

By: Representative Smith (59th)

To: Transportation

HOUSE BILL NO. 1473

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

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

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

21 63-3-103. (a) "Vehicle" means every device in, upon or by
 22 which any person or property is or may be transported or drawn
 23 upon a highway, except devices used exclusively upon stationary
 24 rails or tracks.

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

29 (c) "Motorcycle" means every motor vehicle having a saddle
 30 for the use of the rider and designed to travel on not more than
 31 three (3) wheels in contact with the ground but excluding a
 32 tractor.

33 (d) "Neighborhood electric vehicle" means a self-propelled,
34 electrically powered motored vehicle that has a speed attainable
35 in one (1) mile that does not exceed twenty-five (25) miles per
36 hour.

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

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

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

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

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

58 63-7-55. Every motor vehicle shall at all times be equipped
59 with a muffler in good working order and in constant operation to
60 prevent excessive or unusual noise and annoying smoke. No person
61 shall use a muffler cutout, bypass or similar device upon a motor
62 vehicle on a highway.

63 This section shall not apply to a neighborhood electric
64 vehicle.

65 SECTION 3. Section 63-7-13, Mississippi Code of 1972, is
66 amended as follows:

67 63-7-13. (1) **Head lamps on motor vehicles.** Every motor
68 vehicle other than a motorcycle or motor-driven cycle shall be
69 equipped with at least two (2) head lamps with at least one (1) on
70 each side of the front of the motor vehicle, which head lamps
71 shall comply with the requirements and limitations set forth in
72 Section 63-7-31.

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

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

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

91 (4) **Lamps on bicycles.** Every bicycle shall be equipped with
92 a lighted white lamp on the front thereof visible under normal
93 atmospheric conditions from a distance of at least five hundred
94 (500) feet in front of such bicycle and shall also be equipped
95 with a reflex mirror reflector or lamp on the rear exhibiting a
96 red light visible under like conditions from a distance of at
97 least five hundred (500) feet to the rear of such bicycle.

98 (5) **Lights on other vehicles.** All vehicles not required in
99 this chapter to be equipped with special lighted lamps shall carry
100 one or more lights, lamps or lanterns displaying a white light,
101 visible under normal atmospheric conditions from a distance of not
102 less than five hundred (500) feet to the front of such vehicle and
103 shall display a reflex reflector or red light visible under like
104 conditions from a distance of not less than three hundred (300)
105 feet to the rear of such vehicle.

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

108 63-7-31. (1) Except as hereinafter provided in this
109 chapter, the head lamps or the auxiliary driving lamp or the
110 auxiliary passing lamp or combinations thereof on motor vehicles
111 other than a motorcycle or motor-driven cycle shall be so arranged
112 that the driver may control the selection between distributions of
113 light projected to different elevations, subject to the following
114 requirements and limitations:

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

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

125 (2) Head lamps arranged to provide a single distribution of
126 light not supplemented by auxiliary driving lamps shall be
127 permitted for neighborhood electric vehicles in lieu of
128 multiple-beam road-lighting equipment specified in this section if
129 the single distribution of light complies with the requirements of
130 subsection (1)(b) of this section.

131 (3) Every new motor vehicle, other than a motorcycle or
132 motor-driven cycle, registered in this state after January 1,
133 1954, which has multiple-beam road-lighting equipment shall be
134 equipped with a beam indicator, which shall be lighted whenever
135 the uppermost distribution of light from the head lamps is in use,
136 and shall not otherwise be lighted. Said indicator shall be so
137 designed and located that when lighted it will be readily visible
138 without glare to the driver of the vehicle so equipped.

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

141 63-7-91. (1) When any vehicle, whether pulled, towed,
142 self-propelled or animal-drawn, which is not under ordinary
143 circumstances moved, operated or driven at a speed in excess of
144 twenty-five (25) miles per hour, is moved, operated or driven on
145 any public highway or city street which is open for vehicular
146 travel, it shall display a triangular slow-moving-vehicle emblem
147 or high intensity reflectorized tape mounted as near as
148 practicable to the center of the mass and at an approximate height
149 of not less than two (2) nor more than six (6) feet from level
150 ground or pavement surface. In any event, the emblem or tape
151 shall be mounted so as to be entirely visible from the rear, day
152 or night; and the emblem or tape and its position of mounting on
153 the vehicle shall meet the specifications established by rules and
154 regulations properly adopted and promulgated by the Commissioner
155 of Public Safety. Except in cases of emergency, vehicles subject
156 to the provisions of this section that display the reflectorized
157 tape shall not be operated upon any highway on the designated
158 state highway system during the period from sunset to sunrise.

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

162 SECTION 6. No person shall operate a neighborhood electric
163 vehicle on a road, street or highway that is on the state highway

164 system under the jurisdiction of the Mississippi Transportation
165 Commission for maintenance and construction.

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

168 63-3-211. (1) The provisions of this chapter shall not be
169 deemed to prevent local authorities with respect to streets and
170 highways under their jurisdiction and within the reasonable
171 exercise of the police power from:

172 (a) Regulating the standing or parking of vehicles;

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

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

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

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

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

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

188 (h) Authorizing and regulating the operation of
189 neighborhood electric vehicles on roads, streets and highways
190 under their jurisdiction by resolution or ordinance of the
191 governing authorities if such regulation or ordinance is not
192 inconsistent with the provisions of this chapter. However, local
193 authorities may not establish any requirements for the
194 registration and licensing of neighborhood electric vehicles and
195 may not authorize the operation of neighborhood electric vehicles

196 on a controlled access facility, as such term is defined in
197 Section 65-5-3.

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

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

205 27-19-31. (1) The State Tax Commission is authorized and
206 directed to establish and maintain a vehicle registration renewal
207 system whereby the license tag attached upon a motor vehicle or
208 trailer may be issued for five (5) years with the approval of the
209 License Tag Commission, except for motor vehicles registered in
210 excess of ten thousand (10,000) pounds gross vehicle weight, and
211 motor vehicles in a fleet registered under Section 27-19-66,
212 apportioned vehicles, rental and commercial trailers and buses,
213 which shall be issued for a period of time determined by the State
214 Tax Commission. During each intervening year of the period for
215 which license tags are issued, the State Tax Commission shall
216 issue up to two (2) license decals, in lieu of the license tags,
217 which will specify the month and year in which the license tag
218 shall expire. Motor vehicles in a corporate fleet registered
219 under Section 27-19-66, shall not be issued decals specifying the
220 month and year of expiration.

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

224 (2) The license decals issued in lieu of the license tags
225 shall indicate the month and the last two (2) figures of the year
226 for which such license shall expire, and these decals shall be
227 color coded so that it shall be possible to distinguish the year
228 and the month for which such decals shall expire. The license

229 decals shall be attached to the license tag of the motor vehicle
230 or trailer, and when so attached shall be deemed to be the license
231 tag for the ensuing registration year. The month decal shall be
232 attached in an upright position in the lower left corner of the
233 license tag, and the year decal shall be attached in an upright
234 position in the lower right corner of the license tag. Decals
235 specifying the month and year of expiration shall not be required
236 to be attached to license tags on motor vehicles in a corporate
237 fleet registered under Section 27-19-66.

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

257 Beginning July 1, 1996, original registrations and renewal
258 registrations of motor vehicles in individual fleets registered
259 under Section 27-19-66 shall be prorated according to regulations
260 established by the State Tax Commission so as to cause the
261 registration of such fleet motor vehicles to coincide with the

262 anniversary month for individual fleets established by the county
263 tax collector. Where a vehicle is registered for a period less
264 than twelve (12) months, the anniversary month shall be the month
265 of the expiration of the original license tag.

266 The commissioner, with the approval of the License Tag
267 Commission, shall so specify the area or areas on the license tag
268 where the license decals shall be attached. The number of the
269 license tag shall be written across its face, and the number of
270 the tag shall represent the registration number; and upon all the
271 tags for private passenger vehicles the word "MISSISSIPPI" shall
272 be written across the top of the tag in capital letters
273 sufficiently large to be easily read, but upon all other tags such
274 word may be abbreviated. The number of the license tag shall not
275 exceed six (6) letters, numbers or a combination of such letters
276 and numbers. Also, on all tags sold and issued, an appropriate
277 place will be provided thereon to place license decals indicating
278 the expiration date of the tag. For the purposes of this section
279 and Section 27-19-32, the term "decal," "decals" or "license
280 decal" shall mean a tab, sticker or other similar device attached
281 to a license tag which validates same for a stated period of time.
282 One (1) license tag and up to two (2) license decals shall be
283 furnished for all vehicles and shall be fastened immovably twelve
284 (12) inches or more above the ground, at the rear of the vehicle
285 under or over the rear light, with the number in upright position
286 so that it will be plainly visible and legible at all times, and
287 at night at a distance of sixty (60) feet. In the case of
288 tractors or other motor vehicles drawing or pulling trailers,
289 semitrailers or farm implements, the tag shall be fastened upon
290 such vehicle twelve (12) inches or more above the ground, upon the
291 front or back of such vehicle, with the number in an upright
292 position. Such license plate, all characters, the county name
293 thereon and any legally affixed decals shall not be defaced,
294 covered or obstructed from view by any object, decal, sticker,

295 paint, marking or license plate bracket or holder. Any person who
296 defaces, covers or obstructs any portion of a license tag with any
297 sticker, decoration, paint, marking, license plate bracket or
298 holder or any other thing or device, in such a manner that the
299 characters, the county name and any legally affixed decals on the
300 tag cannot be read, shall be guilty of a misdemeanor and, upon
301 conviction, shall be punished by a fine of not more than
302 Twenty-five Dollars (\$25.00). Unless the license tag with current
303 decals is fastened to the vehicle as herein provided, the said
304 vehicle shall be regarded as operating without a license tag, and
305 the owner or operator shall be liable for the penalties herein
306 provided.

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

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

319 Any person who has a license tag or decals on a vehicle which
320 may be so defaced that proper identification cannot be reasonably
321 made may remove such and purchase another license tag and/or
322 decals for the same fee required for a substitute tag. If any
323 license tag shall deteriorate due to age so that identification
324 cannot be reasonably made, the owner may surrender such tag to the
325 issuing authority and be issued a new tag and like decals at no
326 cost.

327 (3) The State Tax Commission is authorized to promulgate
328 appropriate rules and regulations to govern the use and display of
329 license decals and to publish a summary thereof which shall be
330 available to state officials and the public upon request.

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

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

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