

By: Senator(s) Little

To: Finance

SENATE BILL NO. 2304

1 AN ACT TO AMEND SECTIONS 63-21-5, 63-21-9 AND 63-21-11,
2 MISSISSIPPI CODE OF 1972, TO MAKE IT CLEAR THAT ALL-TERRAIN
3 VEHICLES MAY BE VOLUNTARILY TITLED; TO PROVIDE THAT TITLES TO
4 ALL-TERRAIN VEHICLES MAY BE ISSUED TO NONRESIDENT OWNERS OF SUCH
5 VEHICLES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-21-5, Mississippi Code of 1972, is
8 amended as follows:

9 63-21-5. The following words and phrases when used in this
10 chapter shall, for the purpose of this chapter, have the meanings
11 respectively ascribed to them in this section except where the
12 context clearly indicates a different meaning:

13 (a) "State Tax Commission" means the State Tax
14 Commission of the State of Mississippi.

15 (b) * * * "Dealer" means every person engaged regularly
16 in the business of buying, selling or exchanging motor vehicles,
17 trailers, semitrailers, trucks, tractors or other character of
18 commercial or industrial motor vehicles in this state, and having
19 in this state an established place of business as defined in
20 Section 27-19-303, Mississippi Code of 1972. The term "dealer"
21 shall also mean every person engaged regularly in the business of
22 buying, selling or exchanging manufactured housing in this state,
23 and licensed as a dealer of manufactured housing by the
24 Mississippi Department of Insurance.

25 (c) * * * "Designated agent" means each county tax
26 collector in this state who may perform his duties under this
27 chapter either personally or through any of his deputies, or such
28 other persons as the State Tax Commission may designate. The term

29 shall also mean those "dealers" as herein defined and/or their
30 officers and employees and other persons who are appointed by the
31 State Tax Commission in the manner provided in Section 63-21-13,
32 Mississippi Code of 1972, to perform the duties of "designated
33 agent" for the purposes of this chapter.

34 (d) * * * "Implement of husbandry" means every vehicle
35 designed and adapted exclusively for agricultural, horticultural
36 or livestock raising operations or for lifting or carrying an
37 implement of husbandry and in either case not subject to
38 registration if used upon the highways.

39 (e) * * * "Vehicle identification number" means the
40 numbers and letters on a vehicle, manufactured home or mobile home
41 designated by the manufacturer or assigned by the State Tax
42 Commission for the purpose of identifying the vehicle,
43 manufactured home or mobile home.

44 (f) * * * "Lien" means every kind of written lease
45 which is substantially equivalent to an installment sale or which
46 provides for a right of purchase; conditional sale; reservation of
47 title; deed of trust; chattel mortgage; trust receipt; and every
48 other written agreement or instrument of whatever kind or
49 character whereby an interest other than absolute title is sought
50 to be held or given on a motor vehicle, manufactured home or
51 mobile home.

52 (g) * * * "Lienholder" means any natural person, firm,
53 copartnership, association or corporation holding a lien as herein
54 defined on a motor vehicle, manufactured home or mobile home.

55 (h) * * * "Manufactured housing" or "manufactured home"
56 means any structure, transportable in one or more sections, which
57 in the traveling mode, is eight (8) body feet or more in width or
58 forty (40) body feet or more in length or, when erected on site,
59 is three hundred twenty (320) or more square feet and which is
60 built on a permanent chassis and designed to be used as a dwelling
61 with or without a permanent foundation when connected to the

62 required utilities, and includes the plumbing, heating,
63 air-conditioning and electrical systems contained therein; except
64 that such terms shall include any structure which meets all the
65 requirements of this paragraph except the size requirements and
66 with respect to which the manufacturer voluntarily files a
67 certification required by the Secretary of Housing and Urban
68 Development and complies with the standards established under the
69 National Manufactured Housing Construction and Safety Standards
70 Act of 1974, 42 USCS, Section 5401.

71 (i) * * * "Manufacturer" means any person regularly
72 engaged in the business of manufacturing, constructing or
73 assembling motor vehicles, manufactured homes or mobile homes,
74 either within or without this state.

75 (j) * * * "Mobile home" means any structure,
76 transportable in one or more sections, which in the traveling
77 mode, is eight (8) body feet or more in width or forty (40) body
78 feet or more in length or, when erected on site, is three hundred
79 twenty (320) or more square feet and which is built on a permanent
80 chassis and designed to be used as a dwelling with or without a
81 permanent foundation when connected to the required utilities, and
82 includes the plumbing, heating, air-conditioning and electrical
83 systems contained therein and manufactured prior to June 15, 1976.

84 (k) * * * "Motorcycle" means every motor vehicle having
85 a seat or saddle for the use of the rider and designed to travel
86 on not more than three (3) wheels in contact with the ground, but
87 excluding a farm tractor.

88 (l) * * * "Motor vehicle" means every automobile,
89 motorcycle, mobile trailer, semitrailer, truck, truck tractor,
90 trailer and every other device in, upon, or by which any person or
91 property is or may be transported or drawn upon a public highway
92 which is required to have a road or bridge privilege license,
93 except such as is moved by animal power or used exclusively upon
94 stationary rails or tracks.

95 (m) * * * "New vehicle" means a motor vehicle,
96 manufactured home or mobile home which has never been the subject
97 of a first sale for use.

98 (n) * * * "Used vehicle" means a motor vehicle,
99 manufactured home or mobile home that has been the subject of a
100 first sale for use, whether within this state or elsewhere.

101 (o) * * * "Owner" means a person or persons holding the
102 legal title of a vehicle, manufactured home or mobile home; in the
103 event a vehicle, manufactured home or mobile home is the subject
104 of a deed of trust or a chattel mortgage or an agreement for the
105 conditional sale or lease thereof or other like agreement, with
106 the right of purchase upon performance of the conditions stated in
107 the agreement and with the immediate right of possession vested in
108 the grantor in the deed of trust, mortgagor, conditional vendee or
109 lessee, said grantor, mortgagor, conditional vendee or lessee
110 shall be deemed the owner for the purpose of this chapter.

111 (p) * * * "Person" includes every natural person, firm,
112 copartnership, association or corporation.

113 (q) * * * "Pole trailer" means every vehicle without
114 motive power designed to be drawn by another vehicle and attached
115 to the towing vehicle by means of a reach or pole, or by being
116 boomed or otherwise secured to the towing vehicle, and ordinarily
117 used for transporting long or irregularly shaped loads such as
118 poles, pipes, boats or structural members capable generally of
119 sustaining themselves as beams between the supporting connections.

120 (r) * * * "Security agreement" means a written
121 agreement which reserves or creates a security interest.

122 (s) * * * "Security interest" means an interest in a
123 vehicle, manufactured home or mobile home reserved or created by
124 agreement and which secures payment or performance of an
125 obligation. The term includes the interest of a lessor under a
126 lease intended as security. A security interest is "perfected"

127 when it is valid against third parties generally, subject only to
128 specific statutory exceptions.

129 (t) * * * "Special mobile equipment" means every
130 vehicle not designed or used primarily for the transportation of
131 persons or property and only incidentally operated or moved over a
132 highway, including, but not limited to: ditch-digging apparatus,
133 well-boring apparatus and road construction and maintenance
134 machinery such as asphalt spreaders, bituminous mixers, bucket
135 loaders, tractors other than truck tractors, ditchers, leveling
136 graders, finishing machines, motor graders, road rollers,
137 scarifiers, earth-moving carryalls and scrapers, power shovels and
138 draglines, and self-propelled cranes, vehicles so constructed that
139 they exceed eight (8) feet in width and/or thirteen (13) feet six
140 (6) inches in height, and earth-moving equipment. The term does
141 not include house trailers, dump trucks, truck-mounted transit
142 mixers, cranes or shovels, or other vehicles designed for the
143 transportation of persons or property to which machinery has been
144 attached.

145 (u) * * * "Nonresident" means every person who is not a
146 resident of this state.

147 (v) * * * "Current address" means a new address
148 different from the address shown on the application or on the
149 certificate of title. The owner shall within thirty (30) days
150 after his address is changed from that shown on the application or
151 on the certificate of title notify the State Tax Commission of the
152 change of address in the manner prescribed by the State Tax
153 Commission.

154 (w) * * * "Odometer" means an instrument for measuring
155 and recording the actual distance a motor vehicle travels while in
156 operation; but shall not include any auxiliary instrument designed
157 to be reset by the operator of the motor vehicle for the purpose
158 of recording the distance traveled on trips.

159 (x) * * * "Odometer reading" means the actual
160 cumulative distance traveled disclosed on the odometer.

161 (y) * * * "Odometer disclosure statement" means a
162 statement certified by the owner of the motor vehicle to the
163 transferee or to the State Tax Commission as to the odometer
164 reading.

165 (z) * * * "Mileage" means actual distance that a
166 vehicle has traveled.

167 (aa) * * * "Trailer" means every vehicle other than a
168 "pole trailer" as defined in this chapter without motive power
169 designed to be drawn by another vehicle and attached to the towing
170 vehicle for the purpose of hauling goods or products. The term
171 "trailer" shall not refer to any structure, transportable in one
172 or more sections regardless of size, when erected on site, and
173 which is built on a permanent chassis and designed to be used as a
174 dwelling with or without a permanent foundation when connected to
175 the required utilities, and includes the plumbing, heating,
176 air-conditioning and electrical systems contained therein
177 regardless of the date of manufacture.

178 (bb) * * * "Salvage mobile home" or "salvage
179 manufactured home" means a mobile home or manufactured home for
180 which a certificate of title has been issued that an insurance
181 company obtains from the owner as a result of paying a total loss
182 claim resulting from collision, fire, flood, wind or other
183 occurrence. The term "salvage mobile home" or "salvage
184 manufactured home" does not mean or include and is not applicable
185 to a mobile home or manufactured home that is twenty (20) years
186 old or older.

187 (cc) "Salvage certificate of title" means a document
188 issued by the State Tax Commission for a salvage mobile home or
189 salvage manufactured home as defined in this chapter.

190 (dd) "All-terrain vehicle" means a motor vehicle that
191 is designed for off-road use and is not required to have a motor
192 vehicle privilege license.

193 **SECTION 2.** Section 63-21-9, Mississippi Code of 1972, is
194 amended as follows:

195 63-21-9. (1) Except as provided in Section 63-21-11, every
196 owner of a motor vehicle as defined in this chapter, which is in
197 this state and which is manufactured or assembled after July 1,
198 1969, or which is the subject of first sale for use after July 1,
199 1969, and every owner of a manufactured home as defined in this
200 chapter, which is in this state and which is manufactured or
201 assembled after July 1, 1999, or which is the subject of first
202 sale for use after July 1, 1999, shall make application to the
203 State Tax Commission for a certificate of title with the following
204 exceptions:

205 (a) Voluntary application for title may be made for any
206 model motor vehicle which is in this state after July 1, 1969, and
207 for any model manufactured home or mobile home which is in this
208 state after July 1, 1999, and any person bringing a motor vehicle,
209 manufactured home or mobile home into this state from a state
210 which requires titling shall make application for title to the
211 State Tax Commission within thirty (30) days thereafter.

212 (b) After July 1, 1969, any dealer, acting for himself,
213 or another, who sells, trades or otherwise transfers any new or
214 used vehicle as defined in this chapter, and after July 1, 1999,
215 any dealer, acting for himself, or another, who sells, trades or
216 otherwise transfers any new or used manufactured home or mobile
217 home as defined in this chapter, or any designated agent, shall
218 furnish to the purchaser or transferee, without charge for either
219 application or certificate of title, an application for title of
220 said vehicle, manufactured home or mobile home and cause to be
221 forwarded to the State Tax Commission any and all documents
222 required by the commission to issue certificate of title to the

223 purchaser or transferee. The purchaser or transferee may then use
224 the duplicate application for title as a permit to operate vehicle
225 as provided in Section 63-21-67, until certificate of title is
226 received.

227 (2) (a) Voluntary application for title may be made for any
228 model all-terrain vehicle which is in this state.

229 (b) A dealer who sells, trades or otherwise transfers
230 any new or used all-terrain vehicles as defined in this chapter,
231 may furnish to the purchaser or transferee, without charge for
232 either application or certificate of title, an application for
233 title of said vehicle, and cause to be forwarded to the State Tax
234 Commission any and all documents required by the commission to
235 issue certificate of title to the purchaser or transferee.

236 (3) Any dealer, acting for himself or another who sells,
237 trades or otherwise transfers any vehicle, manufactured home or
238 mobile home required to be titled under this chapter who does not
239 comply with the provisions of this chapter shall be guilty of a
240 misdemeanor and upon conviction shall be fined a sum not exceeding
241 Five Hundred Dollars (\$500.00).

242 **SECTION 3.** Section 63-21-11, Mississippi Code of 1972, is
243 amended as follows:

244 63-21-11. (1) No certificate of title need be obtained for:

245 (a) A vehicle, manufactured home or mobile home owned
246 by the United States or any agency thereof;

247 (b) A vehicle, manufactured home or mobile home owned
248 by a manufacturer or dealer and held for sale, even though
249 incidentally moved on the highway or used for purposes of testing
250 or demonstration, or a vehicle used by a manufacturer solely for
251 testing;

252 (c) A vehicle, manufactured home or mobile home owned
253 by a nonresident of this state and not required by law to be
254 registered in this state;

255 (d) A vehicle regularly engaged in the interstate
256 transportation of persons or property for which a currently
257 effective certificate of title has been issued in another state;

258 (e) A vehicle moved solely by animal power;

259 (f) An implement of husbandry;

260 (g) Special mobile equipment;

261 (h) A pole trailer;

262 (i) Utility trailers of less than five thousand (5,000)
263 pounds gross vehicle weight.

264 (2) Nothing in this section shall prohibit the issuance of a
265 certificate of title to the nonresident owner of an all-terrain
266 vehicle that is purchased in this state.

267 **SECTION 4.** This act shall take effect and be in force from
268 and after July 1, 2005.