

By: Representative Gunn

To: Ways and Means

## HOUSE BILL NO. 1594

1 AN ACT TO AMEND SECTION 27-19-56.12, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE THAT ALL OF THE PRIVILEGE TAXES AND FIFTY PERCENT  
3 OF THE MOTOR VEHICLE AD VALOREM TAXES LEVIED BY COUNTIES AND  
4 MUNICIPALITIES FOR GENERAL FUND PURPOSES SHALL BE EXEMPT ON ONE  
5 DISTINCTIVE MOTOR VEHICLE LICENSE TAG ISSUED TO A UNITED STATES  
6 ARMED FORCES VETERAN; TO AMEND SECTION 27-51-41, MISSISSIPPI CODE  
7 OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR  
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 27-19-56.12, Mississippi Code of 1972, is  
11 amended as follows:

12 27-19-56.12. In recognition of the patriotic service  
13 rendered by Mississippians who are honorably discharged veterans  
14 who served in the United States Armed Forces, any such person is  
15 privileged to obtain distinctive motor vehicle license plates or  
16 tags for each motor vehicle registered in his name identifying his  
17 status as a veteran. The State Tax Commission, with concurrence  
18 by the State Veterans Affairs Board, shall develop decals to be  
19 affixed to the license tag indicating branch and period of  
20 military service. The distinctive plates or tags shall be of a  
21 color and design designated by the Tax Commission with concurrence  
22 by the State Veterans Affairs Board.

23 The distinctive license plates shall be prepared by the Tax  
24 Commission and shall be issued through the tax collectors of the  
25 counties in the same manner as are other motor vehicle license  
26 plates or tags. An additional annual tag fee of Thirty Dollars  
27 (\$30.00) shall be collected by the tax collector for such license  
28 plates or tags and shall be remitted to the Tax Commission on a  
29 monthly basis as prescribed by the commission. The additional fee  
30 is due and payable at the time the original application is made

31 for a distinctive tag under this section and thereafter annually  
32 at the time of renewal registration as long as the owner retains  
33 the distinctive license tag. The State Tax Commission shall  
34 deposit such fee to the credit of a fund to be administered by the  
35 board overseeing the veterans nursing homes in this state for the  
36 benefit of indigent veterans who are residents of such nursing  
37 homes.

38 One license tag issued to a veteran under the provisions of  
39 this section shall be exempt from all privilege taxes and from  
40 fifty percent (50%) of the motor vehicle ad valorem taxes levied  
41 by counties and municipalities for general fund purposes.

42 An applicant for such distinctive plates shall present to the  
43 issuing official written evidence of the veteran's service. Such  
44 evidence shall include a copy of the applicant's DD-214 form, a  
45 Report of Separation from Military Service, a military discharge  
46 document, or a written certification of military service from the  
47 State Veterans Affairs Board. The distinctive license plates or  
48 tags so issued shall be used only upon a personally or jointly  
49 owned private passenger vehicle (to include station wagons,  
50 recreational motor vehicles and pickup trucks) registered in the  
51 name, or jointly in the name, of the person making application  
52 therefor, and when issued to such person shall be used upon the  
53 vehicle for which issued in lieu of the standard license plate or  
54 license tag normally issued for such vehicle.

55 The distinctive license plates shall not be transferable  
56 between motor vehicle owners; and in the event the owner of a  
57 vehicle bearing a distinctive plate shall sell, trade, exchange or  
58 otherwise dispose of the vehicle, such plate shall be retained by  
59 such owner and returned to the tax collector.

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

62 27-51-41. (1) The exemptions from the provisions of this  
63 chapter shall be confined to those persons or property exempted by

64 this chapter or by the provisions of the Constitution of the  
65 United States or the State of Mississippi. No exemption as now  
66 provided by any other statute shall be valid as against the tax  
67 levied by this chapter. Any subsequent exemption from the tax  
68 levied hereunder shall be provided by amendment to this section  
69 which shall be inserted in the bill at length.

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

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

75 (b) All motor vehicles belonging to the federal  
76 government or the State of Mississippi or any agencies or  
77 instrumentalities thereof.

78 (c) All motor vehicles owned by any school district in  
79 the state.

80 (d) All motor vehicles owned by any fire protection  
81 district incorporated in accordance with Sections 19-5-151 through  
82 19-5-207 or by any fire protection grading district incorporated  
83 in accordance with Sections 19-5-215 through 19-5-241.

84 (e) All motor vehicles owned by units of the  
85 Mississippi National Guard.

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

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

92 (h) Antique automobiles as defined in Section 27-19-47,  
93 and antique pickup trucks as provided for under Section  
94 27-19-47.2, Mississippi Code of 1972.

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

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

99           (k) One (1) motor vehicle owned by the unremarried  
100 surviving spouse of a member of the Armed Forces of the United  
101 States who, while on active duty, is killed or dies and one (1)  
102 motor vehicle owned by the unremarried surviving spouse of a  
103 member of a reserve component of the Armed Forces of the United  
104 States or of the National Guard who, while on active duty for  
105 training, is killed or dies.

106           (l) Motor vehicles owned by recipients of the  
107 Congressional Medal of Honor or by former prisoners of war, or by  
108 spouses of such deceased persons, in accordance with Section  
109 27-19-54.

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

114           (ii) All motor vehicles owned by any such  
115 religious society or any educational institution having a seating  
116 capacity greater than seven (7) passengers and used exclusively  
117 for transporting passengers for religious or educational purposes  
118 and not for profit.

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

124           (o) Antique motorcycles as defined in Section  
125 27-19-47.1.

126           (p) One (1) motor vehicle owned by a recipient of the  
127 Purple Heart, and one (1) motor vehicle owned by the unremarried

128 surviving spouse of a recipient of the Purple Heart, as provided  
129 in Section 27-19-56.5.

130 (q) Motor vehicles that are eligible to display an  
131 authentic historical license plate as provided for in Section  
132 27-19-56.11.

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

137 (3) Fifty percent (50%) of the motor vehicle ad valorem  
138 taxes levied by counties and municipalities for general fund  
139 purposes shall be exempt on one (1) motor vehicle owned by a  
140 United States Armed Forces veteran as provided under Section  
141 27-19-56.12.

142 (4) Any claim for tax exemption by authority of the  
143 above-mentioned code sections or by any other legal authority  
144 shall be set out in the application for the road and bridge  
145 privilege license, and the specific legal authority for such tax  
146 exemption claim shall be cited in said application, and such  
147 authority cited shall be shown by the tax collector on the tax  
148 receipt as his authority for not collecting such ad valorem taxes,  
149 and the tax collector shall carry forward such information in his  
150 tax collection reports.

151 (5) Any motor vehicle driven over the highways of this state  
152 to the extent that the owner of such motor vehicle is required to  
153 purchase a road and bridge privilege license in this state, yet  
154 the legal situs of such motor vehicle is located in another state,  
155 shall be exempt from ad valorem taxes authorized by this chapter.

156 (6) If a taxpayer shall sell, trade or otherwise dispose of  
157 a vehicle on which the ad valorem and road and bridge privilege  
158 taxes have been paid in any county in the state, he shall remove  
159 the license plate from the vehicle. Such license plate must be  
160 surrendered to the issuing authority with the corresponding tax

161 receipt, if required, and credit shall be allowed for the taxes  
162 paid for the remaining tax year on like privilege or ad valorem  
163 taxes due on another vehicle owned by the seller or transferor or  
164 by the seller's or transferor's spouse or dependent child. If the  
165 seller or transferor does not elect to receive such credit at the  
166 time the license plate is surrendered, the issuing authority shall  
167 issue a certificate of credit to the seller or transferor, or to  
168 the seller's or transferor's spouse or dependent child, or to any  
169 other person, business or corporation, at the direction of the  
170 seller or transferor, for the remaining unexpired taxes prorated  
171 from the first day of the month following the month in which the  
172 license plate is surrendered. The total of such credit may be  
173 used by the person or entity to whom the certificate of credit is  
174 issued, regardless of the relative amounts attributed to privilege  
175 taxes or to county, school or municipal ad valorem taxes. Any  
176 credit allowed for taxes due or any certificate of credit issued  
177 may be applied to like taxes owed in any county by the person to  
178 whom the credit is allowed or by the person possessing the  
179 certificate of credit. No credit, however, shall be allowed on  
180 the charge made for the license plate. Such license plates  
181 surrendered to the tax collector shall be retained by him, and in  
182 no event shall such license plate be attached to any vehicle after  
183 being surrendered to the tax collector, nor shall any license  
184 plate be transferred from one (1) vehicle to any other vehicle.

185       (7) If the person owning a vehicle subject to taxation under  
186 the provisions of this chapter does not operate such vehicle on  
187 the highways of this state from the date of acquisition or, if  
188 previously registered, from the end of the anniversary month of  
189 the tag and decals to the date on which he makes application for a  
190 current license tag or decals, he shall pay such ad valorem tax  
191 for a period of twelve (12) months beginning with the first day of  
192 the month in which he applies for a current license tag or decals  
193 under Chapter 19, Title 27, Mississippi Code of 1972. The owner

194 shall submit an affidavit with an application attesting to the  
195 fact that the vehicle was not operated on the highways of this  
196 state from the date of acquisition or, if previously registered,  
197 from the end of the anniversary month of the tag and decals to the  
198 date on which he makes application for the current license tag or  
199 decals.

200       (8) Any person found violating any of the provisions of this  
201 section shall be arrested and tried, and if found guilty shall be  
202 fined in an amount double the total amount of taxes involved.

203       **SECTION 3.** This act shall take effect and be in force from  
204 and after July 1, 2007.