MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Boyd To: County Affairs

# HOUSE BILL NO. 430

AN ACT TO AMEND SECTION 19-5-18, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY BOARD OF SUPERVISORS TO REQUIRE A PERSON WHO DESIRES TO OPEN AN ACCOUNT FOR GARBAGE OR RUBBISH COLLECTION TO PROVIDE A SOCIAL SECURITY CARD, DRIVER'S LICENSE OR STATE IDENTIFICATION CARD NUMBER BEFORE AN ACCOUNT MAY BE OPENED; TO AMEND SECTION 19-5-22, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PERSON MAY NOT HAVE HIS OR HER DRIVER'S LICENSE ISSUED OR RENEWED IF HE OR SHE IS DELINQUENT ON THE PAYMENT OF GARBAGE FEES; TO PROVIDE THAT THE BOARD OF SUPERVISORS MAY PROVIDE INFORMATION CONCERNING UNPAID DELINQUENT GARBAGE FEES TO A CONSUMER CREDIT REPORTING AGENCY; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 19-5-18, Mississippi Code of 1972, is amended as follows:

19-5-18. (1) <u>(a)</u> To defray the cost of establishing, operating and maintaining the system provided for in Section 19-5-17, the board of supervisors may develop a system for the billing and/or the collection of any fees or charges imposed on each person furnished garbage and/or rubbish collection and/or disposal service by the county or at the expense of the county. The board of supervisors may designate, by resolution, a county official to collect the fees or charges. If the board of

supervisors designates an elected county official to collect the fees or charges, the board of supervisors shall pay the reasonable costs incurred in collecting the fees or charges. The county official so designated shall notify the board of supervisors monthly of any unpaid fees or charges assessed under Section 19-5-21. The sheriff of the county, in accordance with the performance of his regular duties, shall assist in the collection of any delinquent fees or charges.

(b) From and after July 1, 2021, the board of supervisors is authorized to require any person who desires to open an account for garbage or rubbish collection to provide a valid and current social security card, driver's license or state identification number.

(2) The board of supervisors may enter into a contract upon mutual agreement with a public or private corporation, nonprofit corporation, planning and development district or a public agency, association, utility or utility district within the county and/or the area receiving garbage and/or rubbish collection and/or disposal services from the county for the purpose of developing, maintaining, operating and administering a system for the billing and/or collection of fees or charges imposed by the county for garbage and/or rubbish collection and/or disposal services. The entity with whom the board of supervisors contracts shall notify the board of supervisors monthly of any unpaid fees or charges assessed under Section 19-5-21. Any entity that contracts to

provide a service to customers, within the area being served by the county's garbage and/or rubbish collection and/or disposal system, may provide a list of its customers to the board of supervisors upon the request of the board.

**SECTION 2.** Section 19-5-22, Mississippi Code of 1972, is amended as follows:

19-5-22. (1) Fees for garbage or rubbish collection or disposal shall be assessed jointly and severally against the generator of the garbage or rubbish and against the owner of the property furnished the service. In addition to such fees, an additional amount not to exceed up to One Dollar ($1.00) or ten percent (10%) per month, whichever is greater, on the current monthly bill may be assessed on the balance of any delinquent monthly fees. Any person who pays, as a part of a rental or lease agreement, an amount for garbage or rubbish collection or disposal services shall not be held liable upon the failure of the property owner to pay those fees.

(2) Every generator assessed the fees authorized by Section 19-5-21 and the owner of the property occupied by that generator shall be jointly and severally liable for the fees. The fees shall be a lien upon the real property offered garbage or rubbish collection or disposal service.

The board of supervisors may assess the fees annually. If the fees are assessed annually, the fees for each calendar year shall be a lien upon the real property beginning on January 1 of

the next immediately succeeding calendar year. The person or entity owing the fees, upon signing a form provided by the board of supervisors, may pay the fees in equal installments.

If fees are assessed on a basis other than annually, the fees shall become a lien on the real property offered the service on the date that the fees become due and payable.

No real or personal property shall be sold to satisfy any lien imposed under this subsection (2).

The county shall mail a notice of the lien, including the amount of unpaid fees and a description of the property subject to the lien, to the owner of the property.

(3) Liens created under subsection (2) may be discharged by filing with the circuit clerk a receipt or acknowledgement, signed by the designated county official or billing and collection entity, that the lien has been paid or discharged.

(4) (a) The board of supervisors may notify the tax collector of any unpaid fees assessed under Section 19-5-21 within ninety (90) days after the fees are due. Before notifying the tax collector, the board of supervisors shall provide notice of the delinquency to the person who owes the delinquent fees and shall afford an opportunity for a hearing, that complies with the due process protections the board deems necessary, consistent with the Constitutions of the United States and the State of Mississippi. The board of supervisors shall establish procedures for the manner in which notice shall be given and the contents of the notice;

however, each notice shall include the amount of fees and shall prescribe the procedure required for payment of the delinquent fees. The board of supervisors may designate a disinterested individual to serve as hearing officer.

(b) Upon receipt of a delinquency notice, the tax collector shall not issue or renew a motor vehicle road and bridge privilege license for any motor vehicle owned by a person who is delinquent in the payment of fees unless those fees in addition to any other taxes or fees assessed against the motor vehicle are paid. Payment of all delinquent garbage fees shall be deemed a condition of receiving a motor vehicle road and privilege license tag.

(c) The tax collector may forward the motor vehicle road and privilege license tag renewal notices to the designated county official or entity that is responsible for the billing and collection of the county garbage fees. The designated county official or the billing and collection entity shall identify those license tags that shall not be issued due to delinquent garbage fees. The designated county official or the billing and collection entity shall stamp a message on the license tag renewal notices that the tag will not be renewed until delinquent garbage fees are paid. The designated county official or the billing and collection entity shall return the license tag notices to the tax collector before the first of the month.

(d) Any appeal from a decision of the board of supervisors under this section regarding payment of delinquent garbage fees may be taken as provided in Section 11-51-75.

(5) (a) The board of supervisors may notify the Commissioner of Public Safety of any unpaid fees assessed under Section 19-5-21 within ninety (90) days after the fees are due. Before notifying the Commissioner of Public Safety, the board of supervisors shall provide notice of the delinquency to the person who owes the delinquent fees and shall afford an opportunity for a hearing, that complies with the due process protections the board deems necessary, consistent with the Constitutions of the United States and the State of Mississippi. The board of supervisors shall establish procedures for the manner in which notice shall be given and the contents of the notice; however, each notice shall include the amount of fees and shall prescribe the procedure required for payment of the delinquent fees. The board of supervisors may designate a disinterested individual to serve as hearing officer.

(b) Upon receipt of a delinquency notice, the Commissioner of Public Safety shall not issue or renew the driver's license of a person who is delinquent in the payment of garbage fees unless those fees in addition to any other taxes or fees assessed are paid. Payment of all delinquent garbage fees shall be deemed a condition of receiving a driver's license or the renewal of such license.

(c) The Commissioner of Public Safety may forward the driver's license nonrenewal notice or notices to not issue a driver's license to the designated county official or entity that is responsible for the billing and collection of the county garbage fees. The designated county official or the billing and collection entity shall identify those drivers' license that shall not be renewed or issued due to unpaid delinquent garbage fees and shall provide such notice to the Commissioner of Public Safety. The designated county official or the billing and collection entity shall notify the Commissioner of Public Safety of the driver's license notices and that the driver's license shall not be issued or renewed until the delinquent garbage fees are paid. The designated county official or the billing and collection entity shall return the driver's license notices to the Commissioner of Public Safety before the first of the month.

(d) In addition to the actions that may be taken by the board of supervisors that are prescribed under this subsection, the board of supervisors is authorized, after proper notice is provided as described under paragraph (a) of this subsection, to provide information regarding the nonpayment of delinquent garbage fees to a consumer credit reporting agency. As used under this subsection "consumer credit reporting agency" means any person which, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of assembling or evaluating consumer credit information or other

information on consumers for the purpose of furnishing consumer credit reports to third parties.

(e) Any appeal from a decision of the board of supervisors under this subsection regarding payment of delinquent garbage fees may be taken as provided in Section 11-51-75.

( * * *6) The board of supervisors may levy the garbage fees as a special assessment against the property in lieu of the lien authorized in this section. The board of supervisors shall certify to the tax collector the assessment due from the owner of the property. The tax collector shall enter the assessment upon the annual tax roll of the county and shall collect the assessment at the same time he collects the county ad valorem taxes on the property.

No real or personal property shall be sold to satisfy any assessment imposed under this subsection ( * * *6).

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2021.