

By: Representative Deweese

To: Ways and Means

HOUSE BILL NO. 961

1 AN ACT TO AUTHORIZE AND PROVIDE FOR THE REGULATION OF THE USE
2 OF PERSONAL DELIVERY DEVICES IN PEDESTRIAN AREAS; 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 AND 63-21-5, MISSISSIPPI CODE OF
5 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) A personal delivery device must:

8 (a) Yield to all other traffic, including pedestrians;

9 (b) Refrain from transporting hazardous materials
10 regulated under the Hazardous Materials Transportation Act, 49 USC
11 Section 5103, that are required to be placarded under 49 CFR Part
12 172, Subpart F; and

13 (c) Be equipped with:

14 (i) A marker clearly stating the name and contact
15 information of the owner and a unique identification number;

16 (ii) A braking system enabling the device to come
17 to a controlled stop; and



(iii) If operated between sunset and sunrise, lighting on both the front and rear which is visible in clear weather from at least five hundred (500) feet.

(2) A personal delivery device may be operated in a pedestrian area at speeds of no more than ten (10) miles per hour. For purposes of this section, a pedestrian area is a sidewalk, crosswalk, school crossing zone or safety zone.

(3) Personal delivery devices and personal delivery device operators are not subject to requirements or laws applicable to motor vehicles.

(4) Personal delivery devices may be prohibited by local resolutions or ordinances if the local government determines that the prohibition is necessary, in the interest of public safety. This section does not affect the authority of a local government's law enforcement officers to enforce the laws of this state relating to the operation of a personal delivery device.

(5) A personal delivery device operator must maintain an insurance policy that includes general liability coverage of not less than One Hundred Thousand Dollars (\$100,000.00) for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.

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



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

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

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

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

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

(e) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, farm equipment or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but does not include traction engines, road rollers, earth movers, graders, loaders and other similar construction equipment requiring oversized tires,



66 any vehicles which run only upon a track, bicycles, electric
67 bicycles, personal delivery devices or mopeds. For purposes of
68 this article, "farm equipment" means any vehicle which uses tires
69 having the following designations: I-1, I-2, I-3, R-1, R-2, R-3,
70 F-1, F-2 and Farm Highway Service.

71 (f) "Small business" means any commercial establishment
72 not regulated under the Resource Conservation and Recovery Act of
73 1976 (Public Law 94-580, 42 USCS 6901 et seq.), as amended or
74 regulations promulgated thereto.

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

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

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

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

89 (k) "Waste tire processing facility" means a site where
90 tires are reduced in volume by shredding, cutting, chipping or



otherwise altered to facilitate recycling, resource recovery or disposal. The term includes mobile waste tire processing equipment. Commercial enterprises processing waste tires shall not be considered solid waste management facilities.

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

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

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

(2) Section 63-3-208 shall govern the use of electric personal assistive mobility devices (as defined in Section 63-3-103) on streets and sidewalks. Section 63-3-1315 shall govern the use of electric bicycles, as defined in Section 63-3-103, on streets, sidewalks and bicycle or multi-use paths. Section 1 of this act shall govern the use of personal delivery devices, as defined in Section 63-3-103, on sidewalks and other pedestrian areas.

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



115 27-19-3. (a) The following words and phrases when used in
116 this article for the purpose of this article have the meanings
117 respectively ascribed to them in this section, except in those
118 instances where the context clearly describes and indicates a
119 different meaning:

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

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

127 (3) "Motor vehicle" means every vehicle as defined in
128 this section which is self-propelled, including trackless street
129 or trolley cars. The term "motor vehicle" shall not include
130 electric bicycles, personal delivery devices or electric personal
131 assistive mobility devices as defined in Section 63-3-103, or golf
132 carts or low-speed vehicles as defined in Section 63-32-1.

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

135 (5) "Motorcycle" means every vehicle designed to travel
136 on not more than three (3) wheels in contact with the ground,
137 except electric bicycles, personal delivery devices and vehicles
138 included within the term "tractor" as herein classified and
139 defined.



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

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

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

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

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

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

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

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



164 (14) "Owner" means a person who holds the legal title
165 of a vehicle or in the event a vehicle is the subject of an
166 agreement for the conditional sale, lease or transfer of the
167 possession, the person with the right of purchase upon performance
168 of conditions stated in the agreement, and with an immediate right
169 of possession vested in the conditional vendee, lessee, possessor
170 or in the event such or similar transaction is had by means of a
171 mortgage, and the mortgagor of a vehicle is entitled to
172 possession, then such conditional vendee, lessee, possessor or
173 mortgagor shall be deemed the owner for the purposes of this
174 article.

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

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



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

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

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

212 (20) "Contract carrier by motor vehicle" means any
213 person who or which under the special and individual contract or



214 agreements, and whether directly or by a lease or any other
215 arrangement, transports passengers or property in interstate or
216 intrastate commerce on the public highways of this state by motor
217 vehicle for compensation. The term "contract carrier by motor
218 vehicle" shall not include passenger buses operating wholly within
219 the corporate limits of a municipality in this state or not
220 exceeding five (5) miles beyond the corporate limits of the
221 municipality, and hearses, ambulances, and school buses as such.
222 In addition, this definition shall not include taxicabs.

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

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



238 (22) "Private carrier of passengers" means all other
239 passenger motor vehicle carriers not included in the above
240 definitions. The term "private carrier of passengers" shall not
241 include passenger buses operating wholly within the corporate
242 limits of a municipality in this state, or not exceeding five (5)
243 miles beyond the corporate limits of the municipality, and
244 hearses, ambulances, and school buses as such. In addition, this
245 definition shall not include taxicabs.

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

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

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

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

259 (ii) Any person transporting his own fish,
260 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



309 (15) and (22) of this section. For purposes of this paragraph
310 (33), seating capacity shall be determined according to the
311 manufacturer's suggested seating capacity for a vehicle. If there
312 is no manufacturer's suggested seating capacity for a vehicle, the
313 seating capacity for the vehicle shall be determined according to
314 regulations established by the Department of Revenue.

315 (34) "Corporate fleet" means a group of two hundred
316 (200) or more marked private carriers of passengers or light
317 carriers of property, as defined in Section 27-51-101, trailers,
318 semitrailers, or motor vehicles in excess of ten thousand (10,000)
319 pounds gross vehicle weight, except for those vehicles registered
320 for interstate travel, owned or leased on a long-term basis by a
321 corporation or other legal entity. In order to be considered
322 marked, the motor vehicle must have a name, trademark or logo
323 located either on the sides or the rear of the vehicle in sharp
324 contrast to the background, and of a size, shape and color that is
325 legible during daylight hours from a distance of fifty (50) feet.

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

330 (36) "Trailer fleet" means a group of fifty (50) or
331 more utility trailers each with a gross vehicle weight of six
332 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 5. 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 bicycles * * *, personal delivery devices or electric personal assistive mobility devices as defined in Section 63-3-103, or golf carts or low-speed vehicles as defined in Section 63-32-1. 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 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, personal delivery devices or electric bicycles.



383 (c) "Motorcycle" means every motor vehicle having a saddle
384 for the use of the rider and designed to travel on not more than
385 three (3) wheels in contact with the ground but excluding a
386 tractor. The term "motorcycle" includes motor scooters as defined
387 in subsection (j) of this section. The term "motorcycle" shall
388 not include electric bicycles or personal delivery devices.

389 (d) "Authorized emergency vehicle" means every vehicle of
390 the fire department (fire patrol), every police vehicle, every 911
391 Emergency Communications District vehicle, every such ambulance
392 and special use EMS vehicle as defined in Section 41-59-3, every
393 Mississippi Emergency Management Agency vehicle as is designated
394 or authorized by the Executive Director of MEMA and every
395 emergency vehicle of municipal departments or public service
396 corporations as is designated or authorized by the commission or
397 the chief of police of an incorporated city.

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

403 (f) "Recreational vehicle" means a vehicular type unit
404 primarily designed as temporary living quarters for recreational,
405 camping or travel use, which either has its own motive power or is
406 mounted on or drawn by another vehicle and includes travel



407 trailers, fifth-wheel trailers, camping trailers, truck campers
408 and motor homes.

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

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

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

420 (j) "Motor scooter" means a two-wheeled vehicle that has a
421 seat for the operator, one (1) wheel that is ten (10) inches or
422 more in diameter, a step-through chassis, a motor with a rating of
423 two and seven-tenths (2.7) brake horsepower or less if the motor
424 is an internal combustion engine, an engine of 50cc or less and
425 otherwise meets all safety requirements of motorcycles. The term
426 "motor scooter" shall not include electric bicycles or personal
427 delivery devices.

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



(1) "Electric bicycle" means a bicycle or tricycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than seven hundred fifty (750) watts that meets the requirements of one (1) of the following three (3) classes:

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

(ii) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

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

(m) "Personal delivery device" means a device:

(i) Solely powered by an electric motor;

(ii) Intended to be operated primarily on sidewalks, crosswalks, and other pedestrian areas to transport cargo;

(iii) Intended primarily to transport property on public rights-of-way, and not intended to carry passengers; and



(iv) Capable of navigating with or without the active control or monitoring of a natural person.

(n) "Personal delivery device operator" means a person or entity that exercises physical control or monitoring over the operation of a personal delivery device, excluding a person or entity that requests or receives the services of a personal delivery device, arranges for or dispatches the requested services of a personal delivery device, or stores, charges or maintains a personal delivery device.

SECTION 7. 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 State of Mississippi not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the state has legislative jurisdiction under its police power.

(b) "Judgment" means any judgment which shall have become final by expiration, without appeal, of the time within which an appeal might have been perfected, or by final affirmation



on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

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



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



meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Motor vehicle" means any motor-driven vehicle of the sort and kind required to have a Mississippi road or bridge privilege license, and shall include, but not be limited to, motorcycles. "Motor vehicle" shall also mean an engine, transmission, or rear axle manufactured for installation in a vehicle having as its primary purpose the transport of person or persons or property on a public highway and having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds, whether or not attached to a vehicle chassis. The term "motor vehicle" excludes electric bicycles and personal delivery devices.

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

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



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

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

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

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

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

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

604 2. Any sale or other disposition by such a
605 motor vehicle manufacturer of motor vehicles for which the



606 manufacturer obtained distinguishing number tags under Section
607 27-19-309(8).

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

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

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

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

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

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

628 (j) "Distributor" or "wholesaler" means any person,
629 firm, association, corporation or trust, resident or nonresident,
630 who, in whole or in part, sells or distributes new motor vehicles



631 to motor vehicle dealers, or who maintains distributor
632 representatives.

633 (k) "Factory branch" means a branch or division office
634 maintained by a person, firm, association, corporation or trust
635 who manufactures or assembles new motor vehicles for sale to
636 distributors or wholesalers, to motor vehicle dealers, or for
637 directing or supervising, in whole or in part, its
638 representatives.

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



752 (dd) "Pre-delivery preparation obligations" means all
753 work and services, except warranty work, performed on new motor
754 vehicles by motor vehicle dealers at the direction of the vehicle
755 manufacturer prior to the delivery of such vehicles to the first
756 retail consumer.

757 (ee) "Warranty work" means all labor, including that of
758 a diagnostic character, performed, and all parts, including
759 original or replacement parts, and components, including engine,
760 transmission, and other parts assemblies, installed by motor
761 vehicle dealers on motor vehicles which are reasonably incurred by
762 motor vehicle dealers (other than the incidental expenses incurred
763 in performing labor and installing parts on motor vehicles) in
764 fulfilling a manufacturer's obligations under a new motor vehicle
765 warranty, a recall, or a certified pre-owned warranty, to
766 consumers, including, but not limited to, the expense of shipping
767 or returning defective parts to the manufacturer, when required by
768 the manufacturer.

769 (ff) "Repair order" means an invoice, paid by a retail
770 customer, and closed as of the time of submission, encompassing
771 one or more repairs to a new motor vehicle, and reflecting, in the
772 case of a parts mark-up submission, the cost of each part and the
773 sale price thereof, and in the case of a labor rate submission,
774 the total charges for labor and the total number of hours that
775 produced such charges, which invoice may be submitted in
776 electronic form.



777 (gg) "Qualified repair" means a repair to a motor
778 vehicle, paid by a retail customer, which would have come within
779 the manufacturer's new motor vehicle warranty, but for the motor
780 vehicle having exceeded the chronological or mileage limit of such
781 warranty, and which does not constitute any of the work
782 encompassed by subsection (4) of Section 63-17-86.

783 (hh) "Qualified repair order" means a repair order
784 which encompasses, in whole or in part, a qualified repair or
785 repairs.

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

788 63-17-155. As used in Sections 63-17-151 through 63-17-165,
789 the following terms shall have the following meanings:

790 (a) "Collateral charges" means those additional charges
791 to a consumer which are not directly attributable to the
792 manufacturer's suggested retail price label for the motor vehicle.
793 Collateral charges shall include, but not be limited to, dealer
794 preparation charges, undercoating charges, transportation charges,
795 towing charges, replacement car rental costs and title charges.

796 (b) "Comparable motor vehicle" means an identical or
797 reasonably equivalent motor vehicle.

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



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

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

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

(f) "Motor vehicle" means a vehicle propelled by power 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 bicycles, personal delivery devices, electric personal assistive mobility devices as defined in Section 63-3-103, or golf carts or low-speed vehicles as defined in Section 63-32-1, 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



826 lease-purchase vehicles as long as a manufacturer's warranty was
827 issued as a condition of sale.

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

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

834 63-19-3. The following words and phrases, when used in this
835 chapter, shall have the meanings respectively ascribed to them in
836 this section, except where the context or subject matter otherwise
837 requires:

838 (a) "Motor vehicle" means any self-propelled or motored
839 device designed to be used or used primarily for the
840 transportation of passengers or property, or both, and having a
841 gross vehicular weight rating of less than fifteen thousand
842 (15,000) pounds, but shall not include electric personal assistive
843 mobility devices, personal delivery devices or electric bicycles
844 as defined in Section 63-3-103.

845 (b) "Commercial vehicle" means any self-propelled or
846 motored device designed to be used or used primarily for the
847 transportation of passengers or property, or both, and having a
848 gross vehicular weight rating of fifteen thousand (15,000) pounds
849 or more; however, wherever "motor vehicle" appears in this
850 chapter, except in Section 63-19-43, the same shall be construed



851 to include commercial vehicles where such construction is
852 necessary in order to give effect to this chapter.

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

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

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

865 (f) "Retail installment transaction" means any
866 transaction evidenced by a retail installment contract entered
867 into between a retail buyer and a retail seller wherein the retail
868 buyer buys a motor vehicle or commercial vehicle from the retail
869 seller at a time price payable in one or more deferred
870 installments. The cash sale price of the motor vehicle or
871 commercial vehicle, the amount included for insurance and other
872 benefits if a separate charge is made therefor, official fees and
873 the finance charge shall together constitute the time price.

874 (g) "Retail installment contract" or "contract" means
875 an agreement entered into in this state pursuant to which the



876 title to or a lien upon the motor vehicle or commercial vehicle
877 which is the subject matter of a retail installment transaction is
878 retained or taken by a retail seller from a retail buyer as
879 security for the buyer's obligation. The term includes a chattel
880 mortgage, a conditional sales contract and a contract for the
881 bailment or leasing of a motor vehicle or commercial vehicle by
882 which the bailee or lessee contracts to pay as compensation for
883 its use a sum substantially equivalent to or in excess of its
884 value and by which it is agreed that the bailee or lessee is bound
885 to become, or has the option of becoming, the owner of the motor
886 vehicle upon full compliance with the provisions of the contract.

887 (h) "Cash sale price" means the price stated in a
888 retail installment contract for which the seller would have sold
889 to the buyer, and the buyer would have bought from the seller, the
890 motor vehicle or commercial vehicle which is the subject matter of
891 the retail installment contract, if such sale had been a sale for
892 cash instead of a retail installment transaction. The cash sale
893 price may include any taxes, registration, certificate of title,
894 if any, license and other fees and charges for accessories and
895 their installation and for delivery, servicing, repairing or
896 improving the motor vehicle or commercial vehicle.

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



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

906 (k) "Sales finance company" means a person engaged, in
907 whole or in part, in the business of purchasing retail installment
908 contracts from one or more retail sellers. The term includes, but
909 is not limited to, a bank, trust company, private banker,
910 industrial bank or investment company, if so engaged. The term
911 also includes a retail seller engaged, in whole or in part, in the
912 business of creating and holding retail installment contracts
913 which exceed a total aggregate outstanding indebtedness of Five
914 Hundred Thousand Dollars (\$500,000.00). The term does not include
915 the pledgee to whom is pledged one or more of such contracts to
916 secure a bona fide loan thereon.

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

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

921 (n) "Commissioner" means the Commissioner of Banking
922 and Consumer Finance.

923 (o) "Records" or "documents" means any item in hard
924 copy or produced in a format of storage commonly described as
925 electronic, imaged, magnetic, microphotographic or otherwise, and



any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

Words in the singular include the plural and vice versa.

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

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

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

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

(c) "Designated agent" means each county tax collector in this state who may perform his duties under this chapter either personally or through any of his deputies, or such other persons



951 as the Department of Revenue may designate. The term shall also
952 mean those "dealers" as herein defined and/or their officers and
953 employees and other persons who are appointed by the Department of
954 Revenue in the manner provided in Section 63-21-13, Mississippi
955 Code of 1972, to perform the duties of "designated agent" for the
956 purposes of this chapter.

957 (d) "Implement of husbandry" means every vehicle
958 designed and adapted exclusively for agricultural, horticultural
959 or livestock raising operations or for lifting or carrying an
960 implement of husbandry and in either case not subject to
961 registration if used upon the highways.

962 (e) "Vehicle identification number" means the numbers
963 and letters on a vehicle, manufactured home or mobile home
964 designated by the manufacturer or assigned by the Department of
965 Revenue for the purpose of identifying the vehicle, manufactured
966 home or mobile home.

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



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

977 (h) "Manufactured housing" or "manufactured home" means
978 any structure, transportable in one or more sections, which in the
979 traveling mode, is eight (8) body feet or more in width or forty
980 (40) body feet or more in length or, when erected on site, is
981 three hundred twenty (320) or more square feet and which is built
982 on a permanent chassis and designed to be used as a dwelling with
983 or without a permanent foundation when connected to the required
984 utilities, and includes the plumbing, heating, air-conditioning
985 and electrical systems contained therein; except that such terms
986 shall include any structure which meets all the requirements of
987 this paragraph except the size requirements and with respect to
988 which the manufacturer voluntarily files a certification required
989 by the Secretary of Housing and Urban Development and complies
990 with the standards established under the National Manufactured
991 Housing Construction and Safety Standards Act of 1974, 42 USCS,
992 Section 5401.

993 (i) "Manufacturer" means any person regularly engaged
994 in the business of manufacturing, constructing or assembling motor
995 vehicles, manufactured homes or mobile homes, either within or
996 without this state.

997 (j) "Mobile home" means any structure, transportable in
998 one or more sections, which in the traveling mode, is eight (8)



999 body feet or more in width or forty (40) body feet or more in
1000 length or, when erected on site, is three hundred twenty (320) or
1001 more square feet and which is built on a permanent chassis and
1002 designed to be used as a dwelling with or without a permanent
1003 foundation when connected to the required utilities, and includes
1004 the plumbing, heating, air-conditioning and electrical systems
1005 contained therein and manufactured prior to June 15, 1976. Any
1006 mobile home designated as realty on or before July 1, 1999, shall
1007 continue to be designated as realty so that a security interest
1008 will be made by incorporating such mobile home in a deed of trust.

1009 (k) "Motorcycle" means every motor vehicle having a
1010 seat or saddle for the use of the rider and designed to travel on
1011 not more than three (3) wheels in contact with the ground, but
1012 excluding a farm tractor, personal delivery device and electric
1013 bicycle.

1014 (l) "Motor vehicle" means every automobile, motorcycle,
1015 mobile trailer, semitrailer, truck, truck tractor, trailer and
1016 every other device in, upon, or by which any person or property is
1017 or may be transported or drawn upon a public highway which is
1018 required to have a road or bridge privilege license, except such
1019 as is moved by animal power or used exclusively upon stationary
1020 rails or tracks, and excepting electric bicycles and personal
1021 delivery devices.



1022 (m) "New vehicle" means a motor vehicle, manufactured
1023 home or mobile home which has never been the subject of a first
1024 sale for use.

1025 (n) "Used vehicle" means a motor vehicle, manufactured
1026 home or mobile home that has been the subject of a first sale for
1027 use, whether within this state or elsewhere.

1028 (o) "Owner" means a person or persons holding the legal
1029 title of a vehicle, manufactured home or mobile home; in the event
1030 a vehicle, manufactured home or mobile home is the subject of a
1031 deed of trust or a chattel mortgage or an agreement for the
1032 conditional sale or lease thereof or other like agreement, with
1033 the right of purchase upon performance of the conditions stated in
1034 the agreement and with the immediate right of possession vested in
1035 the grantor in the deed of trust, mortgagor, conditional vendee or
1036 lessee, the grantor, mortgagor, conditional vendee or lessee shall
1037 be deemed the owner for the purpose of this chapter.

1038 (p) "Person" includes every natural person, firm,
1039 copartnership, association or corporation.

1040 (q) "Pole trailer" means every vehicle without motive
1041 power designed to be drawn by another vehicle and attached to the
1042 towing vehicle by means of a reach or pole, or by being boomed or
1043 otherwise secured to the towing vehicle, and ordinarily used for
1044 transporting long or irregularly shaped loads such as poles,
1045 pipes, boats or structural members capable generally of sustaining
1046 themselves as beams between the supporting connections.



1047 (r) "Security agreement" means a written agreement
1048 which reserves or creates a security interest.

1049 (s) "Security interest" means an interest in a vehicle,
1050 manufactured home or mobile home reserved or created by agreement
1051 and which secures payment or performance of an obligation. The
1052 term includes the interest of a lessor under a lease intended as
1053 security. A security interest is "perfected" when it is valid
1054 against third parties generally, subject only to specific
1055 statutory exceptions.

1056 (t) "Special mobile equipment" means every vehicle not
1057 designed or used primarily for the transportation of persons or
1058 property and only incidentally operated or moved over a highway,
1059 including, but not limited to: ditch-digging apparatus,
1060 well-boring apparatus and road construction and maintenance
1061 machinery such as asphalt spreaders, bituminous mixers, bucket
1062 loaders, tractors other than truck tractors, ditchers, leveling
1063 graders, finishing machines, motor graders, road rollers,
1064 scarifiers, earth-moving carryalls and scrapers, power shovels and
1065 draglines, and self-propelled cranes, vehicles so constructed that
1066 they exceed eight (8) feet in width and/or thirteen (13) feet six
1067 (6) inches in height, and earth-moving equipment. The term does
1068 not include house trailers, dump trucks, truck-mounted transit
1069 mixers, cranes or shovels, or other vehicles designed for the
1070 transportation of persons or property to which machinery has been
1071 attached.



1072 (u) "Nonresident" means every person who is not a
1073 resident of this state.

1074 (v) "Current address" means a new address different
1075 from the address shown on the application or on the certificate of
1076 title. The owner shall within thirty (30) days after his address
1077 is changed from that shown on the application or on the
1078 certificate of title notify the department of the change of
1079 address in the manner prescribed by the department.

1080 (w) "Odometer" means an instrument for measuring and
1081 recording the actual distance a motor vehicle travels while in
1082 operation; but shall not include any auxiliary instrument designed
1083 to be reset by the operator of the motor vehicle for the purpose
1084 of recording the distance traveled on trips.

1085 (x) "Odometer reading" means the actual cumulative
1086 distance traveled disclosed on the odometer.

1087 (y) "Odometer disclosure statement" means a statement
1088 certified by the owner of the motor vehicle to the transferee or
1089 to the department as to the odometer reading.

1090 (z) "Mileage" means actual distance that a vehicle has
1091 traveled.

1092 (aa) "Trailer" means every vehicle other than a "pole
1093 trailer" as defined in this chapter without motive power designed
1094 to be drawn by another vehicle and attached to the towing vehicle
1095 for the purpose of hauling goods or products. The term "trailer"
1096 shall not refer to any structure, transportable in one or more



1097 sections regardless of size, when erected on site, and which is
1098 built on a permanent chassis and designed to be used as a dwelling
1099 with or without a permanent foundation when connected to the
1100 required utilities, and includes the plumbing, heating,
1101 air-conditioning and electrical systems contained therein
1102 regardless of the date of manufacture.

1103 (bb) "Salvage mobile home" or "salvage manufactured
1104 home" means a mobile home or manufactured home for which a
1105 certificate of title has been issued that an insurance company
1106 obtains from the owner as a result of paying a total loss claim
1107 resulting from collision, fire, flood, wind or other occurrence.
1108 The term "salvage mobile home" or "salvage manufactured home" does
1109 not mean or include and is not applicable to a mobile home or
1110 manufactured home that is twenty (20) years old or older.

1111 (cc) "Salvage certificate of title" means a document
1112 issued by the department for a salvage mobile home or salvage
1113 manufactured home as defined in this chapter.

1114 (dd) "All-terrain vehicle" means a motor vehicle that
1115 is designed for off-road use and is not required to have a motor
1116 vehicle privilege license. The term "all-terrain vehicle" shall
1117 not include electric bicycles.

1118 **SECTION 12.** Section 1 of this act shall be codified in
1119 Chapter 3, Title 63, Mississippi Code of 1972.

1120 **SECTION 13.** This act shall take effect and be in force from
1121 and after July 1, 2022.

