

House Amendments to Senate Bill No. 2508

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

- 7 **SECTION 1.** (1) A personal delivery device must:
- 8 (a) Have an unladen weight of five hundred (500) pounds
- 9 or less;
- 10 (b) Yield to all other traffic, including pedestrians;
- 11 (c) Refrain from transporting hazardous materials
- 12 regulated under the Hazardous Materials Transportation Act, 49 USC
- 13 Section 5103, that are required to be placarded under 49 CFR Part
- 14 172, Subpart F; and
- 15 (d) Be equipped with:
- 16 (i) A marker clearly stating the name and contact
- 17 information of the owner and a unique identification number;
- 18 (ii) A braking system enabling the device to come
- 19 to a controlled stop; and
- 20 (iii) If operated between sunset and sunrise,
- 21 lighting on both the front and rear which is visible in clear
- 22 weather from at least five hundred (500) feet.

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

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

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

36 (5) A business entity that operates a personal delivery
37 device shall maintain an insurance policy that includes general
38 liability coverage of not less than One Hundred Thousand Dollars
39 (\$100,000.00) per claim for damages arising from the operation of
40 the personal delivery device.

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

43 17-17-403. The following words and phrases shall have the
44 meanings ascribed in this section unless the context clearly
45 indicates otherwise:

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

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

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

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

61 (e) "Motor vehicle" means an automobile, motorcycle,
62 truck, trailer, semitrailer, truck tractor and semitrailer
63 combination, farm equipment or any other vehicle operated on the
64 roads of this state, used to transport persons or property, and
65 propelled by power other than muscular power, but does not include
66 traction engines, road rollers, earth movers, graders, loaders and
67 other similar construction equipment requiring oversized tires,
68 any vehicles which run only upon a track, bicycles, electric
69 bicycles, personal delivery devices or mopeds. For purposes of
70 this article, "farm equipment" means any vehicle which uses tires
71 having the following designations: I-1, I-2, I-3, R-1, R-2, R-3,
72 F-1, F-2 and Farm Highway Service.

73 (f) "Small business" means any commercial establishment
74 not regulated under the Resource Conservation and Recovery Act of
75 1976 (Public Law 94-580, 42 USCS 6901 et seq.), as amended or
76 regulations promulgated thereto.

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

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

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

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

91 (k) "Waste tire processing facility" means a site where
92 tires are reduced in volume by shredding, cutting, chipping or
93 otherwise altered to facilitate recycling, resource recovery or
94 disposal. The term includes mobile waste tire processing
95 equipment. Commercial enterprises processing waste tires shall
96 not be considered solid waste management facilities.

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

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

101 21-37-3. (1) Except as otherwise provided in subsection (2)
102 of this section, the governing authorities of municipalities shall
103 have the power to exercise full jurisdiction in the matter of
104 streets, sidewalks, sewers, and parks; to open and lay out and
105 construct the same; and to repair, maintain, pave, sprinkle,
106 adorn, and light the same.

107 (2) Section 63-3-208 shall govern the use of electric
108 personal assistive mobility devices (as defined in Section
109 63-3-103) on streets and sidewalks. Section 63-3-1315 shall
110 govern the use of electric bicycles, as defined in Section
111 63-3-103, on streets, sidewalks and bicycle or multi-use paths.
112 Section 1 of this act shall govern the use of personal delivery
113 devices, as defined in Section 63-3-103, on sidewalks and other
114 pedestrian areas.

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

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

122 (1) "Vehicle" means every device in, upon or by which
123 any person or property is or may be transported or drawn upon a

124 public highway, except devices moved by muscular power or used
125 exclusively upon stationary rails or tracks.

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

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

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

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

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

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

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

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

156 (10) "Pneumatic tires" means all tires inflated with
157 compressed air.

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

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

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

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

175 mortgagor shall be deemed the owner for the purposes of this
176 article.

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

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

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

198 (18) "State Tax Commission," "commission" or
199 "department" means the Commissioner of Revenue of the Department

200 of Revenue of this state, acting directly or through his duly
201 authorized officers, agents, representatives and employees.

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

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

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

238 Haulers of fertilizer shall be classified as private
239 commercial carriers of property by motor vehicle.

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

248 (23) "Operator" means any person, partnership,
249 joint-stock company or corporation operating on the public

250 highways of the state one or more motor vehicles as the beneficial
251 owner or lessee.

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

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

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

261 (ii) Any person transporting his own fish,
262 including shellfish, in his own truck.

263 (iii) Any person, or any employee of such person,
264 transporting unprocessed forest products, or timber harvesting
265 equipment wherein ownership remains the same, in his own truck.

266 (26) "Taxicab" means any passenger motor vehicle for
267 hire with a seating capacity not greater than ten (10) passengers.
268 For purposes of this paragraph (26), seating capacity shall be
269 determined according to the manufacturer's suggested seating
270 capacity for a vehicle. If there is no manufacturer's suggested
271 seating capacity for a vehicle, the seating capacity for the
272 vehicle shall be determined according to regulations established
273 by the Department of Revenue.

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

276 operating wholly within the corporate limits of a municipality of
277 this state or within five (5) miles of the corporate limits of the
278 municipality, or motor vehicles substituted for abandoned electric
279 railway systems in or between municipalities. For purposes of
280 this paragraph (27), seating capacity shall be determined
281 according to the manufacturer's suggested seating capacity for a
282 vehicle. If there is no manufacturer's suggested seating capacity
283 for a vehicle, the seating capacity for the vehicle shall be
284 determined according to regulations established by the Department
285 of Revenue.

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

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

292 (30) "Ambulance and hearse" shall have the meaning
293 generally ascribed to them. A hearse or funeral coach shall be
294 classified as a light carrier of property, as defined in Section
295 27-51-101.

296 (31) "Regular seats" means each seat ordinarily and
297 customarily used by one (1) passenger, including all temporary,
298 emergency, and collapsible seats. Where any seats are not
299 distinguished or separated by separate cushions and backs, a seat
300 shall be counted for each eighteen (18) inches of space on such
301 seats or major fraction thereof. In the case of a regular

302 passenger-type automobile which is used as a common or contract
303 carrier of passengers, three (3) seats shall be counted for the
304 rear seat of such automobile and one (1) seat shall be counted for
305 the front seat of such automobile.

306 (32) "Ton" means two thousand (2,000) pounds
307 avoirdupois.

308 (33) "Bus" means any passenger vehicle with a seating
309 capacity of more than ten (10) but shall not include "private
310 carrier of passengers" and "school bus" as defined in paragraphs
311 (15) and (22) of this section. For purposes of this paragraph
312 (33), seating capacity shall be determined according to the
313 manufacturer's suggested seating capacity for a vehicle. If there
314 is no manufacturer's suggested seating capacity for a vehicle, the
315 seating capacity for the vehicle shall be determined according to
316 regulations established by the Department of Revenue.

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

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

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

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

340 (2) Leased vehicles shall be considered as domiciled at
341 the place in the State of Mississippi from which they operate in
342 interstate or intrastate commerce, and for the purposes of this
343 article shall be considered as owned by the lessee, who shall
344 furnish all insurance on the vehicles and the driver of the
345 vehicles shall be considered as an agent of the lessee for all
346 purposes of this article.

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

349 27-51-5. The subject words and terms of this section, for
350 the purpose of this chapter, shall have meanings as follows:

351 (a) "Motor vehicle" means any device and attachments
352 supported by one or more wheels which is propelled or drawn by any
353 power other than muscular power over the highways, streets or

354 alleys of this state. The term "motor vehicle" shall not include
355 electric bicycles * * *, personal delivery devices or electric
356 personal assistive mobility devices as defined in Section
357 63-3-103, or golf carts or low-speed vehicles as defined in
358 Section 63-32-1. However, mobile homes which are detached from
359 any self-propelled vehicles and parked on land in the state are
360 hereby expressly exempt from the motor vehicle ad valorem taxes,
361 but house trailers which are actually in transit and which are not
362 parked for more than an overnight stop are not exempted.

363 (b) "Public highway" means and includes every way or
364 place of whatever nature, including public roads, streets and
365 alleys of this state generally open to the use of the public or to
366 be opened or reopened to the use of the public for the purpose of
367 vehicular travel, notwithstanding that the same may be temporarily
368 closed for the purpose of construction, reconstruction,
369 maintenance, or repair.

370 (c) "Administrator of the road and bridge privilege tax
371 law" means the official authorized by law to administer the road
372 and bridge privilege tax law of this state.

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

375 63-3-103. (a) "Vehicle" means every device in, upon or by
376 which any person or property is or may be transported or drawn
377 upon a highway, except devices used exclusively upon stationary
378 rails or tracks.

379 (b) "Motor vehicle" means every vehicle which is
380 self-propelled and every vehicle which is propelled by electric
381 power obtained from overhead trolley wires, but not operated upon
382 rails. The term "motor vehicle" shall not include electric
383 personal assistive mobility devices, personal delivery devices or
384 electric bicycles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

453 (i) Solely powered by an electric motor;

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

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

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

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

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

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

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

480 (b) "Judgment" means any judgment which shall have
481 become final by expiration, without appeal, of the time within

482 which an appeal might have been perfected, or by final affirmation
483 on appeal, rendered by a court of competent jurisdiction of any
484 state or of the United States, upon a cause of action arising out
485 of the ownership, maintenance or use of any motor vehicle, for
486 damages, including damages for care and loss of services, because
487 of bodily injury to or death of any person, or for damages because
488 of injury to or destruction of property, including the loss of use
489 thereof, or upon a cause of action on an agreement of settlement
490 for such damages.

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

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

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

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

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

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

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

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

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

534 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)
535 because of bodily injury to or death of two (2) or more persons in
536 any one (1) accident, and in the amount of Twenty-five Thousand
537 Dollars (\$25,000.00) because of injury to or destruction of
538 property of others in any one (1) accident. Liability insurance
539 required under this paragraph (j) may contain exclusions and
540 limitations on coverage as long as the exclusions and limitations
541 language or form has been filed with and approved by the
542 Commissioner of Insurance.

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

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

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

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

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

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

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

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

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

586 (ii) Public officers while performing their duties
587 as such officers;

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

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

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

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

606 2. Any sale or other disposition by such a
607 motor vehicle manufacturer of motor vehicles for which the
608 manufacturer obtained distinguishing number tags under Section
609 27-19-309(8).

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

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

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

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

625 (h) "Commission" means the Mississippi Motor Vehicle
626 Commission.

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

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

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

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

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

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

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

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

660 the performance of the respective obligations under the franchise
661 agreement.

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

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

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

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

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

686 consignment, or (iii) any person who provides the facilities for
687 or is in the business of selling in an auction format motor
688 vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

735 (iii) Restricting the power or authority of the
736 dealer or the lessor, if the motor vehicle dealer leases the

737 dealership premises, to transfer, sell, lease, develop, redevelop
738 or change the use of the dealership premises, whether by sublease,
739 lease, collateral pledge of lease, right of first refusal to
740 purchase or lease, option to purchase or lease or any similar
741 arrangement; or

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

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

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

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

759 (ee) "Warranty work" means all labor, including that of
760 a diagnostic character, performed, and all parts, including
761 original or replacement parts, and components, including engine,
762 transmission, and other parts assemblies, installed by motor

763 vehicle dealers on motor vehicles which are reasonably incurred by
764 motor vehicle dealers (other than the incidental expenses incurred
765 in performing labor and installing parts on motor vehicles) in
766 fulfilling a manufacturer's obligations under a new motor vehicle
767 warranty, a recall, or a certified pre-owned warranty, to
768 consumers, including, but not limited to, the expense of shipping
769 or returning defective parts to the manufacturer, when required by
770 the manufacturer.

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

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

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

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

790 63-17-155. As used in Sections 63-17-151 through 63-17-165,
791 the following terms shall have the following meanings:

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

798 (b) "Comparable motor vehicle" means an identical or
799 reasonably equivalent motor vehicle.

800 (c) "Consumer" means the purchaser, other than for
801 purposes of resale, of a motor vehicle, primarily used for
802 personal, family, or household purposes, and any person to whom
803 such motor vehicle is transferred for the same purposes during the
804 duration of an express warranty applicable to such motor vehicle,
805 and any other person entitled by the terms of such warranty to
806 enforce the obligations of the warranty.

807 (d) "Express warranty" means any written affirmation of
808 fact or promise made in connection with the sale of a motor
809 vehicle by a supplier to a consumer which relates to the nature of
810 the material or workmanship and affirms or promises that such
811 material or workmanship is defect-free or will meet a specified
812 level of performance over a specified period of time. For the

813 purposes of Section 63-17-151 et seq., express warranties do not
814 include implied warranties.

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

817 (f) "Motor vehicle" means a vehicle propelled by power
818 other than muscular power which is sold in this state, is operated
819 over the public streets and highways of this state and is used as
820 a means of transporting persons or property, but shall not include
821 vehicles run only upon tracks, off-road vehicles, motorcycles,
822 mopeds, electric bicycles, personal delivery devices, electric
823 personal assistive mobility devices as defined in Section
824 63-3-103, or golf carts or low-speed vehicles as defined in
825 Section 63-32-1, or parts and components of a motor home which
826 were added on and/or assembled by the manufacturer of the motor
827 home. "Motor vehicle" shall include demonstrators or
828 lease-purchase vehicles as long as a manufacturer's warranty was
829 issued as a condition of sale.

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

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

836 63-19-3. The following words and phrases, when used in this
837 chapter, shall have the meanings respectively ascribed to them in

838 this section, except where the context or subject matter otherwise
839 requires:

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

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

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

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

862 (e) The "holder" of a retail installment contract means
863 the retail seller of the motor vehicle or commercial vehicle under

864 or subject to the contract or if the contract is purchased by a
865 sales finance company or other assignee, the sales finance company
866 or other assignee.

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

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

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

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

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

908 (k) "Sales finance company" means a person engaged, in
909 whole or in part, in the business of purchasing retail installment
910 contracts from one or more retail sellers. The term includes, but
911 is not limited to, a bank, trust company, private banker,
912 industrial bank or investment company, if so engaged. The term
913 also includes a retail seller engaged, in whole or in part, in the
914 business of creating and holding retail installment contracts

915 which exceed a total aggregate outstanding indebtedness of Five
916 Hundred Thousand Dollars (\$500,000.00). The term does not include
917 the pledgee to whom is pledged one or more of such contracts to
918 secure a bona fide loan thereon.

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

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

923 (n) "Commissioner" means the Commissioner of Banking
924 and Consumer Finance.

925 (o) "Records" or "documents" means any item in hard
926 copy or produced in a format of storage commonly described as
927 electronic, imaged, magnetic, microphotographic or otherwise, and
928 any reproduction so made shall have the same force and effect as
929 the original thereof and be admitted in evidence equally with the
930 original.

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

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

934 63-21-5. The following words and phrases when used in this
935 chapter shall, for the purpose of this chapter, have the meanings
936 respectively ascribed to them in this section except where the
937 context clearly indicates a different meaning:

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

940 (b) "Dealer" means every person engaged regularly in
941 the business of buying, selling or exchanging motor vehicles,
942 trailers, semitrailers, trucks, tractors or other character of
943 commercial or industrial motor vehicles in this state, and having
944 in this state an established place of business as defined in
945 Section 27-19-303, Mississippi Code of 1972. The term "dealer"
946 shall also mean every person engaged regularly in the business of
947 buying, selling or exchanging manufactured housing in this state,
948 and licensed as a dealer of manufactured housing by the
949 Mississippi Department of Insurance.

950 (c) "Designated agent" means each county tax collector
951 in this state who may perform his duties under this chapter either
952 personally or through any of his deputies, or such other persons
953 as the Department of Revenue may designate. The term shall also
954 mean those "dealers" as herein defined and/or their officers and
955 employees and other persons who are appointed by the Department of
956 Revenue in the manner provided in Section 63-21-13, Mississippi
957 Code of 1972, to perform the duties of "designated agent" for the
958 purposes of this chapter.

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

964 (e) "Vehicle identification number" means the numbers
965 and letters on a vehicle, manufactured home or mobile home

966 designated by the manufacturer or assigned by the Department of
967 Revenue for the purpose of identifying the vehicle, manufactured
968 home or mobile home.

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

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

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

992 with the standards established under the National Manufactured
993 Housing Construction and Safety Standards Act of 1974, 42 USCS,
994 Section 5401.

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

999 (j) "Mobile home" means any structure, transportable in
1000 one or more sections, which in the traveling mode, is eight (8)
1001 body feet or more in width or forty (40) body feet or more in
1002 length or, when erected on site, is three hundred twenty (320) or
1003 more square feet and which is built on a permanent chassis and
1004 designed to be used as a dwelling with or without a permanent
1005 foundation when connected to the required utilities, and includes
1006 the plumbing, heating, air-conditioning and electrical systems
1007 contained therein and manufactured prior to June 15, 1976. Any
1008 mobile home designated as realty on or before July 1, 1999, shall
1009 continue to be designated as realty so that a security interest
1010 will be made by incorporating such mobile home in a deed of trust.

1011 (k) "Motorcycle" means every motor vehicle having a
1012 seat or saddle for the use of the rider and designed to travel on
1013 not more than three (3) wheels in contact with the ground, but
1014 excluding a farm tractor, personal delivery device and electric
1015 bicycle.

1016 (l) "Motor vehicle" means every automobile, motorcycle,
1017 mobile trailer, semitrailer, truck, truck tractor, trailer and

1018 every other device in, upon, or by which any person or property is
1019 or may be transported or drawn upon a public highway which is
1020 required to have a road or bridge privilege license, except such
1021 as is moved by animal power or used exclusively upon stationary
1022 rails or tracks, and excepting electric bicycles and personal
1023 delivery devices.

1024 (m) "New vehicle" means a motor vehicle, manufactured
1025 home or mobile home which has never been the subject of a first
1026 sale for use.

1027 (n) "Used vehicle" means a motor vehicle, manufactured
1028 home or mobile home that has been the subject of a first sale for
1029 use, whether within this state or elsewhere.

1030 (o) "Owner" means a person or persons holding the legal
1031 title of a vehicle, manufactured home or mobile home; in the event
1032 a vehicle, manufactured home or mobile home is the subject of a
1033 deed of trust or a chattel mortgage or an agreement for the
1034 conditional sale or lease thereof or other like agreement, with
1035 the right of purchase upon performance of the conditions stated in
1036 the agreement and with the immediate right of possession vested in
1037 the grantor in the deed of trust, mortgagor, conditional vendee or
1038 lessee, the grantor, mortgagor, conditional vendee or lessee shall
1039 be deemed the owner for the purpose of this chapter.

1040 (p) "Person" includes every natural person, firm,
1041 copartnership, association or corporation.

1042 (q) "Pole trailer" means every vehicle without motive
1043 power designed to be drawn by another vehicle and attached to the

1044 towing vehicle by means of a reach or pole, or by being boomed or
1045 otherwise secured to the towing vehicle, and ordinarily used for
1046 transporting long or irregularly shaped loads such as poles,
1047 pipes, boats or structural members capable generally of sustaining
1048 themselves as beams between the supporting connections.

1049 (r) "Security agreement" means a written agreement
1050 which reserves or creates a security interest.

1051 (s) "Security interest" means an interest in a vehicle,
1052 manufactured home or mobile home reserved or created by agreement
1053 and which secures payment or performance of an obligation. The
1054 term includes the interest of a lessor under a lease intended as
1055 security. A security interest is "perfected" when it is valid
1056 against third parties generally, subject only to specific
1057 statutory exceptions.

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

1070 not include house trailers, dump trucks, truck-mounted transit
1071 mixers, cranes or shovels, or other vehicles designed for the
1072 transportation of persons or property to which machinery has been
1073 attached.

1074 (u) "Nonresident" means every person who is not a
1075 resident of this state.

1076 (v) "Current address" means a new address different
1077 from the address shown on the application or on the certificate of
1078 title. The owner shall within thirty (30) days after his address
1079 is changed from that shown on the application or on the
1080 certificate of title notify the department of the change of
1081 address in the manner prescribed by the department.

1082 (w) "Odometer" means an instrument for measuring and
1083 recording the actual distance a motor vehicle travels while in
1084 operation; but shall not include any auxiliary instrument designed
1085 to be reset by the operator of the motor vehicle for the purpose
1086 of recording the distance traveled on trips.

1087 (x) "Odometer reading" means the actual cumulative
1088 distance traveled disclosed on the odometer.

1089 (y) "Odometer disclosure statement" means a statement
1090 certified by the owner of the motor vehicle to the transferee or
1091 to the department as to the odometer reading.

1092 (z) "Mileage" means actual distance that a vehicle has
1093 traveled.

1094 (aa) "Trailer" means every vehicle other than a "pole
1095 trailer" as defined in this chapter without motive power designed

1096 to be drawn by another vehicle and attached to the towing vehicle
1097 for the purpose of hauling goods or products. The term "trailer"
1098 shall not refer to any structure, transportable in one or more
1099 sections regardless of size, when erected on site, and which is
1100 built on a permanent chassis and designed to be used as a dwelling
1101 with or without a permanent foundation when connected to the
1102 required utilities, and includes the plumbing, heating,
1103 air-conditioning and electrical systems contained therein
1104 regardless of the date of manufacture.

1105 (bb) "Salvage mobile home" or "salvage manufactured
1106 home" means a mobile home or manufactured home for which a
1107 certificate of title has been issued that an insurance company
1108 obtains from the owner as a result of paying a total loss claim
1109 resulting from collision, fire, flood, wind or other occurrence.
1110 The term "salvage mobile home" or "salvage manufactured home" does
1111 not mean or include and is not applicable to a mobile home or
1112 manufactured home that is twenty (20) years old or older.

1113 (cc) "Salvage certificate of title" means a document
1114 issued by the department for a salvage mobile home or salvage
1115 manufactured home as defined in this chapter.

1116 (dd) "All-terrain vehicle" means a motor vehicle that
1117 is designed for off-road use and is not required to have a motor
1118 vehicle privilege license. The term "all-terrain vehicle" shall
1119 not include electric bicycles.

1120 **SECTION 12.** Section 1 of this act shall be codified in Title
1121 63, Chapter 3, Mississippi Code of 1972.

1122 **SECTION 13.** This act shall take effect and be in force from
1123 and after July 1, 2022, and shall stand repealed from and after
1124 June 30, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR12\SB2508PH.J

Andrew Ketchings
Clerk of the House of Representatives