

By: Representative Busby

To: Transportation

HOUSE BILL NO. 1410

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, 63-1-7, 63-3-103, 63-3-208, 63-3-901, 63-7-9,
6 63-15-3, 63-7-13, 63-7-51, 63-7-65, 63-3-211, 63-17-155 AND
7 63-19-3, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section
11 63-7-214, Mississippi Code of 1972:

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

14 (a) "Shared scooter" means any standup electric
15 scooter offered for hire. All shared scooters bear a single
16 unique alphanumeric identification (ID).

17 (b) "Scooter-share operator" means a person offering
18 shared scooters for hire to the public on the public right-of-way.
19 All scooter-share operators must carry the following insurance
20 coverage:



(i) Commercial general liability insurance coverage with a limit of 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 One Million Dollars (\$1,000,000.00) each occurrence and One Million Dollars (\$1,000,000.00) aggregate; and

(iii) 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:

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

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

(c) Requiring scooter-share operators to indemnify the local authority for claims, demands, costs (including reasonable attorney's fees), losses or damages brought against such local governing authority, and arising out of any negligent act, error, omission or willful misconduct by the scooter-share operator or



its officers and/or employees, except to the extent such claims, demands, costs, losses or damages arise out of such local governing authority's negligence.

(3) 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.



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

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

79 21-37-3. (1) Except as otherwise provided in subsection (2)
80 of this section, the governing authorities of municipalities shall
81 have the power to exercise full jurisdiction in the matter of
82 streets, sidewalks, sewers, and parks; to open and lay out and
83 construct the same; and to repair, maintain, pave, sprinkle,
84 adorn, and light the same.

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

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

90 27-19-3. (a) The following words and phrases when used in
91 this article for the purpose of this article have the meanings
92 respectively ascribed to them in this section, except in those
93 instances where the context clearly describes and indicates a
94 different meaning:



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

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

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

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

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

113 (6) "Truck tractor" means every motor vehicle designed
114 and used for drawing other vehicles and so constructed as to carry
115 a load other than a part of the weight of the vehicle and load so
116 drawn and has a gross vehicle weight (GVW) in excess of ten
117 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



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

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

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

(17) "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, and notwithstanding that the same may be temporarily



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

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

(19) "Common carrier by motor vehicle" means any person
who or which undertakes, whether directly or by a lease or any
other arrangement, to transport passengers or property or any
class or classes of property for the general public in interstate
or intrastate commerce on the public highways of this state by
motor vehicles for compensation, whether over regular or irregular
routes. The term "common carrier by motor vehicle" shall not
include passenger buses operating 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.

(20) "Contract carrier by motor vehicle" means any
person who or which under the special and individual contract or
agreements, and whether directly or by a lease or any other
arrangement, transports passengers or property in interstate or
intrastate commerce on the public highways of this state by motor
vehicle for compensation. The term "contract carrier by motor
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 63-1-7, Mississippi Code of 1972, is amended as follows:

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

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

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



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

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

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

SECTION 6. 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 7. 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 8. 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



464 impeding the normal or reasonable movement of pedestrian or other
465 traffic;

466 (b * * *) In front of a public or private driveway;

467 (c * * *) Within an intersection;

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

469 (e * * *) On a crosswalk;

470 (f * * *) Within twenty (20) feet of a crosswalk at an
471 intersection;

472 (g * * *) Within thirty (30) feet upon the approach to
473 any flashing beacon, stop sign, or traffic-control signal located
474 at the side of a roadway;

475 (h * * *) Between a safety zone and the adjacent curb
476 or within thirty (30) feet of points on the curb immediately
477 opposite the ends of a safety zone, unless the traffic authority
478 indicates a different length by signs or markings;

479 (i * * *) Within fifteen (15) feet of the nearest rail
480 of a railroad crossing;

481 (j * * *) Within twenty (20) feet of the driveway
482 entrance to any fire station and on the side of a street opposite
483 the entrance of any fire station within seventy-five (75) feet of
484 said entrance when properly signposted;

485 (k * * *) Alongside or opposite any street excavation
486 or obstruction when such stopping, standing, or parking would
487 obstruct traffic;



(1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(m * * *) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(n * * *) At any place where official signs prohibit stopping.

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

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

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

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

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

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



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

517 (b) "Judgment" means any judgment which shall have
518 become final by expiration, without appeal, of the time within
519 which an appeal might have been perfected, or by final affirmation
520 on appeal, rendered by a court of competent jurisdiction of any
521 state or of the United States, upon a cause of action arising out
522 of the ownership, maintenance or use of any motor vehicle, for
523 damages, including damages for care and loss of services, because
524 of bodily injury to or death of any person, or for damages because
525 of injury to or destruction of property, including the loss of use
526 thereof, or upon a cause of action on an agreement of settlement
527 for such damages.

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



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

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

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

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

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

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



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

(j) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said 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 11. Section 63-7-13, Mississippi Code of 1972, is
amended as follows:

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

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

(3) **Rear lamps.** Every motor vehicle, trailer, semitrailer,
pole trailer and any other vehicle which is being drawn in a train
of vehicles shall be equipped with at least one (1) rear lamp
mounted on the rear, which, when lighted, shall emit a red light
plainly visible from a distance of five hundred (500) feet to the
rear. However, any antique automobile, as defined under Section
27-19-47, and any street rod, as defined under Section 27-19-56.6,
may be equipped with one or more rear lamps that have been



611 modified to emit a blue, violet or purple light resembling rear
612 lamps appearing on some American automobiles originally
613 manufactured in the 1940s and 1950s.

614 Either a rear lamp or a separate lamp shall be so constructed
615 and placed as to illuminate with a white light the rear
616 registration plate and render it clearly readable from a distance
617 of fifty (50) feet to the rear. Any rear lamp or tail lamps,
618 together with any separate lamp for illuminating the rear
619 registration plate, shall be so wired as to be lighted whenever
620 the headlamps, cowl lamps or fender lamps are lighted.

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

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



visible under like conditions from a distance of not less than three hundred (300) feet to the rear of such vehicle.

SECTION 12. Section 63-7-51, Mississippi Code of 1972, is amended as follows:

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



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

667 **SECTION 13.** Section 63-7-65, Mississippi Code of 1972, is
668 amended as follows:

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

678 (2) Any authorized emergency vehicle may be equipped with a
679 siren, whistle, or bell, capable of emitting sound audible under
680 normal conditions from a distance of not less than five hundred
681 (500) feet and of a type approved by the department. No such
682 siren shall be used except when such vehicle is operated in
683 response to an emergency call or in the immediate pursuit of an
684 actual or suspected violator of the law, in which said latter



685 events the driver of such vehicle shall sound such siren when
686 necessary to warn pedestrians and other drivers of the approach
687 thereof.

688 (3) No vehicle shall be equipped with nor shall any person
689 use upon a vehicle any siren, whistle, or bell, except as
690 otherwise permitted in this section. No bicycle or standup
691 electric scooter shall be equipped with nor shall any person use
692 upon a bicycle or standup electric scooter any siren or whistle.

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

696 **SECTION 14.** Section 63-3-211, Mississippi Code of 1972, is
697 amended as follows:

698 63-3-211. (* * *1) The provisions of this chapter shall
699 not be deemed to prevent local authorities with respect to streets
700 and highways under their jurisdiction and within the reasonable
701 exercise of the police power from:

702 * * *(a) Regulating the standing or parking of
703 vehicles;

704 * * *(b) Regulating traffic by means of police
705 officers or traffic control signals;

706 * * *(c) Regulating or prohibiting processions or
707 assemblages on the highways;



708 * * *(d) Designating particular highways as one-way
709 highways and requiring that all vehicles thereon be moved in one
710 specific direction;

711 * * *(e) Regulating the speed of vehicles in public
712 parks;

713 * * *(f) Designating any highway as a through highway
714 and requiring that all vehicles stop before entering or crossing
715 the same or designating any intersection as a stop intersection
716 and requiring all vehicles to stop at one or more entrances to
717 such intersections;

718 * * *(g) Restricting the use of highways as authorized
719 in Chapter 5 of this title * * *;or

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

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

727 **SECTION 15.** Section 63-17-155, Mississippi Code of 1972, is
728 amended as follows:

729 63-17-155. As used in Sections 63-17-151 through 63-17-165,
730 the following terms shall have the following meanings:

731 (a) "Collateral charges" means those additional charges
732 to a consumer which are not directly attributable to the



733 manufacturer's suggested retail price label for the motor vehicle.
734 Collateral charges shall include, but not be limited to, dealer
735 preparation charges, undercoating charges, transportation charges,
736 towing charges, replacement car rental costs and title charges.

737 (b) "Comparable motor vehicle" means an identical or
738 reasonably equivalent motor vehicle.

739 (c) "Consumer" means the purchaser, other than for
740 purposes of resale, of a motor vehicle, primarily used for
741 personal, family, or household purposes, and any person to whom
742 such motor vehicle is transferred for the same purposes during the
743 duration of an express warranty applicable to such motor vehicle,
744 and any other person entitled by the terms of such warranty to
745 enforce the obligations of the warranty.

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

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

756 (f) "Motor vehicle" means a vehicle propelled by power
757 other than muscular power which is sold in this state, is operated



over the public streets and highways of this state and is used as a means of transporting persons or property, but shall not include vehicles run only upon tracks, off-road vehicles, motorcycles, mopeds, electric personal assistive mobility devices or standup electric scooters as those terms are defined in Section 63-3-103 or parts and components of a motor home which were added on and/or assembled by the manufacturer of the motor home. "Motor vehicle" shall include demonstrators or lease-purchase vehicles as long as 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 16. 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.

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

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

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

(f) "Retail installment transaction" means any
transaction evidenced by a retail installment contract entered
into between a retail buyer and a retail seller wherein the retail



807 buyer buys a motor vehicle or commercial vehicle from the retail
808 seller at a time price payable in one or more deferred
809 installments. The cash sale price of the motor vehicle or
810 commercial vehicle, the amount included for insurance and other
811 benefits if a separate charge is made therefor, official fees and
812 the finance charge shall together constitute the time price.

813 (g) "Retail installment contract" or "contract" means
814 an agreement entered into in this state pursuant to which the
815 title to or a lien upon the motor vehicle or commercial vehicle
816 which is the subject matter of a retail installment transaction is
817 retained or taken by a retail seller from a retail buyer as
818 security for the buyer's obligation. The term includes a chattel
819 mortgage, a conditional sales contract and a contract for the
820 bailment or leasing of a motor vehicle or commercial vehicle by
821 which the bailee or lessee contracts to pay as compensation for
822 its use a sum substantially equivalent to or in excess of its
823 value and by which it is agreed that the bailee or lessee is bound
824 to become, or has the option of becoming, the owner of the motor
825 vehicle upon full compliance with the provisions of the contract.

826 (h) "Cash sale price" means the price stated in a
827 retail installment contract for which the seller would have sold
828 to the buyer, and the buyer would have bought from the seller, the
829 motor vehicle or commercial vehicle which is the subject matter of
830 the retail installment contract, if such sale had been a sale for
831 cash instead of a retail installment transaction. The cash sale



832 price may include any taxes, registration, certificate of title,
833 if any, license and other fees and charges for accessories and
834 their installation and for delivery, servicing, repairing or
835 improving the motor vehicle or commercial vehicle.

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

840 (j) "Finance charge" means the amount agreed upon
841 between the buyer and the seller, as limited in this chapter, to
842 be added to the aggregate of the cash sale price, the amount, if
843 any, included for insurance and other benefits and official fees,
844 in determining the time price.

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



856 (1) "Person" means an individual, partnership,
857 corporation, association and any other group however organized.

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

860 (n) "Commissioner" means the Commissioner of Banking
861 and Consumer Finance.

862 (o) "Records" or "documents" means any item in hard
863 copy or produced in a format of storage commonly described as
864 electronic, imaged, magnetic, microphotographic or otherwise, and
865 any reproduction so made shall have the same force and effect as
866 the original thereof and be admitted in evidence equally with the
867 original.

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

869 **SECTION 17.** This act shall take effect and be in force from
870 and after July 1, 2020.

