

By: Representatives Barton, Brown (20th),
Anthony

To: Municipalities

HOUSE BILL NO. 282

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF
2 MUNICIPALITIES TO ALLOW THE OPERATION OF GOLF CARTS AND LOW-SPEED
3 VEHICLES ON CERTAIN PUBLIC ROADS AND STREETS WITHIN THE
4 MUNICIPALITY; TO REQUIRE INDIVIDUALS OPERATING A GOLF CART OR
5 LOW-SPEED VEHICLE TO HAVE A VALID DRIVER'S LICENSE OR TEMPORARY
6 DRIVER'S PERMIT AND PROOF OF FINANCIAL RESPONSIBILITY; TO REQUIRE
7 CERTAIN REGISTRATION OF GOLF CARTS AND LOW-SPEED VEHICLES; TO
8 AMEND SECTIONS 27-19-3, 27-51-5 AND 63-17-155, MISSISSIPPI CODE OF
9 1972, IN CONFORMITY TO THE PRECEDING SECTIONS; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** As used in this act:

13 (a) "Golf cart" means a motor vehicle that is
14 designated and manufactured for operation on a golf course for
15 sporting or recreational purposes and that is not capable of
16 exceeding speeds of twenty-five (25) miles per hour and is
17 equipped with the safety equipment as required under 49 CFR
18 Section 571.500.

19 (b) "Low-speed vehicle" means any four-wheeled electric
20 or gasoline-powered vehicle that has a top speed greater than
21 twenty (20) miles per hour but less than twenty-five (25) miles



22 per hour and is equipped with safety equipment as required under
23 49 CFR Section 571.500.

24 **SECTION 2.** (1) The governing authorities of a municipality
25 may, by ordinance, in their discretion, authorize the operation of
26 golf carts and low-speed vehicles only on public roads and streets
27 as designated by ordinance, within the corporate limits of the
28 municipality.

29 (2) Golf carts and low-speed vehicles may not be authorized
30 on urban interstate highways, urban freeways and expressways,
31 urban principal arterial streets, urban minor arterial streets,
32 Mississippi or U.S. Highways as defined by the comprehensive plan
33 of the municipality.

34 (3) Any person operating a golf cart or low-speed vehicle on
35 the public roads and streets under this act must have in his or
36 her possession a valid driver's license or temporary driver's
37 permit and proof of financial responsibility as required under
38 Section 63-15-1 et seq., Mississippi Code of 1972.

39 **SECTION 3.** (1) Every golf cart and low-speed vehicle to be
40 operated, as authorized under this act, on a public road or street
41 shall be required to register the vehicle with the municipality.
42 Upon payment of a reasonable fee that may be charged by the
43 municipality to cover the costs of administration, presentation of
44 proof of financial responsibility and presentation of a valid
45 driver's license or temporary driving permit, the owner of the
46 golf cart or low-speed vehicle shall be issued a registration



47 decal by the county or municipal tax collector that must be
48 displayed on the left rear fender of the vehicle. The
49 registration shall remain valid for as long as the registering
50 owner owns the golf cart or low-speed vehicle. The municipality
51 shall provide the registrant with a map of the areas where golf
52 carts and low-speed vehicles may be operated at the time of
53 registration. The operator shall be required to have proof of
54 financial responsibility and a valid driver's license in his or
55 her possession at all times while operating the golf cart or
56 low-speed vehicle on public roads and streets of the state.

57 (2) The registration fee imposed under subsection (1) of
58 this section shall be retained by the municipal clerk and
59 deposited into the municipal general fund.

60 **SECTION 4.** Sections 1 through 3 of this act shall not repeal
61 or affect any local and private act or any provision thereof that
62 authorizes the use of golf carts or low-speed vehicles within
63 municipalities if the local and private act became effective
64 before July 1, 2020.

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

67 27-19-3. (a) The following words and phrases when used in
68 this article for the purpose of this article have the meanings
69 respectively ascribed to them in this section, except in those
70 instances where the context clearly describes and indicates a
71 different meaning:



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

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

79 (3) "Motor vehicle" means every vehicle as defined in
80 this section which is self-propelled, including trackless street
81 or trolley cars. The term "motor vehicle" shall not include
82 electric personal assistive mobility devices as defined in Section
83 63-3-103 or golf carts or low-speed vehicles as defined in Section
84 1 of this act.

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

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

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



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

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

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

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

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

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

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

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



121 or in the event such or similar transaction is had by means of a
122 mortgage, and the mortgagor of a vehicle is entitled to
123 possession, then such conditional vendee, lessee, possessor or
124 mortgagor shall be deemed the owner for the purposes of this
125 article.

126 (15) "School bus" means every motor vehicle engaged
127 solely in transporting school children or school children and
128 teachers to and from schools; however, such vehicles may transport
129 passengers on weekends and legal holidays and during summer months
130 between the terms of school for compensation when the
131 transportation of passengers is over a route of which not more
132 than fifty percent (50%) traverses the route of a common carrier
133 of passengers by motor vehicle and when no passengers are picked
134 up on the route of any such carrier.

135 (16) "Dealer" means every person engaged regularly in
136 the business of buying, selling or exchanging motor vehicles,
137 trailers, semitrailers, trucks, tractors or other character of
138 commercial or industrial motor vehicles in this state, and having
139 an established place of business in this state.

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



145 closed for the purpose of construction, reconstruction,
146 maintenance or repair.

147 (18) "State Tax Commission," "commission" or
148 "department" means the Commissioner of Revenue of the Department
149 of Revenue of this state, acting directly or through his duly
150 authorized officers, agents, representatives and employees.

151 (19) "Common carrier by motor vehicle" means any person
152 who or which undertakes, whether directly or by a lease or any
153 other arrangement, to transport passengers or property or any
154 class or classes of property for the general public in interstate
155 or intrastate commerce on the public highways of this state by
156 motor vehicles for compensation, whether over regular or irregular
157 routes. The term "common carrier by motor vehicle" shall not
158 include passenger buses operating within the corporate limits of a
159 municipality in this state or not exceeding five (5) miles beyond
160 the corporate limits of the municipality, and hearses, ambulances,
161 and school buses as such. In addition, this definition shall not
162 include taxicabs.

163 (20) "Contract carrier by motor vehicle" means any
164 person who or which under the special and individual contract or
165 agreements, and whether directly or by a lease or any other
166 arrangement, transports passengers or property in interstate or
167 intrastate commerce on the public highways of this state by motor
168 vehicle for compensation. The term "contract carrier by motor
169 vehicle" shall not include passenger buses operating wholly within



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



244 classified as a light carrier of property, as defined in Section
245 27-51-101.

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

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

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

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



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

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

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

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

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



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

297 **SECTION 6.** Section 27-51-5, Mississippi Code of 1972, is
298 amended as follows:

299 27-51-5. The subject words and terms of this section, for
300 the purpose of this chapter, shall have meanings as follows:

301 (a) "Motor vehicle" means any device and attachments
302 supported by one or more wheels which is propelled or drawn by any
303 power other than muscular power over the highways, streets or
304 alleys of this state. The term "motor vehicle" shall not include
305 electric personal assistive mobility devices as defined in Section
306 63-3-103 or golf carts or low-speed vehicles as defined in Section
307 1 of this act. However, mobile homes which are detached from any
308 self-propelled vehicles and parked on land in the state are hereby
309 expressly exempt from the motor vehicle ad valorem taxes, but
310 house trailers which are actually in transit and which are not
311 parked for more than an overnight stop are not exempted.

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



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

322 **SECTION 7.** Section 63-17-155, Mississippi Code of 1972, is
323 amended as follows:

324 63-17-155. As used in Sections 63-17-151 through 63-17-165,
325 the following terms shall have the following meanings:

326 (a) "Collateral charges" means those additional charges
327 to a consumer which are not directly attributable to the
328 manufacturer's suggested retail price label for the motor vehicle.
329 Collateral charges shall include, but not be limited to, dealer
330 preparation charges, undercoating charges, transportation charges,
331 towing charges, replacement car rental costs and title charges.

332 (b) "Comparable motor vehicle" means an identical or
333 reasonably equivalent motor vehicle.

334 (c) "Consumer" means the purchaser, other than for
335 purposes of resale, of a motor vehicle, primarily used for
336 personal, family, or household purposes, and any person to whom
337 such motor vehicle is transferred for the same purposes during the
338 duration of an express warranty applicable to such motor vehicle,
339 and any other person entitled by the terms of such warranty to
340 enforce the obligations of the warranty.

341 (d) "Express warranty" means any written affirmation of
342 fact or promise made in connection with the sale of a motor
343 vehicle by a supplier to a consumer which relates to the nature of



344 the material or workmanship and affirms or promises that such
345 material or workmanship is defect-free or will meet a specified
346 level of performance over a specified period of time. For the
347 purposes of Section 63-17-151 et seq., express warranties do not
348 include implied warranties.

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

351 (f) "Motor vehicle" means a vehicle propelled by power
352 other than muscular power which is sold in this state, is operated
353 over the public streets and highways of this state and is used as
354 a means of transporting persons or property, but shall not include
355 vehicles run only upon tracks, off-road vehicles, motorcycles,
356 mopeds, electric personal assistive mobility devices as defined in
357 Section 63-3-103, or golf carts or low-speed vehicles as defined
358 in Section 1 of this act or parts and components of a motor home
359 which were added on and/or assembled by the manufacturer of the
360 motor home. "Motor vehicle" shall include demonstrators or
361 lease-purchase vehicles as long as a manufacturer's warranty was
362 issued as a condition of sale.

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

367 **SECTION 8.** This act shall take effect and be in force from
368 and after July 1, 2020.

