 (3) Any claim for tax exemption by authority of the
88 above-mentioned code sections or by any other legal authority
89 shall be set out in the application for the road and bridge
90 privilege license, and the specific legal authority for such tax
91 exemption claim shall be cited in said application, and such
92 authority cited shall be shown by the tax collector on the tax

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

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

101 (5) If a taxpayer shall sell, trade or otherwise dispose of
102 a vehicle on which the ad valorem and road and bridge privilege
103 taxes have been paid in any county in the state, he shall remove
104 the license plate from the vehicle. Such license plate must be
105 surrendered to the issuing authority with the corresponding tax
106 receipt, if required, and credit shall be allowed for the taxes
107 paid for the remaining tax year on like privilege or ad valorem
108 taxes due on another vehicle owned by the seller or transferor or
109 by the seller's or transferor's spouse or dependent child. If the
110 seller or transferor does not elect to receive such credit at the
111 time the license plate is surrendered, the issuing authority shall
112 issue a certificate of credit to the seller or transferor, or to
113 the seller's or transferor's spouse or dependent child, or to any
114 other person, business or corporation, at the direction of the
115 seller or transferor, for the remaining unexpired taxes prorated
116 from the first day of the month following the month in which the
117 license plate is surrendered. The total of such credit may be
118 used by the person or entity to whom the certificate of credit is
119 issued, regardless of the relative amounts attributed to privilege
120 taxes or to county, school or municipal ad valorem taxes. Any
121 credit allowed for taxes due or any certificate of credit issued
122 may be applied to like taxes owed in any county by the person to
123 whom the credit is allowed or by the person possessing the
124 certificate of credit. No credit, however, shall be allowed on
125 the charge made for the license plate. Such license plates

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

130 (6) If the person owning a vehicle subject to taxation under
131 the provisions of this chapter does not operate such vehicle on
132 the highways of this state from the date of acquisition or, if
133 previously registered, from the end of the anniversary month of
134 the tag and decals to the date on which he makes application for a
135 current license tag or decals, he shall pay such ad valorem tax
136 for a period of twelve (12) months beginning with the first day of
137 the month in which he applies for a current license tag or decals
138 under Chapter 19, Title 27, Mississippi Code of 1972. The owner
139 shall submit an affidavit with an application attesting to the
140 fact that the vehicle was not operated on the highways of this
141 state from the date of acquisition or, if previously registered,
142 from the end of the anniversary month of the tag and decals to the
143 date on which he makes application for the current license tag or
144 decals.

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

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