AN ACT TO AMEND SECTION 63-3-411, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN REPORTING REQUIREMENTS OF DRIVERS INVOLVED IN ACCIDENTS INVOLVING INJURY OR DEATH OR PROPERTY DAMAGE OF ONE THOUSAND DOLLARS OR MORE; TO REPEAL SECTION 63-15-9, WHICH REQUIRES OPERATORS OF MOTOR VEHICLES TO FILE ACCIDENT REPORTS WHEN INVOLVED IN AN ACCIDENT; TO AUTHORIZE THE OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES TO BE OPERATED ON A MARKED BICYCLE PATH, ON ANY STREET OR ROAD WHERE BICYCLES ARE PERMITTED OR ON A SIDEWALK, IF THE PERSON OPERATING THE DEVICE YIELDS THE RIGHT-OF-WAY TO PEDESTRIANS AND GIVES AN AUDIBLE SIGNAL BEFORE OVERTAKING AND PASSING A PEDESTRIAN; TO AMEND SECTIONS 21-37-3, 27-19-3, 27-51-5, 63-1-7, 63-1-75, 63-3-103, 63-3-121, 63-15-3, 63-17-155 AND 63-19-3, MISSISSIPPI CODE OF 1972, TO DEFINE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES; TO LIMIT THE JURISDICTION OF MUNICIPALITIES REGARDING THE USE OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES; TO INCLUDE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES WITHIN THE DEFINITION OF THE TERM "PEDESTRIAN FOR PURPOSES OF THE TRAFFIC LAWS"; TO EXCLUDE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES FROM THE DEFINITION OF THE TERM "MOTOR VEHICLE" FOR PURPOSES OF THE MOTOR VEHICLE PRIVILEGE AND AD VALOREM TAX LAWS; TO AUTHORIZE THE OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES WITHOUT A DRIVER'S LICENSE; TO EXCLUDE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES FROM THE DEFINITION OF THE TERM "MOTOR VEHICLE" FOR PURPOSES OF THE MISSISSIPPI MOTOR VEHICLE SAFETY RESPONSIBILITY LAW, THE MOTOR VEHICLE WARRANTY ENFORCEMENT ACT AND THE MOTOR VEHICLE SALES FINANCE LAW; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-3-411, Mississippi Code of 1972, is amended as follows:

63-3-411. (1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of Five Hundred Dollars ($500.00) or more shall immediately, by the quickest means of communication, give notice of the collision to the local police department if the collision occurs within an incorporated municipality, or if the collision occurs outside of an incorporated municipality to the nearest sheriff's office or highway patrol station.
The department may require any driver of a vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report is insufficient in the opinion of the department. Additionally, the department may require witnesses of accidents to render reports to the department.

It shall be the duty of the highway patrol or the sheriff's office to investigate all accidents required to be reported by this section when the accident occurs outside the corporate limits of a municipality, and it shall be the duty of the police department of each municipality to investigate all accidents required to be reported by this section when the accidents occur within the corporate limits of the municipality.

Every law enforcement officer who investigates an accident as required by this subsection, whether the investigation is made at the scene of the accident or by subsequent investigation and interviews, shall forward within six (6) days after completing the investigation a written report of the accident to the department if the accident occurred outside the corporate limits of a municipality, or to the police department of the municipality if the accident occurred within the corporate limits of such municipality. Police departments shall forward such reports to the department within six (6) days of the date of the accident.

Whenever an engineer of a railroad locomotive, or other person in charge of a train, is required to show proof of his identity under the provisions of this article, in connection with operation of such locomotive, to any law enforcement officer, such person shall not be required to display his operator's or chauffeur's license but shall display his railroad employee number.

In addition to the information required on the "statewide uniform traffic accident report" forms provided by
Section 63-3-415, the department shall require the parties involved in an accident and the witnesses of such accident to furnish their phone numbers in order to assist the investigation by law enforcement officers.

SECTION 2. Section 63-15-9, Mississippi Code of 1972, which requires operators of motor vehicles to file accident reports when involved in an accident, is repealed.

SECTION 3. An electric personal assistive mobility device as defined in Section 63-3-103, may be operated:

(a) On a marked bicycle path;

(b) On any street or road where bicycles are permitted;

or

(c) On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian.

SECTION 4. Section 21-37-3, Mississippi Code of 1972, is amended as follows:

21-37-3. (1) Except as otherwise provided in subsection (2) of this section, the governing authorities of municipalities shall have the power to exercise full jurisdiction in the matter of streets, sidewalks, sewers, and parks; to open and lay out and construct the same; and to repair, maintain, pave, sprinkle, adorn, and light the same.

(2) Section 3, House Bill 1184, 2003 Regular Session, shall govern the use of electric personal assistive mobility devices (as defined in Section 63-3-103) on streets and sidewalks.

SECTION 5. Section 27-19-3, Mississippi Code of 1972, is amended as follows:

27-19-3. The following words and phrases when used in this article for the purpose of this article have the meanings respectively ascribed to them in this section, except in those instances where the context clearly describes and indicates a different meaning:
(1) "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by muscular power or used exclusively upon stationary rails or tracks.

(2) "Commercial vehicle" shall mean every vehicle used or operated upon the public roads, highways or bridges in connection with any business function.

(3) "Motor vehicle" shall mean every vehicle as herein defined which is self-propelled, including trackless street or trolley cars. The term "motor vehicle" shall not include electric personal assistive mobility devices as defined in Section 63-3-103.

(4) "Tractor" shall mean every vehicle designed, constructed or used for drawing other vehicles.

(5) "Motorcycle" shall mean every vehicle designed to travel on not more than three (3) wheels in contact with the ground, except such vehicle as may be included within the term "tractor" as herein classified and defined.

(6) "Truck tractor" shall mean every motor vehicle designed and used for drawing other vehicles and so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn and has a gross vehicle weight (GVW) in excess of ten thousand (10,000) pounds.

(7) "Trailer" shall mean every vehicle without motive power, designed to carry property or passengers wholly on its structure and which is drawn by a motor vehicle.

(8) "Semitrailer" shall mean every vehicle (of the trailer type) so designed and used in conjunction with a truck tractor.

(9) "Foreign vehicle" shall mean every motor vehicle, trailer or semitrailer, which shall be brought into the state otherwise than by or through a manufacturer or dealer for resale and which has not been registered in this state.
(10) "Pneumatic tires" shall mean all tires inflated with compressed air.

(11) "Solid rubber tires" shall mean every tire made of rubber other than pneumatic tires.

(12) "Solid tires" shall mean all tires, the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(13) "Person" shall mean every natural person, firm, copartnership, corporation, joint-stock or other association or organization.

(14) "Owner" shall mean a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale, lease or transfer of the possession, howsoever thereof, with the right of purchase upon performance of conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee, lessee, possessor or in the event such or similar transaction is had by means of a mortgage, and the mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, possessor or mortgagor shall be deemed the owner for the purposes of this article.

(15) "School bus" shall mean every motor vehicle engaged solely in transporting school children or school children and teachers to and from schools; provided, however, that such vehicles may transport passengers on weekends and legal holidays and during summer months between the terms of school for compensation when the transportation of such passengers is over a route of which not more than fifty percent (50%) traverses the route of a common carrier of passengers by motor vehicle and when no passengers are picked up on the route of any such carrier.

(16) "Dealer" shall mean every person engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semitrailers, trucks, tractors or other character of
commercial or industrial motor vehicles in this state, and having an established place of business in this state.

(17) "Highway" shall mean and include every way or place of whatever nature, including public roads, streets and alleys of this state generally open to the use of the public or to be opened or reopened to the use of public for the purpose of vehicular travel, and notwithstanding that the same may be temporarily closed for the purpose of construction, reconstruction, maintenance or repair.

(18) "State Tax Commission" shall mean the Chairman of the State Tax Commission of this state, acting directly or through his duly authorized officers, agents, representatives and employees.

(19) "Common carrier by motor vehicle" shall mean any person who or which undertakes, whether directly or by a lease or any other arrangement, to transport passengers or property or any class or classes of property for the general public in interstate or intrastate commerce on the public highways of this state by motor vehicles for compensation, whether over regular or irregular routes. Not including, however, passenger buses operating within the corporate limits of a municipality in this state or not exceeding five (5) miles beyond the corporate limits of said municipality, and hearses, ambulances, school buses as such. In addition, this definition shall not include taxicabs.

(20) "Contract carrier by motor vehicle" shall mean any person who or which under the special and individual contract or agreements, and whether directly or by a lease or any other arrangement, transports passengers or property in interstate or intrastate commerce on the public highways of this state by motor vehicle for compensation. Not including, however, passenger buses operating wholly within the corporate limits of a municipality in this state or not exceeding five (5) miles beyond the corporate
limits of said municipality, and hearses, ambulances, school buses as such. In addition, this definition shall not include taxicabs.

(21) "Private commercial carrier of property by motor vehicle" shall mean any person not included in the terms "common carrier by motor vehicle" or "contract carrier by motor vehicle," who or which transports in interstate or intrastate commerce on the public highways of this state by motor vehicle, property of which such person is the owner, lessee, or bailee, other than for hire, when such transportation is for the purpose of sale, lease, rent, or bailment, or in the furtherance of any enterprise, or who otherwise uses or employs any motor vehicle other than a vehicle designed, constructed and used exclusively for the carriage of passengers in the furtherance of any commercial enterprise. Not including, however, passenger buses operated wholly within the corporate limits of a municipality of this state, or not exceeding five (5) miles beyond the corporate limits of said municipality, and hearses, ambulances, school buses as such. In addition, this definition shall not include taxicabs.

Haulers of fertilizer shall be classified as private commercial carriers of property by motor vehicle.

(22) "Private carrier of passengers" shall mean all other passenger motor vehicle carriers not included in the above definitions. Not including, however, passenger buses operating wholly within the corporate limits of a municipality in this state, or not exceeding five (5) miles beyond the corporate limits of said municipality, and hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

(23) "Operator" shall mean any person, partnership, joint-stock company or corporation operating on the public highways of the state one or more motor vehicles as the beneficial owner or lessee.

(24) "Driver" shall mean the person actually driving or operating such motor vehicle at any given time.
(25) "Private carrier of property" shall mean any person transporting property on the highways of this state as defined below:

(a) Any person transporting farm products produced on his own farm and also farm supplies, materials and equipment used in the growing or production of his agricultural products in his own truck.

(b) Any person transporting his own fish, including shellfish, in his own truck.

(c) Any person transporting unprocessed forest products, wherein ownership remains the same, in his own truck.

(26) "Taxicab" shall mean any passenger motor vehicle for hire with a seating capacity not greater than ten (10) passengers. For purposes of this paragraph (26), seating capacity shall be determined according to the manufacturer's suggested seating capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the State Tax Commission.

(27) "Passenger coach" shall mean any passenger motor vehicle with a seating capacity greater than ten (10) passengers, operating wholly within the corporate limits of a municipality of this state or within five (5) miles of the corporate limits of said municipality, or motor vehicles substituted for abandoned electric railway systems in or between municipalities. For purposes of this paragraph (27), seating capacity shall be determined according to the manufacturer's suggested seating capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the State Tax Commission.
(28) "Empty weight" shall mean the actual weight of a vehicle including fixtures and equipment necessary for the transportation of load hauled or to be hauled.

(29) "Gross weight" shall mean the empty weight of the vehicle, as defined herein, plus any load being transported or to be transported.

(30) "Ambulance and hearse." The terms "ambulance" and "hearse" shall have the meaning generally ascribed to them. A hearse or funeral coach shall be classified as a light carrier of property, as defined in Section 27-51-101.

(31) "Regular seats" shall mean each seat ordinarily and customarily used by one (1) passenger, including all temporary, emergency, and collapsible seats. Where any seats are not distinguished or separated by separate cushions and backs, a seat shall be counted for each eighteen (18) inches of space on such seats or major fraction thereof. In the case of a regular passenger-type automobile which is used as a common or contract carrier of passengers, three (3) seats shall be counted for the rear seat of such automobile and one (1) seat shall be counted for the front seat of such automobile.

(32) "Ton" shall mean two thousand (2,000) pounds avoirdupois.

(33) "Leases." No lease shall be recognized under the provisions of this article unless same shall be in writing and shall fully define a bona fide relationship of lessor and lessee, signed by both parties, dated and be in the possession of the driver of the leased vehicle at all times.

(34) "Bus" shall mean any passenger vehicle with a seating capacity of more than ten (10) but shall not include "private carrier of passengers" and "school bus" as defined in paragraphs (15) and (22) of this section. For purposes of this paragraph (34), seating capacity shall be determined according to the manufacturer's suggested seating capacity for a vehicle. If
there is no manufacturer's suggested seating capacity for a
vehicle, the seating capacity for the vehicle shall be determined
according to regulations established by the State Tax Commission.

(35) "Corporate fleet" shall mean a group of two
hundred (200) or more marked private carriers of passengers or
light carriers of property, as defined in Section 27-51-101,
trailers, semitrailers, or motor vehicles in excess of ten
thousand (10,000) pounds gross vehicle weight, except for those
vehicles registered for interstate travel, owned or leased on a
long-term basis by a corporation or other legal entity. In order
to be considered marked, the motor vehicle must have a name,
trademark or logo located either on the sides or the rear of the
vehicle in sharp contrast to the background, and of a size, shape
and color that is legible during daylight hours from a distance of
fifty (50) feet.

(36) "Individual fleet" means a group of five (5) or
more private carriers of passengers or light carriers of property,
as defined in Section 27-51-101, owned or leased by the same
person and principally garaged in the same county.

Leased vehicles shall be considered as domiciled at the place
in the State of Mississippi from which they operate in interstate
or intrastate commerce, and for the purposes of this article shall
be considered as owned by the lessee, who shall furnish all
insurance on the vehicles and the driver of the vehicles shall be
considered as an agent of the lessee for all purposes of this
article.

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

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

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

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

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

SECTION 7. Section 63-1-7, Mississippi Code of 1972, is
amended as follows:

63-1-7. No license issued pursuant to this article shall be
required of:

(a) Any person while operating a motor vehicle of the
Armed Forces of the United States.

(b) Any nonresident person who has in his immediate
possession a valid license to drive a motor vehicle on the
highways of his home state or country, issued to him by the proper
authorities of his home state or country, or of any nonresident
person whose home state or country does not require the licensing
of a person to operate a motor vehicle on the highways but does
require him to be duly registered. Such person being eighteen
(18) years of age or older may operate a motor vehicle in the
state for a period of sixty (60) days without securing a license.

However, any nonresident person operating a motor vehicle in this
state shall be subject to all the provisions of this article, except as specified above.

c) Any person while operating a road roller, road machinery or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highways.

d) Any engineer or motorman using tracks for road or street, though used in the streets.

e) Any person while operating an electric personal assistive mobility device as defined in Section 63-3-103.

SECTION 8. Section 63-1-75, Mississippi Code of 1972, is amended as follows:

63-1-75. The following words, as used in this article, shall have the meanings herein ascribed unless the context clearly requires otherwise:

a) "Alcohol" means any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

b) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage it means:

(i) The number of grams of alcohol per one hundred (100) milliliters of blood; or

(ii) The number of grams of alcohol per two hundred ten (210) liters of breath; or

(iii) The number of grams of alcohol per sixty-seven (67) milliliters of urine;

c) "Commercial driver's license" means a license issued in accordance with the requirements of this article to an individual which authorizes the individual to drive a Class A, B or C commercial motor vehicle;

d) "Commercial Driver License Information System" means the information system established pursuant to the CMVSA to
serve as a clearinghouse for locating information related to the
licensing and identification of commercial motor vehicle drivers;

(e) "Commercial driver instruction permit" means a permit issued pursuant to Section 63-1-79;

(f) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property:

(i) If the vehicle has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds, or such lesser rating as determined by applicable federal regulations; or

(ii) If the vehicle is designed to transport sixteen (16) or more passengers, including the driver; or

(iii) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with the Hazardous Materials Transportation Act, 49 Code of Federal Regulations, Part 172, Subpart F;

(g) "Controlled substance" means any substance so classified under Section 102(6) of the Controlled Substances Act, 21 USCS 802(6), and includes all substances listed on Schedules I through V of 21 Code of Federal Regulations, Part 1308, as they may be revised from time to time, any substance so classified under Sections 41-29-113 through 41-29-121, Mississippi Code of 1972, and any other substance which would impair a person's ability to operate a motor vehicle;

(h) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court or tribunal, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated;
(i) "Disqualification" means a withdrawal of the privilege to drive a commercial motor vehicle, including a suspension, cancellation or revocation of a person's driver's license or driving privileges and an out-of-service order;

(j) "Drive" means to drive, operate or be in physical control of a motor vehicle;

(k) "Driver" means any person who drives, operates or is in physical control of a commercial motor vehicle or who is required to hold a commercial driver's license;

(l) "Driver's license" means a license issued by a state to an individual which authorizes the individual to drive a motor vehicle;

(m) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term of one year or more;

(n) "Foreign jurisdiction" means any jurisdiction other than a state or the United States;

(o) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating") is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units;

(p) "Hazardous materials" has the meaning as that found in Section 103 of the Hazardous Materials Transportation Act, 49 Appx. USCS 1801 et seq.;

(q) "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, except vehicles moved solely by human power or motorized...
wheelchairs and electric assistive mobility devices, as such term
is defined in Section 63-3-103;

(r) "Nonresident commercial driver's license" means a
commercial driver's license issued by a state to an individual who
resides in a foreign jurisdiction;

(s) "Out-of-service order" means a temporary
prohibition against driving a commercial motor vehicle;

(t) "Serious traffic violation" means a conviction when
operating a commercial motor vehicle of:

(i) Excessive speeding, involving a single charge
of any speed fifteen (15) miles per hour or more above the posted
speed limit or such other minimum speed above the posted speed
limit as prescribed by the CMVSA or federal regulations
promulgated pursuant thereto;

(ii) Reckless driving as defined under state or
local law;

(iii) A violation of any state or local law
related to motor vehicle traffic control resulting in a fatal
accident other than a parking violation, a vehicle weight
violation or a vehicle defect; or

(iv) Any other violation of a state or local law
which the United States Secretary of Transportation determines by
regulation to be a serious traffic violation under the CMVSA;

(u) "State" means a state of the United States and the
District of Columbia;

(v) "United States" means the fifty (50) states and the
District of Columbia.

SECTION 9. 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. The term "motor vehicle" shall not include electric personal assistive mobility devices.

(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) "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.

(e) "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.

(f) "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.

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

(h) "Electric assistive mobility device" means a self-balancing two-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour.
SECTION 10. Section 63-3-121, Mississippi Code of 1972, is amended as follows:

63-3-121. (a) "Person" means every natural person, firm, copartnership, association, or corporation.

(b) "Driver" means every person who drives or is in actual physical control of a vehicle.

(c) "Owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(d) "Pedestrian" means any person afoot or a person who uses an electric personal assistive mobility device or a manual or motorized wheelchair.

SECTION 11. Section 63-15-3, Mississippi Code of 1972, is amended as follows:

63-15-3. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) "Highway" means the entire width between property lines of any road, street, way, thoroughfare or bridge in the State of Mississippi not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the state has legislative jurisdiction under its police power.

(b) "Judgment" means any judgment which shall have become final by expiration, without appeal, of the time within
which an appeal might have been perfected, or by final affirmation
on appeal, rendered by a court of competent jurisdiction of any
state or of the United States, upon a cause of action arising out
of the ownership, maintenance or use of any motor vehicle, for
damages, including damages for care and loss of services, because
of bodily injury to or death of any person, or for damages because
of injury to or destruction of property, including the loss of use
thereof, or upon a cause of action on an agreement of settlement
for such damages.

(c) "Motor vehicle" means every self-propelled vehicle
(other than traction engines, road rollers and graders, tractor
cranes, power shovels, well drillers, implements of husbandry and
electric personal assistive mobility device as defined in Section
63-3-103) which is designed for use upon a highway, including
trailers and semitrailers designed for use with such vehicles, and
every vehicle which is propelled by electric power obtained from
overhead wires but not operated upon rails.

For purposes of this definition, "implements of husbandry"
shall not include trucks, pickup trucks, trailers and semitrailers
designed for use with such trucks and pickup trucks.

(d) "License" means any driver's, operator's,
commercial operator's, or chauffeur's license, temporary
instruction permit or temporary license, or restricted license,
issued under the laws of the State of Mississippi pertaining to
the licensing of persons to operate motor vehicles.

(e) "Nonresident" means every person who is not a
resident of the State of Mississippi.

(f) "Nonresident's operating privilege" means the
privilege conferred upon a nonresident by the laws of Mississippi
pertaining to the operation by him of a motor vehicle, or the use
of a motor vehicle owned by him, in the State of Mississippi.

(g) "Operator" means every person who is in actual
physical control of a motor vehicle.
(h) "Owner" means a person who holds the legal title of a motor vehicle; in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(i) "Person" means every natural person, firm, copartnership, association or corporation.

(j) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of Ten Thousand Dollars ($10,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one (1) person, in the amount of Twenty Thousand Dollars ($20,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of Five Thousand Dollars ($5,000.00) because of injury to or destruction of property of others in any one (1) accident.

(k) "Registration" means a certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

(l) "Department" means the Department of Public Safety of the State of Mississippi, acting directly or through its authorized officers and agents, except in such sections of this chapter in which some other state department is specifically named.
"State" means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

SECTION 12. Section 63-17-155, Mississippi Code of 1972, is amended as follows:

63-17-155. As used in Sections 63-17-151 through 63-17-165, the following terms shall have the following meanings:

(a) "Collateral charges" means those additional charges to a consumer which are not directly attributable to the manufacturer's suggested retail price label for the motor vehicle. Collateral charges shall include, but not be limited to, dealer preparation charges, undercoating charges, transportation charges, towing charges, replacement car rental costs and title charges.

(b) "Comparable motor vehicle" means an identical or reasonably equivalent motor vehicle.

(c) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle, primarily used for personal, family, or household purposes, and any person to whom such motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty.

(d) "Express warranty" means any written affirmation of fact or promise made in connection with the sale of a motor vehicle by a supplier to a consumer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect-free or will meet a specified level of performance over a specified period of time. For the purposes of Section 63-17-151 et seq., express warranties do not include implied warranties.

(e) "Manufacturer" means a manufacturer or distributor as defined in Section 63-17-55.
(f) "Motor vehicle" means a vehicle propelled by power other than muscular power which is sold in this state, is operated over the public streets and highways of this state and is used as a means of transporting persons or property, but shall not include vehicles run only upon tracks, off-road vehicles, motorcycles, mopeds, electric personal assistive mobility devices as defined in Section 63-3-103 or parts and components of a motor home which were added on and/or assembled by the manufacturer of the motor home. "Motor vehicle" shall include demonstrators or lease-purchase vehicles as long as a manufacturer's warranty was issued as a condition of sale.

(g) "Purchase price" means the price which the consumer paid to the manufacturer to purchase the motor vehicle in a cash sale or, if the motor vehicle is purchased in a retail installment transaction, the cash sale price as defined in Section 63-19-3.

SECTION 13. Section 63-19-3, Mississippi Code of 1972, is amended as follows:

63-19-3. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context or subject matter otherwise requires:

(a) "Motor vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of less than fifteen thousand (15,000) pounds, but shall not include electric personal assistive mobility devices as defined in Section 63-3-103.

(b) "Commercial vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of fifteen thousand (15,000) pounds or more; however, wherever "motor vehicle" appears in this chapter, except in Section 63-19-43, the same shall be construed
to include commercial vehicles where such construction is necessary in order to give effect to this chapter.

(c) "Retail buyer" or "buyer" means a person who buys a motor vehicle or commercial vehicle from a retail seller, not for the purpose of resale, and who executes a retail installment contract in connection therewith.

(d) "Retail seller" or "seller" means a person who sells a motor vehicle or commercial vehicle to a retail buyer under or subject to a retail installment contract.

(e) The "holder" of a retail installment contract means the retail seller of the motor vehicle or commercial vehicle under or subject to the contract or if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee.

(f) "Retail installment transaction" means any transaction evidenced by a retail installment contract entered into between a retail buyer and a retail seller wherein the retail buyer buys a motor vehicle or commercial vehicle from the retail seller at a time price payable in one or more deferred installments. The cash sale price of the motor vehicle or commercial vehicle, the amount included for insurance and other benefits if a separate charge is made therefor, official fees and the finance charge shall together constitute the time price.

(g) "Retail installment contract" or "contract" means an agreement entered into in this state pursuant to which the title to or a lien upon the motor vehicle or commercial vehicle which is the subject matter of a retail installment transaction is retained or taken by a retail seller from a retail buyer as security for the buyer's obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a motor vehicle or commercial vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its
value and by which it is agreed that the bailee or lessee is bound
to become, or has the option of becoming, the owner of the motor
vehicle upon full compliance with the provisions of the contract.

(h) "Cash sale price" means the price stated in a
retail installment contract for which the seller would have sold
to the buyer, and the buyer would have bought from the seller, the
motor vehicle or commercial vehicle which is the subject matter of
the retail installment contract, if such sale had been a sale for
cash instead of a retail installment transaction. The cash sale
price may include any taxes, registration, certificate of title,
if any, license and other fees and charges for accessories and
their installation and for delivery, servicing, repairing or
improving the motor vehicle or commercial vehicle.

(i) "Official fees" means the fees prescribed by law
for filing, recording or otherwise perfecting and releasing or
satisfying a retained title or a lien created by a retail
installment contract, if recorded.

(j) "Finance charge" means the amount agreed upon
between the buyer and the seller, as limited in this chapter, to
be added to the aggregate of the cash sale price, the amount, if
any, included for insurance and other benefits and official fees,
in determining the time price.

(k) "Sales finance company" means a person engaged, in
whole or in part, in the business of purchasing retail installment
contracts from one or more retail sellers. The term includes, but
is not limited to, a bank, trust company, private banker,
industrial bank or investment company, if so engaged. The term
also includes a retail seller engaged, in whole or in part, in the
business of creating and holding retail installment contracts
which exceed a total aggregate outstanding indebtedness of Five
Hundred Thousand Dollars ($500,000.00). The term does not include
the pledgee to whom is pledged one or more of such contracts to
secure a bona fide loan thereon.
(l) "Person" means an individual, partnership, corporation, association and any other group however organized.

(m) "Administrator" means the Commissioner of Banking and Consumer Finance or his duly authorized representative.

(n) "Commissioner" means the Commissioner of Banking and Consumer Finance.

(o) "Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

Words in the singular include the plural and vice versa.

SECTION 14. This act shall take effect and be in force from and after July 1, 2003.