

By: Representative Hood (By Request)

To: Transportation; Revenue
and Expenditure General Bills

HOUSE BILL NO. 1446

1 AN ACT TO AUTHORIZE THE OPERATION OF CERTAIN LOW-SPEED
2 VEHICLES ON PUBLIC HIGHWAYS, ROADS AND STREETS ON WHICH THE POSTED
3 SPEED LIMIT IS 35 MILES PER HOUR OR LESS; TO PROVIDE THAT SUCH
4 VEHICLES MAY BE OPERATED ON SUCH PUBLIC ROADS AND STREETS ONLY BY
5 THE HOLDER OF A VALID DRIVER'S LICENSE OR TEMPORARY DRIVER'S
6 PERMIT; TO AUTHORIZE COUNTIES, MUNICIPALITIES AND THE MISSISSIPPI
7 DEPARTMENT OF TRANSPORTATION 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 SUCH VEHICLES TO BE
10 REGISTERED WITH THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF THE
11 ISSUANCE OF A LICENSE TAG; TO SPECIFY THE REQUIREMENTS FOR THE
12 DESIGN AND DISPLAY OF THE LICENSE TAG; TO AUTHORIZE THE ISSUANCE
13 OF PERSONALIZED LICENSE TAGS FOR SUCH VEHICLES; TO AMEND SECTIONS
14 63-1-7, 63-3-103, 27-19-3, 27-19-43, 27-19-48, 27-19-56, 27-51-5,
15 63-15-3, 63-17-55, 63-17-155 AND 63-21-5, MISSISSIPPI CODE OF
16 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO BRING
17 FORWARD SECTION 27-19-5, MISSISSIPPI CODE OF 1972, WHICH RELATES
18 TO THE ANNUAL HIGHWAY PRIVILEGE TAX; TO REPEAL CHAPTER 938, LAWS
19 OF 2012, WHICH AUTHORIZES THE CITY OF DIAMONDHEAD, MISSISSIPPI, TO
20 ALLOW THE OPERATION OF LOW-SPEED VEHICLES AND CHAPTER 909, LAWS OF
21 2013, WHICH AUTHORIZES THE CITY OF PASS CHRISTIAN, MISSISSIPPI, TO
22 ALLOW THE OPERATION OF LOW-SPEED VEHICLES; AND FOR RELATED
23 PURPOSES.

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

25 **SECTION 1.** (1) As used in this act, "low-speed vehicle"
26 means any four-wheeled electric or gasoline powered vehicle that
27 has a top speed greater than twenty (20) miles per hour but less
28 than twenty-five (25) miles per hour and complies with all of the



29 provisions set forth in 49 CFR 571.500. The term "low-speed
30 vehicle" includes golf carts that comply with all of the
31 provisions set forth in 49 CFR 571.500.

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

36 (3) A low-speed vehicle may be operated only on public
37 highways, roads and streets where the posted speed limit is
38 thirty-five (35) miles per hour or less. This subsection does not
39 prohibit a low-speed vehicle from crossing a highway, road or
40 street at an intersection where the highway, road or street has a
41 posted speed limit of more than thirty-five (35) miles per hour.

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

47 (5) The Department of Transportation may prohibit the
48 operation of low-speed vehicles on any public highway, road or
49 street under its jurisdiction if it determines that the
50 prohibition is necessary in the interest of safety.

51 (6) Any person operating a low-speed vehicle on a public
52 highway, road or street pursuant to this act must have in
53 possession a valid driver's license or temporary driver's permit



54 and proof of financial responsibility as required under Section
55 63-15-1 et seq.

56 **SECTION 2.** (1) It is the intent of the Legislature that any
57 low-speed vehicle or golf cart that will not be operated on any
58 public road, street or highway, and will only be operated on any
59 private road, private land or golf course shall not be required to
60 register the vehicle with the Department of Revenue as required
61 for motor vehicles. The crossing of any public road, street or
62 highway by a low-speed vehicle or golf cart shall not constitute
63 the operation of a low-speed vehicle or golf cart on a public
64 road, street or highway for the purposes of this act.

65 (2) Every low-speed vehicle that is to be operated on a
66 public highway, road or street shall be registered with the
67 Department of Revenue as required for motor vehicles and trailers
68 under Section 27-19-31 for the purpose of the issuance of a
69 license tag. Every low-speed vehicle that is not going to be
70 operated on a public highway or street shall not be required to
71 register with the Department of Revenue as required for motor
72 vehicles.

73 (3) The tag for low-speed vehicles shall be in every respect
74 similar to the ordinary vehicle tag, subject to regulations of the
75 department, with the exception that it shall be only six (6)
76 inches wide, and three (3) inches high. It shall have the number
77 and abbreviation "MISS." and an appropriate area provided for year
78 and month decals, and shall be fastened immovably, in an upright



79 position, at the rear of the low-speed vehicle, so that it will be
80 plainly visible and legible at all times from the rear of the
81 low-speed vehicle.

82 (4) Notwithstanding the provisions of this section,
83 personalized license tags and special license tags may be issued
84 for low-speed vehicles as provided in Sections 27-19-48 and
85 27-19-56.

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

88 63-1-7. No license issued pursuant to this article shall be
89 required of:

90 (a) Any person while operating a motor vehicle for
91 military purposes, if the person is a member of the United States
92 Armed Forces or Reserves on active duty, a member of the National
93 Guard on active duty or full-time National Guard duty, a National
94 Guard military technician, or participating in part-time National
95 Guard training.

96 (b) Any nonresident person who has in his immediate
97 possession a valid license to drive a motor vehicle on the
98 highways of his home state or country, issued to him by the proper
99 authorities of his home state or country, or of any nonresident
100 person whose home state or country does not require the licensing
101 of a person to operate a motor vehicle on the highways but does
102 require him to be duly registered. Such person being eighteen
103 (18) years of age or older may operate a motor vehicle in the



104 state for a period of sixty (60) consecutive days without securing
105 a license. However, any nonresident person operating a motor
106 vehicle in this state shall be subject to all the provisions of
107 this article, except as specified above.

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

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

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

115 (f) Any person while operating a low-speed vehicle or
116 golf cart as defined in Section 1 of this act, on any private
117 road, private land or golf course.

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

120 63-3-103. (a) "Vehicle" means every device in, upon or by
121 which any person or property is or may be transported or drawn
122 upon a highway, except devices used exclusively upon stationary
123 rails or tracks.

124 (b) "Motor vehicle" means every vehicle which is
125 self-propelled and every vehicle which is propelled by electric
126 power obtained from overhead trolley wires, but not operated upon
127 rails. The term "motor vehicle" includes any low-speed vehicle
128 that is operated on a public highway, road or street. The term



129 "motor vehicle" shall not include electric personal assistive
130 mobility devices.

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

136 (d) "Authorized emergency vehicle" means every vehicle of
137 the fire department (fire patrol), every police vehicle, every 911
138 Emergency Communications District vehicle, every such ambulance
139 and special use EMS vehicle as defined in Section 41-59-3, every
140 Mississippi Emergency Management Agency vehicle as is designated
141 or authorized by the Executive Director of MEMA and every
142 emergency vehicle of municipal departments or public service
143 corporations as is designated or authorized by the commission or
144 the chief of police of an incorporated city.

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

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



154 trailers, fifth-wheel trailers, camping trailers, truck campers
155 and motor homes.

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

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

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

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

173 (k) "Low-speed vehicle" has the same meaning as provided in
174 Section 1 of this act.

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

177 27-19-3. (a) The following words and phrases when used in
178 this article for the purpose of this article have the meanings



179 respectively ascribed to them in this section, except in those
180 instances where the context clearly describes and indicates a
181 different meaning:

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

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

189 (3) "Motor vehicle" means every vehicle as defined in
190 this section which is self-propelled, including, but not limited
191 to, trackless street or trolley cars, and low-speed vehicles, that
192 are operated on any public highway, road or street as defined in
193 Section 1 of this act. The term "motor vehicle" shall not include
194 electric personal assistive mobility devices as defined in Section
195 63-3-103.

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

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

202 (6) "Truck tractor" means every motor vehicle designed
203 and used for drawing other vehicles and so constructed as to carry



204 a load other than a part of the weight of the vehicle and load so
205 drawn and has a gross vehicle weight (GVW) in excess of ten
206 thousand (10,000) pounds.

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

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

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

216 (10) "Pneumatic tires" means all tires inflated with
217 compressed air.

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

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

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

226 (14) "Owner" means a person who holds the legal title
227 of a vehicle or in the event a vehicle is the subject of an
228 agreement for the conditional sale, lease or transfer of the



229 possession, the person with the right of purchase upon performance
230 of conditions stated in the agreement, and with an immediate right
231 of possession vested in the conditional vendee, lessee, possessor
232 or in the event such or similar transaction is had by means of a
233 mortgage, and the mortgagor of a vehicle is entitled to
234 possession, then such conditional vendee, lessee, possessor or
235 mortgagor shall be deemed the owner for the purposes of this
236 article.

237 (15) "School bus" means every motor vehicle engaged
238 solely in transporting school children or school children and
239 teachers to and from schools; however, such vehicles may transport
240 passengers on weekends and legal holidays and during summer months
241 between the terms of school for compensation when the
242 transportation of passengers is over a route of which not more
243 than fifty percent (50%) traverses the route of a common carrier
244 of passengers by motor vehicle and when no passengers are picked
245 up on the route of any such carrier.

246 (16) "Dealer" means every person engaged regularly in
247 the business of buying, selling or exchanging motor vehicles,
248 trailers, semitrailers, trucks, tractors or other character of
249 commercial or industrial motor vehicles in this state, and having
250 an established place of business in this state.

251 (17) "Highway" means and includes every way or place of
252 whatever nature, including public roads, streets and alleys of
253 this state generally open to the use of the public or to be opened



254 or reopened to the use of the public for the purpose of vehicular
255 travel, and notwithstanding that the same may be temporarily
256 closed for the purpose of construction, reconstruction,
257 maintenance or repair.

258 (18) "State Tax Commission," "commission" or
259 "department" means the Commissioner of Revenue of the Department
260 of Revenue of this state, acting directly or through his duly
261 authorized officers, agents, representatives and employees.

262 (19) "Common carrier by motor vehicle" means any person
263 who or which undertakes, whether directly or by a lease or any
264 other arrangement, to transport passengers or property or any
265 class or classes of property for the general public in interstate
266 or intrastate commerce on the public highways of this state by
267 motor vehicles for compensation, whether over regular or irregular
268 routes. The term "common carrier by motor vehicle" shall not
269 include passenger buses operating within the corporate limits of a
270 municipality in this state or not exceeding five (5) miles beyond
271 the corporate limits of the municipality, and hearses, ambulances,
272 and school buses as such. In addition, this definition shall not
273 include taxicabs.

274 (20) "Contract carrier by motor vehicle" means any
275 person who or which under the special and individual contract or
276 agreements, and whether directly or by a lease or any other
277 arrangement, transports passengers or property in interstate or
278 intrastate commerce on the public highways of this state by motor



279 vehicle for compensation. The term "contract carrier by motor
280 vehicle" shall not include passenger buses operating wholly within
281 the corporate limits of a municipality in this state or not
282 exceeding five (5) miles beyond the corporate limits of the
283 municipality, and hearses, ambulances, and school buses as such.
284 In addition, this definition shall not include taxicabs.

285 (21) "Private commercial and noncommercial carrier of
286 property by motor vehicle" means any person not included in the
287 terms "common carrier by motor vehicle" or "contract carrier by
288 motor vehicle," who or which transports in interstate or
289 intrastate commerce on the public highways of this state by motor
290 vehicle, property of which such person is the owner, lessee, or
291 bailee, other than for hire. The term "private commercial and
292 noncommercial carrier of private property by motor vehicle" shall
293 not include passenger buses operated wholly within the corporate
294 limits of a municipality of this state, or not exceeding five (5)
295 miles beyond the corporate limits of the municipality, and
296 hearses, ambulances, and school buses as such. In addition, this
297 definition shall not include taxicabs.

298 Haulers of fertilizer shall be classified as private
299 commercial carriers of property by motor vehicle.

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



304 limits of a municipality in this state, or not exceeding five (5)
305 miles beyond the corporate limits of the municipality, and
306 hearses, ambulances, and school buses as such. In addition, this
307 definition shall not include taxicabs.

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

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

314 (25) "Private carrier of property" means any person
315 transporting property on the highways of this state as defined
316 below:

317 (* * *i) Any person, or any employee of such
318 person, transporting farm products, farm supplies, materials
319 and/or equipment used in the growing or production of his own
320 agricultural products in his own truck.

321 (* * *ii) Any person transporting his own fish,
322 including shellfish, in his own truck.

323 (* * *iii) Any person, or any employee of such
324 person, transporting unprocessed forest products, or timber
325 harvesting equipment wherein ownership remains the same, in his
326 own truck.

327 (26) "Taxicab" means any passenger motor vehicle for
328 hire with a seating capacity not greater than ten (10) passengers.



329 For purposes of this paragraph (26), seating capacity shall be
330 determined according to the manufacturer's suggested seating
331 capacity for a vehicle. If there is no manufacturer's suggested
332 seating capacity for a vehicle, the seating capacity for the
333 vehicle shall be determined according to regulations established
334 by the Department of Revenue.

335 (27) "Passenger coach" means any passenger motor
336 vehicle with a seating capacity greater than ten (10) passengers,
337 operating wholly within the corporate limits of a municipality of
338 this state or within five (5) miles of the corporate limits of the
339 municipality, or motor vehicles substituted for abandoned electric
340 railway systems in or between municipalities. For purposes of
341 this paragraph (27), seating capacity shall be determined
342 according to the manufacturer's suggested seating capacity for a
343 vehicle. If there is no manufacturer's suggested seating capacity
344 for a vehicle, the seating capacity for the vehicle shall be
345 determined according to regulations established by the Department
346 of Revenue.

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

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



353 (30) "Ambulance and hearse" shall have the meaning
354 generally ascribed to them. A hearse or funeral coach shall be
355 classified as a light carrier of property, as defined in Section
356 27-51-101.

357 (31) "Regular seats" means each seat ordinarily and
358 customarily used by one (1) passenger, including all temporary,
359 emergency, and collapsible seats. Where any seats are not
360 distinguished or separated by separate cushions and backs, a seat
361 shall be counted for each eighteen (18) inches of space on such
362 seats or major fraction thereof. In the case of a regular
363 passenger-type automobile which is used as a common or contract
364 carrier of passengers, three (3) seats shall be counted for the
365 rear seat of such automobile and one (1) seat shall be counted for
366 the front seat of such automobile.

367 (32) "Ton" means two thousand (2,000) pounds
368 avoirdupois.

369 (33) "Bus" means any passenger vehicle with a seating
370 capacity of more than ten (10) but shall not include "private
371 carrier of passengers" and "school bus" as defined in paragraphs
372 (15) and (22) of this section. For purposes of this paragraph
373 (33), seating capacity shall be determined according to the
374 manufacturer's suggested seating capacity for a vehicle. If there
375 is no manufacturer's suggested seating capacity for a vehicle, the
376 seating capacity for the vehicle shall be determined according to
377 regulations established by the Department of Revenue.



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

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

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

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

401 (2) Leased vehicles shall be considered as domiciled at
402 the place in the State of Mississippi from which they operate in



403 interstate or intrastate commerce, and for the purposes of this
404 article shall be considered as owned by the lessee, who shall
405 furnish all insurance on the vehicles and the driver of the
406 vehicles shall be considered as an agent of the lessee for all
407 purposes of this article.

408 **SECTION 6.** Section 27-19-43, Mississippi Code of 1972, is
409 amended as follows:

410 27-19-43. (1) License tags, substitute tags and decals for
411 individual fleets and for private carriers of passengers, school
412 buses (excluding school buses owned by a school district in the
413 state), church buses, taxicabs, ambulances, hearses, motorcycles,
414 low-speed vehicles that are operated on public highways, roads or
415 streets, and private carriers of property, and private commercial
416 carriers of property of a gross weight of ten thousand (10,000)
417 pounds and less, shall be sold and issued by the tax collectors of
418 the several counties.

419 (2) Applications for license tags for motor vehicles in a
420 corporate fleet registered under Section 27-19-66 and trailers in
421 a fleet registered under Section 27-19-66.1, and applications for
422 all other license tags, substitute tags and decals shall be filed
423 with the department or the local tax collector of the respective
424 counties and forwarded to the department for issuance to the
425 applicant. All tags and decals for vehicles owned by the state or
426 any agency or instrumentality thereof, and vehicles owned by a
427 fire protection district, school district or a county or



428 municipality, and all vehicles owned by a road, drainage or levee
429 district shall be issued by the department.

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

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

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

436 (c) Additionally, the tax collector or the department,
437 as the case may be, shall assess and collect a fee of Four Dollars
438 (\$4.00) upon each set of license tags and two (2) decals issued,
439 or upon each set of two (2) decals issued, and that sum shall be
440 deposited in the Mississippi Trauma Care Systems Fund established
441 in Section 41-59-75, to be used for the purposes set out in that
442 section.

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

447 Beginning July 1, 1987, and until the date specified in
448 Section 65-39-35, there shall be levied a registration fee of Five
449 Dollars (\$5.00) in addition to the regular registration fee
450 imposed in paragraphs (a) and (b) of this subsection. Such
451 additional registration fee shall be levied in the same manner as
452 the regular registration fee.



453 **SECTION 7.** Section 27-19-48, Mississippi Code of 1972, is
454 amended as follows:

455 27-19-48. (1) Owners of motor vehicles and noncommercial
456 trailers who are residents of this state, upon complying with the
457 laws relating to registration and licensing of motor vehicles and
458 trailers, and upon payment of the road and bridge privilege taxes,
459 ad valorem taxes and registration fees as prescribed by law for
460 private carriers of passengers, pickup trucks, other noncommercial
461 motor vehicles and trailers, and upon payment of an additional fee
462 in the amount provided in subsection (4) (a) of this section, shall
463 be issued a personalized license tag of the same color as regular
464 license tags to consist of the name of the county and not more
465 than seven (7) letters of the alphabet or seven (7) numbers in
466 lieu of the license tag numbering system prescribed by law. The
467 purchaser of the personalized license tag may choose the
468 combination of such letters or numbers, but no two (2) motor
469 vehicles or trailers shall have the same combination of letters or
470 numbers. In the event that the same combination of letters has
471 been chosen by two (2) or more purchasers, the Department of
472 Revenue shall assign a different number to each such purchaser
473 which shall appear on the license tag following the combination of
474 letters; however, this combination shall not exceed seven (7)
475 letters and/or numbers. The combination of letters and/or numbers
476 written across the license tag shall be sufficiently large to be
477 easily read but shall not be less than three (3) inches in height.



478 No combination of letters or numbers which comprise words or
479 expressions that are considered obscene, slandering, insulting or
480 vulgar in ordinary usage shall be permitted, with the Commissioner
481 of Revenue having the responsibility of making this determination.
482 If, however, such license plate is issued in error or otherwise
483 and is determined by the commissioner to be obscene, slanderous,
484 insulting, vulgar or offensive, the commissioner shall notify the
485 owner that the license plate must be surrendered and that another
486 personalized license plate may be selected by him and issued at no
487 cost. Should the vehicle or trailer owner not desire another
488 personalized license plate, the fee for such plate shall be
489 refunded. In the event the owner fails to surrender the license
490 plate after receiving proper notification, the commissioner shall
491 issue an order directing that the license plate be seized by
492 agents of the Department of Revenue or any other duly authorized
493 law enforcement personnel.

494 (2) For the purposes of this section the terms "motor
495 vehicle" and "vehicle" include motorcycles and low-speed vehicles
496 that are operated on any public highway, road or street, as
497 defined in Section 1 of this act.

498 (3) Application for the personalized license tags shall be
499 made to the county tax collector on forms prescribed by the
500 Department of Revenue. The application form shall contain space
501 for the applicant to make five (5) different choices for the
502 combination of the letters and numbers in the order in which the



503 combination is desired by the applicant. The application and the
504 additional fee, less five percent (5%) thereof to be retained by
505 the tax collector, shall be remitted to the Department of Revenue
506 within seven (7) days of the date the application is made. The
507 portion of the additional fee retained by the tax collector shall
508 be deposited into the county general fund.

509 (4) (a) Beginning with any registration year commencing on
510 or after November 1, 1986, any person applying for a personalized
511 license tag shall pay an additional fee which shall be in addition
512 to all other taxes and fees. The additional fee paid shall be for
513 a period of time to run concurrently with the vehicle's or
514 trailer's established license tag year. The additional fee of
515 Thirty Dollars (\$30.00) is due and payable at the time the
516 original application is made for a personalized tag and thereafter
517 annually at the time of renewal registration as long as the owner
518 retains the personalized tag. If the owner does not wish to
519 retain the personalized tag, he must surrender it to the local
520 county tax collector. The additional fee due at the time of
521 renewal registration shall be collected by the county tax
522 collector and remitted to the Department of Revenue on a monthly
523 basis as prescribed by the department.

524 (b) The Department of Revenue shall deposit all taxes
525 and fees into the State Treasury on the day collected. At the end
526 of each month, the Department of Revenue shall certify the total
527 fees collected under this section to the State Treasurer who shall



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

533 (5) A regular license tag must be properly displayed as
534 required by law until replaced by a personalized license tag; and
535 the regular license tag must be surrendered to the tax collector
536 upon issuance of the personalized license tag. The tax collector
537 shall issue up to two (2) license decals for the personalized
538 license tag, which will expire the same month and year as the
539 original license tag.

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

544 (7) In the case of loss or theft of a personalized license
545 tag, the owner may make application and affidavit for a
546 replacement license tag as provided by Section 27-19-37. The fee
547 for a replacement personalized license tag shall be Ten Dollars
548 (\$10.00). The tax collector receiving such application and
549 affidavit shall be entitled to retain and deposit into the county
550 general fund five percent (5%) of the fee for such replacement
551 license tag and the remainder shall be distributed in the same
552 manner as funds from the sale of regular license tags.



553 (8) The owner of a personalized license tag may make
554 application for a duplicate of such tag. The fee for such
555 duplicate personalized license tag shall be Ten Dollars (\$10.00).
556 The tax collector receiving the application shall be entitled to
557 retain and deposit into the county general fund five percent (5%)
558 of the fee for such duplicate personalized license tag and the
559 remainder shall be distributed in the same manner as funds from
560 the sale of regular license tags. A duplicate personalized
561 license tag may not be fastened to the rear of a vehicle or
562 trailer and may not be utilized as a replacement for any
563 personalized license tag issued pursuant to this section. Month
564 decals and year decals shall not be issued for duplicate
565 personalized license tags and month decals and year decals shall
566 not be attached to duplicate personalized license tags.

567 **SECTION 8.** Section 27-19-56, Mississippi Code of 1972, is
568 amended as follows:

569 27-19-56. (1) (a) Upon application by any legal resident
570 of the State of Mississippi with a disability which limits or
571 impairs the ability to walk, or by the owner of a motor vehicle
572 who has a child, parent or spouse with a disability which limits
573 or impairs the ability to walk and the child, parent or spouse is
574 living with the applicant, the Department of Revenue shall prepare
575 and issue through the county tax collectors a special license
576 plate bearing the International Symbol of Access adopted by
577 Rehabilitation International in 1969 at its Eleventh World



578 Congress on Rehabilitation of the Disabled for not more than two
579 (2) vehicles that are registered in the applicant's name. The
580 initial application shall be accompanied by the certification of a
581 licensed physician that (i) the applicant or the applicant's
582 child, parent or spouse meets the definition of persons with
583 disabilities which limit or impair the ability to walk; and (ii)
584 that the physician has determined that the applicant or the
585 applicant's child, parent or spouse will have the disability for
586 at least five (5) years. The Department of Revenue shall prepare
587 and issue to the tax collectors of the various counties, decals
588 for placement on the special license plates. The decals shall
589 bear thereon the month in which the license plate was issued and
590 the year in which the special license plate will expire. The
591 special license plate issued under this section is valid for the
592 period of time that the license tag attached upon a motor vehicle
593 is issued pursuant to Section 27-19-31(1). A person to whom the
594 special license plate is issued may retain the special license
595 plate and may renew it by submitting to the county tax collector,
596 on or before its expiration, the certification of a licensed
597 physician that the physician has determined (i) that the applicant
598 or the applicant's child, parent or spouse meets the definition of
599 a person with a disability which limits or impairs the ability to
600 walk; and (ii) that the applicant or the applicant's child, parent
601 or spouse will have the disability for at least five (5) years.
602 If an applicant fails to renew the special license plate before



603 its date of expiration, then he or she shall surrender the special
604 license plate to the county tax collector and the tax collector
605 shall issue to such person a regular license plate to replace the
606 special license plate.

607 (b) Upon application by any legal resident of the State
608 of Mississippi who has a disabled American veteran plate or tag
609 issued under Section 27-19-53 properly displayed on his vehicle
610 and a disability which limits or impairs the ability to walk, the
611 Department of Revenue shall prepare and issue through the county
612 tax collectors a special decal bearing the International Symbol of
613 Access adopted by Rehabilitation International in 1969 at its
614 Eleventh World Congress on Rehabilitation of the Disabled for not
615 more than two (2) vehicles that are registered in the applicant's
616 name and properly display the plate or tag issued under Section
617 27-19-53. The decal shall be affixed to the plate or tag issued
618 under Section 27-19-53. The initial application shall be
619 accompanied by the certification of a licensed physician that (i)
620 the applicant meets the definition of persons with disabilities
621 which limit or impair the ability to walk; and (ii) that the
622 physician has determined that the applicant will have the
623 disability for at least five (5) years. The Department of Revenue
624 shall prepare and issue to the tax collectors of the various
625 counties, decals for placement on the plate or tag issued under
626 Section 27-19-53. The decals shall bear thereon the month in
627 which the license plate or tag was issued and the year in which



628 the plate or tag will expire. The special decal is valid for the
629 period of time that the license tag attached upon a motor vehicle
630 is issued pursuant to Section 27-19-53. A person to whom the
631 special decal is issued may retain the decal and may renew it by
632 submitting to the county tax collector, on or before its
633 expiration, the certification of a licensed physician that the
634 physician has determined (i) that the applicant meets the
635 definition of a person with a disability which limits or impairs
636 the ability to walk; and (ii) that the applicant will have the
637 disability for at least five (5) years. If an applicant fails to
638 renew the special license plate decal before its date of
639 expiration, then he shall surrender the decal to the county tax
640 collector.

641 (c) (i) The terms "vehicle" and "motor vehicle," as
642 used in this section, include motorcycles and low-speed vehicles
643 as defined in Section 1 of this act that are operated on a public
644 highway, road or street.

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

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

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



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

658 4. Use portable oxygen; or

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

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

665 (d) An applicant for a special license plate or decal
666 bearing the International Symbol of Access shall not be required
667 to pay any fee or charge for the issuance of such license plate or
668 decal separate from or in addition to the road and bridge
669 privilege taxes, ad valorem taxes and registration fees otherwise
670 required by law to be paid for the issuance of a regular license
671 plate for such vehicle.

672 (2) The Department of Revenue shall prepare removable
673 windshield placards and such placards shall be issued and
674 periodically renewed upon the applications of persons with
675 disabilities which limit or impair the ability to walk, or upon
676 the applications of owners of motor vehicles who have a child,
677 parent or spouse with a disability which limits or impairs the



678 ability to walk and the child, parent or spouse is living with the
679 owner of the motor vehicle. The placards shall be issued, free of
680 charge, to applicants through the offices of the tax collectors of
681 the counties. The initial application shall be accompanied by the
682 certification of a licensed physician that the applicant or the
683 applicant's child, parent or spouse meets the definition of
684 persons with disabilities which limit or impair the ability to
685 walk. These placards shall be valid for the period of time that
686 the license tag attached upon a motor vehicle is issued pursuant
687 to Section 27-19-31(1) and may be renewed in the same manner as
688 provided for the renewal of the special license plates or decals
689 under subsection (1) of this section. The removable windshield
690 placard must be displayed on the left side of the vehicle
691 dashboard or by hanging it on the rearview mirror of the vehicle.
692 The Department of Revenue shall prescribe the placement for
693 motorcycles.

694 (3) The Department of Revenue shall provide for the issuance
695 of a temporary removable windshield placard, upon the application
696 of a person with a disability which limits or impairs the ability
697 to walk, or upon the application of the owner of a motor vehicle
698 who has a child, parent or spouse with a disability which limits
699 or impairs the ability to walk and the child, parent or spouse is
700 living with the owner of the motor vehicle. Temporary removable
701 windshield placards authorized by this subsection shall be
702 prepared by the Department of Revenue and shall be issued, free of



703 charge, to applicants through the offices of the tax collectors of
704 the counties. Application for a temporary removable windshield
705 placard must be accompanied by the certification of a licensed
706 physician that the applicant or the applicant's child, parent or
707 spouse meets the definition of persons with disabilities which
708 limit or impair the ability to walk. The certification shall also
709 include the period of time that the physician determines the
710 applicant or the applicant's child, parent or spouse will have the
711 disability, not to exceed six (6) months. The temporary removable
712 windshield placard must be displayed on the left side of the
713 vehicle dashboard or by hanging it on the rearview mirror of the
714 vehicle. The temporary removable windshield placard shall be
715 valid for a period of time for which the physician has determined
716 that the applicant will have the disability, not to exceed six (6)
717 months from the date of issuance. The Department of Revenue shall
718 prescribe the placement for motorcycles.

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

721 (a) The International Symbol of Access, which is at
722 least three (3) inches in height, centered on the placard (the
723 color of the removable windshield placard shall be white on a blue
724 shield; and the temporary removable windshield placard shall be
725 white on a red shield);

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



728 (c) A date of expiration; and
729 (d) The seal of the State of Mississippi.

730 (5) (a) It shall be unlawful to park a motor vehicle in an
731 area set aside for persons who are disabled if the motor vehicle
732 does not (i) have displayed the removable windshield placard
733 authorized in this section with the date of expiration visible,
734 (ii) have the special license plate issued under this section
735 properly displayed upon the motor vehicle, (iii) have the disabled
736 American veteran tag or plate issued under Section 27-19-53
737 properly displayed upon the motor vehicle, or (iv) have the
738 disabled Purple Heart Medal recipient tag or plate issued under
739 Section 27-19-56.5 properly displayed upon the motor vehicle. Any
740 person who unlawfully parks a motor vehicle in such areas, or who
741 blocks such spaces or access thereto, shall be guilty of a
742 misdemeanor and, upon conviction thereof, shall be fined not more
743 than Two Hundred Dollars (\$200.00) for each such violation. For
744 the third and subsequent offenses under this section, the
745 offender's driver's license shall be suspended for ninety (90)
746 days by the Commissioner of Public Safety in accordance with
747 Section 63-1-53 in addition to any fine imposed. The court shall
748 not suspend or reduce any fine required to be imposed under this
749 subsection.

750 (b) A person who is charged with a violation of this
751 section by parking a motor vehicle in an area set aside for
752 persons who are disabled and failing properly to display (i) a



753 removable windshield placard on the dash of the vehicle or by
754 hanging it on the rearview mirror of the vehicle, (ii) a special
755 license plate issued under this section upon the vehicle, (iii) a
756 disabled American veteran tag or plate issued under Section
757 27-19-53, or (iv) have the disabled Purple Heart Medal recipient
758 tag or plate issued under Section 27-19-56.5 properly displayed
759 upon the motor vehicle * * * shall not be convicted and shall have
760 the charge dismissed upon presentation to the court of proof by
761 means of sworn oral testimony or sworn affidavit that at the time
762 of the charged violation such person or a passenger in the vehicle
763 possessed a valid removable windshield placard issued under this
764 section.

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

771 (7) All law enforcement officers are authorized to enforce
772 this section on public and private property. Provision of spaces
773 restricted to handicapped parking and proper marking of such
774 spaces shall be considered as intent and permission to enforce
775 such designated parking on private property. Any owner of private
776 property may tow away a vehicle that is parked on the owner's
777 private property in violation of the disabled parking restrictions



778 set forth in this section at the vehicle owner's expense. In
779 addition, the vehicle owner may be subject to any fines or other
780 penalties provided in this section. Only areas marked in
781 accordance with the Americans with Disabilities Act Accessibility
782 Guidelines or equivalent standards shall be enforced. Spaces
783 shall bear the International Symbol of Access.

784 (8) Motor vehicles displaying a special license plate,
785 license plate decal, placard or parking certificate or permit
786 bearing the International Symbol of Access issued to a person with
787 a disability by any other state or district subject to the laws of
788 the United States shall be allowed the special parking privileges
789 under this section provided the license plate, decal, placard,
790 permit or certificate bears the International Symbol of Access and
791 is displayed in a prominent place on the vehicle.

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

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



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

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

809 (10) Upon application by a nursing home, retirement home or
810 other institution that transports disabled persons, the Department
811 of Revenue may issue the special license plate authorized pursuant
812 to this section for not more than one (1) vehicle that is
813 registered in the applicant's name that is used to transport
814 disabled residents of the institution. Such institution shall
815 comply with all other laws regarding the registration of such
816 vehicle.

817 **SECTION 9.** Section 27-51-5, Mississippi Code of 1972, is
818 amended as follows:

819 27-51-5. The subject words and terms of this section, for
820 the purpose of this chapter, shall have meanings as follows:

821 (a) "Motor vehicle" means any device and attachments
822 supported by one or more wheels which is propelled or drawn by any
823 power other than muscular power over the highways, streets or
824 alleys of this state. The term "motor vehicle" shall not include
825 electric personal assistive mobility devices as defined in Section
826 63-3-103 but shall include any low-speed vehicle that is operated



827 on any public highway, road or street, as defined in Section 1 of
828 this act. However, mobile homes which are detached from any
829 self-propelled vehicles and parked on land in the state are hereby
830 expressly exempt from the motor vehicle ad valorem taxes, but
831 house trailers which are actually in transit and which are not
832 parked for more than an overnight stop are not exempted.

833 (b) "Public highway" means and includes every way or
834 place of whatever nature, including public roads, streets and
835 alleys of this state generally open to the use of the public or to
836 be opened or reopened to the use of the public for the purpose of
837 vehicular travel, notwithstanding that the same may be temporarily
838 closed for the purpose of construction, reconstruction,
839 maintenance, or repair.

840 (c) "Administrator of the road and bridge privilege tax
841 law" means the official authorized by law to administer the road
842 and bridge privilege tax law of this state.

843 **SECTION 10.** Section 63-15-3, Mississippi Code of 1972, is
844 amended as follows:

845 63-15-3. The following words and phrases, when used in this
846 chapter, shall, for the purposes of this chapter, have the
847 meanings respectively ascribed to them in this section, except in
848 those instances where the context clearly indicates a different
849 meaning:

850 (a) "Highway" means the entire width between property
851 lines of any road, street, way, thoroughfare or bridge in the



852 State of Mississippi not privately owned or controlled, when any
853 part thereof is open to the public for vehicular traffic and over
854 which the state has legislative jurisdiction under its police
855 power.

856 (b) "Judgment" means any judgment which shall have
857 become final by expiration, without appeal, of the time within
858 which an appeal might have been perfected, or by final affirmation
859 on appeal, rendered by a court of competent jurisdiction of any
860 state or of the United States, upon a cause of action arising out
861 of the ownership, maintenance or use of any motor vehicle, for
862 damages, including damages for care and loss of services, because
863 of bodily injury to or death of any person, or for damages because
864 of injury to or destruction of property, including the loss of use
865 thereof, or upon a cause of action on an agreement of settlement
866 for such damages.

867 (c) "Motor vehicle" means every self-propelled vehicle
868 (other than traction engines, road rollers and graders, tractor
869 cranes, power shovels, well drillers, implements of husbandry and
870 electric personal assistive mobility device as defined in Section
871 63-3-103) which is designed for use upon a highway, including
872 trailers and semitrailers designed for use with such vehicles, and
873 every vehicle which is propelled by electric power obtained from
874 overhead wires but not operated upon rails. The term "motor
875 vehicle" includes any low-speed vehicles as defined in Section 1
876 of this act.



877 For purposes of this definition, "implements of husbandry"
878 shall not include trucks, pickup trucks, trailers and semitrailers
879 designed for use with such trucks and pickup trucks.

880 (d) "License" means any driver's, operator's,
881 commercial operator's, or chauffeur's license, temporary
882 instruction permit or temporary license, or restricted license,
883 issued under the laws of the State of Mississippi pertaining to
884 the licensing of persons to operate motor vehicles.

885 (e) "Nonresident" means every person who is not a
886 resident of the State of Mississippi.

887 (f) "Nonresident's operating privilege" means the
888 privilege conferred upon a nonresident by the laws of Mississippi
889 pertaining to the operation by him of a motor vehicle, or the use
890 of a motor vehicle owned by him, in the State of Mississippi.

891 (g) "Operator" means every person who is in actual
892 physical control of a motor vehicle.

893 (h) "Owner" means a person who holds the legal title of
894 a motor vehicle; in the event a motor vehicle is the subject of an
895 agreement for the conditional sale or lease thereof with the right
896 of purchase upon performance of the conditions stated in the
897 agreement and with an immediate right of possession vested in the
898 conditional vendee or lessee or in the event a mortgagor of a
899 vehicle is entitled to possession, then such conditional vendee or
900 lessee or mortgagor shall be deemed the owner for the purpose of
901 this chapter.



902 (i) "Person" means every natural person, firm,
903 copartnership, association or corporation.

904 (j) "Proof of financial responsibility" means proof of
905 ability to respond in damages for liability, on account of
906 accidents occurring subsequent to the effective date of said
907 proof, arising out of the ownership, maintenance or use of a motor
908 vehicle, in the amount of Twenty-five Thousand Dollars
909 (\$25,000.00) because of bodily injury to or death of one (1)
910 person in any one (1) accident, and subject to said limit for one
911 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)
912 because of bodily injury to or death of two (2) or more persons in
913 any one (1) accident, and in the amount of Twenty-five Thousand
914 Dollars (\$25,000.00) because of injury to or destruction of
915 property of others in any one (1) accident. Liability insurance
916 required under this paragraph (j) may contain exclusions and
917 limitations on coverage as long as the exclusions and limitations
918 language or form has been filed with and approved by the
919 Commissioner of Insurance.

920 (k) "Registration" means a certificate or certificates
921 and registration plates issued under the laws of this state
922 pertaining to the registration of motor vehicles.

923 (l) "Department" means the Department of Public Safety
924 of the State of Mississippi, acting directly or through its
925 authorized officers and agents, except in such sections of this



926 chapter in which some other state department is specifically
927 named.

928 (m) "State" means any state, territory or possession of
929 the United States, the District of Columbia, or any province of
930 the Dominion of Canada.

931 **SECTION 11.** Section 63-17-55, Mississippi Code of 1972, is
932 amended as follows:

933 63-17-55. The following words, terms and phrases, when used
934 in the Mississippi Motor Vehicle Commission Law, shall have the
935 meanings respectively ascribed to them in this section, except
936 where the context clearly indicates a different meaning:

937 (a) "Motor vehicle" means any motor-driven vehicle of
938 the sort and kind required to have a Mississippi road or bridge
939 privilege license, and shall include, but not be limited to,
940 motorcycles and low-speed vehicles that are operated on any public
941 highway, road or street. "Motor vehicle" shall also mean an
942 engine, transmission, or rear axle manufactured for installation
943 in a vehicle having as its primary purpose the transport of person
944 or persons or property on a public highway and having a gross
945 vehicle weight rating of more than sixteen thousand (16,000)
946 pounds, whether or not attached to a vehicle chassis.

947 (b) "Motor vehicle dealer" means any person, firm,
948 partnership, copartnership, association, corporation, trust or
949 legal entity, not excluded by paragraph (c) of this section, who
950 holds a bona fide contract or franchise in effect with a



951 manufacturer, distributor or wholesaler of new motor vehicles, and
952 a license under the provisions of the Mississippi Motor Vehicle
953 Commission Law, and such duly franchised and licensed motor
954 vehicle dealers shall be the sole and only persons, firms,
955 partnerships, copartnerships, associations, corporations, trusts
956 or legal entities entitled to sell and publicly or otherwise
957 solicit and advertise for sale new motor vehicles as such.

958 (c) The term "motor vehicle dealer" does not include:

959 (i) Receivers, trustees, administrators,
960 executors, guardians or other persons appointed by or acting under
961 judgment, decree or order of any court;

962 (ii) Public officers while performing their duties
963 as such officers;

964 (iii) Employees of persons, corporations or
965 associations enumerated in paragraph (c) (i) of this section when
966 engaged in the specific performance of their duties as such
967 employees; or

968 (iv) A motor vehicle manufacturer operating a
969 project as defined in Section 57-75-5(f) (iv)1; and the provisions
970 of the Mississippi Motor Vehicle Commission Law shall not apply
971 to:

972 1. a. Any lease by such a motor vehicle
973 manufacturer of three (3) or fewer motor vehicles at any one time
974 and related vehicle maintenance, of any line of vehicle produced



975 by the manufacturer or its subsidiaries, to any one (1) employee
976 of the motor vehicle manufacturer on a direct basis; or

977 b. Any sale or other disposition of such
978 motor vehicles by the motor vehicle manufacturer at the end of a
979 lease through direct sales to employees of the manufacturer or
980 through an open auction or auction limited to dealers of the
981 manufacturer's vehicle line or its subsidiaries' vehicle lines; or

982 2. Any sale or other disposition by such a
983 motor vehicle manufacturer of motor vehicles for which the
984 manufacturer obtained distinguishing number tags under Section
985 27-19-309(8).

986 (d) "New motor vehicle" means a motor vehicle which has
987 not been previously sold to any person except a distributor or
988 wholesaler or motor vehicle dealer for resale.

989 (e) "Ultimate purchaser" means, with respect to any new
990 motor vehicle, the first person, other than a motor vehicle dealer
991 purchasing in his capacity as such dealer, who in good-faith
992 purchases such new motor vehicle for purposes other than for
993 resale.

994 (f) "Retail sale" or "sale at retail" means the act or
995 attempted act of selling, bartering, exchanging or otherwise
996 disposing of a new motor vehicle to an ultimate purchaser for use
997 as a consumer.



998 (g) "Motor vehicle salesman" means any person who is
999 employed as a salesman by a motor vehicle dealer whose duties
1000 include the selling or offering for sale of new motor vehicles.

1001 (h) "Commission" means the Mississippi Motor Vehicle
1002 Commission.

1003 (i) "Manufacturer" means any person, firm, association,
1004 corporation or trust, resident or nonresident, who manufactures or
1005 assembles new motor vehicles.

1006 (j) "Distributor" or "wholesaler" means any person,
1007 firm, association, corporation or trust, resident or nonresident,
1008 who, in whole or in part, sells or distributes new motor vehicles
1009 to motor vehicle dealers, or who maintains distributor
1010 representatives.

1011 (k) "Factory branch" means a branch or division office
1012 maintained by a person, firm, association, corporation or trust
1013 who manufactures or assembles new motor vehicles for sale to
1014 distributors or wholesalers, to motor vehicle dealers, or for
1015 directing or supervising, in whole or in part, its
1016 representatives.

1017 (l) "Distributor branch" means a branch or division
1018 office similarly maintained by a distributor or wholesaler for the
1019 same purposes a factory branch or division is maintained.

1020 (m) "Factory representative" means a representative
1021 employed by a person, firm, association, corporation or trust who
1022 manufactures or assembles new motor vehicles, or by a factory



1023 branch, for the purpose of making or promoting the sale of his,
1024 its or their new motor vehicles, or for supervising or contacting
1025 his, its or their dealers or prospective dealers.

1026 (n) "Distributor representative" means a representative
1027 similarly employed by a distributor, distributor branch or
1028 wholesaler.

1029 (o) "Person" means and includes, individually and
1030 collectively, individuals, firms, partnerships, copartnerships,
1031 associations, corporations and trusts, or any other forms of
1032 business enterprise, or any legal entity.

1033 (p) "Good faith" means the duty of each party to any
1034 franchise agreement, and all officers, employees or agents
1035 franchise, to act in a fair and equitable manner toward each other
1036 in the performance of the respective obligations under the
1037 franchise agreement.

1038 (q) "Coerce" means to compel or attempt to compel by
1039 threat or duress. However, recommendation, exposition,
1040 persuasion, urging or argument shall not be deemed to constitute
1041 coercion.

1042 (r) "Special tools" are those which a dealer was
1043 required to purchase by the manufacturer or distributor for
1044 service on that manufacturer's product.

1045 (s) "Motor vehicle lessor" means any person, not
1046 excluded by paragraph (c) of this section, engaged in the motor
1047 vehicle leasing or rental business.



1048 (t) "Specialty vehicle" means a motor vehicle
1049 manufactured by a second stage manufacturer by purchasing motor
1050 vehicle components, e.g. frame and drive train, and completing the
1051 manufacturer of finished motor vehicles for the purpose of resale
1052 with the primary manufacturer warranty unimpaired, to a limited
1053 commercial market rather than the consuming public. Specialty
1054 vehicles include garbage trucks, ambulances, fire trucks, buses,
1055 limousines, hearses and other similar limited purpose vehicles as
1056 the commission may by regulation provide.

1057 (u) "Auto auction" means (i) any person who provides a
1058 place of business or facilities for the wholesale exchange of
1059 motor vehicles by and between duly licensed motor vehicle dealers,
1060 (ii) any motor vehicle dealer licensed to sell used motor vehicles
1061 selling motor vehicles using an auction format but not on
1062 consignment, or (iii) any person who provides the facilities for
1063 or is in the business of selling in an auction format motor
1064 vehicles.

1065 (v) "Motor home" means a motor vehicle that is designed
1066 and constructed primarily to provide temporary living quarters for
1067 recreational, camping or travel use.

1068 (w) "Dealer-operator" means the individual designated
1069 in the franchise agreement as the operator of the motor vehicle
1070 dealership.

1071 (x) "Franchise" or "franchise agreement" means a
1072 written contract or agreement between a motor vehicle dealer and a



1073 manufacturer or its distributor or factory branch by which the
1074 motor vehicle dealer is authorized to engage in the business of
1075 selling or leasing the specific makes, models or classifications
1076 of new motor vehicles marketed or leased by the manufacturer and
1077 designated in the agreement or any addendum to such agreement.

1078 (y) "Net cost" means the price the motor vehicle dealer
1079 pays for new motor vehicles, supplies, parts, equipment, signs,
1080 furnishings and special tools, minus any applicable discounts or
1081 subsidies obtained by the motor vehicle dealer.

1082 (z) "Line or make" means a collection of models,
1083 series, or groups of motor vehicles manufactured by or for a
1084 particular manufacturer, distributor or importer offered for sale,
1085 lease or distribution pursuant to a common trademark, service mark
1086 or brand name; however:

1087 (i) Multiple brand names or marks may constitute a
1088 single line or make, but only when included in a common motor
1089 vehicle dealer agreement and the manufacturer, distributor or
1090 importer offers such vehicles bearing the multiple names of marks
1091 together only, and not separately, to its authorized motor vehicle
1092 dealers.

1093 (ii) Motor vehicles bearing a common brand name or
1094 mark may constitute separate line or makes when such vehicles are
1095 of different vehicle types or are intended for different types of
1096 use, provided that either:



1097 1. The manufacturer has expressly defined or
1098 covered the subject line or makes of vehicles as separate and
1099 distinct line or makes in the applicable dealer agreements; or

1100 2. The manufacturer has consistently
1101 characterized the subject vehicles as constituting separate and
1102 distinct line or makes to its dealer network.

1103 (aa) "Site-control agreement" or "exclusive use
1104 agreement" means an agreement that, regardless of its name, title,
1105 form or the parties entering into it, has the effect of:

1106 (i) Controlling the use and development of the
1107 premises of a motor vehicle dealer's franchise or facilities;

1108 (ii) Requiring a motor vehicle dealer to establish
1109 or maintain an exclusive motor vehicle dealership facility on the
1110 premises of the motor vehicle dealer's franchise or facility;

1111 (iii) Restricting the power or authority of the
1112 dealer or the lessor, if the motor vehicle dealer leases the
1113 dealership premises, to transfer, sell, lease, develop, redevelop
1114 or change the use of the dealership premises, whether by sublease,
1115 lease, collateral pledge of lease, right of first refusal to
1116 purchase or lease, option to purchase or lease or any similar
1117 arrangement; or

1118 (iv) Establishing a valuation process or formula
1119 for the motor vehicle dealership premises that does not allow for
1120 the motor vehicle dealership premises to be transferred, sold or



1121 leased by the motor vehicle dealer at the highest and best use
1122 valuation for the motor vehicle dealership premises.

1123 (bb) "Market area" means the area of responsibility set
1124 forth in the franchise agreement.

1125 (cc) "Core parts" means those original vehicle
1126 manufacturer parts that are listed in the original vehicle
1127 manufacturer's or distributor's current parts catalog, for which
1128 there is a core charge and which are returnable to the
1129 manufacturer or distributor.

1130 **SECTION 12.** Section 63-17-155, Mississippi Code of 1972, is
1131 amended as follows:

1132 63-17-155. As used in Sections 63-17-151 through 63-17-165,
1133 the following terms shall have the following meanings:

1134 (a) "Collateral charges" means those additional charges
1135 to a consumer which are not directly attributable to the
1136 manufacturer's suggested retail price label for the motor vehicle.
1137 Collateral charges shall include, but not be limited to, dealer
1138 preparation charges, undercoating charges, transportation charges,
1139 towing charges, replacement car rental costs and title charges.

1140 (b) "Comparable motor vehicle" means an identical or
1141 reasonably equivalent motor vehicle.

1142 (c) "Consumer" means the purchaser, other than for
1143 purposes of resale, of a motor vehicle, primarily used for
1144 personal, family, or household purposes, and any person to whom
1145 such motor vehicle is transferred for the same purposes during the



1146 duration of an express warranty applicable to such motor vehicle,
1147 and any other person entitled by the terms of such warranty to
1148 enforce the obligations of the warranty.

1149 (d) "Express warranty" means any written affirmation of
1150 fact or promise made in connection with the sale of a motor
1151 vehicle by a supplier to a consumer which relates to the nature of
1152 the material or workmanship and affirms or promises that such
1153 material or workmanship is defect-free or will meet a specified
1154 level of performance over a specified period of time. For the
1155 purposes of Section 63-17-151 et seq., express warranties do not
1156 include implied warranties.

1157 (e) "Manufacturer" means a manufacturer or distributor
1158 as defined in Section 63-17-55.

1159 (f) "Motor vehicle" means a vehicle propelled by power
1160 other than muscular power which is sold in this state, is operated
1161 over the public streets and highways of this state and is used as
1162 a means of transporting persons or property, but shall not include
1163 vehicles run only upon tracks, off-road vehicles, motorcycles,
1164 low-speed vehicles, mopeds, electric personal assistive mobility
1165 devices as defined in Section 63-3-103 or parts and components of
1166 a motor home which were added on and/or assembled by the
1167 manufacturer of the motor home. "Motor vehicle" shall include
1168 demonstrators or lease-purchase vehicles as long as a
1169 manufacturer's warranty was issued as a condition of sale.



1170 (g) "Purchase price" means the price which the consumer
1171 paid to the manufacturer to purchase the motor vehicle in a cash
1172 sale or, if the motor vehicle is purchased in a retail installment
1173 transaction, the cash sale price as defined in Section 63-19-3.

1174 **SECTION 13.** Section 63-21-5, Mississippi Code of 1972, is
1175 amended as follows:

1176 63-21-5. The following words and phrases when used in this
1177 chapter shall, for the purpose of this chapter, have the meanings
1178 respectively ascribed to them in this section except where the
1179 context clearly indicates a different meaning:

1180 (a) "State Tax Commission" or "department" means the
1181 Department of Revenue of the State of Mississippi.

1182 (b) "Dealer" means every person engaged regularly in
1183 the business of buying, selling or exchanging motor vehicles,
1184 trailers, semitrailers, trucks, tractors or other character of
1185 commercial or industrial motor vehicles in this state, and having
1186 in this state an established place of business as defined in
1187 Section 27-19-303, Mississippi Code of 1972. The term "dealer"
1188 shall also mean every person engaged regularly in the business of
1189 buying, selling or exchanging manufactured housing in this state,
1190 and licensed as a dealer of manufactured housing by the
1191 Mississippi Department of Insurance.

1192 (c) "Designated agent" means each county tax collector
1193 in this state who may perform his duties under this chapter either
1194 personally or through any of his deputies, or such other persons



1195 as the Department of Revenue may designate. The term shall also
1196 mean those "dealers" as herein defined and/or their officers and
1197 employees and other persons who are appointed by the Department of
1198 Revenue in the manner provided in Section 63-21-13, Mississippi
1199 Code of 1972, to perform the duties of "designated agent" for the
1200 purposes of this chapter.

1201 (d) "Implement of husbandry" means every vehicle
1202 designed and adapted exclusively for agricultural, horticultural
1203 or livestock raising operations or for lifting or carrying an
1204 implement of husbandry and in either case not subject to
1205 registration if used upon the highways.

1206 (e) "Vehicle identification number" means the numbers
1207 and letters on a vehicle, manufactured home or mobile home
1208 designated by the manufacturer or assigned by the Department of
1209 Revenue for the purpose of identifying the vehicle, manufactured
1210 home or mobile home.

1211 (f) "Lien" means every kind of written lease which is
1212 substantially equivalent to an installment sale or which provides
1213 for a right of purchase; conditional sale; reservation of title;
1214 deed of trust; chattel mortgage; trust receipt; and every other
1215 written agreement or instrument of whatever kind or character
1216 whereby an interest other than absolute title is sought to be held
1217 or given on a motor vehicle, manufactured home or mobile home.



1218 (g) "Lienholder" means any natural person, firm,
1219 copartnership, association or corporation holding a lien as herein
1220 defined on a motor vehicle, manufactured home or mobile home.

1221 (h) "Manufactured housing" or "manufactured home" means
1222 any structure, transportable in one or more sections, which in the
1223 traveling mode, is eight (8) body feet or more in width or forty
1224 (40) body feet or more in length or, when erected on site, is
1225 three hundred twenty (320) or more square feet and which is built
1226 on a permanent chassis and designed to be used as a dwelling with
1227 or without a permanent foundation when connected to the required
1228 utilities, and includes the plumbing, heating, air-conditioning
1229 and electrical systems contained therein; except that such terms
1230 shall include any structure which meets all the requirements of
1231 this paragraph except the size requirements and with respect to
1232 which the manufacturer voluntarily files a certification required
1233 by the Secretary of Housing and Urban Development and complies
1234 with the standards established under the National Manufactured
1235 Housing Construction and Safety Standards Act of 1974, 42 USCS,
1236 Section 5401.

1237 (i) "Manufacturer" means any person regularly engaged
1238 in the business of manufacturing, constructing or assembling motor
1239 vehicles, manufactured homes or mobile homes, either within or
1240 without this state.

1241 (j) "Mobile home" means any structure, transportable in
1242 one or more sections, which in the traveling mode, is eight (8)



1243 body feet or more in width or forty (40) body feet or more in
1244 length or, when erected on site, is three hundred twenty (320) or
1245 more square feet and which is built on a permanent chassis and
1246 designed to be used as a dwelling with or without a permanent
1247 foundation when connected to the required utilities, and includes
1248 the plumbing, heating, air-conditioning and electrical systems
1249 contained therein and manufactured prior to June 15, 1976. Any
1250 mobile home designated as realty on or before July 1, 1999, shall
1251 continue to be designated as realty so that a security interest
1252 will be made by incorporating such mobile home in a deed of trust.

1253 (k) "Motorcycle" means every motor vehicle having a
1254 seat or saddle for the use of the rider and designed to travel on
1255 not more than three (3) wheels in contact with the ground, but
1256 excluding a farm tractor.

1257 (l) "Motor vehicle" means every automobile, motorcycle,
1258 low-speed vehicle, mobile trailer, semitrailer, truck, truck
1259 tractor, trailer and every other device in, upon, or by which any
1260 person or property is or may be transported or drawn upon a public
1261 highway which is required to have a road or bridge privilege
1262 license, except such as is moved by animal power or used
1263 exclusively upon stationary rails or tracks.

1264 (m) "New vehicle" means a motor vehicle, manufactured
1265 home or mobile home which has never been the subject of a first
1266 sale for use.



1267 (n) "Used vehicle" means a motor vehicle, manufactured
1268 home or mobile home that has been the subject of a first sale for
1269 use, whether within this state or elsewhere.

1270 (o) "Owner" means a person or persons holding the legal
1271 title of a vehicle, manufactured home or mobile home; in the event
1272 a vehicle, manufactured home or mobile home is the subject of a
1273 deed of trust or a chattel mortgage or an agreement for the
1274 conditional sale or lease thereof or other like agreement, with
1275 the right of purchase upon performance of the conditions stated in
1276 the agreement and with the immediate right of possession vested in
1277 the grantor in the deed of trust, mortgagor, conditional vendee or
1278 lessee, the grantor, mortgagor, conditional vendee or lessee shall
1279 be deemed the owner for the purpose of this chapter.

1280 (p) "Person" includes every natural person, firm,
1281 copartnership, association or corporation.

1282 (q) "Pole trailer" means every vehicle without motive
1283 power designed to be drawn by another vehicle and attached to the
1284 towing vehicle by means of a reach or pole, or by being boomed or
1285 otherwise secured to the towing vehicle, and ordinarily used for
1286 transporting long or irregularly shaped loads such as poles,
1287 pipes, boats or structural members capable generally of sustaining
1288 themselves as beams between the supporting connections.

1289 (r) "Security agreement" means a written agreement
1290 which reserves or creates a security interest.



1291 (s) "Security interest" means an interest in a vehicle,
1292 manufactured home or mobile home reserved or created by agreement
1293 and which secures payment or performance of an obligation. The
1294 term includes the interest of a lessor under a lease intended as
1295 security. A security interest is "perfected" when it is valid
1296 against third parties generally, subject only to specific
1297 statutory exceptions.

1298 (t) "Special mobile equipment" means every vehicle not
1299 designed or used primarily for the transportation of persons or
1300 property and only incidentally operated or moved over a highway,
1301 including, but not limited to: ditch-digging apparatus,
1302 well-boring apparatus and road construction and maintenance
1303 machinery such as asphalt spreaders, bituminous mixers, bucket
1304 loaders, tractors other than truck tractors, ditchers, leveling
1305 graders, finishing machines, motor graders, road rollers,
1306 scarifiers, earth-moving carryalls and scrapers, power shovels and
1307 draglines, and self-propelled cranes, vehicles so constructed that
1308 they exceed eight (8) feet in width and/or thirteen (13) feet six
1309 (6) inches in height, and earth-moving equipment. The term does
1310 not include house trailers, dump trucks, truck-mounted transit
1311 mixers, cranes or shovels, or other vehicles designed for the
1312 transportation of persons or property to which machinery has been
1313 attached.

1314 (u) "Nonresident" means every person who is not a
1315 resident of this state.



1316 (v) "Current address" means a new address different
1317 from the address shown on the application or on the certificate of
1318 title. The owner shall within thirty (30) days after his address
1319 is changed from that shown on the application or on the
1320 certificate of title notify the department of the change of
1321 address in the manner prescribed by the department.

1322 (w) "Odometer" means an instrument for measuring and
1323 recording the actual distance a motor vehicle travels while in
1324 operation; but shall not include any auxiliary instrument designed
1325 to be reset by the operator of the motor vehicle for the purpose
1326 of recording the distance traveled on trips.

1327 (x) "Odometer reading" means the actual cumulative
1328 distance traveled disclosed on the odometer.

1329 (y) "Odometer disclosure statement" means a statement
1330 certified by the owner of the motor vehicle to the transferee or
1331 to the department as to the odometer reading.

1332 (z) "Mileage" means actual distance that a vehicle has
1333 traveled.

1334 (aa) "Trailer" means every vehicle other than a "pole
1335 trailer" as defined in this chapter without motive power designed
1336 to be drawn by another vehicle and attached to the towing vehicle
1337 for the purpose of hauling goods or products. The term "trailer"
1338 shall not refer to any structure, transportable in one or more
1339 sections regardless of size, when erected on site, and which is
1340 built on a permanent chassis and designed to be used as a dwelling



1341 with or without a permanent foundation when connected to the
1342 required utilities, and includes the plumbing, heating,
1343 air-conditioning and electrical systems contained therein
1344 regardless of the date of manufacture.

1345 (bb) "Salvage mobile home" or "salvage manufactured
1346 home" means a mobile home or manufactured home for which a
1347 certificate of title has been issued that an insurance company
1348 obtains from the owner as a result of paying a total loss claim
1349 resulting from collision, fire, flood, wind or other occurrence.
1350 The term "salvage mobile home" or "salvage manufactured home" does
1351 not mean or include and is not applicable to a mobile home or
1352 manufactured home that is twenty (20) years old or older.

1353 (cc) "Salvage certificate of title" means a document
1354 issued by the department for a salvage mobile home or salvage
1355 manufactured home as defined in this chapter.

1356 (dd) "All-terrain vehicle" means a motor vehicle that
1357 is designed for off-road use and is not required to have a motor
1358 vehicle privilege license.

1359 **SECTION 14.** Section 27-19-5, Mississippi Code of 1972, is
1360 brought forward for purposes of possible amendment as follows:

1361 27-19-5. There is hereby levied the following annual highway
1362 privilege tax on operators of private carriers of passengers as
1363 reasonable compensation for the use of the highways of this state:

1364 (a) On the owner or operator of each private carrier of
1365 passengers.....\$15.00



1366 (b) On each motorcycle, per annum.....8.00

1367 **SECTION 15.** Chapter 938, Laws of 2012, which authorizes the
1368 City of Diamondhead, Mississippi, to allow the operation of
1369 low-speed vehicles and Chapter 909, Laws of 2013, which authorizes
1370 the City of Pass Christian, Mississippi, to allow the operation of
1371 low-speed vehicles are repealed.

1372 **SECTION 16.** Nothing in this act shall affect or defeat any
1373 claim, assessment, appeal, suit, right or cause of action for
1374 taxes due or accrued under the sales tax laws before the date on
1375 which this act becomes effective, whether such claims,
1376 assessments, appeals, suits or actions have been begun before the
1377 date on which this act becomes effective or are begun thereafter;
1378 and the provisions of the sales tax laws are expressly continued
1379 in full force, effect and operation for the purpose of the
1380 assessment, collection and enrollment of liens for any taxes due
1381 or accrued and the execution of any warrant under such laws before
1382 the date on which this act becomes effective, and for the
1383 imposition of any penalties, forfeitures or claims for failure to
1384 comply with such laws.

1385 **SECTION 17.** This act shall take effect and be in force from
1386 and after July 1, 2017.

