HOUSE BILL NO. 1473

AN ACT TO AMEND SECTION 63-3-103, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "NEIGHBORHOOD ELECTRIC VEHICLE" AS USED IN THE CHAPTER OF LAW REGULATING MOTOR VEHICLE EQUIPMENT; TO AMEND SECTIONS 63-7-55, 63-7-13, 63-7-31 AND 63-7-91, MISSISSIPPI CODE OF 1972, TO MAKE EXCEPTIONS TO CERTAIN EQUIPMENT SPECIFICATIONS FOR NEIGHBORHOOD ELECTRIC VEHICLES; TO PROHIBIT THE OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES ON ROADS, STREETS OR HIGHWAYS ON THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 63-3-211, MISSISSIPPI CODE OF 1972, TO PERMIT LOCAL JURISDICTIONS, WITH CERTAIN EXCEPTIONS, TO AUTHORIZE AND REGULATE THE OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES ON ROADS, STREETS AND HIGHWAYS UNDER THEIR JURISDICTION; TO AMEND SECTION 27-19-31, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE TAX COMMISSION SHALL NOT AUTHORIZE THE ISSUANCE OF A LICENSE PLATE OR TAG FOR A NEIGHBORHOOD ELECTRIC VEHICLE UNTIL AFTER FEDERAL MOTOR VEHICLE SAFETY STANDARDS HAVE BEEN ADOPTED FOR SUCH VEHICLES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-3-103, Mississippi Code of 1972, is amended as follows:

63-3-103. (a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor.
(d) "Neighborhood electric vehicle" means a self-propelled, electrically powered motored vehicle that has a speed attainable in one (1) mile that does not exceed twenty-five (25) miles per hour.

(e) "Authorized emergency vehicle" means every vehicle of the fire department (fire patrol), every police vehicle, and every such ambulance and emergency vehicle of municipal departments or public service corporations as is designated or authorized by the commission or the chief of police of an incorporated city.

(f) "School bus" means every motor vehicle operated for the transportation of children to or from any school, provided same is plainly marked "School Bus" on the front and rear thereof and meets the requirements of the State Board of Education as authorized under Section 37-41-1.

(g) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel trailers, fifth wheel trailers, camping trailers, truck campers and motor homes.

(h) "Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.

SECTION 2. Section 63-7-55, Mississippi Code of 1972, is amended as follows:

63-7-55. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.

This section shall not apply to a neighborhood electric vehicle.
SECTION 3. Section 63-7-13, Mississippi Code of 1972, is amended as follows:

63-7-13. (1) Head lamps on motor vehicles. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in Section 63-7-31.

(2) Head lamps on motorcycles. Every motorcycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations set forth in Section 63-7-31.

(3) Rear lamps. Every motor vehicle, trailer, semitrailer, pole trailer and any other vehicle which is being drawn in a train of vehicles shall be equipped with at least one (1) rear lamp mounted on the rear, which, when lighted, shall emit a red light plainly visible from a distance of five hundred (500) feet to the rear.

Either a rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly readable from a distance of fifty (50) feet to the rear. Any rear lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps, cowl lamps or fender lamps are lighted. This paragraph does not apply to neighborhood electric vehicles.

(4) Lamps on bicycles. Every bicycle shall be equipped with a lighted white lamp on the front thereof visible under normal atmospheric conditions from a distance of at least five hundred (500) feet in front of such bicycle and shall also be equipped with a reflex mirror reflector or lamp on the rear exhibiting a red light visible under like conditions from a distance of at least five hundred (500) feet to the rear of such bicycle.
(5) **Lights on other vehicles.** All vehicles not required in this chapter to be equipped with special lighted lamps shall carry one or more lights, lamps or lanterns displaying a white light, visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front of such vehicle and shall display a reflex reflector or red light visible under like conditions from a distance of not less than three hundred (300) feet to the rear of such vehicle.

SECTION 4. Section 63-7-31, Mississippi Code of 1972, is amended as follows:

63-7-31. (1) Except as hereinafter provided in this chapter, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distributions of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.

(b) There shall be lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(2) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted for neighborhood electric vehicles in lieu of multiple-beam road-lighting equipment specified in this section if the single distribution of light complies with the requirements of subsection (1)(b) of this section.
(3) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1954, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

SECTION 5. Section 63-7-91, Mississippi Code of 1972, is amended as follows:

63-7-91. (1) When any vehicle, whether pulled, towed, self-propelled or animal-drawn, which is not under ordinary circumstances moved, operated or driven at a speed in excess of twenty-five (25) miles per hour, is moved, operated or driven on any public highway or city street which is open for vehicular travel, it shall display a triangular slow-moving-vehicle emblem or high intensity reflectorized tape mounted as near as practicable to the center of the mass and at an approximate height of not less than two (2) nor more than six (6) feet from level ground or pavement surface. In any event, the emblem or tape shall be mounted so as to be entirely visible from the rear, day or night; and the emblem or tape and its position of mounting on the vehicle shall meet the specifications established by rules and regulations properly adopted and promulgated by the Commissioner of Public Safety. Except in cases of emergency, vehicles subject to the provisions of this section that display the reflectorized tape shall not be operated upon any highway on the designated state highway system during the period from sunset to sunrise.

(2) Neighborhood electric vehicles may but are not required to display the emblem or tape specified in subsection (1) of this section.

SECTION 6. No person shall operate a neighborhood electric vehicle on a road, street or highway that is on the state highway
system under the jurisdiction of the Mississippi Transportation Commission for maintenance and construction.

SECTION 7. Section 63-3-211, Mississippi Code of 1972, is amended as follows:

63-3-211. (1) The provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(a) Regulating the standing or parking of vehicles;

(b) Regulating traffic by means of police officers or traffic control signals;

(c) Regulating or prohibiting processions or assemblages on the highways;

(d) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one (1) specific direction;

(e) Regulating the speed of vehicles in public parks;

(f) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections;

(g) Restricting the use of highways as authorized in Chapter 5 of this title.

(h) Authorizing and regulating the operation of neighborhood electric vehicles on roads, streets and highways under their jurisdiction by resolution or ordinance of the governing authorities if such regulation or ordinance is not inconsistent with the provisions of this chapter. However, local authorities may not establish any requirements for the registration and licensing of neighborhood electric vehicles and may not authorize the operation of neighborhood electric vehicles.
on a controlled access facility, as such term is defined in Section 65-5-3.

(2) No ordinance or regulation enacted under paragraph (d), (e), (f), (g) or (h) of subsection (1) of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

SECTION 8. Section 27-19-31, Mississippi Code of 1972, is amended as follows:

27-19-31. (1) The State Tax Commission is authorized and directed to establish and maintain a vehicle registration renewal system whereby the license tag attached upon a motor vehicle or trailer may be issued for five (5) years with the approval of the License Tag Commission, except for motor vehicles registered in excess of ten thousand (10,000) pounds gross vehicle weight, and apportioned vehicles, rental and commercial trailers and buses, which shall be issued for a period of time determined by the State Tax Commission. During each intervening year of the period for which license tags are issued, the State Tax Commission shall issue up to two (2) license decals, in lieu of the license tags, which will specify the month and year in which the license tag shall expire. Motor vehicles in a corporate fleet registered under Section 27-19-66, shall not be issued decals specifying the month and year of expiration.

Any series of tags may be cancelled by the commissioner with the approval of the License Tag Commission and a new series of tags issued.

(2) The license decals issued in lieu of the license tags shall indicate the month and the last two (2) figures of the year for which such license shall expire, and these decals shall be color coded so that it shall be possible to distinguish the year and the month for which such decals shall expire. The license
decals shall be attached to the license tag of the motor vehicle or trailer, and when so attached shall be deemed to be the license tag for the ensuing registration year. The month decal shall be attached in an upright position in the lower left corner of the license tag, and the year decal shall be attached in an upright position in the lower right corner of the license tag. Decals specifying the month and year of expiration shall not be required to be attached to license tags on motor vehicles in a corporate fleet registered under Section 27-19-66.

Except as otherwise provided in this paragraph, the registration year shall be a period of one (1) year commencing on the first day of the month following the month in which the vehicle was acquired. Beginning October 1, 1982, original registrations of motor vehicles, except motor vehicles registered in excess of ten thousand (10,000) pounds gross vehicle weight, apportioned vehicles and buses, may be made and shall be prorated for a period of from six (6) to eleven (11) months according to regulations established by the State Tax Commission to reduce a disproportionate number of registrations for a particular month. Beginning July 1, 1995, original registrations and renewal registrations of motor vehicles in corporate fleets registered under Section 27-19-66, shall be prorated according to regulations established by the State Tax Commission so as to cause the registration of such fleet motor vehicles to coincide with the anniversary month for corporate fleets established by the Chairman of the State Tax Commission. Where a vehicle is registered for a period less than twelve (12) months, the anniversary month shall be the month of the expiration of the original license tag.

Beginning July 1, 1996, original registrations and renewal registrations of motor vehicles in individual fleets registered under Section 27-19-66 shall be prorated according to regulations established by the State Tax Commission so as to cause the registration of such fleet motor vehicles to coincide with the
anniversary month for individual fleets established by the county
tax collector. Where a vehicle is registered for a period less
than twelve (12) months, the anniversary month shall be the month
of the expiration of the original license tag.

The commissioner, with the approval of the License Tag
Commission, shall so specify the area or areas on the license tag
where the license decals shall be attached. The number of the
license tag shall be written across its face, and the number of
the tag shall represent the registration number; and upon all the
tags for private passenger vehicles the word "MISSISSIPPI" shall
be written across the top of the tag in capital letters
sufficiently large to be easily read, but upon all other tags such
word may be abbreviated. The number of the license tag shall not
exceed six (6) letters, numbers or a combination of such letters
and numbers. Also, on all tags sold and issued, an appropriate
place will be provided thereon to place license decals indicating
the expiration date of the tag. For the purposes of this section
and Section 27-19-32, the term "decal," "decals" or "license
decal" shall mean a tab, sticker or other similar device attached
to a license tag which validates same for a stated period of time.
One (1) license tag and up to two (2) license decals shall be
furnished for all vehicles and shall be fastened immovably twelve
(12) inches or more above the ground, at the rear of the vehicle
under or over the rear light, with the number in upright position
so that it will be plainly visible and legible at all times, and
at night at a distance of sixty (60) feet. In the case of
tractors or other motor vehicles drawing or pulling trailers,
semitrailers or farm implements, the tag shall be fastened upon
such vehicle twelve (12) inches or more above the ground, upon the
front or back of such vehicle, with the number in an upright
position. Such license plate, all characters, the county name
thereon and any legally affixed decals shall not be defaced,
paint, marking or license plate bracket or holder. Any person who
defaces, covers or obstructs any portion of a license tag with any
sticker, decoration, paint, marking, license plate bracket or
holder or any other thing or device, in such a manner that the
characters, the county name and any legally affixed decals on the
tag cannot be read, shall be guilty of a misdemeanor and, upon
conviction, shall be punished by a fine of not more than
Twenty-five Dollars ($25.00). Unless the license tag with current
decals is fastened to the vehicle as herein provided, the said
vehicle shall be regarded as operating without a license tag, and
the owner or operator shall be liable for the penalties herein
provided.

In addition to the above requirements, license tags for
private passenger vehicles shall have printed thereon the name of
the county in which such vehicle is registered.

Law enforcement officers of this state shall remove from a
motor vehicle or trailer any license tag and/or decals which are
so defaced that proper identification cannot be reasonably made.
The officer shall issue to the driver of such vehicle a tag permit
which shall be valid for a period of five (5) days. Each person
receiving such tag permit shall purchase, within five (5) days
from the date of the issuance of the permit, a new tag and/or
decals for the fee set forth in Section 27-19-37, for a substitute
tag.

Any person who has a license tag or decals on a vehicle which
may be so defaced that proper identification cannot be reasonably
made may remove such and purchase another license tag and/or
decals for the same fee required for a substitute tag. If any
license tag shall deteriorate due to age so that identification
cannot be reasonably made, the owner may surrender such tag to the
issuing authority and be issued a new tag and like decals at no
cost.
(3) The State Tax Commission is authorized to promulgate appropriate rules and regulations to govern the use and display of license decals and to publish a summary thereof which shall be available to state officials and the public upon request.

(4) The State Tax Commission shall not authorize the issuance of a license plate or tag for a neighborhood electric vehicle until after the federal Department of Transportation, through the National Highway Transportation Safety Administration, has adopted a federal motor vehicle safety standard for such vehicles.

SECTION 9. Section 6 of this act shall be codified in Chapter 3 of Title 63, Mississippi Code of 1972.

SECTION 10. This act shall take effect and be in force from and after July 1, 2001.