

By: False

To: Transportation

HOUSE BILL NO. 1195

1 AN ACT TO CREATE NEW SECTION 63-3-1315, MISSISSIPPI CODE OF
2 1972, TO PROVIDE FOR THE REGULATION OF ELECTRIC BICYCLES; TO AMEND
3 SECTIONS 17-17-403, 21-37-3, 27-19-3, 27-51-5, 63-3-103, 63-15-3,
4 63-17-55, 63-17-155, 63-19-3, 63-21-5 AND 63-31-3, MISSISSIPPI
5 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section
8 63-3-1315, Mississippi Code of 1972:

9 63-3-1315. (1) Except as specifically provided otherwise,
10 an electric bicycle or an operator of an electric bicycle shall be
11 afforded all the rights and privileges, and be subject to all of
12 the duties, of a bicycle or the rider of a bicycle. An electric
13 bicycle is a vehicle to the same extent as a bicycle.

14 (2) An electric bicycle or a person operating an electric
15 bicycle is not subject to the provisions of this code relating to
16 financial responsibility, driver's licenses, registration,
17 certificates of title, off-road vehicles, dirt bikes, all-terrain
18 vehicles and license plates. An electric bicycle is not a motor
19 vehicle.



20 (3) On and after January 1, 2022, manufacturers and
21 distributors of electric bicycles shall apply a label that is
22 permanently affixed, in a prominent location, to each electric
23 bicycle. The label shall contain the classification number, top
24 assisted speed, and motor wattage of the electric bicycle, and
25 shall be printed in Arial font in at least 9-point type.

26 (4) A person shall not tamper with or modify an electric
27 bicycle so as to change the motor-powered speed capability or
28 engagement of an electric bicycle, unless the label indicating the
29 classification required in subsection (3) of this section is
30 replaced after modification.

31 (5) An electric bicycle shall comply with the equipment and
32 manufacturing requirements for bicycles adopted by the United
33 States Consumer Product Safety Commission (16 C.F.R. part 1512).

34 (6) An electric bicycle shall operate in a manner so that
35 the electric motor is disengaged or ceases to function when the
36 rider stops pedaling or when the brakes are applied.

37 (7) An electric bicycle may be ridden in places where
38 bicycles are permitted, including but not limited to, streets,
39 highways, roadways, bicycle lanes, and bicycle or multi-use paths.
40 Following notice and a public hearing, a municipality, local
41 authority or state agency having jurisdiction over a bicycle or
42 multi-use path may prohibit the operation of a class 1 electric
43 bicycle or class 2 electric bicycle on that path, if it finds that



44 such a restriction is needed for safety reasons or compliance with
45 other laws or legal obligations.

46 A municipality, local authority or state agency having
47 jurisdiction over a bicycle or multi-use path may prohibit the
48 operation of a class 3 electric bicycle on that path.

49 This subsection (7) shall not apply to a trail that is
50 specifically designated as nonmotorized and that has a natural
51 surface tread that is made by clearing and grading the native soil
52 with no added surfacing materials. A municipality, local
53 authority or state agency having jurisdiction over a trail
54 described in this subsection may regulate the use of an electric
55 bicycle on that trail.

56 (8) No person under the age of sixteen (16) may operate a
57 class 3 electric bicycle. A person under the age of sixteen (16)
58 may ride as a passenger on a class 3 electric bicycle that is
59 designed to accommodate passengers.

60 (9) All class 3 electric bicycles must be equipped with a
61 speedometer that displays the speed the bicycle is traveling in
62 miles per hour.

63 **SECTION 2.** Section 17-17-403, Mississippi Code of 1972, is
64 amended as follows:

65 17-17-403. The following words and phrases shall have the
66 meanings ascribed in this section unless the context clearly
67 indicates otherwise:



68 (a) "Commission" means the Commission on Environmental
69 Quality.

70 (b) "Collection contractor" means a person approved by
71 the department and used by a county, municipality or multicounty
72 agency to operate a household hazardous waste collection and
73 management program.

74 (c) "Department" means the Department of Environmental
75 Quality.

76 (d) "Household hazardous waste" means any waste that
77 would be considered hazardous under the Solid Wastes Disposal Law
78 of 1974, Section 17-17-1 et seq., Mississippi Code of 1972, or any
79 rules and regulations promulgated thereto, but for the fact that
80 it is produced in quantities smaller than those regulated under
81 that law or regulations and is generated by persons not otherwise
82 covered by that law or regulations.

83 (e) "Motor vehicle" means an automobile, motorcycle,
84 truck, trailer, semitrailer, truck tractor and semitrailer
85 combination, farm equipment or any other vehicle operated on the
86 roads of this state, used to transport persons or property, and
87 propelled by power other than muscular power, but does not include
88 traction engines, road rollers, earth movers, graders, loaders and
89 other similar construction equipment requiring oversized tires,
90 any vehicles which run only upon a track, bicycles, electric
91 bicycles or mopeds. For purposes of this article, "farm
92 equipment" means any vehicle which uses tires having the following



93 designations: I-1, I-2, I-3, R-1, R-2, R-3, F-1, F-2 and Farm
94 Highway Service.

95 (f) "Small business" means any commercial establishment
96 not regulated under the Resource Conservation and Recovery Act of
97 1976 (Public Law 94-580, 42 USCS 6901 et seq.), as amended or
98 regulations promulgated thereto.

99 (g) "Small quantity waste tire generator" means any
100 private individual generating twenty-five (25) or fewer waste
101 tires annually, or a tire retail outlet, automotive mechanic shop
102 or other commercial or governmental entity that generates ten (10)
103 or fewer waste tires per week.

104 (h) "Tire" means a continuous solid or pneumatic rubber
105 covering encircling the wheel of a motor vehicle.

106 (i) "Waste tire" means a whole tire that is no longer
107 suitable for its original intended purpose because of wear, damage
108 or defect.

109 (j) "Waste tire hauler" means any person engaged in the
110 collection and/or transportation of fifty (50) or more waste tires
111 for the purpose of storage, processing or disposal or any person
112 transporting waste tires for compensation.

113 (k) "Waste tire processing facility" means a site where
114 tires are reduced in volume by shredding, cutting, chipping or
115 otherwise altered to facilitate recycling, resource recovery or
116 disposal. The term includes mobile waste tire processing



117 equipment. Commercial enterprises processing waste tires shall
118 not be considered solid waste management facilities.

119 (1) "Waste tire collection site" means a site used for
120 the storage of one hundred (100) or more waste tires.

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

123 21-37-3. (1) Except as otherwise provided in subsection (2)
124 of this section, the governing authorities of municipalities shall
125 have the power to exercise full jurisdiction in the matter of
126 streets, sidewalks, sewers, and parks; to open and lay out and
127 construct the same; and to repair, maintain, pave, sprinkle,
128 adorn, and light the same.

129 (2) Section 63-3-208 * * * shall govern the use of electric
130 personal assistive mobility devices (as defined in Section
131 63-3-103) on streets and sidewalks. Section 63-3-1315 shall
132 govern the use of electric bicycles, as defined in Section
133 63-3-103, on streets, sidewalks and bicycle or multi-use paths.

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

136 27-19-3. (a) The following words and phrases when used in
137 this article for the purpose of this article have the meanings
138 respectively ascribed to them in this section, except in those
139 instances where the context clearly describes and indicates a
140 different meaning:



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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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

219 (19) "Common carrier by motor vehicle" means any person
220 who or which undertakes, whether directly or by a lease or any
221 other arrangement, to transport passengers or property or any
222 class or classes of property for the general public in interstate
223 or intrastate commerce on the public highways of this state by
224 motor vehicles for compensation, whether over regular or irregular
225 routes. The term "common carrier by motor vehicle" shall not
226 include passenger buses operating within the corporate limits of a
227 municipality in this state or not exceeding five (5) miles beyond
228 the corporate limits of the municipality, and hearses, ambulances,
229 and school buses as such. In addition, this definition shall not
230 include taxicabs.

231 (20) "Contract carrier by motor vehicle" means any
232 person who or which under the special and individual contract or
233 agreements, and whether directly or by a lease or any other
234 arrangement, transports passengers or property in interstate or
235 intrastate commerce on the public highways of this state by motor
236 vehicle for compensation. The term "contract carrier by motor
237 vehicle" shall not include passenger buses operating wholly within



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



312 classified as a light carrier of property, as defined in Section
313 27-51-101.

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

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

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

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



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

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

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

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

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



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

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

367 27-51-5. The subject words and terms of this section, for
368 the purpose of this chapter, shall have meanings as follows:

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

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



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

390 **SECTION 6.** Section 63-3-103, Mississippi Code of 1972, is
391 amended as follows:

392 63-3-103. (a) "Vehicle" means every device in, upon or by
393 which any person or property is or may be transported or drawn
394 upon a highway, except devices used exclusively upon stationary
395 rails or tracks.

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

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

407 (d) "Authorized emergency vehicle" means every vehicle of
408 the fire department (fire patrol), every police vehicle, every 911
409 Emergency Communications District vehicle, every such ambulance
410 and special use EMS vehicle as defined in Section 41-59-3, every
411 Mississippi Emergency Management Agency vehicle as is designated



412 or authorized by the Executive Director of MEMA and every
413 emergency vehicle of municipal departments or public service
414 corporations as is designated or authorized by the commission or
415 the chief of police of an incorporated city.

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

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

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

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



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

438 (j) "Motor scooter" means a two-wheeled vehicle that has a
439 seat for the operator, one (1) wheel that is ten (10) inches or
440 more in diameter, a step-through chassis, a motor with a rating of
441 two and seven-tenths (2.7) brake horsepower or less if the motor
442 is an internal combustion engine, an engine of 50cc or less and
443 otherwise meets all safety requirements of motorcycles. The term
444 "motor scooter" shall not include electric bicycles.

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

449 (l) "Electric bicycle" means a bicycle or tricycle equipped
450 with fully operable pedals, a saddle or seat for the rider, and an
451 electric motor of less than seven hundred fifty (750) watts that
452 meets the requirements of one of the following three (3) classes:

453 (i) "Class 1 electric bicycle" means an electric
454 bicycle equipped with a motor that provides assistance only when
455 the rider is pedaling, and that ceases to provide assistance when
456 the bicycle reaches the speed of twenty (20) miles per hour.

457 (ii) "Class 2 electric bicycle" means an electric
458 bicycle equipped with a motor that may be used exclusively to
459 propel the bicycle, and that is not capable of providing



460 assistance when the bicycle reaches the speed of twenty (20) miles
461 per hour.

462 (iii) "Class 3 electric bicycle" means an electric
463 bicycle equipped with a motor that provides assistance only when
464 the rider is pedaling, and that ceases to provide assistance when
465 the bicycle reaches the speed of twenty-eight (28) miles per hour.

466 **SECTION 7.** Section 63-15-3, Mississippi Code of 1972, is
467 amended as follows:

468 63-15-3. The following words and phrases, when used in this
469 chapter, shall, for the purposes of this chapter, have the
470 meanings respectively ascribed to them in this section, except in
471 those instances where the context clearly indicates a different
472 meaning:

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

479 (b) "Judgment" means any judgment which shall have
480 become final by expiration, without appeal, of the time within
481 which an appeal might have been perfected, or by final affirmation
482 on appeal, rendered by a court of competent jurisdiction of any
483 state or of the United States, upon a cause of action arising out
484 of the ownership, maintenance or use of any motor vehicle, for



485 damages, including damages for care and loss of services, because
486 of bodily injury to or death of any person, or for damages because
487 of injury to or destruction of property, including the loss of use
488 thereof, or upon a cause of action on an agreement of settlement
489 for such damages.

490 (c) "Motor vehicle" means every self-propelled vehicle
491 (other than traction engines, road rollers and graders, tractor
492 cranes, power shovels, well drillers, implements of husbandry,
493 electric bicycles and electric personal assistive mobility device
494 as defined in Section 63-3-103) which is designed for use upon a
495 highway, including trailers and semitrailers designed for use with
496 such vehicles, and every vehicle which is propelled by electric
497 power obtained from overhead wires but not operated upon rails.

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

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

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

508 (f) "Nonresident's operating privilege" means the
509 privilege conferred upon a nonresident by the laws of Mississippi



510 pertaining to the operation by him of a motor vehicle, or the use
511 of a motor vehicle owned by him, in the State of Mississippi.

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

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

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

525 (j) "Proof of financial responsibility" means proof of
526 ability to respond in damages for liability, on account of
527 accidents occurring subsequent to the effective date of said
528 proof, arising out of the ownership, maintenance or use of a motor
529 vehicle, in the amount of Twenty-five Thousand Dollars
530 (\$25,000.00) because of bodily injury to or death of one (1)
531 person in any one (1) accident, and subject to said limit for one
532 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)
533 because of bodily injury to or death of two (2) or more persons in
534 any one (1) accident, and in the amount of Twenty-five Thousand



535 Dollars (\$25,000.00) because of injury to or destruction of
536 property of others in any one (1) accident. Liability insurance
537 required under this paragraph (j) may contain exclusions and
538 limitations on coverage as long as the exclusions and limitations
539 language or form has been filed with and approved by the
540 Commissioner of Insurance.

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

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

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

552 **SECTION 8.** Section 63-17-55, Mississippi Code of 1972, is
553 amended as follows:

554 63-17-55. The following words, terms and phrases, when used
555 in the Mississippi Motor Vehicle Commission Law, shall have the
556 meanings respectively ascribed to them in this section, except
557 where the context clearly indicates a different meaning:

558 (a) "Motor vehicle" means any motor-driven vehicle of
559 the sort and kind required to have a Mississippi road or bridge



560 privilege license, and shall include, but not be limited to,
561 motorcycles. "Motor vehicle" shall also mean an engine,
562 transmission, or rear axle manufactured for installation in a
563 vehicle having as its primary purpose the transport of person or
564 persons or property on a public highway and having a gross vehicle
565 weight rating of more than sixteen thousand (16,000) pounds,
566 whether or not attached to a vehicle chassis. The term "motor
567 vehicle" excludes electric bicycles.

568 (b) "Motor vehicle dealer" means any person, firm,
569 partnership, copartnership, association, corporation, trust or
570 legal entity, not excluded by paragraph (c) of this section, who
571 holds a bona fide contract or franchise in effect with a
572 manufacturer, distributor or wholesaler of new motor vehicles, and
573 a license under the provisions of the Mississippi Motor Vehicle
574 Commission Law, and such duly franchised and licensed motor
575 vehicle dealers shall be the sole and only persons, firms,
576 partnerships, copartnerships, associations, corporations, trusts
577 or legal entities entitled to sell and publicly or otherwise
578 solicit and advertise for sale new motor vehicles as such.

579 (c) The term "motor vehicle dealer" does not include:

580 (i) Receivers, trustees, administrators,
581 executors, guardians or other persons appointed by or acting under
582 judgment, decree or order of any court;

583 (ii) Public officers while performing their duties
584 as such officers;



585 (iii) Employees of persons, corporations or
586 associations enumerated in paragraph (c)(i) of this section when
587 engaged in the specific performance of their duties as such
588 employees; or

589 (iv) A motor vehicle manufacturer operating a
590 project as defined in Section 57-75-5(f)(iv)1; and the provisions
591 of the Mississippi Motor Vehicle Commission Law shall not apply
592 to:

593 1. a. Any lease by such a motor vehicle
594 manufacturer of three (3) or fewer motor vehicles at any one time
595 and related vehicle maintenance, of any line of vehicle produced
596 by the manufacturer or its subsidiaries, to any one (1) employee
597 of the motor vehicle manufacturer on a direct basis; or

598 b. Any sale or other disposition of such
599 motor vehicles by the motor vehicle manufacturer at the end of a
600 lease through direct sales to employees of the manufacturer or
601 through an open auction or auction limited to dealers of the
602 manufacturer's vehicle line or its subsidiaries' vehicle lines; or

603 2. Any sale or other disposition by such a
604 motor vehicle manufacturer of motor vehicles for which the
605 manufacturer obtained distinguishing number tags under Section
606 27-19-309(8).

607 (d) "New motor vehicle" means a motor vehicle which has
608 not been previously sold to any person except a distributor or
609 wholesaler or motor vehicle dealer for resale.



610 (e) "Ultimate purchaser" means, with respect to any new
611 motor vehicle, the first person, other than a motor vehicle dealer
612 purchasing in his capacity as such dealer, who in good-faith
613 purchases such new motor vehicle for purposes other than for
614 resale.

615 (f) "Retail sale" or "sale at retail" means the act or
616 attempted act of selling, bartering, exchanging or otherwise
617 disposing of a new motor vehicle to an ultimate purchaser for use
618 as a consumer.

619 (g) "Motor vehicle salesman" means any person who is
620 employed as a salesman by a motor vehicle dealer whose duties
621 include the selling or offering for sale of new motor vehicles.

622 (h) "Commission" means the Mississippi Motor Vehicle
623 Commission.

624 (i) "Manufacturer" means any person, firm, association,
625 corporation or trust, resident or nonresident, who manufactures or
626 assembles new motor vehicles.

627 (j) "Distributor" or "wholesaler" means any person,
628 firm, association, corporation or trust, resident or nonresident,
629 who, in whole or in part, sells or distributes new motor vehicles
630 to motor vehicle dealers, or who maintains distributor
631 representatives.

632 (k) "Factory branch" means a branch or division office
633 maintained by a person, firm, association, corporation or trust
634 who manufactures or assembles new motor vehicles for sale to



635 distributors or wholesalers, to motor vehicle dealers, or for
636 directing or supervising, in whole or in part, its
637 representatives.

638 (l) "Distributor branch" means a branch or division
639 office similarly maintained by a distributor or wholesaler for the
640 same purposes a factory branch or division is maintained.

641 (m) "Factory representative" means a representative
642 employed by a person, firm, association, corporation or trust who
643 manufactures or assembles new motor vehicles, or by a factory
644 branch, for the purpose of making or promoting the sale of his,
645 its or their new motor vehicles, or for supervising or contacting
646 his, its or their dealers or prospective dealers.

647 (n) "Distributor representative" means a representative
648 similarly employed by a distributor, distributor branch or
649 wholesaler.

650 (o) "Person" means and includes, individually and
651 collectively, individuals, firms, partnerships, copartnerships,
652 associations, corporations and trusts, or any other forms of
653 business enterprise, or any legal entity.

654 (p) "Good faith" means the duty of each party to any
655 franchise agreement, and all officers, employees or agents
656 franchise, to act in a fair and equitable manner toward each other
657 in the performance of the respective obligations under the
658 franchise agreement.



659 (q) "Coerce" means to compel or attempt to compel by
660 threat or duress. However, recommendation, exposition,
661 persuasion, urging or argument shall not be deemed to constitute
662 coercion.

663 (r) "Special tools" are those which a dealer was
664 required to purchase by the manufacturer or distributor for
665 service on that manufacturer's product.

666 (s) "Motor vehicle lessor" means any person, not
667 excluded by paragraph (c) of this section, engaged in the motor
668 vehicle leasing or rental business.

669 (t) "Specialty vehicle" means a motor vehicle
670 manufactured by a second stage manufacturer by purchasing motor
671 vehicle components, e.g. frame and drive train, and completing the
672 manufacturer of finished motor vehicles for the purpose of resale
673 with the primary manufacturer warranty unimpaired, to a limited
674 commercial market rather than the consuming public. Specialty
675 vehicles include garbage trucks, ambulances, fire trucks, buses,
676 limousines, hearses and other similar limited purpose vehicles as
677 the commission may by regulation provide.

678 (u) "Auto auction" means (i) any person who provides a
679 place of business or facilities for the wholesale exchange of
680 motor vehicles by and between duly licensed motor vehicle dealers,
681 (ii) any motor vehicle dealer licensed to sell used motor vehicles
682 selling motor vehicles using an auction format but not on
683 consignment, or (iii) any person who provides the facilities for



684 or is in the business of selling in an auction format motor
685 vehicles.

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

689 (w) "Dealer-operator" means the individual designated
690 in the franchise agreement as the operator of the motor vehicle
691 dealership.

692 (x) "Franchise" or "franchise agreement" means a
693 written contract or agreement between a motor vehicle dealer and a
694 manufacturer or its distributor or factory branch by which the
695 motor vehicle dealer is authorized to engage in the business of
696 selling or leasing the specific makes, models or classifications
697 of new motor vehicles marketed or leased by the manufacturer and
698 designated in the agreement or any addendum to such agreement.

699 (y) "Net cost" means the price the motor vehicle dealer
700 pays for new motor vehicles, supplies, parts, equipment, signs,
701 furnishings and special tools, minus any applicable discounts or
702 subsidies obtained by the motor vehicle dealer.

703 (z) "Line or make" means a collection of models,
704 series, or groups of motor vehicles manufactured by or for a
705 particular manufacturer, distributor or importer offered for sale,
706 lease or distribution pursuant to a common trademark, service mark
707 or brand name; however:



708 (i) Multiple brand names or marks may constitute a
709 single line or make, but only when included in a common motor
710 vehicle dealer agreement and the manufacturer, distributor or
711 importer offers such vehicles bearing the multiple names of marks
712 together only, and not separately, to its authorized motor vehicle
713 dealers.

714 (ii) Motor vehicles bearing a common brand name or
715 mark may constitute separate line or makes when such vehicles are
716 of different vehicle types or are intended for different types of
717 use, provided that either:

718 1. The manufacturer has expressly defined or
719 covered the subject line or makes of vehicles as separate and
720 distinct line or makes in the applicable dealer agreements; or

721 2. The manufacturer has consistently
722 characterized the subject vehicles as constituting separate and
723 distinct line or makes to its dealer network.

724 (aa) "Site-control agreement" or "exclusive use
725 agreement" means an agreement that, regardless of its name, title,
726 form or the parties entering into it, has the effect of:

727 (i) Controlling the use and development of the
728 premises of a motor vehicle dealer's franchise or facilities;

729 (ii) Requiring a motor vehicle dealer to establish
730 or maintain an exclusive motor vehicle dealership facility on the
731 premises of the motor vehicle dealer's franchise or facility;



732 (iii) Restricting the power or authority of the
733 dealer or the lessor, if the motor vehicle dealer leases the
734 dealership premises, to transfer, sell, lease, develop, redevelop
735 or change the use of the dealership premises, whether by sublease,
736 lease, collateral pledge of lease, right of first refusal to
737 purchase or lease, option to purchase or lease or any similar
738 arrangement; or

739 (iv) Establishing a valuation process or formula
740 for the motor vehicle dealership premises that does not allow for
741 the motor vehicle dealership premises to be transferred, sold or
742 leased by the motor vehicle dealer at the highest and best use
743 valuation for the motor vehicle dealership premises.

744 (bb) "Market area" means the area of responsibility set
745 forth in the franchise agreement.

746 (cc) "Core parts" means those original vehicle
747 manufacturer parts that are listed in the original vehicle
748 manufacturer's or distributor's current parts catalog, for which
749 there is a core charge and which are returnable to the
750 manufacturer or distributor.

751 **SECTION 9.** Section 63-17-155, Mississippi Code of 1972, is
752 amended as follows:

753 63-17-155. As used in Sections 63-17-151 through 63-17-165,
754 the following terms shall have the following meanings:

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



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

761 (b) "Comparable motor vehicle" means an identical or
762 reasonably equivalent motor vehicle.

763 (c) "Consumer" means the purchaser, other than for
764 purposes of resale, of a motor vehicle, primarily used for
765 personal, family, or household purposes, and any person to whom
766 such motor vehicle is transferred for the same purposes during the
767 duration of an express warranty applicable to such motor vehicle,
768 and any other person entitled by the terms of such warranty to
769 enforce the obligations of the warranty.

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

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

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



782 over the public streets and highways of this state and is used as
783 a means of transporting persons or property, but shall not include
784 vehicles run only upon tracks, off-road vehicles, motorcycles,
785 mopeds, electric bicycles, electric personal assistive mobility
786 devices as defined in Section 63-3-103 or parts and components of
787 a motor home which were added on and/or assembled by the
788 manufacturer of the motor home. "Motor vehicle" shall include
789 demonstrators or lease-purchase vehicles as long as a
790 manufacturer's warranty was issued as a condition of sale.

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

795 **SECTION 10.** Section 63-19-3, Mississippi Code of 1972, is
796 amended as follows:

797 63-19-3. The following words and phrases, when used in this
798 chapter, shall have the meanings respectively ascribed to them in
799 this section, except where the context or subject matter otherwise
800 requires:

801 (a) "Motor vehicle" means any self-propelled or motored
802 device designed to be used or used primarily for the
803 transportation of passengers or property, or both, and having a
804 gross vehicular weight rating of less than fifteen thousand
805 (15,000) pounds, but shall not include electric personal assistive



806 mobility devices or electric bicycles as defined in Section
807 63-3-103.

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

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

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

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

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



831 buyer buys a motor vehicle or commercial vehicle from the retail
832 seller at a time price payable in one or more deferred
833 installments. The cash sale price of the motor vehicle or
834 commercial vehicle, the amount included for insurance and other
835 benefits if a separate charge is made therefor, official fees and
836 the finance charge shall together constitute the time price.

837 (g) "Retail installment contract" or "contract" means
838 an agreement entered into in this state pursuant to which the
839 title to or a lien upon the motor vehicle or commercial vehicle
840 which is the subject matter of a retail installment transaction is
841 retained or taken by a retail seller from a retail buyer as
842 security for the buyer's obligation. The term includes a chattel
843 mortgage, a conditional sales contract and a contract for the
844 bailment or leasing of a motor vehicle or commercial vehicle by
845 which the bailee or lessee contracts to pay as compensation for
846 its use a sum substantially equivalent to or in excess of its
847 value and by which it is agreed that the bailee or lessee is bound
848 to become, or has the option of becoming, the owner of the motor
849 vehicle upon full compliance with the provisions of the contract.

850 (h) "Cash sale price" means the price stated in a
851 retail installment contract for which the seller would have sold
852 to the buyer, and the buyer would have bought from the seller, the
853 motor vehicle or commercial vehicle which is the subject matter of
854 the retail installment contract, if such sale had been a sale for
855 cash instead of a retail installment transaction. The cash sale



856 price may include any taxes, registration, certificate of title,
857 if any, license and other fees and charges for accessories and
858 their installation and for delivery, servicing, repairing or
859 improving the motor vehicle or commercial vehicle.

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

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

869 (k) "Sales finance company" means a person engaged, in
870 whole or in part, in the business of purchasing retail installment
871 contracts from one or more retail sellers. The term includes, but
872 is not limited to, a bank, trust company, private banker,
873 industrial bank or investment company, if so engaged. The term
874 also includes a retail seller engaged, in whole or in part, in the
875 business of creating and holding retail installment contracts
876 which exceed a total aggregate outstanding indebtedness of Five
877 Hundred Thousand Dollars (\$500,000.00). The term does not include
878 the pledgee to whom is pledged one or more of such contracts to
879 secure a bona fide loan thereon.



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

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

884 (n) "Commissioner" means the Commissioner of Banking
885 and Consumer Finance.

886 (o) "Records" or "documents" means any item in hard
887 copy or produced in a format of storage commonly described as
888 electronic, imaged, magnetic, microphotographic or otherwise, and
889 any reproduction so made shall have the same force and effect as
890 the original thereof and be admitted in evidence equally with the
891 original.

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

893 **SECTION 11.** Section 63-21-5, Mississippi Code of 1972, is
894 amended as follows:

895 63-21-5. The following words and phrases when used in this
896 chapter shall, for the purpose of this chapter, have the meanings
897 respectively ascribed to them in this section except where the
898 context clearly indicates a different meaning:

899 (a) "State Tax Commission" or "department" means the
900 Department of Revenue of the State of Mississippi.

901 (b) "Dealer" means every person engaged regularly in
902 the business of buying, selling or exchanging motor vehicles,
903 trailers, semitrailers, trucks, tractors or other character of
904 commercial or industrial motor vehicles in this state, and having



905 in this state an established place of business as defined in
906 Section 27-19-303, Mississippi Code of 1972. The term "dealer"
907 shall also mean every person engaged regularly in the business of
908 buying, selling or exchanging manufactured housing in this state,
909 and licensed as a dealer of manufactured housing by the
910 Mississippi Department of Insurance.

911 (c) "Designated agent" means each county tax collector
912 in this state who may perform his duties under this chapter either
913 personally or through any of his deputies, or such other persons
914 as the Department of Revenue may designate. The term shall also
915 mean those "dealers" as herein defined and/or their officers and
916 employees and other persons who are appointed by the Department of
917 Revenue in the manner provided in Section 63-21-13, Mississippi
918 Code of 1972, to perform the duties of "designated agent" for the
919 purposes of this chapter.

920 (d) "Implement of husbandry" means every vehicle
921 designed and adapted exclusively for agricultural, horticultural
922 or livestock raising operations or for lifting or carrying an
923 implement of husbandry and in either case not subject to
924 registration if used upon the highways.

925 (e) "Vehicle identification number" means the numbers
926 and letters on a vehicle, manufactured home or mobile home
927 designated by the manufacturer or assigned by the Department of
928 Revenue for the purpose of identifying the vehicle, manufactured
929 home or mobile home.



930 (f) "Lien" means every kind of written lease which is
931 substantially equivalent to an installment sale or which provides
932 for a right of purchase; conditional sale; reservation of title;
933 deed of trust; chattel mortgage; trust receipt; and every other
934 written agreement or instrument of whatever kind or character
935 whereby an interest other than absolute title is sought to be held
936 or given on a motor vehicle, manufactured home or mobile home.

937 (g) "Lienholder" means any natural person, firm,
938 copartnership, association or corporation holding a lien as herein
939 defined on a motor vehicle, manufactured home or mobile home.

940 (h) "Manufactured housing" or "manufactured home" means
941 any structure, transportable in one or more sections, which in the
942 traveling mode, is eight (8) body feet or more in width or forty
943 (40) body feet or more in length or, when erected on site, is
944 three hundred twenty (320) or more square feet and which is built
945 on a permanent chassis and designed to be used as a dwelling with
946 or without a permanent foundation when connected to the required
947 utilities, and includes the plumbing, heating, air-conditioning
948 and electrical systems contained therein; except that such terms
949 shall include any structure which meets all the requirements of
950 this paragraph except the size requirements and with respect to
951 which the manufacturer voluntarily files a certification required
952 by the Secretary of Housing and Urban Development and complies
953 with the standards established under the National Manufactured



954 Housing Construction and Safety Standards Act of 1974, 42 USCS,
955 Section 5401.

956 (i) "Manufacturer" means any person regularly engaged
957 in the business of manufacturing, constructing or assembling motor
958 vehicles, manufactured homes or mobile homes, either within or
959 without this state.

960 (j) "Mobile home" means any structure, transportable in
961 one or more sections, which in the traveling mode, is eight (8)
962 body feet or more in width or forty (40) body feet or more in
963 length or, when erected on site, is three hundred twenty (320) or
964 more square feet and which is built on a permanent chassis and
965 designed to be used as a dwelling with or without a permanent
966 foundation when connected to the required utilities, and includes
967 the plumbing, heating, air-conditioning and electrical systems
968 contained therein and manufactured prior to June 15, 1976. Any
969 mobile home designated as realty on or before July 1, 1999, shall
970 continue to be designated as realty so that a security interest
971 will be made by incorporating such mobile home in a deed of trust.

972 (k) "Motorcycle" means every motor vehicle having a
973 seat or saddle for the use of the rider and designed to travel on
974 not more than three (3) wheels in contact with the ground, but
975 excluding a farm tractor and electric bicycle.

976 (l) "Motor vehicle" means every automobile, motorcycle,
977 mobile trailer, semitrailer, truck, truck tractor, trailer and
978 every other device in, upon, or by which any person or property is



979 or may be transported or drawn upon a public highway which is
980 required to have a road or bridge privilege license, except such
981 as is moved by animal power or used exclusively upon stationary
982 rails or tracks and excepting electric bicycles.

983 (m) "New vehicle" means a motor vehicle, manufactured
984 home or mobile home which has never been the subject of a first
985 sale for use.

986 (n) "Used vehicle" means a motor vehicle, manufactured
987 home or mobile home that has been the subject of a first sale for
988 use, whether within this state or elsewhere.

989 (o) "Owner" means a person or persons holding the legal
990 title of a vehicle, manufactured home or mobile home; in the event
991 a vehicle, manufactured home or mobile home is the subject of a
992 deed of trust or a chattel mortgage or an agreement for the
993 conditional sale or lease thereof or other like agreement, with
994 the right of purchase upon performance of the conditions stated in
995 the agreement and with the immediate right of possession vested in
996 the grantor in the deed of trust, mortgagor, conditional vendee or
997 lessee, the grantor, mortgagor, conditional vendee or lessee shall
998 be deemed the owner for the purpose of this chapter.

999 (p) "Person" includes every natural person, firm,
1000 copartnership, association or corporation.

1001 (q) "Pole trailer" means every vehicle without motive
1002 power designed to be drawn by another vehicle and attached to the
1003 towing vehicle by means of a reach or pole, or by being boomed or



1004 otherwise secured to the towing vehicle, and ordinarily used for
1005 transporting long or irregularly shaped loads such as poles,
1006 pipes, boats or structural members capable generally of sustaining
1007 themselves as beams between the supporting connections.

1008 (r) "Security agreement" means a written agreement
1009 which reserves or creates a security interest.

1010 (s) "Security interest" means an interest in a vehicle,
1011 manufactured home or mobile home reserved or created by agreement
1012 and which secures payment or performance of an obligation. The
1013 term includes the interest of a lessor under a lease intended as
1014 security. A security interest is "perfected" when it is valid
1015 against third parties generally, subject only to specific
1016 statutory exceptions.

1017 (t) "Special mobile equipment" means every vehicle not
1018 designed or used primarily for the transportation of persons or
1019 property and only incidentally operated or moved over a highway,
1020 including, but not limited to: ditch-digging apparatus,
1021 well-boring apparatus and road construction and maintenance
1022 machinery such as asphalt spreaders, bituminous mixers, bucket
1023 loaders, tractors other than truck tractors, ditchers, leveling
1024 graders, finishing machines, motor graders, road rollers,
1025 scarifiers, earth-moving carryalls and scrapers, power shovels and
1026 draglines, and self-propelled cranes, vehicles so constructed that
1027 they exceed eight (8) feet in width and/or thirteen (13) feet six
1028 (6) inches in height, and earth-moving equipment. The term does



1029 not include house trailers, dump trucks, truck-mounted transit
1030 mixers, cranes or shovels, or other vehicles designed for the
1031 transportation of persons or property to which machinery has been
1032 attached.

1033 (u) "Nonresident" means every person who is not a
1034 resident of this state.

1035 (v) "Current address" means a new address different
1036 from the address shown on the application or on the certificate of
1037 title. The owner shall within thirty (30) days after his address
1038 is changed from that shown on the application or on the
1039 certificate of title notify the department of the change of
1040 address in the manner prescribed by the department.

1041 (w) "Odometer" means an instrument for measuring and
1042 recording the actual distance a motor vehicle travels while in
1043 operation; but shall not include any auxiliary instrument designed
1044 to be reset by the operator of the motor vehicle for the purpose
1045 of recording the distance traveled on trips.

1046 (x) "Odometer reading" means the actual cumulative
1047 distance traveled disclosed on the odometer.

1048 (y) "Odometer disclosure statement" means a statement
1049 certified by the owner of the motor vehicle to the transferee or
1050 to the department as to the odometer reading.

1051 (z) "Mileage" means actual distance that a vehicle has
1052 traveled.



1053 (aa) "Trailer" means every vehicle other than a "pole
1054 trailer" as defined in this chapter without motive power designed
1055 to be drawn by another vehicle and attached to the towing vehicle
1056 for the purpose of hauling goods or products. The term "trailer"
1057 shall not refer to any structure, transportable in one or more
1058 sections regardless of size, when erected on site, and which is
1059 built on a permanent chassis and designed to be used as a dwelling
1060 with or without a permanent foundation when connected to the
1061 required utilities, and includes the plumbing, heating,
1062 air-conditioning and electrical systems contained therein
1063 regardless of the date of manufacture.

1064 (bb) "Salvage mobile home" or "salvage manufactured
1065 home" means a mobile home or manufactured home for which a
1066 certificate of title has been issued that an insurance company
1067 obtains from the owner as a result of paying a total loss claim
1068 resulting from collision, fire, flood, wind or other occurrence.
1069 The term "salvage mobile home" or "salvage manufactured home" does
1070 not mean or include and is not applicable to a mobile home or
1071 manufactured home that is twenty (20) years old or older.

1072 (cc) "Salvage certificate of title" means a document
1073 issued by the department for a salvage mobile home or salvage
1074 manufactured home as defined in this chapter.

1075 (dd) "All-terrain vehicle" means a motor vehicle that
1076 is designed for off-road use and is not required to have a motor



1077 vehicle privilege license. The term "all-terrain vehicle" shall
1078 not include electric bicycles.

1079 **SECTION 12.** Section 63-31-3, Mississippi Code of 1972, is
1080 amended as follows:

1081 63-31-3. (1) No off-road vehicle shall be operated upon any
1082 public property by any person unless:

1083 (a) (i) The person possesses a valid driver's license;
1084 or

1085 (ii) The person possesses a certificate as
1086 provided under subsections (3) and (4) of this section.

1087 (b) No person may operate any off-road vehicle upon any
1088 public property in this state unless each person under sixteen
1089 (16) years of age who is operating or riding on the off-road
1090 vehicle is wearing a crash helmet that complies with minimum
1091 guidelines established by the National Highway Traffic Safety
1092 Administration pursuant to the federal Motor Vehicle Safety
1093 Standard No. 218 (49 CFR 571.218) for helmets designed for use by
1094 motorcyclists.

1095 (2) A violation of subsection (1) of this section is
1096 punishable by a fine of not less than Twenty-five Dollars (\$25.00)
1097 nor more than Fifty Dollars (\$50.00).

1098 (3) Off-road vehicle safety courses shall be held by the
1099 Cooperative Extension Service using 4-H safety course materials
1100 and curricula, and shall be taught by instructors possessing
1101 qualifications approved by the Department of Public Safety. The



1102 Cooperative Extension Service shall issue a certificate to each
1103 person who satisfactorily completes the off-road vehicle safety
1104 course.

1105 (4) Off-road vehicle safety courses may be held by any
1106 organization approved by the Department of Public Safety. Such
1107 organization shall issue a certificate to each person who
1108 satisfactorily completes the off-road vehicle safety course.

1109 (5) For the purposes of this section:

1110 (a) "Off-road vehicle" means any all-terrain vehicle,
1111 dirt bike or recreational off-highway vehicle. The term "off-road
1112 vehicle" shall not include electric bicycles.

1113 (b) "All-terrain vehicle" or "ATV" means any motorized
1114 vehicle manufactured and designed exclusively for off-road use
1115 that is fifty (50) inches or less in width; has an unladen dry
1116 weight of one thousand (1,000) pounds or less; and travels on
1117 three (3), four (4) or more nonhighway tires. The term
1118 "all-terrain vehicle" shall not include electric bicycles.

1119 (c) "Dirt bike" means a motor-powered vehicle
1120 possessing two (2) or more tires, designed to travel over any
1121 terrain and capable of travelling off of paved roads, whether or
1122 not the vehicle may be operated legally on a public street. The
1123 term "dirt bike" shall not include electric bicycles.

1124 (d) "Recreational off-highway vehicle" means any
1125 motorized vehicle manufactured and designed exclusively for
1126 off-road use that is sixty-five (65) inches or less in width; has



1127 an unladen dry weight of two thousand (2,000) pounds or less; and
1128 travels on four (4) or more nonhighway tires.

1129 (6) Nothing in this section shall be construed to authorize
1130 operation of an off-road vehicle on a public road or highway of
1131 this state.

1132 **SECTION 13.** This act shall take effect and be in force from
1133 and after July 1, 2021.

