

By: Senator(s) Dawkins

To: Finance

SENATE BILL NO. 2385

1 AN ACT TO AMEND SECTIONS 27-51-5 AND 27-51-41, MISSISSIPPI
2 CODE OF 1972, TO EXEMPT QUALIFIED HYBRID VEHICLES FROM AD VALOREM
3 TAXATION; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 27-51-5, Mississippi Code of 1972, is
6 amended as follows:

7 27-51-5. The subject words and terms of this section, for
8 the purpose of this chapter, shall have meanings as follows:

9 (a) "Motor vehicle" means any device and attachments
10 supported by one or more wheels which is propelled or drawn by any
11 power other than muscular power over the highways, streets or
12 alleys of this state. The term "motor vehicle" shall not include
13 electric personal assistive mobility devices as defined in Section
14 63-3-103. However, mobile homes which are detached from any
15 self-propelled vehicles and parked on land in the state are hereby
16 expressly exempt from the motor vehicle ad valorem taxes, but
17 house trailers which are actually in transit and which are not
18 parked for more than an overnight stop are not exempted.

19 (b) "Public highway" means and includes every way or
20 place of whatever nature, including public roads, streets and
21 alleys of this state generally open to the use of the public or to
22 be opened or reopened to the use of the public for the purpose of
23 vehicular travel, notwithstanding that the same may be temporarily
24 closed for the purpose of construction, reconstruction,
25 maintenance, or repair.

26 (c) "Administrator of the road and bridge privilege tax
27 law" means the official authorized by law to administer the road
28 and bridge privilege tax law of this state.

29 (d) "Qualified hybrid vehicle" means a private carrier
30 of passengers or light carrier of property (as defined in Section
31 27-51-101) that:

32 (i) Meets all applicable regulatory requirements;

33 (ii) Meets the current vehicle exhaust standard
34 set under the National Low-Emission Vehicle Program for gasoline
35 powered passenger cars; and

36 (iii) Can draw propulsion energy from both of the
37 following on-board sources of stored energy:

38 1. Gasoline or diesel fuel; and

39 2. A rechargeable energy storage system.

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

42 27-51-41. (1) The exemptions from the provisions of this
43 chapter shall be confined to those persons or property exempted by
44 this chapter or by the provisions of the Constitution of the
45 United States or the State of Mississippi. No exemption as now
46 provided by any other statute shall be valid as against the tax
47 levied by this chapter. Any subsequent exemption from the tax
48 levied hereunder shall be provided by amendment to this section
49 which shall be inserted in the bill at length.

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

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

55 (b) All motor vehicles belonging to the federal
56 government or the State of Mississippi or any agencies or
57 instrumentalities thereof.

58 (c) All motor vehicles owned by any school district in
59 the state.

60 (d) All motor vehicles owned by any fire protection
61 district incorporated in accordance with Sections 19-5-151 through
62 19-5-207 or by any fire protection grading district incorporated
63 in accordance with Sections 19-5-215 through 19-5-241.

64 (e) All motor vehicles owned by units of the
65 Mississippi National Guard.

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

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

72 (h) Antique automobiles as defined in Section 27-19-47,
73 and antique pickup trucks as provided for under Section
74 27-19-47.2, Mississippi Code of 1972.

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

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

79 (k) One (1) motor vehicle owned by the unremarried
80 surviving spouse of a member of the Armed Forces of the United
81 States who, while on active duty, is killed or dies and one (1)
82 motor vehicle owned by the unremarried surviving spouse of a
83 member of a reserve component of the Armed Forces of the United
84 States or of the National Guard who, while on active duty for
85 training, is killed or dies.

86 (l) Motor vehicles owned by recipients of the
87 Congressional Medal of Honor or by former prisoners of war, or by
88 spouses of such deceased persons, in accordance with Section
89 27-19-54.

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

94 (ii) All motor vehicles owned by any such
95 religious society or any educational institution having a seating
96 capacity greater than seven (7) passengers and used exclusively
97 for transporting passengers for religious or educational purposes
98 and not for profit.

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

104 (o) Antique motorcycles as defined in Section
105 27-19-47.1.

106 (p) One (1) motor vehicle owned by a recipient of the
107 Purple Heart, and one (1) motor vehicle owned by the unremarried
108 surviving spouse of a recipient of the Purple Heart, as provided
109 in Section 27-19-56.5.

110 (q) Motor vehicles that are eligible to display an
111 authentic historical license plate as provided for in Section
112 27-19-56.11.

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

117 (s) All qualified hybrid vehicles.

118 (3) Any claim for tax exemption by authority of the
119 above-mentioned code sections or by any other legal authority
120 shall be set out in the application for the road and bridge
121 privilege license, and the specific legal authority for such tax
122 exemption claim shall be cited in said application, and such

123 authority cited shall be shown by the tax collector on the tax
124 receipt as his authority for not collecting such ad valorem taxes,
125 and the tax collector shall carry forward such information in his
126 tax collection reports.

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

132 (5) If a taxpayer shall sell, trade or otherwise dispose of
133 a vehicle on which the ad valorem and road and bridge privilege
134 taxes have been paid in any county in the state, he shall remove
135 the license plate from the vehicle. Such license plate must be
136 surrendered to the issuing authority with the corresponding tax
137 receipt, if required, and credit shall be allowed for the taxes
138 paid for the remaining tax year on like privilege or ad valorem
139 taxes due on another vehicle owned by the seller or transferor or
140 by the seller's or transferor's spouse or dependent child. If the
141 seller or transferor does not elect to receive such credit at the
142 time the license plate is surrendered, the issuing authority shall
143 issue a certificate of credit to the seller or transferor, or to
144 the seller's or transferor's spouse or dependent child, or to any
145 other person, business or corporation, at the direction of the
146 seller or transferor, for the remaining unexpired taxes prorated
147 from the first day of the month following the month in which the
148 license plate is surrendered. The total of such credit may be
149 used by the person or entity to whom the certificate of credit is
150 issued, regardless of the relative amounts attributed to privilege
151 taxes or to county, school or municipal ad valorem taxes. Any
152 credit allowed for taxes due or any certificate of credit issued
153 may be applied to like taxes owed in any county by the person to
154 whom the credit is allowed or by the person possessing the
155 certificate of credit. No credit, however, shall be allowed on

156 the charge made for the license plate. Such license plates
157 surrendered to the tax collector shall be retained by him, and in
158 no event shall such license plate be attached to any vehicle after
159 being surrendered to the tax collector, nor shall any license
160 plate be transferred from one vehicle to any other vehicle.

161 (6) If the person owning a vehicle subject to taxation under
162 the provisions of this chapter does not operate such vehicle on
163 the highways of this state from the date of acquisition or, if
164 previously registered, from the end of the anniversary month of
165 the tag and decals to the date on which he makes application for a
166 current license tag or decals, he shall pay such ad valorem tax
167 for a period of twelve (12) months beginning with the first day of
168 the month in which he applies for a current license tag or decals
169 under Chapter 19, Title 27, Mississippi Code of 1972. The owner
170 shall submit an affidavit with an application attesting to the
171 fact that the vehicle was not operated on the highways of this
172 state from the date of acquisition or, if previously registered,
173 from the end of the anniversary month of the tag and decals to the
174 date on which he makes application for the current license tag or
175 decals.

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

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