

By: Senator(s) Jackson (15th)

To: Municipalities; Finance

SENATE BILL NO. 2114

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 THERETO; AND FOR RELATED PURPOSES.

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

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

12 (a) "Golf cart" means a motor vehicle that is
 13 designated and manufactured for operation on a golf course for
 14 sporting or recreational purposes, is not capable of exceeding
 15 speeds of twenty (20) miles per hour, and is equipped with safety
 16 equipment as required under 49 CFR Section 571.500.

17 (b) "Low-speed vehicle" means any four-wheeled electric
 18 or gasoline-powered vehicle that has a top speed greater than
 19 twenty (20) miles per hour but less than twenty-five (25) miles
 20 per hour and is equipped with safety equipment as required under
 21 49 CFR Section 571.500.



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

27 (2) Golf carts and low-speed vehicles may be operated on
28 public roads and streets upon which bicycles are authorized by law
29 to be operated. Golf carts and low-speed vehicles may not be
30 operated on state highways or federal highways that are not
31 interstate highways except for the crossing of these streets, in
32 which case the shortest traveling distance to do so shall be
33 required. Drivers are required to operate golf carts and
34 low-speed vehicles only in the outside lane of multi-lane streets
35 and roads, where applicable.

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

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



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

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

61 **SECTION 4.** Section 27-19-3, Mississippi Code of 1972, is
62 amended as follows:

63 27-19-3. (a) The following words and phrases when used in
64 this article for the purpose of this article have the meanings
65 respectively ascribed to them in this section, except in those
66 instances where the context clearly describes and indicates a
67 different meaning:

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



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

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

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

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

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

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

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



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

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

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

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

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

111 (14) "Owner" means a person who holds the legal title
112 of a vehicle or in the event a vehicle is the subject of an
113 agreement for the conditional sale, lease or transfer of the
114 possession, the person with the right of purchase upon performance
115 of conditions stated in the agreement, and with an immediate right
116 of possession vested in the conditional vendee, lessee, possessor
117 or in the event such or similar transaction is had by means of a
118 mortgage, and the mortgagor of a vehicle is entitled to
119 possession, then such conditional vendee, lessee, possessor or
120 mortgagor shall be deemed the owner for the purposes of this
121 article.



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

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

136 (17) "Highway" means and includes every way or place of
137 whatever nature, including public roads, streets and alleys of
138 this state generally open to the use of the public or to be opened
139 or reopened to the use of the public for the purpose of vehicular
140 travel, and notwithstanding that the same may be temporarily
141 closed for the purpose of construction, reconstruction,
142 maintenance or repair.

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



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

159 (20) "Contract carrier by motor vehicle" means any
160 person who or which under the special and individual contract or
161 agreements, and whether directly or by a lease or any other
162 arrangement, transports passengers or property in interstate or
163 intrastate commerce on the public highways of this state by motor
164 vehicle for compensation. The term "contract carrier by motor
165 vehicle" shall not include passenger buses operating wholly within
166 the corporate limits of a municipality in this state or not
167 exceeding five (5) miles beyond the corporate limits of the
168 municipality, and hearses, ambulances, and school buses as such.
169 In addition, this definition shall not include taxicabs.

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



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

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

185 (22) "Private carrier of passengers" means all other
186 passenger motor vehicle carriers not included in the above
187 definitions. The term "private carrier of passengers" shall not
188 include passenger buses operating wholly within the corporate
189 limits of a municipality in this state, or not exceeding five (5)
190 miles beyond the corporate limits of the municipality, and
191 hearses, ambulances, and school buses as such. In addition, this
192 definition shall not include taxicabs.

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



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

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

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

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

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

212 (26) "Taxicab" means any passenger motor vehicle for
213 hire with a seating capacity not greater than ten (10) passengers.
214 For purposes of this paragraph (26), seating capacity shall be
215 determined according to the manufacturer's suggested seating
216 capacity for a vehicle. If there is no manufacturer's suggested
217 seating capacity for a vehicle, the seating capacity for the
218 vehicle shall be determined according to regulations established
219 by the Department of Revenue.

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



222 operating wholly within the corporate limits of a municipality of
223 this state or within five (5) miles of the corporate limits of the
224 municipality, or motor vehicles substituted for abandoned electric
225 railway systems in or between municipalities. For purposes of
226 this paragraph (27), seating capacity shall be determined
227 according to the manufacturer's suggested seating capacity for a
228 vehicle. If there is no manufacturer's suggested seating capacity
229 for a vehicle, the seating capacity for the vehicle shall be
230 determined according to regulations established by the Department
231 of Revenue.

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

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

238 (30) "Ambulance and hearse" shall have the meaning
239 generally ascribed to them. A hearse or funeral coach shall be
240 classified as a light carrier of property, as defined in Section
241 27-51-101.

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



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

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

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

263 (34) "Corporate fleet" means a group of two hundred
264 (200) or more marked private carriers of passengers or light
265 carriers of property, as defined in Section 27-51-101, trailers,
266 semitrailers, or motor vehicles in excess of ten thousand (10,000)
267 pounds gross vehicle weight, except for those vehicles registered
268 for interstate travel, owned or leased on a long-term basis by a
269 corporation or other legal entity. In order to be considered
270 marked, the motor vehicle must have a name, trademark or logo
271 located either on the sides or the rear of the vehicle in sharp



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

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

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

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

286 (2) Leased vehicles shall be considered as domiciled at
287 the place in the State of Mississippi from which they operate in
288 interstate or intrastate commerce, and for the purposes of this
289 article shall be considered as owned by the lessee, who shall
290 furnish all insurance on the vehicles and the driver of the
291 vehicles shall be considered as an agent of the lessee for all
292 purposes of this article.

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

295 27-51-5. The subject words and terms of this section, for
296 the purpose of this chapter, shall have meanings as follows:



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

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

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

318 **SECTION 6.** Section 63-17-155, Mississippi Code of 1972, is
319 amended as follows:

320 63-17-155. As used in Sections 63-17-151 through 63-17-165,
321 the following terms shall have the following meanings:



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

328 (b) "Comparable motor vehicle" means an identical or
329 reasonably equivalent motor vehicle.

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

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

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



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

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

363 **SECTION 7.** This act shall take effect and be in force from
364 and after its passage.

