MISSISSIPPI LEGISLATURE
REGULAR SESSION 2005

By: Senator(s) Mettetal

To: Highways and Transportation

SENATE BILL NO. 2364

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

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

SECTION 1. (1) As used in this section, "low-speed vehicle" means a four-wheeled electric vehicle that can attain a maximum speed of at least twenty (20) miles per hour nor more than twenty-five (25) miles per hour and complies with all of the provisions of 49 CFR 571.500.

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

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

(4) The board of supervisors of any county or the governing authorities of any municipality may prohibit the operation of a low-speed vehicle on any street, road or highway under their jurisdiction if they determine that such prohibition is in the interest of safety.
(5) The Mississippi Transportation Commission may prohibit
the operation of a low-speed vehicle on any public street, road or
highway under its jurisdiction if the commission determines that
such prohibition is in the interest of safety.

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

27-19-3. (a) 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" means 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" means every vehicle used or
operated upon the public roads, highways or bridges in connection
with any business function.

(3) "Motor vehicle" means every vehicle as defined in
this section which is self-propelled, including, but not limited
to, trackless street or trolley cars and low-speed vehicles as
defined in Section 1, Senate Bill No. 2364, 2005 Session. The
term "motor vehicle" shall not include electric personal assistive
mobility devices as defined in Section 63-3-103.

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

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

(6) "Truck tractor" means 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" means 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" means every vehicle (of the trailer type) so designed and used in conjunction with a truck tractor.

(9) "Foreign vehicle" means 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" means all tires inflated with compressed air.

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

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

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

(14) "Owner" means 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, the person 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" means every motor vehicle engaged solely in transporting school children or school children and teachers to and from schools; however, 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 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" means 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" 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, and notwithstanding that the same may be temporarily closed for the purpose of construction, reconstruction, maintenance or repair.

(18) "State Tax Commission" means 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" means 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. The term "common carrier by motor vehicle" shall not include passenger buses operating within the corporate limits of a municipality in this state or not exceeding five (5) miles beyond
the corporate limits of the municipality, and hearses, ambulances, school buses as such. In addition, this definition shall not include taxicabs.

(20) "Contract carrier by motor vehicle" means 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. The term "contract carrier by motor vehicle" shall not include 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 the municipality, and hearses, ambulances, school buses as such. In addition, this definition shall not include taxicabs.

(21) "Private commercial and noncommercial carrier of property by motor vehicle" means 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. The term "private commercial and noncommercial carrier of private property by motor vehicle" shall not include 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 the 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" means all other passenger motor vehicle carriers not included in the above definitions. The term "private carrier of passengers" shall not include passenger buses operating wholly within the corporate limits of a municipality.
limits of a municipality in this state, or not exceeding five (5) miles beyond the corporate limits of the municipality, and hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

(23) "Operator" means 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" means the person actually driving or operating such motor vehicle at any given time.

(25) "Private carrier of property" means 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" means 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" means 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 the
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" means the actual weight of a
vehicle including fixtures and equipment necessary for the
transportation of load hauled or to be hauled.

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

(30) "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

(31) "Regular seats" means 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" means two thousand (2,000) pounds
avoirdupois.

(33) "Bus" means 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
(33), 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.

(34) "Corporate fleet" means 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.

(35) "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.

(b) (1) No lease shall be recognized under the provisions
of this article unless it 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.

(2) 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 3. This act shall take effect and be in force from and after July 1, 2005.