

By: Representative Upshaw

To: Transportation; Ways and
Means

HOUSE BILL NO. 372

1 AN ACT TO AUTHORIZE THE OPERATION OF LOW-SPEED VEHICLES ON
2 CERTAIN PUBLIC HIGHWAYS, ROADS AND STREETS; TO PROVIDE FOR THE
3 HOURS DURING WHICH LOW-SPEED VEHICLES MAY BE OPERATED; TO ALLOW
4 CERTAIN GOVERNMENTAL ENTITIES TO GRANT AN EXEMPTION TO HOURS OF
5 OPERATION PROVIDED THAT LOW-SPEED VEHICLES ARE EQUIPPED WITH
6 CERTAIN SAFETY FEATURES; TO ALLOW THOSE GOVERNMENTAL ENTITIES TO
7 PROHIBIT THE OPERATION OF LOW-SPEED VEHICLES ON ROADS UNDER THEIR
8 JURISDICTION IN THE INTEREST OF SAFETY; TO REQUIRE PERSONS
9 OPERATING A LOW-SPEED VEHICLE TO HAVE A VALID DRIVER'S LICENSE OR
10 TEMPORARY DRIVER'S PERMIT; TO REQUIRE LOW-SPEED VEHICLES TO BE
11 REGISTERED WITH THE STATE TAX COMMISSION FOR THE PURPOSE OF THE
12 ISSUANCE OF A LICENSE TAG; TO SPECIFY THE REQUIREMENTS FOR THE
13 DESIGN AND DISPLAY OF THE LICENSE TAG; TO AUTHORIZE THE ISSUANCE
14 OF PERSONALIZED LICENSED TAGS FOR LOW-SPEED VEHICLES; TO AMEND
15 SECTIONS 63-1-7, 63-3-103, 27-19-3, 27-19-48, 27-19-56, 27-51-5,
16 AND 27-51-41.1, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
17 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) Low-speed vehicles, as defined in Section
20 63-3-103, which include golf carts, as also defined in that
21 section, may be operated only on public highways, roads and
22 streets where the posted speed limit is thirty-five (35) miles per
23 hour or less and which have been designated by the local governing
24 entities with jurisdiction over those highways, roads and streets
25 for use by low-speed vehicles. However, the operation of
26 low-speed vehicles shall be limited to the hours between sunrise
27 and sunset, unless the responsible governmental entity has
28 determined that a low-speed vehicle may be operated during the
29 hours between sunset and sunrise and the low-speed vehicle is
30 equipped with headlights, brake lights, turn signals and a
31 windshield. This subsection does not prohibit a low-speed vehicle
32 from crossing a highway, road or street at an intersection where



33 the highway, road or street has a posted speed limit of more than
34 thirty-five (35) miles per hour.

35 (2) A county or municipality may prohibit the operation of
36 low-speed vehicles on any highway, road or street under its
37 jurisdiction if the governing body of the county or municipality
38 determines that the prohibition is necessary in the interest of
39 safety.

40 (3) The Department of Transportation may prohibit the
41 operation of low-speed vehicles on any highway, road or street
42 under its jurisdiction if it determines that the prohibition is
43 necessary in the interest of safety.

44 (4) Any person operating a low-speed vehicle on the public
45 highways, roads and streets of this state must have in his or her
46 possession a valid driver's license or temporary driver's permit
47 and proof of financial responsibility as required under Section
48 63-15-1 et seq.

49 **SECTION 2.** (1) Every low-speed vehicle shall be registered
50 with the State Tax Commission as required for motor vehicles and
51 trailers under Section 27-19-31, Mississippi Code of 1972, for the
52 purpose of the issuance of a license tag.

53 (2) The tag for low-speed vehicles shall be in every respect
54 similar to the ordinary vehicle tag, subject to regulations of the
55 commission, with the exception that it shall be only six (6)
56 inches wide, and three (3) inches high. It shall have the number
57 and abbreviation "MISS." and an appropriate area provided for year
58 and month decals, as aforesaid, and shall be fastened immovably,
59 in an upright position, at the rear of the low-speed vehicle, so
60 that it will be plainly visible and legible at all times from the
61 rear of the low-speed vehicle.

62 (3) Notwithstanding the provisions of this section,
63 personalized license tags and special license tags may be issued
64 for low-speed vehicles as provided in Sections 27-19-48 and
65 27-19-56.



66 **SECTION 3.** Section 63-1-7, Mississippi Code of 1972, is
67 amended as follows:

68 63-1-7. No license issued under this article shall be
69 required of:

70 (a) Any person while operating a motor vehicle for
71 military purposes, if the person is a member of the United States
72 Armed Forces or Reserves on active duty, a member of the National
73 Guard on active duty or full-time National Guard duty, a National
74 Guard military technician, or participating in part-time National
75 Guard training.

76 (b) Any nonresident person who has in his immediate
77 possession a valid license to drive a motor vehicle on the
78 highways of his home state or country, issued to him by the proper
79 authorities of his home state or country, or of any nonresident
80 person whose home state or country does not require the licensing
81 of a person to operate a motor vehicle on the highways but does
82 require him to be duly registered. That person being eighteen
83 (18) years of age or older may operate a motor vehicle in the
84 state for a period of sixty (60) days without securing a license.
85 However, any nonresident person operating a motor vehicle in this
86 state shall be subject to all the provisions of this article,
87 except as specified above.

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

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

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

95 (f) Any person while operating a low-speed vehicle, as
96 defined in Section 63-3-103, on any private road or golf course.

97 **SECTION 4.** Section 63-3-103, Mississippi Code of 1972, is
98 amended as follows:



99 63-3-103. (a) "Vehicle" means every device in, upon or by
100 which any person or property is or may be transported or drawn
101 upon a highway, except devices used exclusively upon stationary
102 rails or tracks.

103 (b) "Motor vehicle" means every vehicle that is
104 self-propelled and every vehicle that is propelled by electric
105 power obtained from overhead trolley wires, but not operated upon
106 rails. The term "motor vehicle" shall not include electric
107 personal assistive mobility devices. The term "motor vehicle"
108 shall include any low-speed vehicle that is self-propelled or
109 propelled by electric power obtained from overhead trolley wires,
110 but not operated upon rails.

111 (c) "Motorcycle" means every motor vehicle having a saddle
112 for the use of the rider and designed to travel on not more than
113 three (3) wheels in contact with the ground but excluding a
114 tractor.

115 (d) "Authorized emergency vehicle" means every vehicle of
116 the fire department (fire patrol), every police vehicle, every 911
117 Emergency Communications District vehicle, every such ambulance
118 and special use EMS vehicle as defined in Section 41-59-3, and
119 every emergency vehicle of municipal departments or public service
120 corporations as is designated or authorized by the commission or
121 the chief of police of an incorporated city.

122 (e) "School bus" means every motor vehicle operated for the
123 transportation of children to or from any school, provided same is
124 plainly marked "School Bus" on the front and rear thereof and
125 meets the requirements of the State Board of Education as
126 authorized under Section 37-41-1.

127 (f) "Recreational vehicle" means a vehicular type unit
128 primarily designed as temporary living quarters for recreational,
129 camping or travel use, which either has its own motive power or is
130 mounted on or drawn by another vehicle and includes travel



131 trailers, fifth wheel trailers, camping trailers, truck campers
132 and motor homes.

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

136 (h) "Electric assistive mobility device" means a
137 self-balancing two-tandem wheeled device, designed to transport
138 only one (1) person, with an electric propulsion system that
139 limits the maximum speed of the device to fifteen (15) miles per
140 hour.

141 (i) "Low-speed vehicle" means any four-wheeled electric
142 vehicle, including golf carts, that has a top speed greater than
143 twenty (20) miles per hour but less than twenty-five (25) miles
144 per hour. Low-speed vehicles must comply with the safety
145 standards in 49 CFR Section 571.500.

146 (j) "Golf cart" means a motor vehicle that is designed and
147 manufactured for operation on a golf course for sporting or
148 recreational purposes and that is not capable of exceeding speeds
149 of twenty-five (25) miles per hour, except as otherwise provided
150 by Section 1 of this act.

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

153 27-19-3. (a) The following words and phrases when used in
154 this article for the purpose of this article have the meanings
155 respectively ascribed to them in this section, except in those
156 instances where the context clearly describes and indicates a
157 different meaning:

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



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

165 (3) "Motor vehicle" means every vehicle as defined in
166 this section that is self-propelled, including trackless street or
167 trolley cars. The term "motor vehicle" shall not include electric
168 personal assistive mobility devices as defined in Section
169 63-3-103. The term "motor vehicle" shall include any low-speed
170 vehicle.

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

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

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

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

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

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

191 (10) "Pneumatic tires" means all tires inflated with
192 compressed air.

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



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

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

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

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

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

226 (17) "Highway" means and includes every way or place of
227 whatever nature, including public roads, streets and alleys of



228 this state generally open to the use of the public or to be opened
229 or reopened to the use of the public for the purpose of vehicular
230 travel, and notwithstanding that the same may be temporarily
231 closed for the purpose of construction, reconstruction,
232 maintenance or repair.

233 (18) "State Tax Commission," "commission" or
234 "department" means the Commissioner of Revenue of the Department
235 of Revenue of this state, acting directly or through his duly
236 authorized officers, agents, representatives and employees.

237 (19) "Common carrier by motor vehicle" means any person
238 who or which undertakes, whether directly or by a lease or any
239 other arrangement, to transport passengers or property or any
240 class or classes of property for the general public in interstate
241 or intrastate commerce on the public highways of this state by
242 motor vehicles for compensation, whether over regular or irregular
243 routes. The term "common carrier by motor vehicle" shall not
244 include passenger buses operating within the corporate limits of a
245 municipality in this state or not exceeding five (5) miles beyond
246 the corporate limits of the municipality, and hearses, ambulances,
247 school buses as such. In addition, this definition shall not
248 include taxicabs.

249 (20) "Contract carrier by motor vehicle" means any
250 person who or which under the special and individual contract or
251 agreements, and whether directly or by a lease or any other
252 arrangement, transports passengers or property in interstate or
253 intrastate commerce on the public highways of this state by motor
254 vehicle for compensation. The term "contract carrier by motor
255 vehicle" shall not include passenger buses operating wholly within
256 the corporate limits of a municipality in this state or not
257 exceeding five (5) miles beyond the corporate limits of the
258 municipality, and hearses, ambulances, school buses as such. In
259 addition, this definition shall not include taxicabs.



260 (21) "Private commercial and noncommercial carrier of
261 property by motor vehicle" means any person not included in the
262 terms "common carrier by motor vehicle" or "contract carrier by
263 motor vehicle," who or which transports in interstate or
264 intrastate commerce on the public highways of this state by motor
265 vehicle, property of which the person is the owner, lessee, or
266 bailee, other than for hire. The term "private commercial and
267 noncommercial carrier of private property by motor vehicle" shall
268 not include passenger buses operated wholly within the corporate
269 limits of a municipality of this state, or not exceeding five (5)
270 miles beyond the corporate limits of the municipality, and
271 hearses, ambulances, school buses as such. In addition, this
272 definition shall not include taxicabs.

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

275 (22) "Private carrier of passengers" means all other
276 passenger motor vehicle carriers not included in the above
277 definitions. The term "private carrier of passengers" shall not
278 include passenger buses operating wholly within the corporate
279 limits of a municipality in this state, or not exceeding five (5)
280 miles beyond the corporate limits of the municipality, and
281 hearses, ambulances, and school buses as such. In addition, this
282 definition shall not include taxicabs.

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

287 (24) "Driver" means the person actually driving or
288 operating the motor vehicle at any given time.

289 (25) "Private carrier of property" means any person
290 transporting property on the highways of this state as defined
291 below:



292 (a) Any person, or any employee of such person,
293 transporting farm products, farm supplies, materials and/or
294 equipment used in the growing or production of his own
295 agricultural products in his own truck.

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

298 (c) Any person, or any employee of such person,
299 transporting unprocessed forest products, or timber harvesting
300 equipment wherein ownership remains the same, in his own truck.

301 (26) "Taxicab" means any passenger motor vehicle for
302 hire with a seating capacity not greater than ten (10) passengers.
303 For purposes of this paragraph (26), seating capacity shall be
304 determined according to the manufacturer's suggested seating
305 capacity for a vehicle. If there is no manufacturer's suggested
306 seating capacity for a vehicle, the seating capacity for the
307 vehicle shall be determined according to regulations established
308 by the Department of Revenue.

309 (27) "Passenger coach" means any passenger motor
310 vehicle with a seating capacity greater than ten (10) passengers,
311 operating wholly within the corporate limits of a municipality of
312 this state or within five (5) miles of the corporate limits of the
313 municipality, or motor vehicles substituted for abandoned electric
314 railway systems in or between municipalities. For purposes of
315 this paragraph (27), seating capacity shall be determined
316 according to the manufacturer's suggested seating capacity for a
317 vehicle. If there is no manufacturer's suggested seating capacity
318 for a vehicle, the seating capacity for the vehicle shall be
319 determined according to regulations established by the Department
320 of Revenue.

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



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

327 (30) "Ambulance and hearse" shall have the meaning
328 generally ascribed to them. A hearse or funeral coach shall be
329 classified as a light carrier of property, as defined in Section
330 27-51-101.

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

341 (32) "Ton" means two thousand (2,000) pounds
342 avoirdupois.

343 (33) "Bus" means any passenger vehicle with a seating
344 capacity of more than ten (10) but shall not include "private
345 carrier of passengers" and "school bus" as defined in paragraphs
346 (15) and (22) of this section. For purposes of this paragraph
347 (33), seating capacity shall be determined according to the
348 manufacturer's suggested seating capacity for a vehicle. If there
349 is no manufacturer's suggested seating capacity for a vehicle, the
350 seating capacity for the vehicle shall be determined according to
351 regulations established by the Department of Revenue.

352 (34) "Corporate fleet" means a group of two hundred
353 (200) or more marked private carriers of passengers or light
354 carriers of property, as defined in Section 27-51-101, trailers,
355 semitrailers, or motor vehicles in excess of ten thousand (10,000)
356 pounds gross vehicle weight, except for those vehicles registered



357 for interstate travel, owned or leased on a long-term basis by a
358 corporation or other legal entity. In order to be considered
359 marked, the motor vehicle must have a name, trademark or logo
360 located either on the sides or the rear of the vehicle in sharp
361 contrast to the background, and of a size, shape and color that is
362 legible during daylight hours from a distance of fifty (50) feet.

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

367 (36) "Low-speed vehicle" means any four-wheeled
368 electric vehicle, including golf carts, that has a top speed
369 greater than twenty (20) miles per hour but less than twenty-five
370 (25) miles per hour. Low-speed vehicles must comply with the
371 safety standards in 49 CFR Section 571.500.

372 (b) (1) No lease shall be recognized under the provisions
373 of this article unless it is in writing and * * * fully defines a
374 bona fide relationship of lessor and lessee, signed by both
375 parties, dated and is in the possession of the driver of the
376 leased vehicle at all times.

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

384 **SECTION 6.** Section 27-19-48, Mississippi Code of 1972, is
385 amended as follows:

386 27-19-48. (1) Owners of motor vehicles who are residents of
387 this state, upon complying with the motor vehicle laws relating to
388 registration and licensing of motor vehicles, and upon payment of
389 the road and bridge privilege taxes, ad valorem taxes and



390 registration fees as prescribed by law for private carriers of
391 passengers, pickup trucks and other noncommercial motor vehicles,
392 and upon payment of an additional fee in the amount provided in
393 subsection (4) (a) of this section, shall be issued a personalized
394 license tag of the same color as regular license tags to consist
395 of the name of the county and not more than seven (7) letters of
396 the alphabet or seven (7) numbers in lieu of the license tag
397 numbering system prescribed by law. The purchaser of the
398 personalized license tag may choose the combination of such
399 letters or numbers, but no two (2) motor vehicles shall have the
400 same combination of letters or numbers. In the event that the
401 same combination of letters has been chosen by two (2) or more
402 purchasers, the State Tax Commission shall assign a different
403 number to each such purchaser that shall appear on the license tag
404 following the combination of letters; however, this combination
405 shall not exceed seven (7) letters and/or numbers. The
406 combination of letters and/or numbers written across the license
407 tag shall be sufficiently large to be easily read but shall not be
408 less than three (3) inches in height. No combination of letters
409 or numbers that comprise words or expressions that are considered
410 obscene, slandering, insulting or vulgar in ordinary usage shall
411 be permitted, with the Chairman of the State Tax Commission having
412 the responsibility of making this determination. If, however, the
413 license plate is issued in error or otherwise and is determined by
414 the chairman to be obscene, slanderous, insulting, vulgar or
415 offensive, the chairman shall notify the owner that the license
416 plate must be surrendered and that another personalized license
417 plate may be selected by him and issued at no cost. If the
418 vehicle owner does not desire another personalized license plate,
419 the fee for the plate shall be refunded. If the owner fails to
420 surrender the license plate after receiving proper notification,
421 the chairman shall issue an order directing that the license plate



422 be seized by agents of the State Tax Commission or any other duly
423 authorized law enforcement personnel.

424 (2) For the purposes of this section the terms "motor
425 vehicle" and "vehicle" include motorcycles and low-speed vehicles.

426 (3) Application for the personalized license tags shall be
427 made to the county tax collector on forms prescribed by the State
428 Tax Commission. The application form shall contain space for the
429 applicant to make five (5) different choices for the combination
430 of the letters and numbers in the order in which the combination
431 is desired by the applicant. The application and the additional
432 fee, less five percent (5%) thereof to be retained by the tax
433 collector, shall be remitted to the State Tax Commission within
434 seven (7) days of the date the application is made. The portion
435 of the additional fee retained by the tax collector shall be
436 deposited into the county general fund.

437 (4) (a) Beginning with any registration year commencing on
438 or after November 1, 1986, any person applying for a personalized
439 license tag shall pay an additional fee which shall be in addition
440 to all other taxes and fees. The additional fee paid shall be for
441 a period of time to run concurrent with the vehicle's established
442 license tag year. The additional fee of Thirty Dollars (\$30.00)
443 is due and payable at the time the original application is made
444 for a personalized tag and thereafter annually at the time of
445 renewal registration as long as the owner retains the personalized
446 tag. If the owner does not wish to retain the personalized tag,
447 he must surrender it to the local county tax collector. The
448 additional fee due at the time of renewal registration shall be
449 collected by the county tax collector and remitted to the State
450 Tax Commission on a monthly basis as prescribed by the commission.

451 (b) The State Tax Commission shall deposit all taxes
452 and fees into the State Treasury on the day collected. At the end
453 of each month, the State Tax Commission shall certify the total
454 fees collected under this section to the State Treasurer who shall



455 distribute to the credit of the State General Fund Sixteen Dollars
456 and Twenty-five Cents (\$16.25) of each additional fee and the
457 remainder of each such additional fee shall be deposited to the
458 credit of the State Highway Fund to be expended solely for the
459 repair, maintenance, construction or reconstruction of highways.

460 (5) A regular license tag must be properly displayed as
461 required by law until replaced by a personalized license tag; and
462 the regular license tag must be surrendered to the tax collector
463 upon issuance of the personalized license tag. The tax collector
464 shall issue up to two (2) license decals for the personalized
465 license tag, which will expire the same month and year as the
466 original license tag.

467 (6) The applicant shall receive a refund of the fee paid for
468 a personalized license tag if the personalized license tag is not
469 issued to him because the combination of letters and numbers
470 requested to be placed thereon is not available for any reason.

471 (7) In the case of loss or theft of a personalized license
472 tag, the owner may make application and affidavit for a
473 replacement license tag as provided by Section 27-19-37. The fee
474 for a replacement personalized license tag shall be Ten Dollars
475 (\$10.00). The tax collector receiving the application and
476 affidavit shall be entitled to retain and deposit into the county
477 general fund five percent (5%) of the fee for the replacement
478 license tag and the remainder shall be distributed in the same
479 manner as funds from the sale of regular license tags.

480 (8) The owner of a personalized license tag may make
481 application for a duplicate of such tag. The fee for the
482 duplicate personalized license tag shall be Ten Dollars (\$10.00).
483 The tax collector receiving the application shall be entitled to
484 retain and deposit into the county general fund five percent (5%)
485 of the fee for the duplicate personalized license tag and the
486 remainder shall be distributed in the same manner as funds from
487 the sale of regular license tags. A duplicate personalized



488 license tag may not be fastened to the rear of a vehicle and may
489 not be utilized as a replacement for any personalized license tag
490 issued under this section. Month decals and year decals shall not
491 be issued for duplicate personalized license tags and month decals
492 and year decals shall not be attached to duplicate personalized
493 license tags.

494 **SECTION 7.** Section 27-19-56, Mississippi Code of 1972, is
495 amended as follows:

496 27-19-56. (1) Upon application by any legal resident of the
497 State of Mississippi with a disability which limits or impairs the
498 ability to walk, or by the owner of a motor vehicle who has a
499 child, parent or spouse with a disability that limits or impairs
500 the ability to walk and the child, parent or spouse is living with
501 the applicant, the State Tax Commission shall prepare and issue
502 through the county tax collectors a special license plate bearing
503 the International Symbol of Access adopted by Rehabilitation
504 International in 1969 at its Eleventh World Congress on
505 Rehabilitation of the Disabled for not more than two (2) vehicles
506 that are registered in the applicant's name. The initial
507 application shall be accompanied by the certification of a
508 licensed physician that: (a) the applicant or the applicant's
509 child, parent or spouse meets the definition of persons with
510 disabilities that limit or impair the ability to walk; and (b)
511 that the physician has determined that the applicant or the
512 applicant's child, parent or spouse will have the disability for
513 at least five (5) years. The State Tax Commission shall prepare
514 and issue to the tax collectors of the various counties, decals
515 for placement on the special license plates. The decals shall
516 bear thereon the month in which the license plate was issued and
517 the year in which the special license plate will expire. The
518 special license plate issued under this section is valid for the
519 period of time that the license tag attached upon a motor vehicle
520 is issued under Section 27-19-31(1). A person to whom the special



521 license plate is issued may retain the special license plate and
522 may renew it by submitting to the county tax collector, on or
523 before its expiration, the certification of a licensed physician
524 that the physician has determined (a) that the applicant or the
525 applicant's child, parent or spouse meets the definition of a
526 person with a disability that limits or impairs the ability to
527 walk; and (b) that the applicant or the applicant's child, parent
528 or spouse will have the disability for at least five (5) years.
529 If an applicant fails to renew the special license plate before
530 its date of expiration, then he shall surrender the special
531 license plate to the county tax collector and the tax collector
532 shall issue to that person a regular license plate to replace the
533 special license plate.

534 The terms "vehicle" and "motor vehicle," as used in this
535 section, include motorcycles and low-speed vehicles.

536 The term "persons with disabilities that limit or impair the
537 ability to walk" when used in this section means those persons
538 who, as determined by a licensed physician:

539 (a) Cannot walk two hundred (200) feet without stopping
540 to rest; or

541 (b) Cannot walk without the use of, or assistance from,
542 a brace, cane, crutch, another person, prosthetic device,
543 wheelchair, or other assistive device; or

544 (c) Are restricted by lung disease to such an extent
545 that the person's forced (respiratory) expiratory volume for one
546 (1) second, when measured by spirometry, is less than one (1)
547 liter, or the arterial oxygen tension is less than sixty (60)
548 mm/hg on room air at rest; or

549 (d) Use portable oxygen; or

550 (e) Have a cardiac condition to the extent that the
551 person's functional limitations are classified in severity as
552 Class III or Class IV according to standards set by the American
553 Heart Association; or



554 (f) Are severely limited in their ability to walk due
555 to an arthritic, neurological or orthopedic condition.

556 An applicant for a special license plate bearing the
557 International Symbol of Access shall not be required to pay any
558 fee or charge for the issuance of the license plate separate from
559 or in addition to the road and bridge privilege taxes, ad valorem
560 taxes and registration fees otherwise required by law to be paid
561 for the issuance of a regular license plate for the vehicle.

562 (2) The State Tax Commission shall prepare removable
563 windshield placards and such placards shall be issued and
564 periodically renewed upon the applications of persons with
565 disabilities that limit or impair the ability to walk, or upon the
566 applications of owners of motor vehicles who have a child, parent
567 or spouse with a disability that limits or impairs the ability to
568 walk and the child, parent or spouse is living with the owner of
569 the motor vehicle. The placards shall be issued, free of charge,
570 to applicants through the offices of the tax collectors of the
571 counties. The initial application shall be accompanied by the
572 certification of a licensed physician that the applicant or the
573 applicant's child, parent or spouse meets the definition of
574 persons with disabilities that limit or impair the ability to
575 walk. These placards shall be valid for the period of time that
576 the license tag attached upon a motor vehicle is issued under
577 Section 27-19-31(1) and may be renewed in the same manner as
578 provided for the renewal of the special license plates under
579 subsection (1) of this section. The removable windshield placard
580 must be displayed on the left side of the vehicle dashboard or by
581 hanging it on the rearview mirror of the vehicle. The State Tax
582 Commission shall prescribe the placement for motorcycles.

583 (3) The State Tax Commission shall provide for the issuance
584 of a temporary removable windshield placard, upon the application
585 of a person with a disability that limits or impairs the ability
586 to walk, or upon the application of the owner of a motor vehicle



587 who has a child, parent or spouse with a disability that limits or
588 impairs the ability to walk and the child, parent or spouse is
589 living with the owner of the motor vehicle. Temporary removable
590 windshield placards authorized by this subsection shall be
591 prepared by the State Tax Commission and shall be issued, free of
592 charge, to applicants through the offices of the tax collectors of
593 the counties. Application for a temporary removable windshield
594 placard must be accompanied by the certification of a licensed
595 physician that the applicant or the applicant's child, parent or
596 spouse meets the definition of persons with disabilities that
597 limit or impair the ability to walk. The certification shall also
598 include the period of time that the physician determines the
599 applicant or the applicant's child, parent or spouse will have the
600 disability, not to exceed six (6) months. The temporary removable
601 windshield placard must be displayed on the left side of the
602 vehicle dashboard or by hanging it on the rearview mirror of the
603 vehicle. The temporary removable windshield placard shall be
604 valid for a period of time for which the physician has determined
605 that the applicant will have the disability, not to exceed six (6)
606 months from the date of issuance. The State Tax Commission shall
607 prescribe the placement for motorcycles.

608 (4) The removable windshield placard and the temporary
609 removable windshield placard shall be two-sided and shall include:

610 (a) The International Symbol of Access, which is at
611 least three (3) inches in height, centered on the placard (the
612 color of the removable windshield placard shall be white on a blue
613 shield; and the temporary removable windshield placard shall be
614 white on a red shield);

615 (b) An identification number and, on the reverse side,
616 the name of the individual to whom the placard is issued;

617 (c) A date of expiration; and

618 (d) The seal of the State of Mississippi.



619 (5) (a) It shall be unlawful to park a motor vehicle in an
620 area set aside for persons who are disabled if the motor vehicle
621 does not:

622 (i) Have displayed the removable windshield
623 placard authorized in this section with the date of expiration
624 visible;

625 (ii) Have the special license plate issued under
626 this section properly displayed upon the motor vehicle; or

627 (iii) Have the disabled American veteran tag or
628 plate issued under Section 27-19-53 properly displayed upon the
629 motor vehicle.

630 Any person who unlawfully parks a motor vehicle in those
631 areas, or who blocks those spaces or access thereto, shall be
632 guilty of a misdemeanor and, upon conviction thereof, shall be
633 fined not more than Two Hundred Dollars (\$200.00) for each such
634 violation. For the third and subsequent offenses under this
635 section, the offender's driver's license shall be suspended for
636 ninety (90) days by the Commissioner of Public Safety in
637 accordance with Section 63-1-53 in addition to any fine imposed.
638 The court shall not suspend or reduce any fine required to be
639 imposed under this subsection.

640 (b) A person who is charged with a violation of this
641 section by parking a motor vehicle in an area set aside for
642 persons who are disabled and failing properly to display (i) a
643 removable windshield placard on the dash of the vehicle or by
644 hanging it on the rearview mirror of the vehicle, (ii) a special
645 license plate issued under this section upon the vehicle or (iii)
646 a disabled American veteran tag or plate issued under Section
647 27-19-53 upon the vehicle shall not be convicted and shall have
648 the charge dismissed upon presentation to the court of proof by
649 means of sworn oral testimony or sworn affidavit that at the time
650 of the charged violation he or a passenger in the vehicle



651 possessed a valid removable windshield placard issued under this
652 section.

653 (6) Any person who, for the purpose of obtaining a special
654 license plate or windshield placard under this section, files with
655 the county tax collector a physician's certification, knowing the
656 certification to be false or to have been fraudulently obtained,
657 shall be guilty of a misdemeanor and, upon conviction, shall be
658 fined not more than Two Hundred Dollars (\$200.00).

659 (7) All law enforcement officers are authorized to enforce
660 this section on public and private property. Provision of spaces
661 restricted to handicapped parking and proper marking of those
662 spaces shall be considered as intent and permission to enforce the
663 designated parking on private property. Any owner of private
664 property may tow away a vehicle that is parked on the owner's
665 private property in violation of the disabled parking restrictions
666 set forth in this section at the vehicle owner's expense. In
667 addition, the vehicle owner may be subject to any fines or other
668 penalties provided in this section. Only areas marked in
669 accordance with the Americans with Disabilities Act Accessibility
670 Guidelines or equivalent standards shall be enforced. Spaces
671 shall bear the International Symbol of Access.

672 (8) Motor vehicles displaying a special license plate,
673 license plate decal, placard or parking certificate or permit
674 bearing the International Symbol of Access issued to a person with
675 a disability by any other state or district subject to the laws of
676 the United States shall be allowed the special parking privileges
677 under this section provided the license plate, decal, placard,
678 permit or certificate bears the International Symbol of Access and
679 is displayed in a prominent place on the vehicle.

680 (9) Parking in any area set aside for persons who are
681 disabled is limited to vehicles which, immediately before or after
682 the utilization of such an area, are used to transport a person
683 with a disability that limits or impairs the ability to walk. The



684 identification required to park in such an area, except as
685 provided in subsection (8) of this section, is as follows:

686 (a) For a vehicle used to transport a person with a
687 permanent disability, that person's permanent windshield placard
688 must be displayed or the vehicle must have a special license tag
689 issued under this section or Section 27-19-53 properly displayed.

690 (b) For a vehicle being used by a person who has a
691 temporary disability which limits or impairs the ability to walk,
692 or which is being used to transport such a person, a temporary
693 windshield placard must be displayed.

694 Any person who parks in an area set aside for persons who are
695 disabled in violation of this subsection shall be punished as
696 provided for in subsection (5) of this section.

697 (10) Upon application by a nursing home, retirement home or
698 other institution that transports disabled persons, the State Tax
699 Commission may issue the special license plate authorized under
700 this section for not more than one (1) vehicle that is registered
701 in the applicant's name that is used to transport disabled
702 residents of the institution. The institution shall comply with
703 all other laws regarding the registration of the vehicle.

704 **SECTION 8.** Section 27-51-5, Mississippi Code of 1972, is
705 amended as follows:

706 27-51-5. The subject words and terms of this section, for
707 the purpose of this chapter, shall have meanings as follows:

708 (a) "Motor vehicle" means any device and attachments
709 supported by one or more wheels that is propelled or drawn by any
710 power other than muscular power over the highways, streets or
711 alleys of this state. The term "motor vehicle" shall not include
712 electric personal assistive mobility devices as defined in Section
713 63-3-103. The term "motor vehicle" shall include any low-speed
714 vehicle as defined in Section 63-3-103. However, mobile homes
715 that are detached from any self-propelled vehicles and parked on
716 land in the state are hereby expressly exempt from the motor



717 vehicle ad valorem taxes, but house trailers that are actually in
718 transit and that are not parked for more than an overnight stop
719 are not exempted.

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

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

730 **SECTION 9.** Section 27-51-41.1, Mississippi Code of 1972, is
731 amended as follows:

732 27-51-41.1. (1) As used in this section:

733 (a) "Motorcycle" shall have the meaning ascribed to the
734 term in Section 27-19-3.

735 (b) "Motor home" means an individually owned private
736 carrier of passengers as defined in Section 27-19-3 that has a
737 primary purpose of providing transportation and human living
738 facilities, including, at a minimum, sleeping facilities, bath and
739 toilet facilities and food storage and preparation facilities.

740 (c) "Trailer" shall have the meaning ascribed to the
741 term in Section 27-19-3. The term "trailer" shall not include
742 semitrailers as defined in Section 27-19-3, other than those that
743 are used for recreational purposes.

744 (d) "Low-speed vehicle" shall have the meaning ascribed
745 to the term in Section 27-19-3.

746 (2) * * * From and after October 1, 2010, fifty percent
747 (50%) of the true value of all motorcycles, motor homes, trailers
748 and low-speed vehicles upon which the owner is required to pay the
749 annual highway privilege tax levied in Chapter 19, Title 27,



750 Mississippi Code of 1972, shall be exempt from ad valorem
751 taxation.

752 **SECTION 10.** Nothing in this act shall affect or defeat any
753 claim, assessment, appeal, suit, right or cause of action for
754 taxes due or accrued under the highway privilege and ad valorem
755 tax laws before the date on which this act becomes effective,
756 whether those claims, assessments, appeals, suits or actions have
757 been begun before the date on which this act becomes effective or
758 are begun thereafter; and the provisions of the highway privilege
759 and ad valorem tax laws are expressly continued in full force,
760 effect and operation for the purpose of the assessment, collection
761 and enrollment of liens for any taxes due or accrued and the
762 execution of any warrant under those laws before the date on which
763 this act becomes effective, and for the imposition of any
764 penalties, forfeitures or claims for failure to comply with those
765 laws.

766 **SECTION 11.** This act shall take effect and be in force from
767 and after July 1, 2010.

