

By: Representative Baker (8th)

To: Transportation

HOUSE BILL NO. 1153

1 AN ACT TO AUTHORIZE THE OPERATION OF CERTAIN LOW-SPEED
2 FOUR-WHEELED ELECTRIC VEHICLES ON PUBLIC ROADS AND STREETS ON
3 WHICH THE POSTED SPEED LIMIT IS 35 MILES PER HOUR OR LESS; TO
4 PROVIDE THAT SUCH VEHICLES MAY BE OPERATED ON SUCH PUBLIC ROADS
5 AND STREETS ONLY BY THE HOLDER OF A VALID DRIVER'S LICENSE; TO
6 AUTHORIZE COUNTIES, MUNICIPALITIES AND THE MISSISSIPPI
7 TRANSPORTATION COMMISSION TO PROHIBIT THE OPERATION OF SUCH
8 VEHICLES UPON STREETS UNDER THEIR JURISDICTION IF SUCH PROHIBITION
9 IS IN THE INTEREST OF SAFETY; TO AMEND SECTION 27-19-3,
10 MISSISSIPPI CODE OF 1972, TO MAKE IT CLEAR THAT SUCH VEHICLES ARE
11 INCLUDED WITHIN THE DEFINITION OF THE TERM "MOTOR VEHICLE" UNDER
12 THE LAWS GOVERNING THE PRIVILEGE TAXATION AND LICENSING OF MOTOR
13 VEHICLES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) As used in this section, "low-speed vehicle"
16 means a four-wheeled electric vehicle that can attain a maximum
17 speed of not less than twenty (20) miles per hour nor more than
18 twenty-five (25) miles per hour and complies with all of the
19 provisions of 49 CFR 571.500.

20 (2) A low-speed vehicle may be operated only on public
21 streets, roads or highways on which the posted speed limit is
22 thirty-five (35) miles per hour or less; however, a low-speed
23 vehicle may cross a public street, road or highway that has a
24 posted speed limit in excess of thirty-five (35) miles per hour.

25 (3) A low-speed vehicle may be operated on public streets,
26 roads or highways only by a person who is the holder of a valid
27 driver's license.

28 (4) The board of supervisors of any county or the governing
29 authorities of any municipality may prohibit the operation of a
30 low-speed vehicle on any street, road or highway under their
31 jurisdiction if they determine that such prohibition is in the
32 interest of safety.

33 (5) The Mississippi Transportation Commission may prohibit
34 the operation of a low-speed vehicle on any public street, road or
35 highway under its jurisdiction if the commission determines that
36 such prohibition is in the interest of safety.

37 **SECTION 2.** Section 27-19-3, Mississippi Code of 1972, is
38 amended as follows:

39 27-19-3. The following words and phrases when used in this
40 article for the purpose of this article have the meanings
41 respectively ascribed to them in this section, except in those
42 instances where the context clearly describes and indicates a
43 different meaning:

44 (1) "Vehicle" means every device in, upon or by which
45 any person or property is or may be transported or drawn upon a
46 public highway, except devices moved by muscular power or used
47 exclusively upon stationary rails or tracks.

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

51 (3) "Motor vehicle" means every vehicle as herein
52 defined which is self-propelled, including, but not limited to,
53 trackless street or trolley cars and low-speed vehicles as defined
54 in Section 1, House Bill No. _____, 2004 Regular Session. The term
55 "motor vehicle" shall not include electric personal assistive
56 mobility devices as defined in Section 63-3-103.

57 (4) "Tractor" means every vehicle designed, constructed
58 or used for drawing other vehicles.

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

63 (6) "Truck tractor" means every motor vehicle designed
64 and used for drawing other vehicles and so constructed as to carry
65 a load other than a part of the weight of the vehicle and load so

66 drawn and has a gross vehicle weight (GVW) in excess of ten
67 thousand (10,000) pounds.

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

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

73 (9) "Foreign vehicle" means every motor vehicle,
74 trailer or semitrailer, which shall be brought into the state
75 otherwise than by or through a manufacturer or dealer for resale
76 and which has not been registered in this state.

77 (10) "Pneumatic tires" means all tires inflated with
78 compressed air.

79 (11) "Solid rubber tires" means every tire made of
80 rubber other than pneumatic tires.

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

84 (13) "Person" means every natural person, firm,
85 copartnership, corporation, joint-stock or other association or
86 organization.

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

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

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

112 (17) "Highway" means and includes every way or place of
113 whatever nature, including public roads, streets and alleys of
114 this state generally open to the use of the public or to be opened
115 or reopened to the use of the public for the purpose of vehicular
116 travel, and notwithstanding that the same may be temporarily
117 closed for the purpose of construction, reconstruction,
118 maintenance or repair.

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

122 (19) "Common carrier by motor vehicle" means any person
123 who or which undertakes, whether directly or by a lease or any
124 other arrangement, to transport passengers or property or any
125 class or classes of property for the general public in interstate
126 or intrastate commerce on the public highways of this state by
127 motor vehicles for compensation, whether over regular or irregular
128 routes. Not including, however, passenger buses operating within
129 the corporate limits of a municipality in this state or not
130 exceeding five (5) miles beyond the corporate limits of said

131 municipality, and hearses, ambulances, school buses as such. In
132 addition, this definition shall not include taxicabs.

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

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

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

161 (22) "Private carrier of passengers" means all other
162 passenger motor vehicle carriers not included in the above
163 definitions. Not including, however, passenger buses operating

164 wholly within the corporate limits of a municipality in this
165 state, or not exceeding five (5) miles beyond the corporate limits
166 of said municipality, and hearses, ambulances and school buses as
167 such. In addition, this definition shall not include taxicabs.

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

172 (24) "Driver" means the person actually driving or
173 operating such motor vehicle at any given time.

174 (25) "Private carrier of property" means any person
175 transporting property on the highways of this state as defined
176 below:

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

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

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

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

193 (27) "Passenger coach" means any passenger motor
194 vehicle with a seating capacity greater than ten (10) passengers,
195 operating wholly within the corporate limits of a municipality of
196 this state or within five (5) miles of the corporate limits of

197 said municipality, or motor vehicles substituted for abandoned
198 electric railway systems in or between municipalities. For
199 purposes of this paragraph (27), seating capacity shall be
200 determined according to the manufacturer's suggested seating
201 capacity for a vehicle. If there is no manufacturer's suggested
202 seating capacity for a vehicle, the seating capacity for the
203 vehicle shall be determined according to regulations established
204 by the State Tax Commission.

205 (28) "Empty weight" means the actual weight of a
206 vehicle including fixtures and equipment necessary for the
207 transportation of load hauled or to be hauled.

208 (29) "Gross weight" means the empty weight of the
209 vehicle, as defined herein, plus any load being transported or to
210 be transported.

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

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

225 (32) "Ton" means two thousand (2,000) pounds
226 avoirdupois.

227 (33) "Leases." No lease shall be recognized under the
228 provisions of this article unless same shall be in writing and
229 shall fully define a bona fide relationship of lessor and lessee,

230 signed by both parties, dated and be in the possession of the
231 driver of the leased vehicle at all times.

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

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

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

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

263 **SECTION 3.** This act shall take effect and be in force from
264 and after July 1, 2004.