

By: Representatives Arnold, Carpenter

To: Transportation

HOUSE BILL NO. 1240

1 AN ACT TO REGULATE THE OPERATION OF UTILITY-TYPE VEHICLES
2 (UTVS) ON THE PUBLIC ROAD AND HIGHWAYS WITHIN THE STATE OF
3 MISSISSIPPI; TO DEFINE TERMS USED IN THIS ACT; TO REQUIRE THE
4 REGISTRATION OF UTVS WITH THE DEPARTMENT OF REVENUE IN THE SAME
5 MANNER AS PASSENGER MOTOR VEHICLES; TO AUTHORIZE THE OPERATION OF
6 ON PUBLIC ROADS AND STREETS WITH POSTED SPEED LIMIT OF 55 MILES
7 PER HOUR OR LESS; TO REQUIRE OWNERS OF UTVS TO OBTAIN A LICENSE
8 PLATE AND REGISTRATION FROM THE DEPARTMENT OF REVENUE UPON
9 PRESENTING PROOF OF OWNERSHIP AND LIABILITY INSURANCE FOR THE UTV
10 AND PAYMENT OF A \$40.00 BIENNIAL REGISTRATION FEE; TO REQUIRE THE
11 DEPARTMENT OF REVENUE TO DETERMINE THE COLOR AND DESIGN OF UTV
12 LICENSE TAGS; TO EXEMPT UTV OWNERS FROM THE PAYMENT OF AD VALOREM
13 PROPERTY TAXES TO THE COUNTY WHERE THE UTV IS REGISTERED; TO
14 PROVIDE FOR THE DEPOSIT AND DISTRIBUTION OF THE REGISTRATION FEES
15 BY THE DEPARTMENT OF REVENUE AND THE STATE TREASURER; TO PROVIDE
16 THAT THE FUNDS DISTRIBUTED TO COUNTIES SHALL BE USED FOR THE
17 MAINTENANCE OF ROADS AND BRIDGES THEREIN; TO REQUIRE OPERATORS OF
18 UTVS TO BE AT LEAST SIXTEEN YEARS OLD AND POSSESS A VALID DRIVER'S
19 LICENSE; TO REQUIRE OPERATORS OF UTVS TO HAVE THEIR DRIVER'S
20 LICENSE AND PROOF OF FINANCIAL RESPONSIBILITY AT ALL TIMES WHILE
21 OPERATING UTVS ON THE PUBLIC ROADS OF THE STATE; TO LIMIT THE
22 OPERATION OF UTVS ON PUBLIC ROADS BY A SIXTEEN-YEAR OLD WITH ONLY
23 A CONDITIONAL DRIVER'S LICENSE TO OPERATING THE UTV DURING
24 DAYLIGHT HOURS WHILE ACCOMPANIED WITH A LICENSED ADULT DRIVER OVER
25 THE AGE OF EIGHTEEN; TO PROHIBIT THE OPERATION OF UTVS ON PUBLIC
26 ROADS BY ANYONE HOLDING ONLY A LEARNER'S PERMIT; TO PROVIDE THAT
27 NO CHILD UNDER THE AGE OF EIGHT MAY BE A PASSENGER IN A UTV WHILE
28 OPERATED ON A PUBLIC ROAD; TO PRESCRIBE THE SPECIFIC SAFETY
29 FEATURES A UTV MUST BE EQUIPPED WITH TO BE REGISTERED WITH THE
30 DEPARTMENT OF REVENUE FOR PURPOSES OF OPERATING ON PUBLIC ROADS;
31 TO AMEND SECTIONS 63-2-1, 63-3-103, 63-15-3, 63-21-5, 63-21-9,
32 27-19-3, 27-19-31, 27-51-5 AND 27-51-41, MISSISSIPPI CODE OF 1972,
33 IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD



34 SECTION 63-15-4, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
35 POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

37 **SECTION 1.** The following words and phrases, when used in
38 this chapter, shall, for the purposes of this chapter, have the
39 meanings respectively ascribed to them in this section, except in
40 those instances where the context clearly indicates a different
41 meaning:

42 (a) "Department" means the Department of Revenue,
43 except in such sections of this chapter in which some other state
44 department is specifically named.

45 (b) "Highway" means the entire width between property
46 lines of any road, street, way, thoroughfare or bridge in the
47 State of Mississippi not privately owned or controlled, when any
48 part thereof is open to the public for vehicular traffic and over
49 which the state has legislative jurisdiction under its police
50 power.

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

56 (d) "Registration" means a certificate or certificates
57 and registration plates issued under the laws of this state
58 pertaining to the registration of motor vehicles.



59 (e) "Utility-type vehicle" or "UTV" means any motorized
60 off-highway vehicle which is intended to transport individuals,
61 cargo or both with a top speed over thirty-five (35) miles per
62 hour and meets the following manufacturer design specifications:

63 (i) Is seventy-five (75) inches in width or less;

64 (ii) Is not more than one hundred eighty (180)
65 inches, including the bumper, in length;

66 (iii) Has a dry weight of three thousand five
67 hundred (3,500) pounds or less;

68 (iv) Travels on four (4) or more nonhighway tires;

69 and

70 (v) Is equipped with side-by-side seating for the
71 use of the operator and a passenger, or additional seating for
72 multiple passengers.

73 The term "utility-type vehicle" shall include recreational
74 off-highway vehicles as defined in Section 63-31-3, but does not
75 include all-terrain vehicles, golf car vehicles or low-speed
76 vehicles.

77 **SECTION 2.** (1) (a) To operate a utility-type vehicle (UTV)
78 on a road, the UTV must comply with the requirements of this
79 section. The UTV must be registered by the Department of Revenue
80 in the same manner as passenger motor vehicles pursuant to Section
81 63-21-1 et seq., unless otherwise provided in this section.

82 (b) Utility-type vehicles may be operated on public
83 roads and streets upon which motor vehicles are authorized by law



84 to be operated for which the posted speed limit is fifty-five (55)
85 miles per hour or less. UTVs may not be operated on state
86 highways or federal highways that are not interstate highways
87 except for the crossing at the intersection thereof the posted
88 speed limit is fifty-five (55) miles per hour or less, in which
89 case the shortest traveling distance to do so shall be required.

90 (2) (a) An individual or business owner of a UTV must
91 obtain a license plate to be affixed to the rear of the vehicle in
92 an unobscured manner and registration from the Department of
93 Revenue upon presenting proof of ownership and liability insurance
94 for the UTV and upon payment of a biennial registration fee of
95 Forty Dollars (\$40.00). Upon complying with the motor vehicle
96 laws relating to registration and licensing of motor vehicles,
97 upon payment of the registration fee prescribed by this
98 subsection, UTV owners shall be issued a license tag for each UTV
99 registered in his or her name.

100 (b) The Department of Revenue shall determine the color
101 and design of UTV license tags issued under this section and
102 whether or not a county name shall be required to be displayed on
103 the tag.

104 (c) UTV owners and registrants are exempt from the
105 payment of ad valorem property taxes to the county in which the
106 UTV is registered. No county may charge any ad valorem property
107 taxes nor county fees of any kind on this type of vehicle.
108 Registrants of UTVs shall renew their registration biennially



109 directly with the Department of Revenue, which shall deposit all
110 fees collected under this section into the State Treasury on the
111 day collected. At the end of each month, the Department of
112 Revenue shall certify to the State Treasurer the total fees
113 collected under this section from the issuance of UTV license
114 tags. The State Treasurer shall distribute an amount equal to
115 Seven Dollars (\$7.00) of the fees collected for each such license
116 tag issued under this section to the State General Fund, and the
117 remainder of the fees collected shall be proportionately
118 distributed by the State Treasurer to the credit of the counties
119 wherein UTVs are registered, for the purpose of maintaining the
120 roads and bridges therein.

121 **SECTION 3.** (1) Any person operating a utility-type vehicle
122 on the public roads and streets under this chapter must be at
123 least sixteen (16) years of age and have in his or her possession
124 a valid driver's license or conditional driver's license and proof
125 of financial responsibility as required under Section 63-15-1 et
126 seq. at all times while operating the UTV on public roads and
127 streets of the state.

128 (2) If the registered UTV operator is sixteen (16) years old
129 and holds a conditional driver's license, the registered UTV may
130 only be operated during daylight hours and shall not be allowed
131 driving privileges without the supervision of a licensed adult
132 driver over the age of eighteen (18). For purposes of this
133 section, "daylight hours" means the time between 6:00 a.m. and no



134 later than 6:00 p.m. However, beginning on the day that daylight
135 saving time goes into effect through the day that daylight saving
136 time ends, "daylight hours" means after 6:00 a.m. and no later
137 than 8:00 p.m. All other hours are designated as nighttime hours.

138 (3) Registered UTVs must not be operated by anyone who holds
139 a learner's permit pursuant to Section 63-1-21. This provision
140 includes the operation of a UTV by a learner's permit holder even
141 if there is a licensed driver with the learner's permit holder in
142 the UTV.

143 (4) No child under the age of eight (8) may be a passenger
144 in a registered UTV while operated on a public road or highway.

145 **SECTION 4.** Each utility-type vehicle registered with the
146 Department of Revenue to operate upon the public roads and
147 highways of this state shall be equipped with:

148 (a) Headlamps;

149 (b) Front and rear turn signal lamps;

150 (c) Taillamps;

151 (d) Stop lamps;

152 (e) Reflex reflectors: one (1) red on each side as far
153 to the rear as practicable, and one (1) red on the rear;

154 (f) An exterior mirror mounted on the driver's side of
155 the vehicle and either an exterior mirror mounted on the
156 passenger's side of the vehicle or an interior mirror;

157 (g) A parking brake;



158 (h) A windshield that conforms to the requirements of
159 49 CFR Section 571.205;

160 (i) A VIN that conforms to the requirements of 49 CFR
161 Section 565;

162 (j) A Type 1 or Type 2 seat belt assembly conforming to
163 the requirements of 49 CFR Section 571.209, installed at each
164 designated seating position;

165 (k) Rear visibility that conforms to the requirements
166 of 49 CFR Section 571.111; and

167 (l) An alert sound as required by 49 CFR Section
168 571.141.

169 **SECTION 5.** Section 63-2-1, Mississippi Code of 1972, is
170 amended as follows:

171 63-2-1. (1) When a passenger motor vehicle is operated in
172 forward motion on a public road, street or highway within this
173 state, every operator and every passenger shall wear a properly
174 fastened safety seat belt system, required to be installed in the
175 vehicle when manufactured pursuant to Federal Motor Vehicle Safety
176 Standard 208.

177 (2) "Passenger motor vehicle" for purposes of this chapter
178 means a motor vehicle designed to carry fifteen (15) or fewer
179 passengers, including the driver, but does not include motorcycles
180 that are not autocycles as defined in Section 63-3-103, mopeds,
181 all-terrain vehicles or trailers. The term does include
182 utility-type vehicles as defined in Section 1 of this act, which



183 are registered for operation on a public road, street or highway
184 within this state.

185 (3) This section shall not apply to:

186 (a) Vehicles which may be registered for "farm" use,
187 including "implements of husbandry" as defined in Section
188 63-21-5(d), and "farm tractors" as defined in Section 63-3-105(a);

189 (b) An operator or passenger possessing a written
190 verification from a licensed physician that he is unable to wear a
191 safety belt system for medical reasons;

192 (c) A passenger car operated by a rural letter carrier
193 of the United States Postal Service or by a utility meter reader
194 while on duty;

195 (d) Buses; or

196 (e) A child who is required to be protected by the use
197 of a child passenger restraint device or system or a
198 belt-positioning booster seat system under the provisions of
199 Sections 63-7-301 through 63-7-311.

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

202 63-3-103. (a) "Vehicle" means every device in, upon or by
203 which any person or property is or may be transported or drawn
204 upon a highway, except devices used exclusively upon stationary
205 rails or tracks.

206 (b) "Motor vehicle" means every vehicle which is
207 self-propelled and every vehicle which is propelled by electric



208 power obtained from overhead trolley wires, but not operated upon
209 rails. The term "motor vehicle" shall not include electric
210 personal assistive mobility devices, personal delivery devices or
211 electric bicycles.

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

218 (d) "Authorized emergency vehicle" means every vehicle of
219 the fire department (fire patrol), every police vehicle, every 911
220 Emergency Communications District vehicle, every such ambulance
221 and special use EMS vehicle as defined in Section 41-59-3, every
222 Mississippi Emergency Management Agency vehicle as is designated
223 or authorized by the Executive Director of MEMA and every
224 emergency vehicle of municipal departments or public service
225 corporations as is designated or authorized by the commission or
226 the chief of police of an incorporated city.

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



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

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

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

246 (i) "Autocycle" means a three-wheel motorcycle with a
247 steering wheel, nonstraddle seating, rollover protection and seat
248 belts.

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



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

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

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

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

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

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

280 (i) Solely powered by an electric motor;



281 (ii) Intended to be operated primarily on sidewalks,
282 crosswalks, and other pedestrian areas to transport cargo;
283 (iii) Intended primarily to transport property on
284 public rights-of-way, and not intended to carry passengers; and
285 (iv) Capable of navigating with or without the active
286 control or monitoring of a natural person.

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

294 (o) "Utility-type vehicle" or "UTV" means any motorized
295 off-highway vehicle which is intended to transport individuals,
296 cargo or both with a top speed over thirty-five (35) miles per
297 hour and meets the following manufacturer design specifications:

298 (i) Is seventy-five (75) inches in width or less;

299 (ii) Is not more than one hundred eighty (180) inches,
300 including the bumper, in length;

301 (iii) Has a dry weight of three thousand five hundred
302 (3,500) pounds or less;

303 (iv) Travels on four (4) or more nonhighway tires; and



304 (v) Is equipped with side-by-side seating for the use
305 of the operator and a passenger, or additional seating for
306 multiple passengers.

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

309 63-15-3. The following words and phrases, when used in this
310 chapter, shall, for the purposes of this chapter, have the
311 meanings respectively ascribed to them in this section, except in
312 those instances where the context clearly indicates a different
313 meaning:

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

320 (b) "Judgment" means any judgment which shall have
321 become final by expiration, without appeal, of the time within
322 which an appeal might have been perfected, or by final affirmation
323 on appeal, rendered by a court of competent jurisdiction of any
324 state or of the United States, upon a cause of action arising out
325 of the ownership, maintenance or use of any motor vehicle, for
326 damages, including damages for care and loss of services, because
327 of bodily injury to or death of any person, or for damages because
328 of injury to or destruction of property, including the loss of use



329 thereof, or upon a cause of action on an agreement of settlement
330 for such damages.

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

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

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

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

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



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

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

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

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

368 (j) "Proof of financial responsibility" means proof of
369 ability to respond in damages for liability, on account of
370 accidents occurring subsequent to the effective date of said
371 proof, arising out of the ownership, maintenance or use of a motor
372 vehicle, in the amount of Twenty-five Thousand Dollars
373 (\$25,000.00) because of bodily injury to or death of one (1)
374 person in any one (1) accident, and subject to said limit for one
375 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)
376 because of bodily injury to or death of two (2) or more persons in
377 any one (1) accident, and in the amount of Twenty-five Thousand



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

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

387 (l) "Department" means the Department of Public Safety
388 of the State of Mississippi, acting directly or through its
389 authorized officers and agents, except in such sections of this
390 chapter in which some other state department is specifically
391 named.

392 (m) "State" means any state, territory or possession of
393 the United States, the District of Columbia, or any province of
394 the Dominion of Canada.

395 (n) "Utility-type vehicle" or "UTV" means any motorized
396 off-highway vehicle which is intended to transport individuals,
397 cargo or both with a top speed over thirty-five (35) miles per
398 hour and meets the following manufacturer design specifications:

399 (i) Is seventy-five (75) inches in width or less;

400 (ii) Is not more than one hundred eighty (180)
401 inches, including the bumper, in length;



402 (iii) Has a dry weight of three thousand five
403 hundred (3,500) pounds or less;
404 (iv) Travels on four (4) or more nonhighway tires;
405 and
406 (v) Is equipped with side-by-side seating for the
407 use of the operator and a passenger, or additional seating for
408 multiple passengers.

409 **SECTION 8.** Section 63-15-4, Mississippi Code of 1972, is
410 brought forward as follows:

411 63-15-4. (1) The following vehicles are exempted from the
412 requirements of this section:

413 (a) Motor vehicles exempted by Section 63-15-5;

414 (b) Motor vehicles for which a bond or a certificate of
415 deposit of money or securities in at least the minimum amounts
416 required for proof of financial responsibility is on file with the
417 department;

418 (c) Motor vehicles that are self-insured under Section
419 63-15-53; and

420 (d) Implements of husbandry.

421 (2) (a) Every motor vehicle operated in this state shall
422 have a motor vehicle liability insurance policy that covers the
423 vehicle and is in compliance with the liability limits required by
424 Section 63-15-3(j). The insured parties shall be responsible for
425 maintaining the insurance on each motor vehicle.



426 (b) An insurance company issuing a policy of motor
427 vehicle liability insurance as required by this section shall
428 furnish to the insured an insurance card for each motor vehicle at
429 the time the insurance policy becomes effective. The insurance
430 card may be furnished in either paper or electronic format as
431 chosen by the insured. Acceptable electronic formats include
432 display of electronic images on a cellular phone or any other type
433 of electronic device. Beginning on July 1, 2013, insurers shall
434 furnish commercial auto coverage customers with an insurance card
435 clearly marked with the identifier, "Commercial Auto Insurance" or
436 "Fleet" or similar language, to reflect that the vehicle is
437 insured under a commercial auto policy.

438 (3) Upon stopping a motor vehicle at a roadblock where all
439 passing motorists are checked as a method to enforce traffic laws
440 or upon stopping a motor vehicle for any other statutory
441 violation, a law enforcement officer, who is authorized to issue
442 traffic citations, shall verify that the insurance card required
443 by this section is in the motor vehicle or is displayed by
444 electronic image on a cellular phone or other type of electronic
445 device. However, no driver shall be stopped or detained solely
446 for the purpose of verifying that the motor vehicle is covered by
447 liability insurance in the amounts required under Section
448 63-15-3(j) unless the stop is part of such roadblock. If the law
449 enforcement officer uses the verification system created in
450 Section 63-16-3 and receives a response from the system verifying



451 that the owner of the motor vehicle has liability insurance in the
452 amounts required under Section 63-15-3(j), then the officer shall
453 not issue a citation under this section notwithstanding any
454 failure to display an insurance card by the owner or operator.

455 (4) Failure of the owner or the operator of a motor vehicle
456 to have the insurance card in the motor vehicle, or to display the
457 insurance card by electronic image on a cellular phone or other
458 type of electronic device, is a misdemeanor and, upon conviction,
459 is punishable by a fine of One Hundred Dollars (\$100.00) and
460 suspension of driving privilege for a period of one (1) year or
461 until the owner of the motor vehicle shows proof of liability
462 insurance that is in compliance with the liability limits required
463 by Section 63-15-3(j) and has paid the fines and assessments
464 imposed and the driver's license reinstatement fees imposed by the
465 Department of Public Safety. A judge shall determine whether the
466 defendant is indigent, and if a determination of indigence is
467 made, shall authorize the reinstatement of that person's driver's
468 license upon proof of mandatory liability insurance subject to
469 compliance with a payment plan for any fines, assessments and/or
470 fees. Fraudulent use of an insurance card shall be punishable in
471 accordance with Section 97-7-10. If such fines are levied in a
472 municipal court, the funds from such fines shall be deposited in
473 the general fund of the municipality. If such fines are levied in
474 any of the courts of the county, the funds from such fines shall
475 be deposited in the general fund of the county. A person



476 convicted of a criminal offense under this subsection (4) shall
477 not be convicted of a criminal offense under Section 63-16-13(1)
478 arising from the same incident.

479 (5) If, at the hearing date or the date of payment of the
480 fine the owner shows proof that such insurance was in effect at
481 the time of citation, the case shall be dismissed as to the
482 defendant with prejudice and all court costs shall be waived
483 against the defendant.

484 (6) No law enforcement officer may access any function,
485 feature or other electronic image on a person's cellular phone or
486 other type of electronic device when enforcing the provisions of
487 this section except for the electronic image of an insurance card
488 shown to the officer.

489 **SECTION 9.** Section 63-21-5, Mississippi Code of 1972, is
490 amended as follows:

491 63-21-5. The following words and phrases when used in this
492 chapter shall, for the purpose of this chapter, have the meanings
493 respectively ascribed to them in this section except where the
494 context clearly indicates a different meaning:

495 (a) " * * * Department of Revenue" or "department"
496 means the Department of Revenue of the State of Mississippi.

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



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

507 (c) "Designated agent" means each county tax collector
508 in this state who may perform his duties under this chapter either
509 personally or through any of his deputies, or such other persons
510 as the Department of Revenue may designate. The term shall also
511 mean those "dealers" as herein defined and/or their officers and
512 employees and other persons who are appointed by the Department of
513 Revenue in the manner provided in Section 63-21-13, Mississippi
514 Code of 1972, to perform the duties of "designated agent" for the
515 purposes of this chapter.

516 (d) "Implement of husbandry" means every vehicle
517 designed and adapted exclusively for agricultural, horticultural
518 or livestock raising operations or for lifting or carrying an
519 implement of husbandry and in either case not subject to
520 registration if used upon the highways.

521 (e) "Vehicle identification number" means the numbers
522 and letters on a vehicle, manufactured home or mobile home
523 designated by the manufacturer or assigned by the Department of
524 Revenue for the purpose of identifying the vehicle, manufactured
525 home or mobile home.



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

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

536 (h) "Manufactured housing" or "manufactured home" means
537 any structure, transportable in one or more sections, which in the
538 traveling mode, is eight (8) body feet or more in width or forty
539 (40) body feet or more in length or, when erected on site, is
540 three hundred twenty (320) or more square feet and which is built
541 on a permanent chassis and designed to be used as a dwelling with
542 or without a permanent foundation when connected to the required
543 utilities, and includes the plumbing, heating, air-conditioning
544 and electrical systems contained therein; except that such terms
545 shall include any structure which meets all the requirements of
546 this paragraph except the size requirements and with respect to
547 which the manufacturer voluntarily files a certification required
548 by the Secretary of Housing and Urban Development and complies
549 with the standards established under the National Manufactured



550 Housing Construction and Safety Standards Act of 1974, 42 USCS,
551 Section 5401.

552 (i) "Manufacturer" means any person regularly engaged
553 in the business of manufacturing, constructing or assembling motor
554 vehicles, manufactured homes or mobile homes, either within or
555 without this state.

556 (j) "Mobile home" means any structure, transportable in
557 one or more sections, which in the traveling mode, is eight (8)
558 body feet or more in width or forty (40) body feet or more in
559 length or, when erected on site, is three hundred twenty (320) or
560 more square feet and which is built on a permanent chassis and
561 designed to be used as a dwelling with or without a permanent
562 foundation when connected to the required utilities, and includes
563 the plumbing, heating, air-conditioning and electrical systems
564 contained therein and manufactured prior to June 15, 1976. Any
565 mobile home designated as realty on or before July 1, 1999, shall
566 continue to be designated as realty so that a security interest
567 will be made by incorporating such mobile home in a deed of trust.

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

573 (l) "Motor vehicle" means every automobile, motorcycle,
574 mobile trailer, semitrailer, truck, truck tractor, trailer,



575 utility-type vehicle and every other device in, upon, or by which
576 any person or property is or may be transported or drawn upon a
577 public highway which is required to have a road or bridge
578 privilege license, except such as is moved by animal power or used
579 exclusively upon stationary rails or tracks, and excepting
580 electric bicycles and personal delivery devices.

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

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

587 (o) "Owner" means a person or persons holding the legal
588 title of a vehicle, manufactured home or mobile home; in the event
589 a vehicle, manufactured home or mobile home is the subject of a
590 deed of trust or a chattel mortgage or an agreement for the
591 conditional sale or lease thereof or other like agreement, with
592 the right of purchase upon performance of the conditions stated in
593 the agreement and with the immediate right of possession vested in
594 the grantor in the deed of trust, mortgagor, conditional vendee or
595 lessee, the grantor, mortgagor, conditional vendee or lessee shall
596 be deemed the owner for the purpose of this chapter.

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



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

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

608 (s) "Security interest" means an interest in a vehicle,
609 manufactured home or mobile home reserved or created by agreement
610 and which secures payment or performance of an obligation. The
611 term includes the interest of a lessor under a lease intended as
612 security. A security interest is "perfected" when it is valid
613 against third parties generally, subject only to specific
614 statutory exceptions.

615 (t) "Special mobile equipment" means every vehicle not
616 designed or used primarily for the transportation of persons or
617 property and only incidentally operated or moved over a highway,
618 including, but not limited to: ditch-digging apparatus,
619 well-boring apparatus and road construction and maintenance
620 machinery such as asphalt spreaders, bituminous mixers, bucket
621 loaders, tractors other than truck tractors, ditchers, leveling
622 graders, finishing machines, motor graders, road rollers,
623 scarifiers, earth-moving carryalls and scrapers, power shovels and



624 draglines, and self-propelled cranes, vehicles so constructed that
625 they exceed eight (8) feet in width and/or thirteen (13) feet six
626 (6) inches in height, and earth-moving equipment. The term does
627 not include house trailers, dump trucks, truck-mounted transit
628 mixers, cranes or shovels, or other vehicles designed for the
629 transportation of persons or property to which machinery has been
630 attached.

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

633 (v) "Current address" means a new address different
634 from the address shown on the application or on the certificate of
635 title. The owner shall within thirty (30) days after his address
636 is changed from that shown on the application or on the
637 certificate of title notify the department of the change of
638 address in the manner prescribed by the department.

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

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

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



649 (z) "Mileage" means actual distance that a vehicle has
650 traveled.

651 (aa) "Trailer" means every vehicle other than a "pole
652 trailer" as defined in this chapter without motive power designed
653 to be drawn by another vehicle and attached to the towing vehicle
654 for the purpose of hauling goods or products. The term "trailer"
655 shall not refer to any structure, transportable in one or more
656 sections regardless of size, when erected on site, and which is
657 built on a permanent chassis and designed to be used as a dwelling
658 with or without a permanent foundation when connected to the
659 required utilities, and includes the plumbing, heating,
660 air-conditioning and electrical systems contained therein
661 regardless of the date of manufacture.

662 (bb) "Salvage mobile home" or "salvage manufactured
663 home" means a mobile home or manufactured home for which a
664 certificate of title has been issued that an insurance company
665 obtains from the owner as a result of paying a total loss claim
666 resulting from collision, fire, flood, wind or other occurrence.
667 The term "salvage mobile home" or "salvage manufactured home" does
668 not mean or include and is not applicable to a mobile home or
669 manufactured home that is twenty (20) years old or older.

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



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

677 (ee) "Utility-type vehicle" or "UTV" means any
678 motorized off-highway vehicle which is intended to transport
679 individuals, cargo or both with a top speed over thirty-five (35)
680 miles per hour and meets the following manufacturer design
681 specifications:

682 (i) Is seventy-five (75) inches in width or less;

683 (ii) Is not more than one hundred eighty (180)
684 inches, including the bumper, in length;

685 (iii) Has a dry weight of three thousand five
686 hundred (3,500) pounds or less;

687 (iv) Travels on four (4) or more nonhighway tires;

688 and

689 (v) Is equipped with side-by-side seating for the
690 use of the operator and a passenger, or additional seating for
691 multiple passengers.

692 **SECTION 10.** Section 63-21-9, Mississippi Code of 1972, is
693 amended as follows:

694 63-21-9. (1) Except as provided in Section 63-21-11, every
695 owner of a motor vehicle as defined in this chapter, which is in
696 this state and which is manufactured or assembled after July 1,
697 1969, or which is the subject of first sale for use after July 1,



698 1969, and every owner of a manufactured home as defined in this
699 chapter, which is in this state and which is manufactured or
700 assembled after July 1, 1999, or which is the subject of first
701 sale for use after July 1, 1999, shall make application to
702 the * * * Department of Revenue for a certificate of title with
703 the following exceptions:

704 (a) Voluntary application for title may be made for any
705 model motor vehicle which is in this state after July 1, 1969, and
706 for any model manufactured home or mobile home which is in this
707 state after July 1, 1999, and any person bringing a motor vehicle,
708 manufactured home or mobile home into this state from a state
709 which requires titling shall make application for title to
710 the * * * Department of Revenue within thirty (30) days
711 thereafter.

712 (b) After July 1, 1969, any dealer, acting for himself,
713 or another, who sells, trades or otherwise transfers any new or
714 used vehicle as defined in this chapter, and after July 1, 1999,
715 any dealer, acting for himself, or another, who sells, trades or
716 otherwise transfers any new or used manufactured home or mobile
717 home as defined in this chapter, or any designated agent, shall
718 furnish to the purchaser or transferee, without charge for either
719 application or certificate of title, an application for title of
720 said vehicle, manufactured home or mobile home and cause to be
721 forwarded to the * * * Department of Revenue any and all documents
722 required by the commission to issue certificate of title to the



723 purchaser or transferee. The purchaser or transferee may then use
724 the duplicate application for title as a permit to operate vehicle
725 as provided in Section 63-21-67, until certificate of title is
726 received.

727 (2) (a) Voluntary application for title may be made for any
728 model all-terrain vehicle which is in this state.

729 (b) A dealer who sells, trades or otherwise transfers
730 any new or used all-terrain vehicles as defined in this chapter,
731 may furnish to the purchaser or transferee, without charge for
732 either application or certificate of title, an application for
733 title of said vehicle, and cause to be forwarded to the * * *
734 Department of Revenue any and all documents required by the
735 commission to issue certificate of title to the purchaser or
736 transferee.

737 (3) Any dealer, acting for himself or another who sells,
738 trades or otherwise transfers any vehicle, manufactured home or
739 mobile home required to be titled under this chapter who does not
740 comply with the provisions of this chapter shall be guilty of a
741 misdemeanor and upon conviction shall be fined a sum not exceeding
742 Five Hundred Dollars (\$500.00).

743 **SECTION 11.** Section 27-19-3, Mississippi Code of 1972, is
744 amended as follows:

745 27-19-3. (a) The following words and phrases when used in
746 this article for the purpose of this article have the meanings
747 respectively ascribed to them in this section, except in those



748 instances where the context clearly describes and indicates a
749 different meaning:

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

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

757 (3) "Motor vehicle" means every vehicle as defined in
758 this section which is self-propelled, including utility-type
759 vehicles, and trackless street or trolley cars. The term "motor
760 vehicle" shall not include electric bicycles, personal delivery
761 devices or electric personal assistive mobility devices as defined
762 in Section 63-3-103, or golf carts or low-speed vehicles as
763 defined in Section 63-32-1.

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

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

771 (6) "Truck tractor" means every motor vehicle designed
772 and used for drawing other vehicles and so constructed as to carry



773 a load other than a part of the weight of the vehicle and load so
774 drawn and has a gross vehicle weight (GVW) in excess of ten
775 thousand (10,000) pounds.

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

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

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

785 (10) "Pneumatic tires" means all tires inflated with
786 compressed air.

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

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

792 (13) "Person" means every natural person, firm,
793 copartnership, corporation, joint-stock or other association or
794 organization.

795 (14) "Owner" means a person who holds the legal title
796 of a vehicle or in the event a vehicle is the subject of an
797 agreement for the conditional sale, lease or transfer of the



798 possession, the person with the right of purchase upon performance
799 of conditions stated in the agreement, and with an immediate right
800 of possession vested in the conditional vendee, lessee, possessor
801 or in the event such or similar transaction is had by means of a
802 mortgage, and the mortgagor of a vehicle is entitled to
803 possession, then such conditional vendee, lessee, possessor or
804 mortgagor shall be deemed the owner for the purposes of this
805 article.

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

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

820 (17) "Highway" means and includes every way or place of
821 whatever nature, including public roads, streets and alleys of
822 this state generally open to the use of the public or to be opened



823 or reopened to the use of the public for the purpose of vehicular
824 travel, and notwithstanding that the same may be temporarily
825 closed for the purpose of construction, reconstruction,
826 maintenance or repair.

827 (18) " * * * Department of Revenue," "commission" or
828 "department" means the Commissioner of Revenue of the Department
829 of Revenue of this state, acting directly or through his duly
830 authorized officers, agents, representatives and employees.

831 (19) "Common carrier by motor vehicle" means any person
832 who or which undertakes, whether directly or by a lease or any
833 other arrangement, to transport passengers or property or any
834 class or classes of property for the general public in interstate
835 or intrastate commerce on the public highways of this state by
836 motor vehicles for compensation, whether over regular or irregular
837 routes. The term "common carrier by motor vehicle" shall not
838 include passenger buses operating within the corporate limits of a
839 municipality in this state or not exceeding five (5) miles beyond
840 the corporate limits of the municipality, and hearses, ambulances,
841 and school buses as such. In addition, this definition shall not
842 include taxicabs.

843 (20) "Contract carrier by motor vehicle" means any
844 person who or which under the special and individual contract or
845 agreements, and whether directly or by a lease or any other
846 arrangement, transports passengers or property in interstate or
847 intrastate commerce on the public highways of this state by motor



848 vehicle for compensation. The term "contract carrier by motor
849 vehicle" shall not include passenger buses operating wholly within
850 the corporate limits of a municipality in this state or not
851 exceeding five (5) miles beyond the corporate limits of the
852 municipality, and hearses, ambulances, and school buses as such.
853 In addition, this definition shall not include taxicabs.

854 (21) "Private commercial and noncommercial carrier of
855 property by motor vehicle" means any person not included in the
856 terms "common carrier by motor vehicle" or "contract carrier by
857 motor vehicle," who or which transports in interstate or
858 intrastate commerce on the public highways of this state by motor
859 vehicle, property of which such person is the owner, lessee, or
860 bailee, other than for hire. The term "private commercial and
861 noncommercial carrier of private property by motor vehicle" shall
862 not include passenger buses operated wholly within the corporate
863 limits of a municipality of this state, or not exceeding five (5)
864 miles beyond the corporate limits of the municipality, and
865 hearses, ambulances, and school buses as such. In addition, this
866 definition shall not include taxicabs.

867 Haulers of fertilizer shall be classified as private
868 commercial carriers of property by motor vehicle.

869 (22) "Private carrier of passengers" means all other
870 passenger motor vehicle carriers not included in the above
871 definitions. The term "private carrier of passengers" shall not
872 include passenger buses operating wholly within the corporate



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

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

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

883 (25) "Private carrier of property" means any person
884 transporting property on the highways of this state as defined
885 below:

886 (i) Any person, or any employee of such person,
887 transporting farm products, farm supplies, materials and/or
888 equipment used in the growing or production of his own
889 agricultural products in his own truck.

890 (ii) Any person transporting his own fish,
891 including shellfish, in his own truck.

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

895 (26) "Taxicab" means any passenger motor vehicle for
896 hire with a seating capacity not greater than ten (10) passengers.
897 For purposes of this paragraph (26), seating capacity shall be



898 determined according to the manufacturer's suggested seating
899 capacity for a vehicle. If there is no manufacturer's suggested
900 seating capacity for a vehicle, the seating capacity for the
901 vehicle shall be determined according to regulations established
902 by the Department of Revenue.

903 (27) "Passenger coach" means any passenger motor
904 vehicle with a seating capacity greater than ten (10) passengers,
905 operating wholly within the corporate limits of a municipality of
906 this state or within five (5) miles of the corporate limits of the
907 municipality, or motor vehicles substituted for abandoned electric
908 railway systems in or between municipalities. For purposes of
909 this paragraph (27), seating capacity shall be determined
910 according to the manufacturer's suggested seating capacity for a
911 vehicle. If there is no manufacturer's suggested seating capacity
912 for a vehicle, the seating capacity for the vehicle shall be
913 determined according to regulations established by the Department
914 of Revenue.

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

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

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



923 classified as a light carrier of property, as defined in Section
924 27-51-101.

925 (31) "Regular seats" means each seat ordinarily and
926 customarily used by one (1) passenger, including all temporary,
927 emergency, and collapsible seats. Where any seats are not
928 distinguished or separated by separate cushions and backs, a seat
929 shall be counted for each eighteen (18) inches of space on such
930 seats or major fraction thereof. In the case of a regular
931 passenger-type automobile which is used as a common or contract
932 carrier of passengers, three (3) seats shall be counted for the
933 rear seat of such automobile and one (1) seat shall be counted for
934 the front seat of such automobile.

935 (32) "Ton" means two thousand (2,000) pounds
936 avoirdupois.

937 (33) "Bus" means any passenger vehicle with a seating
938 capacity of more than ten (10) but shall not include "private
939 carrier of passengers" and "school bus" as defined in paragraphs
940 (15) and (22) of this section. For purposes of this paragraph
941 (33), seating capacity shall be determined according to the
942 manufacturer's suggested seating capacity for a vehicle. If there
943 is no manufacturer's suggested seating capacity for a vehicle, the
944 seating capacity for the vehicle shall be determined according to
945 regulations established by the Department of Revenue.

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



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

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

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

964 (37) "Utility-type vehicle" or "UTV" means any
965 motorized off-highway vehicle which is intended to transport
966 individuals, cargo or both with a top speed over thirty-five (35)
967 miles per hour and meets the following manufacturer design
968 specifications:

969 (i) Is seventy-five (75) inches in width or less;

970 (ii) Is not more than one hundred eighty (180)
971 inches, including the bumper, in length;



972 (iii) Has a dry weight of three thousand five
973 hundred (3,500) pounds or less;
974 (iv) Travels on four (4) or more nonhighway tires;
975 and
976 (v) Is equipped with side-by-side seating for the
977 use of the operator and a passenger, or additional seating for
978 multiple passengers.

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

984 (2) Leased vehicles shall be considered as domiciled at
985 the place in the State of Mississippi from which they operate in
986 interstate or intrastate commerce, and for the purposes of this
987 article shall be considered as owned by the lessee, who shall
988 furnish all insurance on the vehicles and the driver of the
989 vehicles shall be considered as an agent of the lessee for all
990 purposes of this article.

991 **SECTION 12.** Section 27-19-31, Mississippi Code of 1972, is
992 amended as follows:

993 27-19-31. (1) The Department of Revenue is authorized and
994 directed to establish and maintain a vehicle registration renewal
995 system whereby the license tag attached upon a motor vehicle,
996 utility-type vehicle or trailer may be issued for five (5) years



997 with the approval of the License Tag Commission, except for motor
998 vehicles registered in excess of ten thousand (10,000) pounds
999 gross vehicle weight, and motor vehicles in a fleet registered
1000 under Section 27-19-66, apportioned vehicles, rental and
1001 commercial trailers and buses, which shall be issued for a period
1002 of time determined by the Department of Revenue. During each
1003 intervening year of the period for which license tags are issued,
1004 the Department of Revenue shall issue up to two (2) license
1005 decals, in lieu of the license tags, the month and year in which
1006 the license tag expires shall be specified on one (1) of the
1007 decals so issued. Motor vehicles in a corporate fleet registered
1008 under Section 27-19-66, trailers in a fleet registered under
1009 Section 27-19-66.1, and apportioned vehicles shall not be issued
1010 decals specifying the month and year of expiration.

1011 Any series of tags may be cancelled by the commissioner with
1012 the approval of the License Tag Commission and a new series of
1013 tags issued.

1014 (2) The license decals issued in lieu of the license tags
1015 shall indicate the month and the last two (2) figures of the year
1016 for which such license shall expire. The license decals shall be
1017 attached to the license tag of the motor vehicle, utility-type
1018 vehicle or trailer, and when so attached shall be deemed to be the
1019 license tag for the ensuing registration year. The month and year
1020 decal shall be attached in an upright position in the lower right
1021 corner of the license tag. Decals specifying the month and year



1022 of expiration shall not be required to be attached to license tags
1023 on motor vehicles in a corporate fleet registered under Section
1024 27-19-66, trailers in a fleet registered under Section 27-19-66.1,
1025 or apportioned vehicles.

1026 Except as otherwise provided in this paragraph, the
1027 registration year shall be a period of one (1) year commencing on
1028 the first day of the month following the month in which the
1029 vehicle was acquired. Beginning October 1, 1982, original
1030 registrations of motor vehicles, except motor vehicles registered
1031 in excess of ten thousand (10,000) pounds gross vehicle weight,
1032 apportioned vehicles and buses, may be made and shall be prorated
1033 for a period of from six (6) to eleven (11) months according to
1034 regulations established by the Department of Revenue to reduce a
1035 disproportionate number of registrations for a particular month.
1036 Beginning July 1, 1995, original registrations and renewal
1037 registrations of motor vehicles in corporate fleets registered
1038 under Section 27-19-66, shall be prorated according to regulations
1039 established by the Department of Revenue so as to cause the
1040 registration of such fleet motor vehicles to coincide with the
1041 anniversary month for corporate fleets established by the
1042 Department of Revenue. Beginning July 1, 2011, original
1043 registrations and renewal registrations of trailers in trailer
1044 fleets registered under Section 27-19-66.1 shall be prorated
1045 according to regulations established by the Department of Revenue
1046 so as to cause the registration of such trailers to coincide with



1047 the anniversary month for trailer fleets established by the
1048 Department of Revenue. Where a vehicle is registered for a period
1049 less than twelve (12) months, the anniversary month shall be the
1050 month of the expiration of the original license tag.

1051 Beginning July 1, 1996, original registrations and renewal
1052 registrations of motor vehicles in individual fleets registered
1053 under Section 27-19-66 shall be prorated according to regulations
1054 established by the Department of Revenue so as to cause the
1055 registration of such fleet motor vehicles to coincide with the
1056 anniversary month for individual fleets established by the county
1057 tax collector. Where a vehicle is registered for a period less
1058 than twelve (12) months, the anniversary month shall be the month
1059 of the expiration of the original license tag.

1060 The Department of Revenue, with the approval of the License
1061 Tag Commission, shall so specify the area or areas on the license
1062 tag where the license decals shall be attached. The number of the
1063 license tag shall be written across its face, and the number of
1064 the tag shall represent the registration number; and upon all the
1065 tags for private passenger vehicles the word "MISSISSIPPI" shall
1066 be written across the top of the tag in capital letters
1067 sufficiently large to be easily read, but upon all other tags such
1068 word may be abbreviated. The number of the license tag shall not
1069 exceed seven (7) letters, numbers or a combination of such letters
1070 and numbers. Also, on all tags sold and issued, an appropriate
1071 place will be provided thereon to place license decals indicating



1072 the expiration date of the tag. For the purposes of this section
1073 and Section 27-19-32, Mississippi Code of 1972, the term "decal,"
1074 "decals" or "license decal" shall mean a tab, sticker or other
1075 similar device attached to a license tag which validates same for
1076 a stated period of time. One (1) license tag and up to two (2)
1077 license decals shall be furnished for all vehicles and shall be
1078 fastened immovably twelve (12) inches or more above the ground, at
1079 the rear of the vehicle under or over the rear light, with the
1080 number in upright position so that it will be plainly visible and
1081 legible at all times, and at night at a distance of sixty (60)
1082 feet. In the case of tractors or other motor vehicles drawing or
1083 pulling trailers, semitrailers or farm implements, the tag shall
1084 be fastened upon such vehicle twelve (12) inches or more above the
1085 ground, upon the front or back of such vehicle, with the number in
1086 an upright position. Such license plate, all characters and any
1087 legally affixed decals shall not be defaced, covered or obstructed
1088 from view by any object, decal, sticker, paint, marking or license
1089 plate bracket or holder. Any person who defaces, covers or
1090 obstructs any portion of a license tag with any sticker,
1091 decoration, paint, marking, license plate bracket or holder or any
1092 other thing or device, in such a manner that the characters and
1093 any legally affixed decals on the tag cannot be read, shall be
1094 guilty of a misdemeanor and, upon conviction, shall be punished by
1095 a fine of not more than Twenty-five Dollars (\$25.00). However, it
1096 shall not be unlawful for the county name to be partially or



1097 completely obstructed from view by any object, decal, sticker or
1098 license plate bracket or holder. Unless the license tag with
1099 current decals is fastened to the vehicle as herein provided, the
1100 said vehicle shall be regarded as operating without a license tag,
1101 and the owner or operator shall be liable for the penalties herein
1102 provided.

1103 In addition to the above requirements, license tags for
1104 private passenger vehicles shall have a county designation thereon
1105 referencing the name of the county in which such vehicle is
1106 registered.

1107 Law enforcement officers of this state shall remove from a
1108 motor vehicle or trailer any license tag and/or decals which are
1109 so defaced that proper identification cannot be reasonably made.
1110 The officer shall issue to the driver of such vehicle a tag permit
1111 which shall be valid for a period of five (5) days. Each person
1112 receiving such tag permit shall purchase, within five (5) days
1113 from the date of the issuance of the permit, a new tag and/or
1114 decals for the fee set forth in Section 27-19-37, Mississippi Code
1115 of 1972, for a substitute tag.

1116 Any person who has a license tag or decals on a vehicle which
1117 may be so defaced that proper identification cannot be reasonably
1118 made may remove such and purchase another license tag and/or
1119 decals for the same fee required for a substitute tag. If any
1120 license tag shall deteriorate due to age so that identification
1121 cannot be reasonably made, the owner may surrender such tag to the



1122 issuing authority and be issued a new tag and like decals at no
1123 cost.

1124 (3) The Department of Revenue is authorized to promulgate
1125 appropriate rules and regulations to govern the use and display of
1126 license decals and to publish a summary thereof which shall be
1127 available to state officials and the public upon request.

1128 **SECTION 13.** Section 27-51-5, Mississippi Code of 1972, is
1129 amended as follows:

1130 27-51-5. The subject words and terms of this section, for
1131 the purpose of this chapter, shall have meanings as follows:

1132 (a) "Motor vehicle" means any device and attachments
1133 supported by one or more wheels which is propelled or drawn by any
1134 power other than muscular power, including utility-type vehicles,
1135 over the highways, streets or alleys of this state. The term
1136 "motor vehicle" shall not include electric bicycles, personal
1137 delivery devices or electric personal assistive mobility devices
1138 as defined in Section 63-3-103, or golf carts or low-speed
1139 vehicles as defined in Section 63-32-1. However, mobile homes
1140 which are detached from any self-propelled vehicles and parked on
1141 land in the state are hereby expressly exempt from the motor
1142 vehicle ad valorem taxes, but house trailers which are actually in
1143 transit and which are not parked for more than an overnight stop
1144 are not exempted.

1145 (b) "Public highway" means and includes every way or
1146 place of whatever nature, including public roads, streets and



1147 alleys of this state generally open to the use of the public or to
1148 be opened or reopened to the use of the public for the purpose of
1149 vehicular travel, notwithstanding that the same may be temporarily
1150 closed for the purpose of construction, reconstruction,
1151 maintenance, or repair.

1152 (c) "Administrator of the road and bridge privilege tax
1153 law" means the official authorized by law to administer the road
1154 and bridge privilege tax law of this state.

1155 (d) "Utility-type vehicle" or "UTV" means any motorized
1156 off-highway vehicle which is intended to transport individuals,
1157 cargo or both with a top speed over thirty-five (35) miles per
1158 hour and meets the following manufacturer design specifications:

1159 (i) Is seventy-five (75) inches in width or less;

1160 (ii) Is not more than one hundred eighty (180)
1161 inches, including the bumper, in length;

1162 (iii) Has a dry weight of three thousand five
1163 hundred (3,500) pounds or less;

1164 (iv) Travels on four (4) or more nonhighway tires;

1165 and

1166 (v) Is equipped with side-by-side seating for the
1167 use of the operator and a passenger, or additional seating for
1168 multiple passengers.

1169 **SECTION 14.** Section 27-51-41, Mississippi Code of 1972, is
1170 amended as follows:



1171 27-51-41. (1) The exemptions from the provisions of this
1172 chapter shall be confined to those persons or property exempted by
1173 this chapter or by the provisions of the Constitution of the
1174 United States or the State of Mississippi. No exemption as now
1175 provided by any other statute shall be valid as against the tax
1176 levied by this chapter. Any subsequent exemption from the tax
1177 levied hereunder shall be provided by amendment to this section
1178 which shall be inserted in the bill at length.

1179 (2) The following shall be exempt from ad valorem taxation:

1180 (a) All motor vehicles, as defined in this chapter, and
1181 including motor-propelled farm implements and vehicles, while in
1182 the hands of bona fide dealers as merchandise and which are not
1183 being operated upon the highways of this state.

1184 (b) All motor vehicles belonging to the federal
1185 government or the State of Mississippi or any agencies or
1186 instrumentalities thereof.

1187 (c) All motor vehicles owned by any school district in
1188 the state.

1189 (d) All motor vehicles owned by any fire protection
1190 district incorporated in accordance with Sections 19-5-151 through
1191 19-5-207 or by any fire protection grading district incorporated
1192 in accordance with Sections 19-5-215 through 19-5-241.

1193 (e) All motor vehicles owned by units of the
1194 Mississippi National Guard.



1195 (f) All motor vehicles which are exempted from highway
1196 privilege taxes under Section 27-19-1 et seq.

1197 (g) All motor vehicles operated in this state as common
1198 and contract carriers of property, private commercial carriers of
1199 property, private carriers of property and buses, all of which
1200 have a gross weight in excess of ten thousand (10,000) pounds.

1201 (h) Antique automobiles as defined in Section 27-19-47,
1202 and antique pickup trucks as provided for under Section
1203 27-19-47.2, Mississippi Code of 1972.

1204 (i) Street rods as defined in Section 27-19-56.6.

1205 (j) (i) Two (2) motor vehicles owned by a disabled
1206 American veteran, or by the spouse of a deceased disabled American
1207 veteran, who is entitled to purchase a distinctive license plate
1208 or tag in accordance with Section 27-19-53, regardless of the
1209 license plate or tag issued to the disabled American veteran or
1210 the veteran's spouse if the disabled American veteran is deceased.

1211 (ii) One (1) motorcycle owned by a disabled
1212 American veteran, or by the spouse of a deceased disabled American
1213 veteran, who is entitled to purchase a distinctive license plate
1214 or tag in accordance with Section 27-19-53, regardless of the
1215 license plate or tag issued to the disabled American veteran or
1216 the veteran's spouse if the disabled American veteran is deceased.

1217 (k) One (1) motor vehicle owned by the unremarried
1218 surviving spouse of a member of the Armed Forces of the United
1219 States who, while on active duty, is killed or dies and one (1)



1220 motor vehicle owned by the unremarried surviving spouse of a
1221 member of a reserve component of the Armed Forces of the United
1222 States or of the National Guard who, while on active duty for
1223 training, is killed or dies.

1224 (l) Motor vehicles owned by recipients of the
1225 Congressional Medal of Honor or by former prisoners of war, or by
1226 spouses of such deceased persons, in accordance with Section
1227 27-19-54.

1228 (m) (i) One (1) private carrier of passengers, as
1229 defined in Section 27-19-3, owned by any religious society,
1230 ecclesiastical body or any congregation thereof which is used
1231 exclusively for such society and not for profit.

1232 (ii) All motor vehicles owned by any such
1233 religious society or any educational institution having a seating
1234 capacity greater than seven (7) passengers and used exclusively
1235 for transporting passengers for religious or educational purposes
1236 and not for profit.

1237 (n) All motor vehicles primarily used as rentals under
1238 rental agreements with a term of not more than thirty (30)
1239 continuous days each and under the control of persons who are
1240 engaged in the business of renting such motor vehicles and who are
1241 subject to the tax under Section 27-65-231.

1242 (o) Antique motorcycles as defined in Section
1243 27-19-47.1.



1244 (p) One (1) motor vehicle owned by a recipient of the
1245 Purple Heart, and one (1) motor vehicle owned by the unremarried
1246 surviving spouse of a recipient of the Purple Heart, as provided
1247 in Section 27-19-56.5.

1248 (q) Motor vehicles that are eligible to display an
1249 authentic historical license plate as provided for in Section
1250 27-19-56.11.

1251 (r) Motor vehicles that are (i) designed or adapted to
1252 be used exclusively in the preparation and loading of chemicals or
1253 other material for aerial agricultural application to crops; and
1254 (ii) only incidentally used on public roadways in this state.

1255 (s) One (1) motor vehicle owned by the mother of a
1256 service member who died while serving on active duty in the Armed
1257 Forces of the United States while the United States was engaged in
1258 hostile activities or a time of war after September 11, 2001, as
1259 provided for in Section 27-19-56.162 or Section 27-19-56.524(5).

1260 (t) One (1) motor vehicle owned by the unremarried
1261 spouse of a service member who died while serving on active duty
1262 in the Armed Forces of the United States while the United States
1263 was engaged in hostile activities or a time of war after September
1264 11, 2001, as provided for in Section 27-19-56.162 or Section
1265 27-19-56.524(5).

1266 (u) Buses and other motor vehicles that are (a) owned
1267 and operated by an entity that has entered into a contract with a
1268 school board under Section 37-41-31 for the purpose of



1269 transporting students to and from schools and (b) used by the
1270 entity for such transportation purposes. This paragraph (u) shall
1271 apply to contracts entered into or renewed on or after July 1,
1272 2010.

1273 (v) One (1) motor vehicle owned by a recipient of the
1274 Silver Star, and one (1) motor vehicle owned by the unremarried
1275 surviving spouse of a recipient of the Silver Star, as provided in
1276 Section 27-19-56.284.

1277 (w) One (1) motor vehicle owned by a person who is a
1278 law enforcement officer and who (i) was wounded or otherwise
1279 received intentional or accidental bodily injury, regardless of
1280 whether occurring before or after July 1, 2014, while engaged in
1281 the performance of his official duties, provided the wound or
1282 injury was not self-inflicted, (ii) was required to receive
1283 medical treatment for the wound or injury due to the nature and
1284 extent of the wound or injury, and (iii) is eligible to receive a
1285 special license plate or tag under Section 27-19-56 as a result of
1286 such wound or injury, regardless of whether the person obtains
1287 such a plate or tag. Application for the exemption provided in
1288 this paragraph (w) may be made at the time of initial registration
1289 of a vehicle and renewal of registration. In addition, an
1290 applicant for the exemption must provide official written
1291 documentation that (i) the applicant is a law enforcement officer
1292 who was wounded or otherwise received intentional or accidental
1293 bodily injury while engaged in the performance of his official



1294 duties and that the wound or injury was not self-inflicted along
1295 with official written documentation verifying receipt of medical
1296 treatment for the wound or injury and the nature and extent of the
1297 wound or injury, and (ii) the applicant is eligible to receive a
1298 special license plate or tag under Section 27-19-56 as a result of
1299 such wound or injury, regardless of whether the person obtains
1300 such a plate or tag.

1301 (x) One (1) motor vehicle owned by an honorably
1302 discharged veteran of the Armed Forces of the United States who
1303 served during World War II, and one (1) motor vehicle owned by the
1304 unremarried surviving spouse of such veteran, as provided in
1305 Section 27-19-56.438.

1306 (y) All utility-type vehicles (UTVs) registered with
1307 the Department of Revenue for operation on the public roads of
1308 this state as provided in Sections 1 through 4 of this act.

1309 (3) Any claim for tax exemption by authority of the
1310 above-mentioned code sections or by any other legal authority
1311 shall be set out in the application for the road and bridge
1312 privilege license, and the specific legal authority for such tax
1313 exemption claim shall be cited in said application, and such
1314 authority cited shall be shown by the tax collector on the tax
1315 receipt as his authority for not collecting such ad valorem taxes,
1316 and the tax collector shall carry forward such information in his
1317 tax collection reports.



1318 (4) Any motor vehicle driven over the highways of this state
1319 to the extent that the owner of such motor vehicle is required to
1320 purchase a road and bridge privilege license in this state, yet
1321 the legal situs of such motor vehicle is located in another state,
1322 shall be exempt from ad valorem taxes authorized by this chapter.

1323 (5) If a taxpayer shall sell, trade or otherwise dispose of
1324 a vehicle on which the ad valorem and road and bridge privilege
1325 taxes have been paid in any county in the state, he shall remove
1326 the license plate from the vehicle. Such license plate must be
1327 surrendered to the issuing authority with the corresponding tax
1328 receipt, if required, and credit shall be allowed for the taxes
1329 paid for the remaining tax year on like privilege or ad valorem
1330 taxes due on another vehicle owned by the seller or transferor or
1331 by the seller's or transferor's spouse or dependent child. If the
1332 seller or transferor does not elect to receive such credit at the
1333 time the license plate is surrendered, the issuing authority shall
1334 issue a certificate of credit to the seller or transferor, or to
1335 the seller's or transferor's spouse or dependent child, or to any
1336 other person, business or corporation, at the direction of the
1337 seller or transferor, for the remaining unexpired taxes prorated
1338 from the first day of the month following the month in which the
1339 license plate is surrendered. The total of such credit may be
1340 used by the person or entity to whom the certificate of credit is
1341 issued, regardless of the relative amounts attributed to privilege
1342 taxes or to county, school or municipal ad valorem taxes. Any



1343 credit allowed for taxes due or any certificate of credit issued
1344 may be applied to like taxes owed in any county by the person to
1345 whom the credit is allowed or by the person possessing the
1346 certificate of credit. No credit, however, shall be allowed on
1347 the charge made for the license plate. Such license plates
1348 surrendered to the tax collector shall be retained by him, and in
1349 no event shall such license plate be attached to any vehicle after
1350 being surrendered to the tax collector, nor shall any license
1351 plate be transferred from one (1) vehicle to any other vehicle.

1352 (6) If the person owning a vehicle subject to taxation under
1353 the provisions of this chapter does not operate such vehicle on
1354 the highways of this state from the date of acquisition or, if
1355 previously registered, from the end of the anniversary month of
1356 the tag and decals to the date on which he makes application for a
1357 current license tag or decals, he shall pay such ad valorem tax
1358 for a period of twelve (12) months beginning with the first day of
1359 the month in which he applies for a current license tag or decals
1360 under Chapter 19, Title 27, Mississippi Code of 1972. The owner
1361 shall submit an affidavit with an application attesting to the
1362 fact that the vehicle was not operated on the highways of this
1363 state from the date of acquisition or, if previously registered,
1364 from the end of the anniversary month of the tag and decals to the
1365 date on which he makes application for the current license tag or
1366 decals.



1367 (7) Any person found violating any of the provisions of this
1368 section shall be arrested and tried, and if found guilty shall be
1369 fined in an amount double the total amount of taxes involved.

1370 **SECTION 15.** This act shall take effect and be in force from
1371 and after July 1, 2023.

