

By: Senator(s) Younger

To: Finance

SENATE BILL NO. 2395

1 AN ACT TO AMEND SECTION 27-19-3, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE DEFINITION OF THE TERM "CORPORATE FLEET" UNDER THE
 3 MOTOR VEHICLE PRIVILEGE TAX LAW TO REDUCE TO 50 THE NUMBER OF
 4 VEHICLES IN A FLEET NECESSARY TO FALL UNDER SUCH DEFINITION; AND
 5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 27-19-3, Mississippi Code of 1972, is
 8 amended as follows:

9 27-19-3. (a) The following words and phrases when used in
 10 this article for the purpose of this article have the meanings
 11 respectively ascribed to them in this section, except in those
 12 instances where the context clearly describes and indicates a
 13 different meaning:

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



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

21 (3) "Motor vehicle" means every vehicle as defined in
22 this section which is self-propelled, including trackless street
23 or trolley cars. The term "motor vehicle" shall not include
24 electric personal assistive mobility devices as defined in Section
25 63-3-103.

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

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

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

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

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



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

46 (10) "Pneumatic tires" means all tires inflated with
47 compressed air.

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

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

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

56 (14) "Owner" means a person who holds the legal title
57 of a vehicle or in the event a vehicle is the subject of an
58 agreement for the conditional sale, lease or transfer of the
59 possession, the person with the right of purchase upon performance
60 of conditions stated in the agreement, and with an immediate right
61 of possession vested in the conditional vendee, lessee, possessor
62 or in the event such or similar transaction is had by means of a
63 mortgage, and the mortgagor of a vehicle is entitled to
64 possession, then such conditional vendee, lessee, possessor or
65 mortgagor shall be deemed the owner for the purposes of this
66 article.



67 (15) "School bus" means every motor vehicle engaged
68 solely in transporting school children or school children and
69 teachers to and from schools; however, such vehicles may transport
70 passengers on weekends and legal holidays and during summer months
71 between the terms of school for compensation when the
72 transportation of passengers is over a route of which not more
73 than fifty percent (50%) traverses the route of a common carrier
74 of passengers by motor vehicle and when no passengers are picked
75 up on the route of any such carrier.

76 (16) "Dealer" means every person engaged regularly in
77 the business of buying, selling or exchanging motor vehicles,
78 trailers, semitrailers, trucks, tractors or other character of
79 commercial or industrial motor vehicles in this state, and having
80 an established place of business in this state.

81 (17) "Highway" means and includes every way or place of
82 whatever nature, including public roads, streets and alleys of
83 this state generally open to the use of the public or to be opened
84 or reopened to the use of the public for the purpose of vehicular
85 travel, and notwithstanding that the same may be temporarily
86 closed for the purpose of construction, reconstruction,
87 maintenance or repair.

88 (18) "State Tax Commission," "commission" or
89 "department" means the Commissioner of Revenue of the Department
90 of Revenue of this state, acting directly or through his duly
91 authorized officers, agents, representatives and employees.



92 (19) "Common carrier by motor vehicle" means any person
93 who or which undertakes, whether directly or by a lease or any
94 other arrangement, to transport passengers or property or any
95 class or classes of property for the general public in interstate
96 or intrastate commerce on the public highways of this state by
97 motor vehicles for compensation, whether over regular or irregular
98 routes. The term "common carrier by motor vehicle" shall not
99 include passenger buses operating within the corporate limits of a
100 municipality in this state or not exceeding five (5) miles beyond
101 the corporate limits of the municipality, and hearses, ambulances,
102 and school buses as such. In addition, this definition shall not
103 include taxicabs.

104 (20) "Contract carrier by motor vehicle" means any
105 person who or which under the special and individual contract or
106 agreements, and whether directly or by a lease or any other
107 arrangement, transports passengers or property in interstate or
108 intrastate commerce on the public highways of this state by motor
109 vehicle for compensation. The term "contract carrier by motor
110 vehicle" shall not include passenger buses operating wholly within
111 the corporate limits of a municipality in this state or not
112 exceeding five (5) miles beyond the corporate limits of the
113 municipality, and hearses, ambulances, and school buses as such.
114 In addition, this definition shall not include taxicabs.

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



117 terms "common carrier by motor vehicle" or "contract carrier by
118 motor vehicle," who or which transports in interstate or
119 intrastate commerce on the public highways of this state by motor
120 vehicle, property of which such person is the owner, lessee, or
121 bailee, other than for hire. The term "private commercial and
122 noncommercial carrier of private property by motor vehicle" shall
123 not include passenger buses operated wholly within the corporate
124 limits of a municipality of this state, or not exceeding five (5)
125 miles beyond the corporate limits of the municipality, and
126 hearses, ambulances, and school buses as such. In addition, this
127 definition shall not include taxicabs.

128 Haulers of fertilizer shall be classified as private
129 commercial carriers of property by motor vehicle.

130 (22) "Private carrier of passengers" means all other
131 passenger motor vehicle carriers not included in the above
132 definitions. The term "private carrier of passengers" shall not
133 include passenger buses operating wholly within the corporate
134 limits of a municipality in this state, or not exceeding five (5)
135 miles beyond the corporate limits of the municipality, and
136 hearses, ambulances, and school buses as such. In addition, this
137 definition shall not include taxicabs.

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



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

144 (25) "Private carrier of property" means any person
145 transporting property on the highways of this state as defined
146 below:

147 (* * *i) Any person, or any employee of such
148 person, transporting farm products, farm supplies, materials
149 and/or equipment used in the growing or production of his own
150 agricultural products in his own truck.

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

153 (* * *iii) Any person, or any employee of such
154 person, transporting unprocessed forest products, or timber
155 harvesting equipment wherein ownership remains the same, in his
156 own truck.

157 (26) "Taxicab" means any passenger motor vehicle for
158 hire with a seating capacity not greater than ten (10) passengers.
159 For purposes of this paragraph (26), seating capacity shall be
160 determined according to the manufacturer's suggested seating
161 capacity for a vehicle. If there is no manufacturer's suggested
162 seating capacity for a vehicle, the seating capacity for the
163 vehicle shall be determined according to regulations established
164 by the Department of Revenue.

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



167 operating wholly within the corporate limits of a municipality of
168 this state or within five (5) miles of the corporate limits of the
169 municipality, or motor vehicles substituted for abandoned electric
170 railway systems in or between municipalities. For purposes of
171 this paragraph (27), seating capacity shall be determined
172 according to the manufacturer's suggested seating capacity for a
173 vehicle. If there is no manufacturer's suggested seating capacity
174 for a vehicle, the seating capacity for the vehicle shall be
175 determined according to regulations established by the Department
176 of Revenue.

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

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

183 (30) "Ambulance and hearse" shall have the meaning
184 generally ascribed to them. A hearse or funeral coach shall be
185 classified as a light carrier of property, as defined in Section
186 27-51-101.

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



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

197 (32) "Ton" means two thousand (2,000) pounds
198 avoirdupois.

199 (33) "Bus" means any passenger vehicle with a seating
200 capacity of more than ten (10) but shall not include "private
201 carrier of passengers" and "school bus" as defined in paragraphs
202 (15) and (22) of this section. For purposes of this paragraph
203 (33), seating capacity shall be determined according to the
204 manufacturer's suggested seating capacity for a vehicle. If there
205 is no manufacturer's suggested seating capacity for a vehicle, the
206 seating capacity for the vehicle shall be determined according to
207 regulations established by the Department of Revenue.

208 (34) "Corporate fleet" means a group of * * * fifty
209 (50) or more marked private carriers of passengers or light
210 carriers of property, as defined in Section 27-51-101, trailers,
211 semitrailers, or motor vehicles in excess of ten thousand (10,000)
212 pounds gross vehicle weight, except for those vehicles registered
213 for interstate travel, owned or leased on a long-term basis by a
214 corporation or other legal entity. In order to be considered
215 marked, the motor vehicle must have a name, trademark or logo
216 located either on the sides or the rear of the vehicle in sharp



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

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

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

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

231 (2) Leased vehicles shall be considered as domiciled at
232 the place in the State of Mississippi from which they operate in
233 interstate or intrastate commerce, and for the purposes of this
234 article shall be considered as owned by the lessee, who shall
235 furnish all insurance on the vehicles and the driver of the
236 vehicles shall be considered as an agent of the lessee for all
237 purposes of this article.

238 **SECTION 2.** This act shall take effect and be in force from
239 and after July 1, 2017.

