

By: Representative Busby

To: Transportation

## HOUSE BILL NO. 1227

1 AN ACT TO CREATE NEW SECTION 63-7-214, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE THAT A LOCAL GOVERNING AUTHORITY MAY REGULATE THE  
3 OPERATION OF STANDUP ELECTRIC SCOOTERS; TO PROVIDE THE  
4 REQUIREMENTS OF SUCH REGULATIONS; TO AMEND SECTIONS 21-37-3,  
5 27-19-3, 27-51-5, 63-3-103, 63-3-208, 63-3-901, 63-7-9, 63-15-3,  
6 63-7-13, 63-7-51, 63-7-65, 63-3-211, 63-17-155 AND 63-19-3,  
7 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section  
10 63-7-214, Mississippi Code of 1972:

11 63-7-214. (1) For the purposes of this section the  
12 following terms shall have the following meanings:

13 (a) "Shared scooter" means any standup electric  
14 scooter offered for hire. All shared scooters must meet the  
15 following requirements to be offered for hire:

16 (i) Bear a single unique alphanumeric  
17 identification (ID) visible from a distance of five (5) feet,  
18 which shall not be obfuscated by branding or other markings, and  
19 which shall be used throughout the state, including by local  
20 governing authorities, to identify the shared scooter; and



(ii) Have a locking mechanism to enable the user to lock the shared scooter to a stationary physical object such as a bike rack.

(b) "Scooter-share operator" means a person offering shared scooters for hire. All scooter-share operators must carry the following insurance coverage dedicated exclusively for operation of shared scooters:

(i) Commercial general liability insurance coverage with a limit of no less than One Million Dollars (\$1,000,000.00) each occurrence and Five Million Dollars (\$5,000,000.00) aggregate;

(ii) Automobile insurance coverage with a limit of no less than One Million Dollars (\$1,000,000.00) each occurrence and One Million Dollars (\$1,000,000.00) aggregate;

(iii) Umbrella or excess liability coverage with a limit of no less than Five Million Dollars (\$5,000,000.00) each occurrence and Five Million Dollars (\$5,000,000.00) aggregate; and

(iv) Where the scooter-share operator employs persons, workers' compensation coverage in an amount not less than required by law.

(c) "Scooter-share program" means the offering of shared scooters for hire.

(2) A local governing authority may regulate the operation of standup electric scooters within its jurisdiction by:



45           (a) Restricting the maximum speed a person may operate  
46 a standup electric scooter in pedestrian zones, such as plazas and  
47 promenades; and

48           (b) Promulgating and assessing penalties for moving or  
49 parking violations involving standup electric scooters to the  
50 person responsible for such violation, which shall not exceed  
51 penalties assessed to riders of bicycles.

52           (3) A local governing authority may regulate the operation  
53 of shared scooters within its jurisdiction by:

54           (a) Requiring scooter-share operators to pay fees,  
55 provided that the total amount of such fees collected shall not  
56 exceed the reasonable cost to the local authority of administering  
57 scooter-share programs;

58           (b) Requiring scooter-share operators to indemnify the  
59 local authority for claims, demands, costs (including reasonable  
60 attorneys' fees), losses or damages brought against such local  
61 governing authority, and arising out of any negligent act, error,  
62 omission or willful misconduct by the scooter-share operator or  
63 its officers and/or employees, except to the extent such claims,  
64 demands, costs, losses or damages arise out of such local  
65 governing authority's negligence;

66           (c) In the interests of safety and right-of-way  
67 management, designating locations where scooter-share operators  
68 may not stage shared scooters, provided that at least one (1)



location shall be permitted on each side of each city block in commercial zones and business districts; and

(d) Promulgating and assessing penalties for moving or parking violations involving shared scooters to the person responsible for such violation, which shall not exceed penalties assessed to riders of bicycles.

(4) A local authority may require scooter-share operators, as a condition for operating a scooter-share program, to provide to the local governing authority anonymized fleet and ride activity data for all trips starting or ending within the jurisdiction of the local governing authority on any vehicle of the scooter-share operator or of any person or company controlled by, controlling, or under common control with the scooter-share operator, provided that, to ensure individual privacy:

(a) Such data is provided via an application programming interface, subject to the scooter-share operator's license agreement for such interface, in compliance with a national data format specification such as the Mobility Data Specification;

(b) Any such data provided shall be treated as trade secret and proprietary business information, shall not be shared to third parties without the scooter-share operator's consent, and shall not be treated as owned by the local authority; and

(c) Such data shall be considered personally identifiable information, and shall under no circumstances be



disclosed pursuant to public records requests received by the local governing authority without prior aggregation or obfuscation to protect individual privacy.

(5) In regulating shared scooters or scooter-share programs, a local governing authority may not impose any unduly restrictive requirement on a scooter-share operator, including requiring operation below cost, nor subject riders of shared scooters to requirements more restrictive than those applicable to riders of privately owned standup electric scooters or bicycles.

**SECTION 2.** Section 21-37-3, Mississippi Code of 1972, is amended as follows:

21-37-3. (1) Except as otherwise provided in subsection (2) of this section, the governing authorities of municipalities shall have the power to exercise full jurisdiction in the matter of streets, sidewalks, sewers, and parks; to open and lay out and construct the same; and to repair, maintain, pave, sprinkle, adorn, and light the same.

(2) Section \* \* \* 63-3-208, shall govern the use of electric personal assistive mobility devices and standup electric scooters (as defined in Section 63-3-103) on streets and sidewalks.

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

27-19-3. (a) The following words and phrases when used in this article for the purpose of this article have the meanings respectively ascribed to them in this section, except in those



instances where the context clearly describes and indicates a different meaning:

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

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

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

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

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

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



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

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

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

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

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

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

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

(14) "Owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale, lease or transfer of the possession, the person with the right of purchase upon performance of conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee, lessee, possessor



169 or in the event such or similar transaction is had by means of a  
170 mortgage, and the mortgagor of a vehicle is entitled to  
171 possession, then such conditional vendee, lessee, possessor or  
172 mortgagor shall be deemed the owner for the purposes of this  
173 article.

174           (15) "School bus" means every motor vehicle engaged  
175 solely in transporting school children or school children and  
176 teachers to and from schools; however, such vehicles may transport  
177 passengers on weekends and legal holidays and during summer months  
178 between the terms of school for compensation when the  
179 transportation of passengers is over a route of which not more  
180 than fifty percent (50%) traverses the route of a common carrier  
181 of passengers by motor vehicle and when no passengers are picked  
182 up on the route of any such carrier.

183           (16) "Dealer" means every person engaged regularly in  
184 the business of buying, selling or exchanging motor vehicles,  
185 trailers, semitrailers, trucks, tractors or other character of  
186 commercial or industrial motor vehicles in this state, and having  
187 an established place of business in this state.

188           (17) "Highway" means and includes every way or place of  
189 whatever nature, including public roads, streets and alleys of  
190 this state generally open to the use of the public or to be opened  
191 or reopened to the use of the public for the purpose of vehicular  
192 travel, and notwithstanding that the same may be temporarily





193 closed for the purpose of construction, reconstruction,  
194 maintenance or repair.

195 (18) "State Tax Commission," "commission" or  
196 "department" means the Commissioner of Revenue of the Department  
197 of Revenue of this state, acting directly or through his duly  
198 authorized officers, agents, representatives and employees.

199 (19) "Common carrier by motor vehicle" means any person  
200 who or which undertakes, whether directly or by a lease or any  
201 other arrangement, to transport passengers or property or any  
202 class or classes of property for the general public in interstate  
203 or intrastate commerce on the public highways of this state by  
204 motor vehicles for compensation, whether over regular or irregular  
205 routes. The term "common carrier by motor vehicle" shall not  
206 include passenger buses operating within the corporate limits of a  
207 municipality in this state or not exceeding five (5) miles beyond  
208 the corporate limits of the municipality, and hearses, ambulances,  
209 and school buses as such. In addition, this definition shall not  
210 include taxicabs.

211 (20) "Contract carrier by motor vehicle" means any  
212 person who or which under the special and individual contract or  
213 agreements, and whether directly or by a lease or any other  
214 arrangement, transports passengers or property in interstate or  
215 intrastate commerce on the public highways of this state by motor  
216 vehicle for compensation. The term "contract carrier by motor  
217 vehicle" shall not include passenger buses operating wholly within



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

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

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

(22) "Private carrier of passengers" means all other passenger motor vehicle carriers not included in the above definitions. The term "private carrier of passengers" shall not include passenger buses operating wholly within the corporate limits of a municipality in this state, or not exceeding five (5) miles beyond the corporate limits of the municipality, and



hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

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

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

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

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

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

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

(26) "Taxicab" means any passenger motor vehicle for hire with a seating capacity not greater than ten (10) passengers. For purposes of this paragraph (26), seating capacity shall be determined according to the manufacturer's suggested seating



capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the Department of Revenue.

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

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

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

(30) "Ambulance and hearse" shall have the meaning generally ascribed to them. A hearse or funeral coach shall be



classified as a light carrier of property, as defined in Section 27-51-101.

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

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

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

(34) "Corporate fleet" means a group of two hundred (200) or more marked private carriers of passengers or light



carriers of property, as defined in Section 27-51-101, trailers, semitrailers, or motor vehicles in excess of ten thousand (10,000) pounds gross vehicle weight, except for those vehicles registered for interstate travel, owned or leased on a long-term basis by a corporation or other legal entity. In order to be considered marked, the motor vehicle must have a name, trademark or logo located either on the sides or the rear of the vehicle in sharp contrast to the background, and of a size, shape and color that is legible during daylight hours from a distance of fifty (50) feet.

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

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

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

(2) Leased vehicles shall be considered as domiciled at the place in the State of Mississippi from which they operate in interstate or intrastate commerce, and for the purposes of this article shall be considered as owned by the lessee, who shall



furnish all insurance on the vehicles and the driver of the vehicles shall be considered as an agent of the lessee for all purposes of this article.

**SECTION 4.** Section 27-51-5, Mississippi Code of 1972, is amended as follows:

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

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

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



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

**SECTION 5.** Section 63-3-103, Mississippi Code of 1972, is amended as follows:

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

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

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

(d) "Authorized emergency vehicle" means every vehicle of the fire department (fire patrol), every police vehicle, every 911 Emergency Communications District vehicle, every such ambulance and special use EMS vehicle as defined in Section 41-59-3, every Mississippi Emergency Management Agency vehicle as is designated or authorized by the Executive Director of MEMA and every





emergency vehicle of municipal departments or public service corporations as is designated or authorized by the commission or the chief of police of an incorporated city.

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

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

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

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

(i) "Autocycle" means a three-wheel motorcycle with a steering wheel, nonstraddle seating, rollover protection and seat belts.



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

(k) "Platoon" means a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination.

(l) "Standup electric scooter" means a device weighing less than one hundred (100) pounds, with two (2) or three (3) wheels, handlebars and a floorboard that can be stood upon while riding, which is solely powered by an electric motor and/or human power, and whose maximum speed, with or without human propulsion on a paved level surface is no more than twenty (20) miles per hour.

**SECTION 6.** Section 63-3-208, Mississippi Code of 1972, is amended as follows:

63-3-208. (1) An electric personal assistive mobility device or standup electric scooter as those terms are defined in Section 63-3-103, may be operated:

(a) On a marked bicycle path or lane;

(b) On any street or road where bicycles are permitted;

or



(c) On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian.

(2) A person operating an electric personal assistive mobility device or standup electric scooter has all the rights and duties of a person riding a bicycle under this chapter, except those provisions of this chapter which by their nature can have no application. No person under the age sufficient to operate an automobile shall operate a standup electric scooter, and no person shall operate a standup electric scooter at a speed greater than fifteen (15) miles per hour.

**SECTION 7.** Section 63-3-901, Mississippi Code of 1972, is amended as follows:

63-3-901. (1) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

a. On a sidewalk, except that a bicycle or standup electric scooter may park on a sidewalk in a manner not impeding the normal or reasonable movement of pedestrian or other traffic;

b. In front of a public or private driveway;

c. Within an intersection;

d. Within ten (10) feet of a fire hydrant;

e. On a crosswalk;



465           f. Within twenty (20) feet of a crosswalk at an  
466 intersection;

467           g. Within thirty (30) feet upon the approach to any  
468 flashing beacon, stop sign, or traffic-control signal located at  
469 the side of a roadway;

470           h. Between a safety zone and the adjacent curb or  
471 within thirty (30) feet of points on the curb immediately opposite  
472 the ends of a safety zone, unless the traffic authority indicates  
473 a different length by signs or markings;

474           i. Within fifteen (15) feet of the nearest rail of a  
475 railroad crossing;

476           j. Within twenty (20) feet of the driveway entrance to  
477 any fire station and on the side of a street opposite the entrance  
478 of any fire station within seventy-five (75) feet of said entrance  
479 when properly signposted;

480           k. Alongside or opposite any street excavation or  
481 obstruction when such stopping, standing, or parking would  
482 obstruct traffic;

483           l. On the roadway side of any vehicle stopped or parked  
484 at the edge or curb of a street;

485           m. Upon any bridge or other elevated structure upon a  
486 highway or within a highway tunnel;

487           n. At any place where official signs prohibit stopping.



488           (2) No person shall move a vehicle not owned by such person  
489 into any such prohibited area or away from a curb such distance as  
490 is unlawful.

491           **SECTION 8.** Section 63-7-9, Mississippi Code of 1972, is  
492 amended as follows:

493           63-7-9. Except as may otherwise be provided in this chapter,  
494 the provisions of this chapter with respect to equipment on  
495 vehicles shall not apply to implements of husbandry, road  
496 machinery, road rollers, standup electric scooters or farm  
497 tractors.

498           **SECTION 9.** Section 63-15-3, Mississippi Code of 1972, is  
499 amended as follows:

500           63-15-3. The following words and phrases, when used in this  
501 chapter, shall, for the purposes of this chapter, have the  
502 meanings respectively ascribed to them in this section, except in  
503 those instances where the context clearly indicates a different  
504 meaning:

505           (a) "Highway" means the entire width between property  
506 lines of any road, street, way, thoroughfare or bridge in the  
507 State of Mississippi not privately owned or controlled, when any  
508 part thereof is open to the public for vehicular traffic and over  
509 which the state has legislative jurisdiction under its police  
510 power.

511           (b) "Judgment" means any judgment which shall have  
512 become final by expiration, without appeal, of the time within



513 which an appeal might have been perfected, or by final affirmation  
514 on appeal, rendered by a court of competent jurisdiction of any  
515 state or of the United States, upon a cause of action arising out  
516 of the ownership, maintenance or use of any motor vehicle, for  
517 damages, including damages for care and loss of services, because  
518 of bodily injury to or death of any person, or for damages because  
519 of injury to or destruction of property, including the loss of use  
520 thereof, or upon a cause of action on an agreement of settlement  
521 for such damages.

522 (c) "Motor vehicle" means every self-propelled vehicle  
523 (other than traction engines, road rollers and graders, tractor  
524 cranes, power shovels, well drillers, implements of husbandry,  
525 standup electric scooters and electric personal assistive mobility  
526 devices as defined in Section 63-3-103) which is designed for use  
527 upon a highway, including trailers and semitrailers designed for  
528 use with such vehicles, and every vehicle which is propelled by  
529 electric power obtained from overhead wires but not operated upon  
530 rails.

531 For purposes of this definition, "implements of husbandry"  
532 shall not include trucks, pickup trucks, trailers and semitrailers  
533 designed for use with such trucks and pickup trucks.

534 (d) "License" means any driver's, operator's,  
535 commercial operator's, or chauffeur's license, temporary  
536 instruction permit or temporary license, or restricted license,



537 issued under the laws of the State of Mississippi pertaining to  
538 the licensing of persons to operate motor vehicles.

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

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

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

547 (h) "Owner" means a person who holds the legal title of  
548 a motor vehicle; in the event a motor vehicle is the subject of an  
549 agreement for the conditional sale or lease thereof with the right  
550 of purchase upon performance of the conditions stated in the  
551 agreement and with an immediate right of possession vested in the  
552 conditional vendee or lessee or in the event a mortgagor of a  
553 vehicle is entitled to possession, then such conditional vendee or  
554 lessee or mortgagor shall be deemed the owner for the purpose of  
555 this chapter.

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

558 (j) "Proof of financial responsibility" means proof of  
559 ability to respond in damages for liability, on account of  
560 accidents occurring subsequent to the effective date of said  
561 proof, arising out of the ownership, maintenance or use of a motor



vehicle, in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one (1) accident. Liability insurance required under this paragraph (j) may contain exclusions and limitations on coverage as long as the exclusions and limitations language or form has been filed with and approved by the Commissioner of Insurance.

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

(l) "Department" means the Department of Public Safety of the State of Mississippi, acting directly or through its authorized officers and agents, except in such sections of this chapter in which some other state department is specifically named.

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

**SECTION 10.** Section 63-7-13, Mississippi Code of 1972, is amended as follows:





587           63-7-13.   (1)   **Headlamps on motor vehicles.**   Every motor  
588 vehicle other than a motorcycle or motor-driven cycle shall be  
589 equipped with at least two (2) headlamps with at least one (1) on  
590 each side of the front of the motor vehicle, which headlamps shall  
591 comply with the requirements and limitations set forth in Section  
592 63-7-31.

593           (2)   **Headlamps on motorcycles.**   Every motorcycle shall be  
594 equipped with at least one (1) and not more than two (2) headlamps  
595 which shall comply with the requirements and limitations set forth  
596 in Section 63-7-31.

597           (3)   **Rear lamps.**   Every motor vehicle, trailer, semitrailer,  
598 pole trailer and any other vehicle which is being drawn in a train  
599 of vehicles shall be equipped with at least one (1) rear lamp  
600 mounted on the rear, which, when lighted, shall emit a red light  
601 plainly visible from a distance of five hundred (500) feet to the  
602 rear.   However, any antique automobile, as defined under Section  
603 27-19-47, and any street rod, as defined under Section 27-19-56.6,  
604 may be equipped with one or more rear lamps that have been  
605 modified to emit a blue, violet or purple light resembling rear  
606 lamps appearing on some American automobiles originally  
607 manufactured in the 1940s and 1950s.

608           Either a rear lamp or a separate lamp shall be so constructed  
609 and placed as to illuminate with a white light the rear  
610 registration plate and render it clearly readable from a distance  
611 of fifty (50) feet to the rear.   Any rear lamp or tail lamps,



612 together with any separate lamp for illuminating the rear  
613 registration plate, shall be so wired as to be lighted whenever  
614 the headlamps, cowl lamps or fender lamps are lighted.

615       (4) **Lamps on bicycles and standup electric scooters.** Every  
616 bicycle and standup electric scooter shall be equipped with a  
617 lighted white lamp on the front thereof visible under normal  
618 atmospheric conditions from a distance of at least five hundred  
619 (500) feet in front of such bicycle and shall also be equipped  
620 with a reflex mirror reflector or lamp on the rear exhibiting a  
621 red light visible under like conditions from a distance of at  
622 least five hundred (500) feet to the rear of such bicycle.

623       (5) **Lights on other vehicles.** All vehicles not  
624 required in this chapter to be equipped with special lighted lamps  
625 shall carry one or more lights, lamps or lanterns displaying a  
626 white light, visible under normal atmospheric conditions from a  
627 distance of not less than five hundred (500) feet to the front of  
628 such vehicle and shall display a reflex reflector or red light  
629 visible under like conditions from a distance of not less than  
630 three hundred (300) feet to the rear of such vehicle.

631       **SECTION 11.** Section 63-7-51, Mississippi Code of 1972, is  
632 amended as follows:

633       63-7-51. (1) Every motor vehicle, other than a motorcycle,  
634 when operated upon a highway shall be equipped with brakes  
635 adequate to control the movement of and to stop and hold such  
636 vehicle, including two (2) separate means of applying the brakes,



each of which means shall be effective to apply the brakes to at least two wheels. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

(2) Every motorcycle, standup electric scooter and bicycle with motor attached, when operated upon a highway shall be equipped with at least one (1) brake, which may be operated by hand or foot.

(3) Every trailer carrying over one (1) ton, when operated upon a highway, shall be equipped with brakes adequate to control the movement thereof and to stop and to hold such vehicle, and so designed to be applied by the driver of the towing motor vehicle from its cab; said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied.

(4) Every new motor vehicle, except a motorcycle, hereafter sold in this state and operated upon the highways, and every new trailer, except a trailer of two (2) axles of less than two thousand (2,000) pounds gross towed by an automobile, hereafter sold in this state and operated upon the highways, shall be equipped with service brakes upon all wheels of every such vehicle.

**SECTION 12.** Section 63-7-65, Mississippi Code of 1972, is amended as follows:



662           63-7-65. (1) Every motor vehicle when operated upon a  
663 highway shall be equipped with a horn in good working order and  
664 capable of emitting sound audible under normal conditions from a  
665 distance of not less than two hundred (200) feet. The driver of a  
666 motor vehicle shall, when reasonably necessary to insure safe  
667 operation, give audible warning with his horn but shall not  
668 otherwise use such horn upon a highway. No horn or other warning  
669 device shall emit an unreasonably loud or harsh sound or a  
670 whistle.

671           (2) Any authorized emergency vehicle may be equipped with a  
672 siren, whistle, or bell, capable of emitting sound audible under  
673 normal conditions from a distance of not less than five hundred  
674 (500) feet and of a type approved by the department. No such  
675 siren shall be used except when such vehicle is operated in  
676 response to an emergency call or in the immediate pursuit of an  
677 actual or suspected violator of the law, in which said latter  
678 events the driver of such vehicle shall sound such siren when  
679 necessary to warn pedestrians and other drivers of the approach  
680 thereof.

681           (3) No vehicle shall be equipped with nor shall any person  
682 use upon a vehicle any siren, whistle, or bell, except as  
683 otherwise permitted in this section. No bicycle or standup  
684 electric scooter shall be equipped with nor shall any person use  
685 upon a bicycle or standup electric scooter any siren or whistle.



686           (4) Any vehicle may be equipped with a theft alarm signal  
687 device which is so arranged that it cannot be used by the driver  
688 as an ordinary warning signal.

689           **SECTION 13.** Section 63-3-211, Mississippi Code of 1972, is  
690 amended as follows:

691           63-3-211. ( \* \* \*1) The provisions of this chapter shall  
692 not be deemed to prevent local authorities with respect to streets  
693 and highways under their jurisdiction and within the reasonable  
694 exercise of the police power from:

695                   \* \* \*(a) Regulating the standing or parking of  
696 vehicles;

697                   \* \* \*(b) Regulating traffic by means of police  
698 officers or traffic control signals;

699                   \* \* \*(c) Regulating or prohibiting processions or  
700 assemblages on the highways;

701                   \* \* \*(d) Designating particular highways as one-way  
702 highways and requiring that all vehicles thereon be moved in one  
703 specific direction;

704                   \* \* \*(e) Regulating the speed of vehicles in public  
705 parks;

706                   \* \* \*(f) Designating any highway as a through highway  
707 and requiring that all vehicles stop before entering or crossing  
708 the same or designating any intersection as a stop intersection  
709 and requiring all vehicles to stop at one or more entrances to  
710 such intersections;



711           \* \* \*(g) Restricting the use of highways as authorized  
712 in Chapter 5 of this title \* \* \*; or

713           (h) Regulating standup electric scooters as authorized  
714 by Section 63-7-214.

715           ( \* \* \*2) No ordinance or regulation enacted under \* \* \*  
716 paragraph (d), (e), (f), or (g) of this section shall be effective  
717 until signs giving notice of such local traffic regulations are  
718 posted upon or at the entrances to the highway or part thereof  
719 affected as may be most appropriate.

720           **SECTION 14.** Section 63-17-155, Mississippi Code of 1972, is  
721 amended as follows:

722           63-17-155. As used in Sections 63-17-151 through 63-17-165,  
723 the following terms shall have the following meanings:

724           (a) "Collateral charges" means those additional charges  
725 to a consumer which are not directly attributable to the  
726 manufacturer's suggested retail price label for the motor vehicle.  
727 Collateral charges shall include, but not be limited to, dealer  
728 preparation charges, undercoating charges, transportation charges,  
729 towing charges, replacement car rental costs and title charges.

730           (b) "Comparable motor vehicle" means an identical or  
731 reasonably equivalent motor vehicle.

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



736 duration of an express warranty applicable to such motor vehicle,  
737 and any other person entitled by the terms of such warranty to  
738 enforce the obligations of the warranty.

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

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

749 (f) "Motor vehicle" means a vehicle propelled by power  
750 other than muscular power which is sold in this state, is operated  
751 over the public streets and highways of this state and is used as  
752 a means of transporting persons or property, but shall not include  
753 vehicles run only upon tracks, off-road vehicles, motorcycles,  
754 mopeds, electric personal assistive mobility devices or standup  
755 electric scooters as those terms are defined in Section 63-3-103  
756 or parts and components of a motor home which were added on and/or  
757 assembled by the manufacturer of the motor home. "Motor vehicle"  
758 shall include demonstrators or lease-purchase vehicles as long as  
759 a manufacturer's warranty was issued as a condition of sale.



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

**SECTION 15.** Section 63-19-3, Mississippi Code of 1972, is amended as follows:

63-19-3. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context or subject matter otherwise requires:

(a) "Motor vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of less than fifteen thousand (15,000) pounds, but shall not include electric personal assistive mobility devices or standup electric scooters as those terms are defined in Section 63-3-103.

(b) "Commercial vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of fifteen thousand (15,000) pounds or more; however, wherever "motor vehicle" appears in this chapter, except in Section 63-19-43, the same shall be construed to include commercial vehicles where such construction is necessary in order to give effect to this chapter.





785           (c) "Retail buyer" or "buyer" means a person who buys a  
786 motor vehicle or commercial vehicle from a retail seller, not for  
787 the purpose of resale, and who executes a retail installment  
788 contract in connection therewith.

789           (d) "Retail seller" or "seller" means a person who  
790 sells a motor vehicle or commercial vehicle to a retail buyer  
791 under or subject to a retail installment contract.

792           (e) The "holder" of a retail installment contract means  
793 the retail seller of the motor vehicle or commercial vehicle under  
794 or subject to the contract or if the contract is purchased by a  
795 sales finance company or other assignee, the sales finance company  
796 or other assignee.

797           (f) "Retail installment transaction" means any  
798 transaction evidenced by a retail installment contract entered  
799 into between a retail buyer and a retail seller wherein the retail  
800 buyer buys a motor vehicle or commercial vehicle from the retail  
801 seller at a time price payable in one or more deferred  
802 installments. The cash sale price of the motor vehicle or  
803 commercial vehicle, the amount included for insurance and other  
804 benefits if a separate charge is made therefor, official fees and  
805 the finance charge shall together constitute the time price.

806           (g) "Retail installment contract" or "contract" means  
807 an agreement entered into in this state pursuant to which the  
808 title to or a lien upon the motor vehicle or commercial vehicle  
809 which is the subject matter of a retail installment transaction is



810 retained or taken by a retail seller from a retail buyer as  
811 security for the buyer's obligation. The term includes a chattel  
812 mortgage, a conditional sales contract and a contract for the  
813 bailment or leasing of a motor vehicle or commercial vehicle by  
814 which the bailee or lessee contracts to pay as compensation for  
815 its use a sum substantially equivalent to or in excess of its  
816 value and by which it is agreed that the bailee or lessee is bound  
817 to become, or has the option of becoming, the owner of the motor  
818 vehicle upon full compliance with the provisions of the contract.

819 (h) "Cash sale price" means the price stated in a  
820 retail installment contract for which the seller would have sold  
821 to the buyer, and the buyer would have bought from the seller, the  
822 motor vehicle or commercial vehicle which is the subject matter of  
823 the retail installment contract, if such sale had been a sale for  
824 cash instead of a retail installment transaction. The cash sale  
825 price may include any taxes, registration, certificate of title,  
826 if any, license and other fees and charges for accessories and  
827 their installation and for delivery, servicing, repairing or  
828 improving the motor vehicle or commercial vehicle.

829 (i) "Official fees" means the fees prescribed by law  
830 for filing, recording or otherwise perfecting and releasing or  
831 satisfying a retained title or a lien created by a retail  
832 installment contract, if recorded.

833 (j) "Finance charge" means the amount agreed upon  
834 between the buyer and the seller, as limited in this chapter, to



835 be added to the aggregate of the cash sale price, the amount, if  
836 any, included for insurance and other benefits and official fees,  
837 in determining the time price.

838 (k) "Sales finance company" means a person engaged, in  
839 whole or in part, in the business of purchasing retail installment  
840 contracts from one or more retail sellers. The term includes, but  
841 is not limited to, a bank, trust company, private banker,  
842 industrial bank or investment company, if so engaged. The term  
843 also includes a retail seller engaged, in whole or in part, in the  
844 business of creating and holding retail installment contracts  
845 which exceed a total aggregate outstanding indebtedness of Five  
846 Hundred Thousand Dollars (\$500,000.00). The term does not include  
847 the pledgee to whom is pledged one or more of such contracts to  
848 secure a bona fide loan thereon.

849 (l) "Person" means an individual, partnership,  
850 corporation, association and any other group however organized.

851 (m) "Administrator" means the Commissioner of Banking  
852 and Consumer Finance or his duly authorized representative.

853 (n) "Commissioner" means the Commissioner of Banking  
854 and Consumer Finance.

855 (o) "Records" or "documents" means any item in hard  
856 copy or produced in a format of storage commonly described as  
857 electronic, imaged, magnetic, microphotographic or otherwise, and  
858 any reproduction so made shall have the same force and effect as



859 the original thereof and be admitted in evidence equally with the  
860 original.

861 Words in the singular include the plural and vice versa.

862 **SECTION 16.** This act shall take effect and be in force from  
863 and after July 1, 2019.

