

By: Representative Byrd

To: Transportation

HOUSE BILL NO. 431

1 AN ACT TO AUTHORIZE THE OPERATION OF CERTAIN LOW-SPEED  
2 FOUR-WHEELED VEHICLES ON CERTAIN PUBLIC ROADS AND STREETS WHERE  
3 THE POSTED SPEED LIMIT IS 35 MILES PER HOUR OR LESS; TO PROVIDE  
4 THAT SUCH VEHICLES MAY BE OPERATED ON SUCH PUBLIC ROADS AND  
5 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 REQUIRE THE APPLICANT OF A TITLE  
10 FOR A LOW-SPEED VEHICLE TO PROVIDE DOCUMENTATION CERTIFYING THAT  
11 THE VEHICLE TO BE TITLED IS A LOW-SPEED VEHICLE; TO REQUIRE THE  
12 DEPARTMENT OF PUBLIC SAFETY TO CONDUCT AN INSPECTION OF CERTAIN  
13 RETROFITTED LOW-SPEED VEHICLES TO CERTIFY THAT THE VEHICLE  
14 COMPLIES WITH THE REQUIREMENTS OF SUCH VEHICLES; TO REQUIRE EVERY  
15 LOW-SPEED VEHICLE TO BE REGISTERED WITH THE DEPARTMENT OF REVENUE  
16 FOR THE PURPOSE OF THE ISSUANCE OF A LICENSE TAG; TO AMEND  
17 SECTIONS 63-21-5, 63-21-15, 63-1-7, 63-3-103, 27-19-3, 27-19-43,  
18 27-19-48, 27-19-56 AND 27-51-5, MISSISSIPPI CODE OF 1972, TO  
19 CONFORM WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** (1) As used in this act, "low-speed vehicle"  
22 means any four-wheeled electric or gasoline powered vehicle that  
23 has a top speed greater than twenty (20) miles per hour but less  
24 than twenty-five (25) miles per hour and complies with all of the  
25 provisions set forth in 49 CFR 571.500. The term "low-speed



26 vehicle" includes golf carts that have been retrofitted to comply  
27 with all of the provisions for low-speed vehicles.

28 (2) As used in this act, "golf cart" means a motor vehicle  
29 that is designed and manufactured for operation on a golf course  
30 for sporting or recreational purposes and that is not capable of  
31 exceeding speeds of twenty (20) miles per hour.

32 (3) A low-speed vehicle may be operated only on private  
33 roads or property, or on public roads and streets located within a  
34 zoned residential neighborhood or subdivision where the posted  
35 speed limit is thirty-five (35) miles per hour or less. Low-speed  
36 vehicles shall not be operated on any United States or Mississippi  
37 numbered highways, or on county or municipal roads that are not  
38 located within a zoned residential neighborhood or subdivision  
39 regardless of the posted speed limit. This subsection (3) does  
40 not prohibit a low-speed vehicle from crossing a prohibited  
41 highway, road or street at a marked intersection for the purpose  
42 of crossing to continue the operation of the low-speed vehicle on  
43 another allowable road or street.

44 (4) A county or municipality may prohibit the operation of  
45 low-speed vehicles on any highway, road or street under its  
46 jurisdiction if the governing body of the county or municipality  
47 determines that the prohibition is necessary in the interest of  
48 public safety.

49 (5) The Mississippi Department of Transportation may  
50 prohibit the operation of low-speed vehicles on any highway, road



51 or street under its jurisdiction if it determines that the  
52 prohibition is necessary in the interest of safety.

53 (6) Any person operating a low-speed vehicle on a public  
54 highway, road or street in accordance with this act must have in  
55 possession a valid driver's license or temporary driver's permit  
56 and proof of financial responsibility as required under Section  
57 63-15-1 et seq.

58 **SECTION 2.** (1) Before the Mississippi Department of Revenue  
59 titles or registers a low-speed vehicle that was originally  
60 manufactured, sold or marketed as such, the applicant of the  
61 low-speed vehicle shall submit to the department a manufacturer's  
62 statement of origin proving the vehicle meets the requirements for  
63 low-speed vehicles provided in 49 CFR 571.500 and any other  
64 documentation as required by the department for the purpose of  
65 titling or registering a motor vehicle.

66 (2) If the applicant is titling or registering a low-speed  
67 vehicle that was not originally manufactured, sold or marketed as  
68 such, but has been retrofitted to comply with all of the  
69 requirements for low speed vehicles, the applicant shall submit to  
70 the department:

71 (a) A signed affidavit on a form prescribed by the  
72 department that states the low-speed vehicle to be registered has  
73 a top speed greater than twenty (20) miles per hour but not more  
74 than twenty-five (25) miles per hour and that the low-speed  
75 vehicle fully complies with the requirements set forth in 49 CFR



76 571.500, in addition to any other provisions the department may  
77 require; and

78 (b) A certificate of inspection issued by the  
79 Department of Public Safety in the form and content specified by  
80 the Department of Revenue and the payment of a fee of Seventy-five  
81 Dollars (\$75.00) for each low-speed vehicle for which a  
82 certificate of inspection is issued. The fee collected under this  
83 subsection shall be deposited in the State Treasury to the credit  
84 of the Department of Public Safety. A certificate of inspection  
85 shall be issued if the Department of Public Safety determines that  
86 the low-speed vehicle fully complies with the requirements set  
87 forth in 49 CFR 571.500. The Department of Public Safety may  
88 require that an applicant bring a vehicle for which application  
89 for a title is being made to a Highway Patrol facility for visual  
90 inspection whenever the department deems that a visual inspection  
91 is necessary or advisable.

92 **SECTION 3.** (1) Every low-speed vehicle shall be registered  
93 with the Mississippi Department of Revenue as required for motor  
94 vehicles and trailers under Section 27-19-31 for the purpose of  
95 the issuance of a license tag.

96 (3) The tag for low-speed vehicles shall be in every respect  
97 similar to the ordinary vehicle tag, subject to regulations of the  
98 department, with the exception that it shall be only six (6)  
99 inches wide, and three (3) inches high. It shall have the number  
100 and abbreviation "MISS." and an appropriate area provided for year



101 and month decals, and shall be fastened immovably, in an upright  
102 position, at the rear of the low-speed vehicle, so that it is  
103 plainly visible and legible at all times from the rear of the  
104 low-speed vehicle.

105 (4) Notwithstanding the provisions of this section,  
106 personalized license tags and special license tags may be issued  
107 for low-speed vehicles as provided in Sections 27-19-48 and  
108 27-19-56.

109 **SECTION 4.** Section 63-21-5, Mississippi Code of 1972, is  
110 amended as follows:

111 63-21-5. The following words and phrases when used in this  
112 chapter shall, for the purpose of this chapter, have the meanings  
113 respectively ascribed to them in this section except where the  
114 context clearly indicates a different meaning:

115 (a) "State Tax Commission" or "department" means the  
116 Department of Revenue of the State of Mississippi.

117 (b) "Dealer" means every person engaged regularly in  
118 the business of buying, selling or exchanging motor vehicles,  
119 trailers, semitrailers, trucks, tractors or other character of  
120 commercial or industrial motor vehicles in this state, and having  
121 in this state an established place of business as defined in  
122 Section 27-19-303, Mississippi Code of 1972. The term "dealer"  
123 shall also mean every person engaged regularly in the business of  
124 buying, selling or exchanging manufactured housing in this state,



125 and licensed as a dealer of manufactured housing by the  
126 Mississippi Department of Insurance.

127 (c) "Designated agent" means each county tax collector  
128 in this state who may perform his duties under this chapter either  
129 personally or through any of his deputies, or such other persons  
130 as the Department of Revenue may designate. The term shall also  
131 mean those "dealers" as herein defined and/or their officers and  
132 employees and other persons who are appointed by the Department of  
133 Revenue in the manner provided in Section 63-21-13, Mississippi  
134 Code of 1972, to perform the duties of "designated agent" for the  
135 purposes of this chapter.

136 (d) "Implement of husbandry" means every vehicle  
137 designed and adapted exclusively for agricultural, horticultural  
138 or livestock raising operations or for lifting or carrying an  
139 implement of husbandry and in either case not subject to  
140 registration if used upon the highways.

141 (e) "Vehicle identification number" means the numbers  
142 and letters on a vehicle, manufactured home or mobile home  
143 designated by the manufacturer or assigned by the Department of  
144 Revenue for the purpose of identifying the vehicle, manufactured  
145 home or mobile home.

146 (f) "Lien" means every kind of written lease which is  
147 substantially equivalent to an installment sale or which provides  
148 for a right of purchase; conditional sale; reservation of title;  
149 deed of trust; chattel mortgage; trust receipt; and every other



150 written agreement or instrument of whatever kind or character  
151 whereby an interest other than absolute title is sought to be held  
152 or given on a motor vehicle, manufactured home or mobile home.

153 (g) "Lienholder" means any natural person, firm,  
154 copartnership, association or corporation holding a lien as herein  
155 defined on a motor vehicle, manufactured home or mobile home.

156 (h) "Manufactured housing" or "manufactured home" means  
157 any structure, transportable in one or more sections, which in the  
158 traveling mode, is eight (8) body feet or more in width or forty  
159 (40) body feet or more in length or, when erected on site, is  
160 three hundred twenty (320) or more square feet and which is built  
161 on a permanent chassis and designed to be used as a dwelling with  
162 or without a permanent foundation when connected to the required  
163 utilities, and includes the plumbing, heating, air-conditioning  
164 and electrical systems contained therein; except that such terms  
165 shall include any structure which meets all the requirements of  
166 this paragraph except the size requirements and with respect to  
167 which the manufacturer voluntarily files a certification required  
168 by the Secretary of Housing and Urban Development and complies  
169 with the standards established under the National Manufactured  
170 Housing Construction and Safety Standards Act of 1974, 42 USCS,  
171 Section 5401.

172 (i) "Manufacturer" means any person regularly engaged  
173 in the business of manufacturing, constructing or assembling motor



174 vehicles, manufactured homes or mobile homes, either within or  
175 without this state.

176 (j) "Mobile home" means any structure, transportable in  
177 one or more sections, which in the traveling mode, is eight (8)  
178 body feet or more in width or forty (40) body feet or more in  
179 length or, when erected on site, is three hundred twenty (320) or  
180 more square feet and which is built on a permanent chassis and  
181 designed to be used as a dwelling with or without a permanent  
182 foundation when connected to the required utilities, and includes  
183 the plumbing, heating, air-conditioning and electrical systems  
184 contained therein and manufactured prior to June 15, 1976. Any  
185 mobile home designated as realty on or before July 1, 1999, shall  
186 continue to be designated as realty so that a security interest  
187 will be made by incorporating such mobile home in a deed of trust.

188 (k) "Motorcycle" means every motor vehicle having a  
189 seat or saddle for the use of the rider and designed to travel on  
190 not more than three (3) wheels in contact with the ground, but  
191 excluding a farm tractor.

192 (l) "Motor vehicle" means every automobile, motorcycle,  
193 mobile trailer, semitrailer, truck, truck tractor, trailer,  
194 low-speed vehicle and every other device in, upon, or by which any  
195 person or property is or may be transported or drawn upon a public  
196 highway which is required to have a road or bridge privilege  
197 license, except such as is moved by animal power or used  
198 exclusively upon stationary rails or tracks.





199 (m) "New vehicle" means a motor vehicle, manufactured  
200 home or mobile home which has never been the subject of a first  
201 sale for use.

202 (n) "Used vehicle" means a motor vehicle, manufactured  
203 home or mobile home that has been the subject of a first sale for  
204 use, whether within this state or elsewhere.

205 (o) "Owner" means a person or persons holding the legal  
206 title of a vehicle, manufactured home or mobile home; in the event  
207 a vehicle, manufactured home or mobile home is the subject of a  
208 deed of trust or a chattel mortgage or an agreement for the  
209 conditional sale or lease thereof or other like agreement, with  
210 the right of purchase upon performance of the conditions stated in  
211 the agreement and with the immediate right of possession vested in  
212 the grantor in the deed of trust, mortgagor, conditional vendee or  
213 lessee, the grantor, mortgagor, conditional vendee or lessee shall  
214 be deemed the owner for the purpose of this chapter.

215 (p) "Person" includes every natural person, firm,  
216 copartnership, association or corporation.

217 (q) "Pole trailer" means every vehicle without motive  
218 power designed to be drawn by another vehicle and attached to the  
219 towing vehicle by means of a reach or pole, or by being boomed or  
220 otherwise secured to the towing vehicle, and ordinarily used for  
221 transporting long or irregularly shaped loads such as poles,  
222 pipes, boats or structural members capable generally of sustaining  
223 themselves as beams between the supporting connections.



224 (r) "Security agreement" means a written agreement  
225 which reserves or creates a security interest.

226 (s) "Security interest" means an interest in a vehicle,  
227 manufactured home or mobile home reserved or created by agreement  
228 and which secures payment or performance of an obligation. The  
229 term includes the interest of a lessor under a lease intended as  
230 security. A security interest is "perfected" when it is valid  
231 against third parties generally, subject only to specific  
232 statutory exceptions.

233 (t) "Special mobile equipment" means every vehicle not  
234 designed or used primarily for the transportation of persons or  
235 property and only incidentally operated or moved over a highway,  
236 including, but not limited to: ditch-digging apparatus,  
237 well-boring apparatus and road construction and maintenance  
238 machinery such as asphalt spreaders, bituminous mixers, bucket  
239 loaders, tractors other than truck tractors, ditchers, leveling  
240 graders, finishing machines, motor graders, road rollers,  
241 scarifiers, earth-moving carryalls and scrapers, power shovels and  
242 draglines, and self-propelled cranes, vehicles so constructed that  
243 they exceed eight (8) feet in width and/or thirteen (13) feet six  
244 (6) inches in height, and earth-moving equipment. The term does  
245 not include house trailers, dump trucks, truck-mounted transit  
246 mixers, cranes or shovels, or other vehicles designed for the  
247 transportation of persons or property to which machinery has been  
248 attached.



249 (u) "Nonresident" means every person who is not a  
250 resident of this state.

251 (v) "Current address" means a new address different  
252 from the address shown on the application or on the certificate of  
253 title. The owner shall within thirty (30) days after his address  
254 is changed from that shown on the application or on the  
255 certificate of title notify the department of the change of  
256 address in the manner prescribed by the department.

257 (w) "Odometer" means an instrument for measuring and  
258 recording the actual distance a motor vehicle travels while in  
259 operation; but shall not include any auxiliary instrument designed  
260 to be reset by the operator of the motor vehicle for the purpose  
261 of recording the distance traveled on trips.

262 (x) "Odometer reading" means the actual cumulative  
263 distance traveled disclosed on the odometer.

264 (y) "Odometer disclosure statement" means a statement  
265 certified by the owner of the motor vehicle to the transferee or  
266 to the department as to the odometer reading.

267 (z) "Mileage" means actual distance that a vehicle has  
268 traveled.

269 (aa) "Trailer" means every vehicle other than a "pole  
270 trailer" as defined in this chapter without motive power designed  
271 to be drawn by another vehicle and attached to the towing vehicle  
272 for the purpose of hauling goods or products. The term "trailer"  
273 shall not refer to any structure, transportable in one or more



274 sections regardless of size, when erected on site, and which is  
275 built on a permanent chassis and designed to be used as a dwelling  
276 with or without a permanent foundation when connected to the  
277 required utilities, and includes the plumbing, heating,  
278 air-conditioning and electrical systems contained therein  
279 regardless of the date of manufacture.

280 (bb) "Salvage mobile home" or "salvage manufactured  
281 home" means a mobile home or manufactured home for which a  
282 certificate of title has been issued that an insurance company  
283 obtains from the owner as a result of paying a total loss claim  
284 resulting from collision, fire, flood, wind or other occurrence.  
285 The term "salvage mobile home" or "salvage manufactured home" does  
286 not mean or include and is not applicable to a mobile home or  
287 manufactured home that is twenty (20) years old or older.

288 (cc) "Salvage certificate of title" means a document  
289 issued by the department for a salvage mobile home or salvage  
290 manufactured home as defined in this chapter.

291 (dd) "All-terrain vehicle" means a motor vehicle that  
292 is designed for off-road use and is not required to have a motor  
293 vehicle privilege license.

294 **SECTION 5.** Section 63-21-15, Mississippi Code of 1972,  
295 is amended as follows:

296 63-21-15. (1) The application for the certificate of title  
297 of a vehicle, manufactured home or mobile home in this state shall  
298 be made by the owner to a designated agent, on the form the State



299 Tax Commission prescribes, and shall contain or be accompanied by  
300 the following, if applicable:

301 (a) The name, driver's license number, if the owner has  
302 been issued a driver's license, current residence and mailing  
303 address of the owner;

304 (b) (i) If a vehicle, a description of the vehicle,  
305 including the following data: year, make, model, vehicle  
306 identification number, type of body, the number of cylinders,  
307 odometer reading at the time of application, and whether new or  
308 used; \* \* \*

309 (ii) If a manufactured home or mobile home, a  
310 description of the manufactured home or mobile home, including the  
311 following data: year, make, model number, serial number and  
312 whether new or used; and

313 (iii) If a low-speed vehicle, any documentation  
314 required by Section 2 of this act, in addition to any requirements  
315 for vehicles provided in paragraph (b) (i).

316 (c) The date of purchase by applicant, the name and  
317 address of the person from whom the vehicle, manufactured home or  
318 mobile home was acquired, and the names and addresses of any  
319 lienholders in the order of their priority and the dates of their  
320 security agreements;

321 (d) In connection with the transfer of ownership of a  
322 manufactured home or mobile home sold by a sheriff's bill of sale,  
323 a copy of the sheriff's bill of sale;



324 (e) (i) An odometer disclosure statement made by the  
325 transferor of a motor vehicle. The statement shall read:

326 "Federal and state law requires that you state the mileage in  
327 connection with the transfer of ownership. Failure to complete or  
328 providing a false statement may result in fine and/or  
329 imprisonment.

330 I state that the odometer now reads \_\_\_\_\_ (no tenths)  
331 miles and to the best of my knowledge that it reflects the actual  
332 mileage of the vehicle described herein, unless one (1) of the  
333 following statements is checked:

334 \_\_\_\_\_ (1) I hereby certify that to the best of my knowledge  
335 the odometer reading reflects the amount of mileage in excess of  
336 its mechanical limits.

337 \_\_\_\_\_ (2) I hereby certify that the odometer reading is not  
338 the actual mileage. WARNING-ODOMETER DISCREPANCY!"

339 (ii) In connection with the transfer of ownership  
340 of a motor vehicle, each transferor shall disclose the mileage to  
341 the transferee in writing on the title or on the document being  
342 used to reassign the title, which form shall be prescribed and  
343 furnished by the State Tax Commission. This written disclosure  
344 must be signed by the transferor and transferee, including the  
345 printed name of both parties.

346 Notwithstanding the requirements above, the following  
347 exemptions as to odometer disclosure shall be in effect:



348 1. A vehicle having a gross vehicle weight  
349 rating of more than sixteen thousand (16,000) pounds.

350 2. A vehicle that is not self-propelled.

351 3. A vehicle that is ten (10) years old or  
352 older.

353 4. A vehicle sold directly by the  
354 manufacturer to any agency of the United States in conformity with  
355 contractual specifications.

356 5. A transferor of a new vehicle prior to its  
357 first transfer for purposes other than resale need not disclose  
358 the vehicle's odometer mileage.

359 (iii) Any person who knowingly gives a false  
360 statement concerning the odometer reading on an odometer  
361 disclosure statement shall be guilty of a misdemeanor and, upon  
362 conviction, shall be subject to a fine of up to One Thousand  
363 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or  
364 both, at the discretion of the court. These penalties shall be  
365 cumulative, supplemental and in addition to the penalties provided  
366 by any other law; and

367 (f) For previously used manufactured homes and mobile  
368 homes that previously have not been titled in this state or any  
369 other state, a disclosure statement shall be made by the owner of  
370 the manufactured home or mobile home applying for the certificate  
371 of title. That statement shall read:



372 "I state that the previously used manufactured home or mobile  
373 home owned by me for which I am applying for a certificate of  
374 title, to the best of my knowledge:

375 \_\_\_\_\_ (1) Has never been declared a total loss due to  
376 flood damage, fire damage, wind damage or other damage; or

377 \_\_\_\_\_ (2) Has previously been declared a total loss due  
378 to:

379 \_\_\_\_\_ (a) Collision;

380 \_\_\_\_\_ (b) Flood;

381 \_\_\_\_\_ (c) Fire;

382 \_\_\_\_\_ (d) Wind;

383 \_\_\_\_\_ (e) Other (please describe): \_\_\_\_\_

384 \_\_\_\_\_."

385 (2) The application shall be accompanied by such evidence as  
386 the State Tax Commission reasonably requires to identify the  
387 vehicle, manufactured home or mobile home and to enable the State  
388 Tax Commission to determine whether the owner is entitled to a  
389 certificate of title and the existence or nonexistence of security  
390 interests in the vehicle, manufactured home or mobile home and  
391 whether the applicant is liable for a use tax as provided by  
392 Sections 27-67-1 through 27-67-33.

393 (3) If the application is for a vehicle, manufactured home  
394 or mobile home purchased from a dealer, it shall contain the name  
395 and address of any lienholder holding a security interest created  
396 or reserved at the time of the sale and the date of his security





397 agreement and it shall be signed by the dealer as well as the  
398 owner. The designated agent shall promptly mail or deliver the  
399 application to the State Tax Commission.

400 (4) If the application is for a new vehicle, manufactured  
401 home or mobile home, it shall contain the certified manufacturer's  
402 statement of origin showing proper assignments to the applicant  
403 and a copy of each security interest document.

404 (5) Each application shall contain or be accompanied by the  
405 certificate of a designated agent that the vehicle, manufactured  
406 home or mobile home has been physically inspected by him and that  
407 the vehicle identification number and descriptive data shown on  
408 the application, pursuant to the requirements of subsection (1)(b)  
409 of this section, are correct, and also that he has identified the  
410 person signing the application and witnessed the signature. If  
411 the application is to receive a clear title or a branded title for  
412 a vehicle for which a salvage certificate of title has been  
413 issued, the application shall be accompanied by a sworn affidavit  
414 that the vehicle complies with the requirements of this section,  
415 Section 63-21-39 and the regulations promulgated by the State Tax  
416 Commission under Section 63-21-39.

417 (6) If the application is for a first certificate of title  
418 on a vehicle, manufactured home or mobile home other than a new  
419 vehicle, manufactured home or mobile home, then the application  
420 shall conform with the requirements of this section except that in  
421 lieu of the manufacturer's statement of origin, the application



422 shall be accompanied by a copy of the bill of sale of said motor  
423 vehicle, manufactured home or mobile home whereby the applicant  
424 claims title or in lieu thereof, in the case of a motor vehicle,  
425 certified copies of the last two (2) years' tag and tax receipts  
426 or in lieu thereof, in any case, such other information the State  
427 Tax Commission may reasonably require to identify the vehicle,  
428 manufactured home or mobile home and to enable the State Tax  
429 Commission to determine ownership of the vehicle, manufactured  
430 home or mobile home and the existence or nonexistence of security  
431 interest in it. If the application is for a vehicle, manufactured  
432 home or mobile home last previously registered in another state or  
433 country, the application shall also be accompanied by the  
434 certificate of title issued by the other state or country, if any,  
435 properly assigned.

436 (7) Every designated agent within this state shall, no later  
437 than the next business day after they are received by him, forward  
438 to the State Tax Commission by mail, postage prepaid, the  
439 originals of all applications received by him, together with such  
440 evidence of title as may have been delivered to him by the  
441 applicants.

442 (8) An application for certificate of title and information  
443 to be placed on an application for certificate of title may be  
444 transferred electronically as provided in Section 63-21-16.

445 (9) The State Tax Commission shall issue a certificate of  
446 title or any other document applied for under this chapter to the



447 designated agent, owner or lienholder of the motor vehicle or of  
448 the manufactured home or mobile home, as appropriate, not more  
449 than thirty (30) days after the application and required fee  
450 prescribed under Section 63-21-63 or Section 63-21-64 are received  
451 unless the applicant requests expedited processing under  
452 subsection (10) of this section.

453 (10) (a) The State Tax Commission shall establish an  
454 expedited processing procedure for the receipt of applications and  
455 the issuance of certificates of title and any other documents  
456 issued under this chapter, except a replacement certificate of  
457 title as provided under Section 63-21-27(2), for motor vehicles  
458 and for manufactured homes or mobile homes. Any designated agent,  
459 lienholder or owner requesting the issuance of any such document,  
460 at his or her option, shall receive such expedited processing upon  
461 payment of a fee in the amount of Thirty Dollars (\$30.00). Such  
462 fee shall be in addition to the fees applicable to the issuance of  
463 any such documents under Section 63-21-63 and Section 63-21-64.

464 (b) When expedited title processing is requested, the  
465 applicable fees are paid and all documents and information  
466 necessary for the Tax Commission to issue the certificate of title  
467 or other documents applied for are received by the commission,  
468 then the commission shall complete processing of the application  
469 and issue the title or document applied for within seventy-two  
470 (72) hours of the time of receipt, excluding weekends and  
471 holidays.



472           **SECTION 6.** Section 63-1-7, Mississippi Code of 1972, is  
473 amended as follows:

474           63-1-7. No license issued pursuant to this article shall be  
475 required of:

476                   (a) Any person while operating a motor vehicle for  
477 military purposes, if the person is a member of the United States  
478 Armed Forces or Reserves on active duty, a member of the National  
479 Guard on active duty or full-time National Guard duty, a National  
480 Guard military technician, or participating in part-time National  
481 Guard training.

482                   (b) Any nonresident person who has in his immediate  
483 possession a valid license to drive a motor vehicle on the  
484 highways of his home state or country, issued to him by the proper  
485 authorities of his home state or country, or of any nonresident  
486 person whose home state or country does not require the licensing  
487 of a person to operate a motor vehicle on the highways but does  
488 require him to be duly registered. Such person being eighteen  
489 (18) years of age or older may operate a motor vehicle in the  
490 state for a period of sixty (60) days without securing a license.  
491 However, any nonresident person operating a motor vehicle in this  
492 state shall be subject to all the provisions of this article,  
493 except as specified above.

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



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

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

501 (f) Any person while operating a low-speed vehicle or  
502 golf cart as defined in Section 1 of House Bill No. 431, 2016  
503 Regular Session, on any private road or golf course.

504 **SECTION 7.** Section 63-3-103, Mississippi Code of 1972, is  
505 amended as follows:

506 63-3-103. (a) "Vehicle" means every device in, upon or by  
507 which any person or property is or may be transported or drawn  
508 upon a highway, except devices used exclusively upon stationary  
509 rails or tracks.

510 (b) "Motor vehicle" means every vehicle which is  
511 self-propelled and every vehicle which is propelled by electric  
512 power obtained from overhead trolley wires, but not operated upon  
513 rails. The term "motor vehicle" shall not include electric  
514 personal assistive mobility devices.

515 (c) "Motorcycle" means every motor vehicle having a saddle  
516 for the use of the rider and designed to travel on not more than  
517 three (3) wheels in contact with the ground but excluding a  
518 tractor. The term "motorcycle" includes motor scooters as defined  
519 in paragraph (j) of this subsection.

520 (d) "Authorized emergency vehicle" means every vehicle of  
521 the fire department (fire patrol), every police vehicle, every 911



522 Emergency Communications District vehicle, every such ambulance  
523 and special use EMS vehicle as defined in Section 41-59-3, every  
524 Mississippi Emergency Management Agency vehicle as is designated  
525 or authorized by the Executive Director of MEMA and every  
526 emergency vehicle of municipal departments or public service  
527 corporations as is designated or authorized by the commission or  
528 the chief of police of an incorporated city.

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

534 (f) "Recreational vehicle" means a vehicular type unit  
535 primarily designed as temporary living quarters for recreational,  
536 camping or travel use, which either has its own motive power or is  
537 mounted on or drawn by another vehicle and includes travel  
538 trailers, fifth-wheel trailers, camping trailers, truck campers  
539 and motor homes.

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

543 (h) "Electric assistive mobility device" means a  
544 self-balancing two-tandem wheeled device, designed to transport  
545 only one (1) person, with an electric propulsion system that



546 limits the maximum speed of the device to fifteen (15) miles per  
547 hour.

548 (i) "Autocycle" means a motorcycle with three (3) wheels  
549 that is completely enclosed with a roll cage or roll bar,  
550 automotive controls and seat belts.

551 (j) "Motor scooter" means a two-wheeled vehicle that has a  
552 seat for the operator, one (1) wheel that is ten (10) inches or  
553 more in diameter, a step-through chassis, a motor with a rating of  
554 two and seven-tenths (2.7) brake horsepower or less if the motor  
555 is an internal combustion engine, an engine of 50cc or less and  
556 otherwise meets all safety requirements of motorcycles.

557 (k) "Low-speed vehicle" has the same meaning as provided in  
558 Section 1 of House Bill No. 431, 2016 Regular Session.

559 **SECTION 8.** Section 27-19-3, Mississippi Code of 1972, is  
560 amended as follows:

561 27-19-3. (a) The following words and phrases when used in  
562 this article for the purpose of this article have the meanings  
563 respectively ascribed to them in this section, except in those  
564 instances where the context clearly describes and indicates a  
565 different meaning:

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



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

573           (3) "Motor vehicle" means every vehicle as defined in  
574 this section which is self-propelled, including trackless street  
575 or trolley cars and low-speed vehicles as defined in Section 1 of  
576 House Bill No. 431, 2016 Regular Session. The term "motor  
577 vehicle" shall not include electric personal assistive mobility  
578 devices as defined in Section 63-3-103.

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

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

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

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

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





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

599           (10) "Pneumatic tires" means all tires inflated with  
600 compressed air.

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

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

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

609           (14) "Owner" means a person who holds the legal title  
610 of a vehicle or in the event a vehicle is the subject of an  
611 agreement for the conditional sale, lease or transfer of the  
612 possession, the person with the right of purchase upon performance  
613 of conditions stated in the agreement, and with an immediate right  
614 of possession vested in the conditional vendee, lessee, possessor  
615 or in the event such or similar transaction is had by means of a  
616 mortgage, and the mortgagor of a vehicle is entitled to  
617 possession, then such conditional vendee, lessee, possessor or  
618 mortgagor shall be deemed the owner for the purposes of this  
619 article.



620           (15) "School bus" means every motor vehicle engaged  
621 solely in transporting school children or school children and  
622 teachers to and from schools; however, such vehicles may transport  
623 passengers on weekends and legal holidays and during summer months  
624 between the terms of school for compensation when the  
625 transportation of passengers is over a route of which not more  
626 than fifty percent (50%) traverses the route of a common carrier  
627 of passengers by motor vehicle and when no passengers are picked  
628 up on the route of any such carrier.

629           (16) "Dealer" means every person engaged regularly in  
630 the business of buying, selling or exchanging motor vehicles,  
631 trailers, semitrailers, trucks, tractors or other character of  
632 commercial or industrial motor vehicles in this state, and having  
633 an established place of business in this state.

634           (17) "Highway" means and includes every way or place of  
635 whatever nature, including public roads, streets and alleys of  
636 this state generally open to the use of the public or to be opened  
637 or reopened to the use of the public for the purpose of vehicular  
638 travel, and notwithstanding that the same may be temporarily  
639 closed for the purpose of construction, reconstruction,  
640 maintenance or repair.

641           (18) "State Tax Commission," "commission" or  
642 "department" means the Commissioner of Revenue of the Department  
643 of Revenue of this state, acting directly or through his duly  
644 authorized officers, agents, representatives and employees.



645           (19) "Common carrier by motor vehicle" means any person  
646 who or which undertakes, whether directly or by a lease or any  
647 other arrangement, to transport passengers or property or any  
648 class or classes of property for the general public in interstate  
649 or intrastate commerce on the public highways of this state by  
650 motor vehicles for compensation, whether over regular or irregular  
651 routes. The term "common carrier by motor vehicle" shall not  
652 include passenger buses operating within the corporate limits of a  
653 municipality in this state or not exceeding five (5) miles beyond  
654 the corporate limits of the municipality, and hearses, ambulances,  
655 and school buses as such. In addition, this definition shall not  
656 include taxicabs.

657           (20) "Contract carrier by motor vehicle" means any  
658 person who or which under the special and individual contract or  
659 agreements, and whether directly or by a lease or any other  
660 arrangement, transports passengers or property in interstate or  
661 intrastate commerce on the public highways of this state by motor  
662 vehicle for compensation. The term "contract carrier by motor  
663 vehicle" shall not include passenger buses operating wholly within  
664 the corporate limits of a municipality in this state or not  
665 exceeding five (5) miles beyond the corporate limits of the  
666 municipality, and hearses, ambulances, and school buses as such.  
667 In addition, this definition shall not include taxicabs.

668           (21) "Private commercial and noncommercial carrier of  
669 property by motor vehicle" means any person not included in the



670 terms "common carrier by motor vehicle" or "contract carrier by  
671 motor vehicle," who or which transports in interstate or  
672 intrastate commerce on the public highways of this state by motor  
673 vehicle, property of which such person is the owner, lessee, or  
674 bailee, other than for hire. The term "private commercial and  
675 noncommercial carrier of private property by motor vehicle" shall  
676 not include passenger buses operated wholly within the corporate  
677 limits of a municipality of this state, or not exceeding five (5)  
678 miles beyond the corporate limits of the municipality, and  
679 hearses, ambulances, and school buses as such. In addition, this  
680 definition shall not include taxicabs.

681 Haulers of fertilizer shall be classified as private  
682 commercial carriers of property by motor vehicle.

683 (22) "Private carrier of passengers" means all other  
684 passenger motor vehicle carriers not included in the above  
685 definitions. The term "private carrier of passengers" shall not  
686 include passenger buses operating wholly within the corporate  
687 limits of a municipality in this state, or not exceeding five (5)  
688 miles beyond the corporate limits of the municipality, and  
689 hearses, ambulances, and school buses as such. In addition, this  
690 definition shall not include taxicabs.

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



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

697 (25) "Private carrier of property" means any person  
698 transporting property on the highways of this state as defined  
699 below:

700 ( \* \* \*i) Any person, or any employee of such  
701 person, transporting farm products, farm supplies, materials  
702 and/or equipment used in the growing or production of his own  
703 agricultural products in his own truck.

704 ( \* \* \*ii) Any person transporting his own fish,  
705 including shellfish, in his own truck.

706 ( \* \* \*iii) Any person, or any employee of such  
707 person, transporting unprocessed forest products, or timber  
708 harvesting equipment wherein ownership remains the same, in his  
709 own truck.

710 (26) "Taxicab" means any passenger motor vehicle for  
711 hire with a seating capacity not greater than ten (10) passengers.  
712 For purposes of this paragraph (26), seating capacity shall be  
713 determined according to the manufacturer's suggested seating  
714 capacity for a vehicle. If there is no manufacturer's suggested  
715 seating capacity for a vehicle, the seating capacity for the  
716 vehicle shall be determined according to regulations established  
717 by the Department of Revenue.

718 (27) "Passenger coach" means any passenger motor  
719 vehicle with a seating capacity greater than ten (10) passengers,



720 operating wholly within the corporate limits of a municipality of  
721 this state or within five (5) miles of the corporate limits of the  
722 municipality, or motor vehicles substituted for abandoned electric  
723 railway systems in or between municipalities. For purposes of  
724 this paragraph (27), seating capacity shall be determined  
725 according to the manufacturer's suggested seating capacity for a  
726 vehicle. If there is no manufacturer's suggested seating capacity  
727 for a vehicle, the seating capacity for the vehicle shall be  
728 determined according to regulations established by the Department  
729 of Revenue.

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

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

736 (30) "Ambulance and hearse" shall have the meaning  
737 generally ascribed to them. A hearse or funeral coach shall be  
738 classified as a light carrier of property, as defined in Section  
739 27-51-101.

740 (31) "Regular seats" means each seat ordinarily and  
741 customarily used by one (1) passenger, including all temporary,  
742 emergency, and collapsible seats. Where any seats are not  
743 distinguished or separated by separate cushions and backs, a seat  
744 shall be counted for each eighteen (18) inches of space on such



745 seats or major fraction thereof. In the case of a regular  
746 passenger-type automobile which is used as a common or contract  
747 carrier of passengers, three (3) seats shall be counted for the  
748 rear seat of such automobile and one (1) seat shall be counted for  
749 the front seat of such automobile.

750 (32) "Ton" means two thousand (2,000) pounds  
751 avoirdupois.

752 (33) "Bus" means any passenger vehicle with a seating  
753 capacity of more than ten (10) but shall not include "private  
754 carrier of passengers" and "school bus" as defined in paragraphs  
755 (15) and (22) of this section. For purposes of this paragraph  
756 (33), seating capacity shall be determined according to the  
757 manufacturer's suggested seating capacity for a vehicle. If there  
758 is no manufacturer's suggested seating capacity for a vehicle, the  
759 seating capacity for the vehicle shall be determined according to  
760 regulations established by the Department of Revenue.

761 (34) "Corporate fleet" means a group of two hundred  
762 (200) or more marked private carriers of passengers or light  
763 carriers of property, as defined in Section 27-51-101, trailers,  
764 semitrailers, or motor vehicles in excess of ten thousand (10,000)  
765 pounds gross vehicle weight, except for those vehicles registered  
766 for interstate travel, owned or leased on a long-term basis by a  
767 corporation or other legal entity. In order to be considered  
768 marked, the motor vehicle must have a name, trademark or logo  
769 located either on the sides or the rear of the vehicle in sharp



770 contrast to the background, and of a size, shape and color that is  
771 legible during daylight hours from a distance of fifty (50) feet.

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

776 (36) "Trailer fleet" means a group of fifty (50) or  
777 more utility trailers each with a gross vehicle weight of six  
778 thousand (6,000) pounds or less.

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

784 (2) Leased vehicles shall be considered as domiciled at  
785 the place in the State of Mississippi from which they operate in  
786 interstate or intrastate commerce, and for the purposes of this  
787 article shall be considered as owned by the lessee, who shall  
788 furnish all insurance on the vehicles and the driver of the  
789 vehicles shall be considered as an agent of the lessee for all  
790 purposes of this article.

791 **SECTION 9.** Section 27-19-43, Mississippi Code of 1972, is  
792 amended as follows:

793 27-19-43. (1) License tags, substitute tags and decals for  
794 individual fleets and for private carriers of passengers, school





795 buses (excluding school buses owned by a school district in the  
796 state), church buses, taxicabs, ambulances, hearses, motorcycles,  
797 low-speed vehicles and private carriers of property, and private  
798 commercial carriers of property of a gross weight of ten thousand  
799 (10,000) pounds and less, shall be sold and issued by the tax  
800 collectors of the several counties.

801 (2) Applications for license tags for motor vehicles in a  
802 corporate fleet registered under Section 27-19-66 and trailers in  
803 a fleet registered under Section 27-19-66.1, and applications for  
804 all other license tags, substitute tags and decals shall be filed  
805 with the department or the local tax collector of the respective  
806 counties and forwarded to the department for issuance to the  
807 applicant. All tags and decals for vehicles owned by the state or  
808 any agency or instrumentality thereof, and vehicles owned by a  
809 fire protection district, school district or a county or  
810 municipality, and all vehicles owned by a road, drainage or levee  
811 district shall be issued by the department.

812 (3) In addition to the privilege taxes levied herein, there  
813 shall be collected the following registration or tag fee:

814 (a) For the issuance of both a license tag and two (2)  
815 decals, a fee of Five Dollars (\$5.00).

816 (b) For the issuance of up to two (2) decals only, a  
817 fee of Three Dollars and Seventy-five Cents (\$3.75).

818 (c) Additionally, the tax collector or the department,  
819 as the case may be, shall assess and collect a fee of Four Dollars



820 (\$4.00) upon each set of license tags and two (2) decals issued,  
821 or upon each set of two (2) decals issued, and that sum shall be  
822 deposited in the Mississippi Trauma Care Systems Fund established  
823 in Section 41-59-75, to be used for the purposes set out in that  
824 section.

825 No tag or decal shall be issued either by a tax collector or  
826 by the department without the collection of such registration fee  
827 except substitute tags and decals and license tags for vehicles  
828 owned by the State of Mississippi.

829 Beginning July 1, 1987, and until the date specified in  
830 Section 65-39-35, there shall be levied a registration fee of Five  
831 Dollars (\$5.00) in addition to the regular registration fee  
832 imposed in paragraphs (a) and (b) of this subsection. Such  
833 additional registration fee shall be levied in the same manner as  
834 the regular registration fee.

835 **SECTION 10.** Section 27-19-48, Mississippi Code of 1972, is  
836 amended as follows:

837 27-19-48. (1) Owners of motor vehicles and noncommercial  
838 trailers who are residents of this state, upon complying with the  
839 laws relating to registration and licensing of motor vehicles and  
840 trailers, and upon payment of the road and bridge privilege taxes,  
841 ad valorem taxes and registration fees as prescribed by law for  
842 private carriers of passengers, pickup trucks, other noncommercial  
843 motor vehicles and trailers, and upon payment of an additional fee  
844 in the amount provided in subsection (4) (a) of this section, shall



845 be issued a personalized license tag of the same color as regular  
846 license tags to consist of the name of the county and not more  
847 than seven (7) letters of the alphabet or seven (7) numbers in  
848 lieu of the license tag numbering system prescribed by law. The  
849 purchaser of the personalized license tag may choose the  
850 combination of such letters or numbers, but no two (2) motor  
851 vehicles or trailers shall have the same combination of letters or  
852 numbers. In the event that the same combination of letters has  
853 been chosen by two (2) or more purchasers, the Department of  
854 Revenue shall assign a different number to each such purchaser  
855 which shall appear on the license tag following the combination of  
856 letters; however, this combination shall not exceed seven (7)  
857 letters and/or numbers. The combination of letters and/or numbers  
858 written across the license tag shall be sufficiently large to be  
859 easily read but shall not be less than three (3) inches in height.  
860 No combination of letters or numbers which comprise words or  
861 expressions that are considered obscene, slandering, insulting or  
862 vulgar in ordinary usage shall be permitted, with the Commissioner  
863 of Revenue having the responsibility of making this determination.  
864 If, however, such license plate is issued in error or otherwise  
865 and is determined by the commissioner to be obscene, slanderous,  
866 insulting, vulgar or offensive, the commissioner shall notify the  
867 owner that the license plate must be surrendered and that another  
868 personalized license plate may be selected by him and issued at no  
869 cost. Should the vehicle or trailer owner not desire another



870 personalized license plate, the fee for such plate shall be  
871 refunded. In the event the owner fails to surrender the license  
872 plate after receiving proper notification, the commissioner shall  
873 issue an order directing that the license plate be seized by  
874 agents of the Department of Revenue or any other duly authorized  
875 law enforcement personnel.

876 (2) For the purposes of this section the terms "motor  
877 vehicle" and "vehicle" include motorcycles and low-speed vehicles  
878 as defined in Section 1 of House Bill No. 431, 2016 Regular  
879 Session.

880 (3) Application for the personalized license tags shall be  
881 made to the county tax collector on forms prescribed by the  
882 Department of Revenue. The application form shall contain space  
883 for the applicant to make five (5) different choices for the  
884 combination of the letters and numbers in the order in which the  
885 combination is desired by the applicant. The application and the  
886 additional fee, less five percent (5%) thereof to be retained by  
887 the tax collector, shall be remitted to the Department of Revenue  
888 within seven (7) days of the date the application is made. The  
889 portion of the additional fee retained by the tax collector shall  
890 be deposited into the county general fund.

891 (4) (a) Beginning with any registration year commencing on  
892 or after November 1, 1986, any person applying for a personalized  
893 license tag shall pay an additional fee which shall be in addition  
894 to all other taxes and fees. The additional fee paid shall be for



895 a period of time to run concurrently with the vehicle's or  
896 trailer's established license tag year. The additional fee of  
897 Thirty Dollars (\$30.00) is due and payable at the time the  
898 original application is made for a personalized tag and thereafter  
899 annually at the time of renewal registration as long as the owner  
900 retains the personalized tag. If the owner does not wish to  
901 retain the personalized tag, he must surrender it to the local  
902 county tax collector. The additional fee due at the time of  
903 renewal registration shall be collected by the county tax  
904 collector and remitted to the Department of Revenue on a monthly  
905 basis as prescribed by the department.

906 (b) The Department of Revenue shall deposit all taxes  
907 and fees into the State Treasury on the day collected. At the end  
908 of each month, the Department of Revenue shall certify the total  
909 fees collected under this section to the State Treasurer who shall  
910 distribute to the credit of the State General Fund Sixteen Dollars  
911 and Twenty-five Cents (\$16.25) of each additional fee and the  
912 remainder of each such additional fee shall be deposited to the  
913 credit of the State Highway Fund to be expended solely for the  
914 repair, maintenance, construction or reconstruction of highways.

915 (5) A regular license tag must be properly displayed as  
916 required by law until replaced by a personalized license tag; and  
917 the regular license tag must be surrendered to the tax collector  
918 upon issuance of the personalized license tag. The tax collector  
919 shall issue up to two (2) license decals for the personalized



920 license tag, which will expire the same month and year as the  
921 original license tag.

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

926 (7) In the case of loss or theft of a personalized license  
927 tag, the owner may make application and affidavit for a  
928 replacement license tag as provided by Section 27-19-37. The fee  
929 for a replacement personalized license tag shall be Ten Dollars  
930 (\$10.00). The tax collector receiving such application and  
931 affidavit shall be entitled to retain and deposit into the county  
932 general fund five percent (5%) of the fee for such replacement  
933 license tag and the remainder shall be distributed in the same  
934 manner as funds from the sale of regular license tags.

935 (8) The owner of a personalized license tag may make  
936 application for a duplicate of such tag. The fee for such  
937 duplicate personalized license tag shall be Ten Dollars (\$10.00).  
938 The tax collector receiving the application shall be entitled to  
939 retain and deposit into the county general fund five percent (5%)  
940 of the fee for such duplicate personalized license tag and the  
941 remainder shall be distributed in the same manner as funds from  
942 the sale of regular license tags. A duplicate personalized  
943 license tag may not be fastened to the rear of a vehicle or  
944 trailer and may not be utilized as a replacement for any



945 personalized license tag issued pursuant to this section. Month  
946 decals and year decals shall not be issued for duplicate  
947 personalized license tags and month decals and year decals shall  
948 not be attached to duplicate personalized license tags.

949 **SECTION 11.** Section 27-19-56, Mississippi Code of 1972, is  
950 amended as follows:

951 27-19-56. (1) (a) Upon application by any legal resident  
952 of the State of Mississippi with a disability which limits or  
953 impairs the ability to walk, or by the owner of a motor vehicle  
954 who has a child, parent or spouse with a disability which limits  
955 or impairs the ability to walk and the child, parent or spouse is  
956 living with the applicant, the Department of Revenue shall prepare  
957 and issue through the county tax collectors a special license  
958 plate bearing the International Symbol of Access adopted by  
959 Rehabilitation International in 1969 at its Eleventh World  
960 Congress on Rehabilitation of the Disabled for not more than two  
961 (2) vehicles that are registered in the applicant's name. The  
962 initial application shall be accompanied by the certification of a  
963 licensed physician that (i) the applicant or the applicant's  
964 child, parent or spouse meets the definition of persons with  
965 disabilities which limit or impair the ability to walk; and (ii)  
966 that the physician has determined that the applicant or the  
967 applicant's child, parent or spouse will have the disability for  
968 at least five (5) years. The Department of Revenue shall prepare  
969 and issue to the tax collectors of the various counties, decals



970 for placement on the special license plates. The decals shall  
971 bear thereon the month in which the license plate was issued and  
972 the year in which the special license plate will expire. The  
973 special license plate issued under this section is valid for the  
974 period of time that the license tag attached upon a motor vehicle  
975 is issued pursuant to Section 27-19-31(1). A person to whom the  
976 special license plate is issued may retain the special license  
977 plate and may renew it by submitting to the county tax collector,  
978 on or before its expiration, the certification of a licensed  
979 physician that the physician has determined (i) that the applicant  
980 or the applicant's child, parent or spouse meets the definition of  
981 a person with a disability which limits or impairs the ability to  
982 walk; and (ii) that the applicant or the applicant's child, parent  
983 or spouse will have the disability for at least five (5) years.  
984 If an applicant fails to renew the special license plate before  
985 its date of expiration, then he or she shall surrender the special  
986 license plate to the county tax collector and the tax collector  
987 shall issue to such person a regular license plate to replace the  
988 special license plate.

989 (b) Upon application by any legal resident of the State  
990 of Mississippi who has a disabled American veteran plate or tag  
991 issued under Section 27-19-53 properly displayed on his vehicle  
992 and a disability which limits or impairs the ability to walk, the  
993 Department of Revenue shall prepare and issue through the county  
994 tax collectors a special decal bearing the International Symbol of





995 Access adopted by Rehabilitation International in 1969 at its  
996 Eleventh World Congress on Rehabilitation of the Disabled for not  
997 more than two (2) vehicles that are registered in the applicant's  
998 name and properly display the plate or tag issued under Section  
999 27-19-53. The decal shall be affixed to the plate or tag issued  
1000 under Section 27-19-53. The initial application shall be  
1001 accompanied by the certification of a licensed physician that (i)  
1002 the applicant meets the definition of persons with disabilities  
1003 which limit or impair the ability to walk; and (ii) that the  
1004 physician has determined that the applicant will have the  
1005 disability for at least five (5) years. The Department of Revenue  
1006 shall prepare and issue to the tax collectors of the various  
1007 counties, decals for placement on the plate or tag issued under  
1008 Section 27-19-53. The decals shall bear thereon the month in  
1009 which the license plate or tag was issued and the year in which  
1010 the plate or tag will expire. The special decal is valid for the  
1011 period of time that the license tag attached upon a motor vehicle  
1012 is issued pursuant to Section 27-19-53. A person to whom the  
1013 special decal is issued may retain the decal and may renew it by  
1014 submitting to the county tax collector, on or before its  
1015 expiration, the certification of a licensed physician that the  
1016 physician has determined (i) that the applicant meets the  
1017 definition of a person with a disability which limits or impairs  
1018 the ability to walk; and (ii) that the applicant will have the  
1019 disability for at least five (5) years. If an applicant fails to



1020 renew the special license plate decal before its date of  
1021 expiration, then he shall surrender the decal to the county tax  
1022 collector.

1023 (c) (i) The terms "vehicle" and "motor vehicle," as  
1024 used in this section, include motorcycles and low-speed vehicles  
1025 as defined in Section 1 of House Bill No. 431, 2016 Regular  
1026 Session.

1027 (ii) The term "persons with disabilities which  
1028 limit or impair the ability to walk" when used in this section  
1029 means those persons who, as determined by a licensed physician:

1030 1. Cannot walk two hundred (200) feet without  
1031 stopping to rest; or

1032 2. Cannot walk without the use of, or  
1033 assistance from, a brace, cane, crutch, another person, prosthetic  
1034 device, wheelchair, or other assistive device; or

1035 3. Are restricted by lung disease to such an  
1036 extent that the person's forced (respiratory) expiratory volume  
1037 for one (1) second, when measured by spirometry, is less than one  
1038 (1) liter, or the arterial oxygen tension is less than sixty (60)  
1039 mm/hg on room air at rest; or

1040 4. Use portable oxygen; or

1041 5. Have a cardiac condition to the extent  
1042 that the person's functional limitations are classified in  
1043 severity as Class III or Class IV according to standards set by  
1044 the American Heart Association; or



1045                   6. Are severely limited in their ability to  
1046 walk due to an arthritic, neurological or orthopedic condition.

1047                   (d) An applicant for a special license plate or decal  
1048 bearing the International Symbol of Access shall not be required  
1049 to pay any fee or charge for the issuance of such license plate or  
1050 decal separate from or in addition to the road and bridge  
1051 privilege taxes, ad valorem taxes and registration fees otherwise  
1052 required by law to be paid for the issuance of a regular license  
1053 plate for such vehicle.

1054                   (2) The Department of Revenue shall prepare removable  
1055 windshield placards and such placards shall be issued and  
1056 periodically renewed upon the applications of persons with  
1057 disabilities which limit or impair the ability to walk, or upon  
1058 the applications of owners of motor vehicles who have a child,  
1059 parent or spouse with a disability which limits or impairs the  
1060 ability to walk and the child, parent or spouse is living with the  
1061 owner of the motor vehicle. The placards shall be issued, free of  
1062 charge, to applicants through the offices of the tax collectors of  
1063 the counties. The initial application shall be accompanied by the  
1064 certification of a licensed physician that the applicant or the  
1065 applicant's child, parent or spouse meets the definition of  
1066 persons with disabilities which limit or impair the ability to  
1067 walk. These placards shall be valid for the period of time that  
1068 the license tag attached upon a motor vehicle is issued pursuant  
1069 to Section 27-19-31(1) and may be renewed in the same manner as



1070 provided for the renewal of the special license plates or decals  
1071 under subsection (1) of this section. The removable windshield  
1072 placard must be displayed on the left side of the vehicle  
1073 dashboard or by hanging it on the rearview mirror of the vehicle.  
1074 The Department of Revenue shall prescribe the placement for  
1075 motorcycles.

1076 (3) The Department of Revenue shall provide for the issuance  
1077 of a temporary removable windshield placard, upon the application  
1078 of a person with a disability which limits or impairs the ability  
1079 to walk, or upon the application of the owner of a motor vehicle  
1080 who has a child, parent or spouse with a disability which limits  
1081 or impairs the ability to walk and the child, parent or spouse is  
1082 living with the owner of the motor vehicle. Temporary removable  
1083 windshield placards authorized by this subsection shall be  
1084 prepared by the Department of Revenue and shall be issued, free of  
1085 charge, to applicants through the offices of the tax collectors of  
1086 the counties. Application for a temporary removable windshield  
1087 placard must be accompanied by the certification of a licensed  
1088 physician that the applicant or the applicant's child, parent or  
1089 spouse meets the definition of persons with disabilities which  
1090 limit or impair the ability to walk. The certification shall also  
1091 include the period of time that the physician determines the  
1092 applicant or the applicant's child, parent or spouse will have the  
1093 disability, not to exceed six (6) months. The temporary removable  
1094 windshield placard must be displayed on the left side of the



1095 vehicle dashboard or by hanging it on the rearview mirror of the  
1096 vehicle. The temporary removable windshield placard shall be  
1097 valid for a period of time for which the physician has determined  
1098 that the applicant will have the disability, not to exceed six (6)  
1099 months from the date of issuance. The Department of Revenue shall  
1100 prescribe the placement for motorcycles.

1101 (4) The removable windshield placard and the temporary  
1102 removable windshield placard shall be two-sided and shall include:

1103 (a) The International Symbol of Access, which is at  
1104 least three (3) inches in height, centered on the placard (the  
1105 color of the removable windshield placard shall be white on a blue  
1106 shield; and the temporary removable windshield placard shall be  
1107 white on a red shield);

1108 (b) An identification number and, on the reverse side,  
1109 the name of the individual to whom the placard is issued;

1110 (c) A date of expiration; and

1111 (d) The seal of the State of Mississippi.

1112 (5) (a) It shall be unlawful to park a motor vehicle in an  
1113 area set aside for persons who are disabled if the motor vehicle  
1114 does not (i) have displayed the removable windshield placard  
1115 authorized in this section with the date of expiration visible,  
1116 (ii) have the special license plate issued under this section  
1117 properly displayed upon the motor vehicle, (iii) have the disabled  
1118 American veteran tag or plate issued under Section 27-19-53  
1119 properly displayed upon the motor vehicle, or (iv) have the



1120 disabled Purple Heart Medal recipient tag or plate issued under  
1121 Section 27-19-56.5 properly displayed upon the motor vehicle. Any  
1122 person who unlawfully parks a motor vehicle in such areas, or who  
1123 blocks such spaces or access thereto, shall be guilty of a  
1124 misdemeanor and, upon conviction thereof, shall be fined not more  
1125 than Two Hundred Dollars (\$200.00) for each such violation. For  
1126 the third and subsequent offenses under this section, the  
1127 offender's driver's license shall be suspended for ninety (90)  
1128 days by the Commissioner of Public Safety in accordance with  
1129 Section 63-1-53 in addition to any fine imposed. The court shall  
1130 not suspend or reduce any fine required to be imposed under this  
1131 subsection.

1132 (b) A person who is charged with a violation of this  
1133 section by parking a motor vehicle in an area set aside for  
1134 persons who are disabled and failing properly to display (i) a  
1135 removable windshield placard on the dash of the vehicle or by  
1136 hanging it on the rearview mirror of the vehicle, (ii) a special  
1137 license plate issued under this section upon the vehicle, (iii) a  
1138 disabled American veteran tag or plate issued under Section  
1139 27-19-53, or (iv) have the disabled Purple Heart Medal recipient  
1140 tag or plate issued under Section 27-19-56.5 properly displayed  
1141 upon the motor vehicle \* \* \* shall not be convicted and shall have  
1142 the charge dismissed upon presentation to the court of proof by  
1143 means of sworn oral testimony or sworn affidavit that at the time  
1144 of the charged violation such person or a passenger in the vehicle



1145 possessed a valid removable windshield placard issued under this  
1146 section.

1147 (6) Any person who, for the purpose of obtaining a special  
1148 license plate or windshield placard under this section, files with  
1149 the county tax collector a physician's certification, knowing the  
1150 certification to be false or to have been fraudulently obtained,  
1151 shall be guilty of a misdemeanor and, upon conviction, shall be  
1152 fined not more than Two Hundred Dollars (\$200.00).

1153 (7) All law enforcement officers are authorized to enforce  
1154 this section on public and private property. Provision of spaces  
1155 restricted to handicapped parking and proper marking of such  
1156 spaces shall be considered as intent and permission to enforce  
1157 such designated parking on private property. Any owner of private  
1158 property may tow away a vehicle that is parked on the owner's  
1159 private property in violation of the disabled parking restrictions  
1160 set forth in this section at the vehicle owner's expense. In  
1161 addition, the vehicle owner may be subject to any fines or other  
1162 penalties provided in this section. Only areas marked in  
1163 accordance with the Americans with Disabilities Act Accessibility  
1164 Guidelines or equivalent standards shall be enforced. Spaces  
1165 shall bear the International Symbol of Access.

1166 (8) Motor vehicles displaying a special license plate,  
1167 license plate decal, placard or parking certificate or permit  
1168 bearing the International Symbol of Access issued to a person with  
1169 a disability by any other state or district subject to the laws of



1170 the United States shall be allowed the special parking privileges  
1171 under this section provided the license plate, decal, placard,  
1172 permit or certificate bears the International Symbol of Access and  
1173 is displayed in a prominent place on the vehicle.

1174 (9) Parking in any area set aside for persons who are  
1175 disabled is limited to vehicles which, immediately before or after  
1176 the utilization of such an area, are used to transport a person  
1177 with a disability which limits or impairs the ability to walk.  
1178 The identification required to park in such an area, except as  
1179 provided in subsection (8) of this section, is as follows:

1180 (a) For a vehicle used to transport a person with a  
1181 permanent disability, that person's permanent windshield placard  
1182 must be displayed or the vehicle must have a special license tag  
1183 issued under this section or Section 27-19-53 properly displayed.

1184 (b) For a vehicle being used by a person who has a  
1185 temporary disability which limits or impairs the ability to walk,  
1186 or which is being used to transport such a person, a temporary  
1187 windshield placard must be displayed.

1188 Any person who parks in an area set aside for persons who are  
1189 disabled in violation of this subsection shall be punished as  
1190 provided for in subsection (5) of this section.

1191 (10) Upon application by a nursing home, retirement home or  
1192 other institution that transports disabled persons, the Department  
1193 of Revenue may issue the special license plate authorized pursuant  
1194 to this section for not more than one (1) vehicle that is





1195 registered in the applicant's name that is used to transport  
1196 disabled residents of the institution. Such institution shall  
1197 comply with all other laws regarding the registration of such  
1198 vehicle.

1199 **SECTION 12.** Section 27-51-5, Mississippi Code of 1972, is  
1200 amended as follows:

1201 27-51-5. The subject words and terms of this section, for  
1202 the purpose of this chapter, shall have meanings as follows:

1203 (a) "Motor vehicle" means any device and attachments  
1204 supported by one or more wheels which is propelled or drawn by any  
1205 power other than muscular power over the highways, streets or  
1206 alleys of this state. The term "motor vehicle" shall not include  
1207 electric personal assistive mobility devices as defined in Section  
1208 63-3-103 but shall include any low-speed vehicle as defined in  
1209 Section 63-3-103. However, mobile homes which are detached from  
1210 any self-propelled vehicles and parked on land in the state are  
1211 hereby expressly exempt from the motor vehicle ad valorem taxes,  
1212 but house trailers which are actually in transit and which are not  
1213 parked for more than an overnight stop are not exempted.

1214 (b) "Public highway" means and includes every way or  
1215 place of whatever nature, including public roads, streets and  
1216 alleys of this state generally open to the use of the public or to  
1217 be opened or reopened to the use of the public for the purpose of  
1218 vehicular travel, notwithstanding that the same may be temporarily



1219 closed for the purpose of construction, reconstruction,  
1220 maintenance, or repair.

1221 (c) "Administrator of the road and bridge privilege tax  
1222 law" means the official authorized by law to administer the road  
1223 and bridge privilege tax law of this state.

1224 **SECTION 13.** Nothing in this act shall affect or defeat any  
1225 claim, assessment, appeal, suit, right or cause of action for  
1226 taxes due or accrued under the sales tax laws before the date on  
1227 which this act becomes effective, whether such claims,  
1228 assessments, appeals, suits or actions have been begun before the  
1229 date on which this act becomes effective or are begun thereafter;  
1230 and the provisions of the sales tax laws are expressly continued  
1231 in full force, effect and operation for the purpose of the  
1232 assessment, collection and enrollment of liens for any taxes due  
1233 or accrued and the execution of any warrant under such laws before  
1234 the date on which this act becomes effective, and for the  
1235 imposition of any penalties, forfeitures or claims for failure to  
1236 comply with such laws.

1237 **SECTION 14.** This act shall take effect and be in force from  
1238 and after July 1, 2016.

