

By: Senator(s) Mettetal

To: Highways and  
Transportation

SENATE BILL NO. 2315

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, Senate Bill No. 2315, 2004 Regular Session. The  
55 term "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.