

By: Senator(s) Mettetal

To: Highways and
Transportation

SENATE BILL NO. 2364

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 at least 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. (a) The following words and phrases when used in
40 this 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 defined in
52 this section which is self-propelled, including, but not limited
53 to, trackless street or trolley cars and low-speed vehicles as
54 defined in Section 1, Senate Bill No. 2364, 2005 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 vehicles included within the term "tractor" as herein
62 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, the person with the right of purchase upon performance
91 of conditions stated in the agreement, and with an immediate right
92 of possession vested in the conditional vendee, lessee, possessor
93 or in the event such or similar transaction is had by means of a
94 mortgage, and the mortgagor of a vehicle is entitled to
95 possession, then such conditional vendee, lessee, possessor or
96 mortgagor shall be deemed the owner for the purposes of this
97 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; however, such vehicles may transport
101 passengers on weekends and legal holidays and during summer months
102 between the terms of school for compensation when the
103 transportation of passengers is over a route of which not more
104 than fifty percent (50%) traverses the route of a common carrier
105 of passengers by motor vehicle and when no passengers are picked
106 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. The term "common carrier by motor vehicle" shall not
129 include passenger buses operating within the corporate limits of a
130 municipality in this state or not exceeding five (5) miles beyond

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

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

145 (21) "Private commercial and noncommercial carrier of
146 property by motor vehicle" means any person not included in the
147 terms "common carrier by motor vehicle" or "contract carrier by
148 motor vehicle," who or which transports in interstate or
149 intrastate commerce on the public highways of this state by motor
150 vehicle, property of which such person is the owner, lessee, or
151 bailee, other than for hire. The term "private commercial and
152 noncommercial carrier of private property by motor vehicle" shall
153 not include passenger buses operated wholly within the corporate
154 limits of a municipality of this state, or not exceeding five (5)
155 miles beyond the corporate limits of the municipality, and
156 hearses, ambulances, school buses as such. In addition, this
157 definition shall not include taxicabs.

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

160 (22) "Private carrier of passengers" means all other
161 passenger motor vehicle carriers not included in the above
162 definitions. The term "private carrier of passengers" shall not
163 include passenger buses operating wholly within the corporate

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

197 municipality, or motor vehicles substituted for abandoned electric
198 railway systems in or between municipalities. For purposes of
199 this paragraph (27), seating capacity shall be determined
200 according to the manufacturer's suggested seating capacity for a
201 vehicle. If there is no manufacturer's suggested seating capacity
202 for a vehicle, the seating capacity for the vehicle shall be
203 determined according to regulations established by the State Tax
204 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 meaning
212 generally ascribed to them. A hearse or funeral coach shall be
213 classified as a light carrier of property, as defined in Section
214 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) "Bus" means any passenger vehicle with a seating
228 capacity of more than ten (10) but shall not include "private
229 carrier of passengers" and "school bus" as defined in paragraphs

230 (15) and (22) of this section. For purposes of this paragraph
231 (33), seating capacity shall be determined according to the
232 manufacturer's suggested seating capacity for a vehicle. If there
233 is no manufacturer's suggested seating capacity for a vehicle, the
234 seating capacity for the vehicle shall be determined according to
235 regulations established by the State Tax Commission.

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

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

251 (b) (1) No lease shall be recognized under the provisions
252 of this article unless it shall be in writing and shall fully
253 define a bona fide relationship of lessor and lessee, signed by
254 both parties, dated and be in the possession of the driver of the
255 leased vehicle at all times.

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

263 **SECTION 3.** This act shall take effect and be in force from
264 and after July 1, 2005.