

By: Senator(s) Suber

To: Highways and
Transportation; Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2539

1 AN ACT TO AMEND SECTION 63-31-3, MISSISSIPPI CODE OF 1972, TO
2 ALLOW ALL-TERRAIN VEHICLES AND RECREATIONAL OFF-HIGHWAY VEHICLES
3 TO OPERATE ON COUNTY RURAL, GRAVEL OR PAVED ROADS; TO REQUIRE, FOR
4 SUCH OPERATION, COMPLIANCE WITH LICENSING AND TAGGING REQUIREMENTS
5 AND OTHER MOTOR VEHICLE REGULATIONS, EXCEPT THOSE REQUIRING
6 EQUIPPING WITH WINDSHIELD WIPERS; TO SPECIFY THAT A LICENSE TAG
7 SHALL NOT AUTHORIZE THE USE OF AN ALL-TERRAIN VEHICLE OR
8 RECREATIONAL OFF-HIGHWAY VEHICLE FOR TOWING, OR FOR OPERATION ON
9 AN INTERSTATE HIGHWAY OR ANY OTHER ROAD FOR WHICH THE SPEED LIMIT
10 EXCEEDS 40 MILES PER HOUR, EXCEPT FOR CROSSING CERTAIN ROADS; TO
11 AMEND SECTION 27-19-99, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
12 MONIES REMITTED OR RECEIVED AS REGISTRATION OR TAG FEES FROM THE
13 ADDITIONAL RATE OF \$5.00 SHALL, IN THE CASE OF ALL-TERRAIN
14 VEHICLES AND RECREATIONAL OFF-HIGHWAY VEHICLES, BE PAID TO THE
15 COUNTY IN WHICH THE VEHICLE IS REGISTERED; TO AMEND SECTIONS
16 27-19-3, 27-19-5, 27-19-43, 27-51-5, 63-3-103, 63-15-3 AND
17 63-21-5, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
18 PURPOSES.

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

20 **SECTION 1.** Section 63-31-3, Mississippi Code of 1972, is
21 amended as follows:

22 63-31-3. (1) No off-road vehicle shall be operated upon any
23 public property by any person unless:

24 (a) (i) The person possesses a valid driver's license;

25 or



26 (ii) The person possesses a certificate as
27 provided under subsections (3) and (4) of this section * * *; and

28 (b) * * * Each person under sixteen (16) years of age
29 who is operating or riding on the off-road vehicle is wearing a
30 crash helmet that complies with minimum guidelines established by
31 the National Highway Traffic Safety Administration pursuant to the
32 federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218) for
33 helmets designed for use by motorcyclists.

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

37 (3) Off-road vehicle safety courses shall be held by the
38 Cooperative Extension Service using 4-H safety course materials
39 and curricula, and shall be taught by instructors possessing
40 qualifications approved by the Department of Public Safety. The
41 Cooperative Extension Service shall issue a certificate to each
42 person who satisfactorily completes the off-road vehicle safety
43 course.

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

48 (5) All-terrain vehicles and recreational off-highway
49 vehicles may be operated on county rural, gravel or paved roads.
50 All-terrain vehicles and recreational off-highway vehicles



51 operating under this subsection shall comply with licensing and
52 tagging requirements under Title 27, Chapter 19, Mississippi Code
53 of 1972, and with other motor vehicle regulations, except those
54 requiring equipping with windshield wipers. A license tag shall
55 not authorize the use of an all-terrain vehicle or recreational
56 off-highway vehicle for towing, or for operation on an interstate
57 highway or any other road for which the speed limit exceeds forty
58 (40) miles per hour. However, such a vehicle may, for the purpose
59 of crossing from one (1) road, field or area of operation to
60 another, be operated on a state-maintained highway or other
61 noncounty road, other than the interstate and national defense
62 highway system, if:

63 (a) The crossing is made at an angle of approximately
64 ninety (90) degrees to the direction of the highway and at a place
65 where no obstruction prevents a quick and safe crossing;

66 (b) The vehicle is brought to a complete stop before
67 crossing the shoulder or main traveled way of the highway;

68 (c) The operator yields the right-of-way to all
69 oncoming traffic that constitutes an immediate potential hazard;
70 and

71 (d) Both the headlights and the taillights are
72 illuminated when the crossing is made.

73 (* * *6) For the purposes of this section:



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

77 (b) "All-terrain vehicle" or "ATV" means any motorized
78 vehicle manufactured and designed exclusively for off-road use
79 that is fifty-five (55) inches or less in width; has an unladen
80 dry weight of one thousand (1,000) pounds or less; and travels on
81 three (3), four (4) or more nonhighway tires. The term
82 "all-terrain vehicle" shall not include electric bicycles.

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

88 (d) "Recreational off-highway vehicle" means any
89 motorized vehicle manufactured and designed exclusively for
90 off-road use that is seventy-five (75) inches or less in width;
91 has an unladen dry weight of three thousand five hundred (3,500)
92 pounds or less; and travels on four (4) or more nonhighway tires.

93 * * *

94 **SECTION 2.** Section 27-19-99, Mississippi Code of 1972, is
95 amended as follows:

96 27-19-99. (1) The Department of Revenue shall furnish the
97 tax collector of each county a sufficient supply of license tags
98 or plates and a sufficient supply of license receipts with which



99 to make the collection of the taxes imposed by the provisions of
100 this article, which such tax collectors are required to collect.
101 The license tag receipts shall be on forms prescribed by the
102 department. Upon the payment of the taxes and fees required by
103 this article, the tax collector shall issue the license receipt in
104 the form prescribed by the department. The department shall keep
105 account against the tax collector for the license taxes and fees
106 collected. The tax collector shall keep a similar account.

107 (2) The tax collector shall, at the end of each month or
108 within twenty (20) days thereafter, pay into the county road fund
109 all privilege taxes collected by him during the preceding month
110 upon motor vehicle privilege licenses which he is entitled to
111 issue, less the county's commission.

112 (3) The tax collector shall keep a record of the information
113 furnished by the owners of each motor vehicle registered. The
114 record shall be made in numerical order by tag number or decal
115 number, whichever is appropriate. At the end of each month, or
116 within twenty (20) days thereafter, the tax collector shall submit
117 to the department a copy of such record, together with the copy of
118 each registration receipt, and shall, at the same time, remit to
119 the department the registration fee for each license tag or decal
120 sold by him during the preceding month. When the tax collector
121 shall have complied with the provisions of this section and shall
122 have forwarded to the department, within the time specified, all
123 reports required of him hereunder, he shall then be entitled to



124 retain five percent (5%) of the registration fees imposed in
125 Section 27-19-43(3) (a) and (b), to be paid into the county general
126 fund; otherwise the county's commission shall be forfeited. The
127 five percent (5%) shall not apply to any additional registration
128 fee imposed above the amounts imposed in Section 27-19-43(3) (a)
129 and (b). The department shall keep a record from the duplicates
130 filed by the tax collectors of all registered vehicles.

131 (4) Counties that use their existing computer system to
132 communicate all data regarding vehicle title and registration
133 transactions to the state's central computer system shall be
134 allotted Fifty Cents (50¢) for each registration fee collected by
135 the county and remitted to the Department of Revenue. Such
136 communication must successfully pass any edit features and
137 successfully create or update title/registration records on the
138 network system. This amount paid to the county shall be deposited
139 into the county general fund to be expended only for costs
140 incurred for the purchase of equipment, software, maintenance, or
141 other costs directly related to the title/registration network
142 system, and for education and training.

143 (5) All monies remitted to the department by tax collectors
144 as registration or tag fees from the portion of the rate imposed
145 in Section 27-19-43(3) (a) and (b), and all monies received by the
146 department directly as registration or tag fees from the portion
147 of the rate imposed in Section 27-19-43(3) (a) and (b), except as
148 otherwise provided in subsection (7) of this section, shall be



149 paid by the department into the General Fund of the State Treasury
150 on the first day of the month succeeding the month in which such
151 fees are received by the department.

152 (6) Except as otherwise provided in Section 31-17-127, and
153 except in the case of all-terrain vehicles and recreational
154 off-highway vehicles, all monies remitted to the department by tax
155 collectors as registration or tag fees from the additional rate of
156 Five Dollars (\$5.00) and all monies received by the department
157 directly as registration or tag fees from the additional rate of
158 Five Dollars (\$5.00) shall be paid into the State Treasury to the
159 credit of the State Highway Fund for the construction or
160 reconstruction of highways designated under the highway program
161 created under Section 65-3-97. In the case of all-terrain
162 vehicles and recreational off-highway vehicles, these monies from
163 the additional rate of Five Dollars (\$5.00) shall be paid to the
164 county in which the vehicle is registered.

165 (7) On July 1, 2021, and on the first day of each month
166 succeeding the month in which registration or tag fees are
167 received by the Department of Revenue, the portion of the receipts
168 equal to the cost of the license tags, decals and associated
169 freight costs shall be deposited into the special fund created in
170 Section 27-19-179.

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



173 27-19-3. (a) The following words and phrases when used in
174 this article for the purpose of this article have the meanings
175 respectively ascribed to them in this section, except in those
176 instances where the context clearly describes and indicates a
177 different meaning:

178 (1) "Vehicle" means every device in, upon or by which
179 any person or property is or may be transported or drawn upon a
180 public highway, except devices moved by muscular power or used
181 exclusively upon stationary rails or tracks. The term "vehicle"
182 includes all-terrain vehicles and recreational off-highway
183 vehicles operated on county rural, gravel or paved roads under
184 Section 63-31-3.

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

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

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

196 (5) "Motorcycle" means every vehicle designed to travel
197 on not more than three (3) wheels in contact with the ground,



198 except electric bicycles, personal delivery devices and vehicles
199 included within the term "tractor" as herein classified and
200 defined.

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

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

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

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

215 (10) "Pneumatic tires" means all tires inflated with
216 compressed air.

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

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



222 (13) "Person" means every natural person, firm,
223 copartnership, corporation, joint-stock or other association or
224 organization.

225 (14) "Owner" means a person who holds the legal title
226 of a vehicle or in the event a vehicle is the subject of an
227 agreement for the conditional sale, lease or transfer of the
228 possession, the person with the right of purchase upon performance
229 of conditions stated in the agreement, and with an immediate right
230 of possession vested in the conditional vendee, lessee, possessor
231 or in the event such or similar transaction is had by means of a
232 mortgage, and the mortgagor of a vehicle is entitled to
233 possession, then such conditional vendee, lessee, possessor or
234 mortgagor shall be deemed the owner for the purposes of this
235 article.

236 (15) "School bus" means every motor vehicle engaged
237 solely in transporting school children or school children and
238 teachers to and from schools; however, such vehicles may transport
239 passengers on weekends and legal holidays and during summer months
240 between the terms of school for compensation when the
241 transportation of passengers is over a route of which not more
242 than fifty percent (50%) traverses the route of a common carrier
243 of passengers by motor vehicle and when no passengers are picked
244 up on the route of any such carrier.

245 (16) "Dealer" means every person engaged regularly in
246 the business of buying, selling or exchanging motor vehicles,



247 trailers, semitrailers, trucks, tractors or other character of
248 commercial or industrial motor vehicles in this state, and having
249 an established place of business in this state.

250 (17) "Highway" means and includes every way or place of
251 whatever nature, including public roads, streets and alleys of
252 this state generally open to the use of the public or to be opened
253 or reopened to the use of the public for the purpose of vehicular
254 travel, and notwithstanding that the same may be temporarily
255 closed for the purpose of construction, reconstruction,
256 maintenance or repair.

257 (18) "State Tax Commission," "commission" or
258 "department" means the Commissioner of Revenue of the Department
259 of Revenue of this state, acting directly or through his duly
260 authorized officers, agents, representatives and employees.

261 (19) "Common carrier by motor vehicle" means any person
262 who or which undertakes, whether directly or by a lease or any
263 other arrangement, to transport passengers or property or any
264 class or classes of property for the general public in interstate
265 or intrastate commerce on the public highways of this state by
266 motor vehicles for compensation, whether over regular or irregular
267 routes. The term "common carrier by motor vehicle" shall not
268 include passenger buses operating within the corporate limits of a
269 municipality in this state or not exceeding five (5) miles beyond
270 the corporate limits of the municipality, and hearses, ambulances,



271 and school buses as such. In addition, this definition shall not
272 include taxicabs.

273 (20) "Contract carrier by motor vehicle" means any
274 person who or which under the special and individual contract or
275 agreements, and whether directly or by a lease or any other
276 arrangement, transports passengers or property in interstate or
277 intrastate commerce on the public highways of this state by motor
278 vehicle for compensation. The term "contract carrier by motor
279 vehicle" shall not include passenger buses operating wholly within
280 the corporate limits of a municipality in this state or not
281 exceeding five (5) miles beyond the corporate limits of the
282 municipality, and hearses, ambulances, and school buses as such.
283 In addition, this definition shall not include taxicabs.

284 (21) "Private commercial and noncommercial carrier of
285 property by motor vehicle" means any person not included in the
286 terms "common carrier by motor vehicle" or "contract carrier by
287 motor vehicle," who or which transports in interstate or
288 intrastate commerce on the public highways of this state by motor
289 vehicle, property of which such person is the owner, lessee, or
290 bailee, other than for hire. The term "private commercial and
291 noncommercial carrier of private property by motor vehicle" shall
292 not include passenger buses operated wholly within the corporate
293 limits of a municipality of this state, or not exceeding five (5)
294 miles beyond the corporate limits of the municipality, and



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

297 Haulers of fertilizer shall be classified as private
298 commercial carriers of property by motor vehicle.

299 (22) "Private carrier of passengers" means all other
300 passenger motor vehicle carriers not included in the above
301 definitions. The term "private carrier of passengers" shall not
302 include passenger buses operating wholly within the corporate
303 limits of a municipality in this state, or not exceeding five (5)
304 miles beyond the corporate limits of the municipality, and
305 hearses, ambulances, and school buses as such. In addition, this
306 definition shall not include taxicabs.

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

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

313 (25) "Private carrier of property" means any person
314 transporting property on the highways of this state as defined
315 below:

316 (i) Any person, or any employee of such person,
317 transporting farm products, farm supplies, materials and/or
318 equipment used in the growing or production of his own
319 agricultural products in his own truck.



320 (ii) Any person transporting his own fish,
321 including shellfish, in his own truck.

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

325 (26) "Taxicab" means any passenger motor vehicle for
326 hire with a seating capacity not greater than ten (10) passengers.
327 For purposes of this paragraph (26), seating capacity shall be
328 determined according to the manufacturer's suggested seating
329 capacity for a vehicle. If there is no manufacturer's suggested
330 seating capacity for a vehicle, the seating capacity for the
331 vehicle shall be determined according to regulations established
332 by the Department of Revenue.

333 (27) "Passenger coach" means any passenger motor
334 vehicle with a seating capacity greater than ten (10) passengers,
335 operating wholly within the corporate limits of a municipality of
336 this state or within five (5) miles of the corporate limits of the
337 municipality, or motor vehicles substituted for abandoned electric
338 railway systems in or between municipalities. For purposes of
339 this paragraph (27), seating capacity shall be determined
340 according to the manufacturer's suggested seating capacity for a
341 vehicle. If there is no manufacturer's suggested seating capacity
342 for a vehicle, the seating capacity for the vehicle shall be
343 determined according to regulations established by the Department
344 of Revenue.



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

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

351 (30) "Ambulance and hearse" shall have the meaning
352 generally ascribed to them. A hearse or funeral coach shall be
353 classified as a light carrier of property, as defined in Section
354 27-51-101.

355 (31) "Regular seats" means each seat ordinarily and
356 customarily used by one (1) passenger, including all temporary,
357 emergency, and collapsible seats. Where any seats are not
358 distinguished or separated by separate cushions and backs, a seat
359 shall be counted for each eighteen (18) inches of space on such
360 seats or major fraction thereof. In the case of a regular
361 passenger-type automobile which is used as a common or contract
362 carrier of passengers, three (3) seats shall be counted for the
363 rear seat of such automobile and one (1) seat shall be counted for
364 the front seat of such automobile.

365 (32) "Ton" means two thousand (2,000) pounds
366 avoirdupois.

367 (33) "Bus" means any passenger vehicle with a seating
368 capacity of more than ten (10) but shall not include "private
369 carrier of passengers" and "school bus" as defined in paragraphs



370 (15) and (22) of this section. For purposes of this paragraph
371 (33), seating capacity shall be determined according to the
372 manufacturer's suggested seating capacity for a vehicle. If there
373 is no manufacturer's suggested seating capacity for a vehicle, the
374 seating capacity for the vehicle shall be determined according to
375 regulations established by the Department of Revenue.

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

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

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



394 (37) "All-terrain vehicle," "ATV" and "recreational
395 off-highway vehicle" have the meanings ascribed in Section
396 63-31-3.

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

402 (2) Leased vehicles shall be considered as domiciled at
403 the place in the State of Mississippi from which they operate in
404 interstate or intrastate commerce, and for the purposes of this
405 article shall be considered as owned by the lessee, who shall
406 furnish all insurance on the vehicles and the driver of the
407 vehicles shall be considered as an agent of the lessee for all
408 purposes of this article.

409 **SECTION 4.** Section 27-19-5, Mississippi Code of 1972, is
410 amended as follows:

411 27-19-5. There is hereby levied the following annual highway
412 privilege tax on operators of private carriers of passengers as
413 reasonable compensation for the use of the highways of this state:

414 (a) On the owner or operator of each private carrier of
415 passengers.....\$15.00

416 (b) On each motorcycle, per annum.....8.00



417 (c) On each all-terrain vehicle or recreational
418 off-highway vehicle operated on roads under Section 63-31-3, per
419 annum.....8.00

420 **SECTION 5.** Section 27-19-43, Mississippi Code of 1972, is
421 amended as follows:

422 27-19-43. (1) License tags, substitute tags and decals for
423 individual fleets and for private carriers of passengers, school
424 buses (excluding school buses owned by a school district in the
425 state), church buses, taxicabs, ambulances, hearses,
426 motorcycles * * *, all-terrain vehicles and recreational
427 off-highway vehicles operated on roads, private carriers of
428 property, and private commercial carriers of property of a gross
429 weight of ten thousand (10,000) pounds and less, shall be sold and
430 issued by the tax collectors of the several counties.

431 (2) Applications for license tags for motor vehicles in a
432 corporate fleet registered under Section 27-19-66 and trailers in
433 a fleet registered under Section 27-19-66.1, and applications for
434 all other license tags, substitute tags and decals shall be filed
435 with the department or the local tax collector of the respective
436 counties and forwarded to the department for issuance to the
437 applicant. All tags and decals for vehicles owned by the state or
438 any agency or instrumentality thereof, and vehicles owned by a
439 fire protection district, school district or a county or
440 municipality, and all vehicles owned by a road, drainage or levee
441 district shall be issued by the department.



442 (3) In addition to the privilege taxes levied herein, there
443 shall be collected the following registration or tag fee:

444 (a) For the issuance of both a license tag and two (2)
445 decals, a fee of Five Dollars (\$5.00).

446 (b) For the issuance of up to two (2) decals only, a
447 fee of Three Dollars and Seventy-five Cents (\$3.75).

448 (c) Additionally, the tax collector or the department,
449 as the case may be, shall assess and collect a fee of Four Dollars
450 (\$4.00) upon each set of license tags and two (2) decals issued,
451 or upon each set of two (2) decals issued, and that sum shall be
452 deposited in the Mississippi Trauma Care Systems Fund established
453 in Section 41-59-75, to be used for the purposes set out in that
454 section.

455 No tag or decal shall be issued either by a tax collector or
456 by the department without the collection of such registration fee
457 except substitute tags and decals and license tags for vehicles
458 owned by the State of Mississippi.

459 Beginning July 1, 1987, and until the date specified in
460 Section 65-39-35, there shall be levied a registration fee of Five
461 Dollars (\$5.00) in addition to the regular registration fee
462 imposed in paragraphs (a) and (b) of this subsection. Such
463 additional registration fee shall be levied in the same manner as
464 the regular registration fee.

465 **SECTION 6.** Section 27-51-5, Mississippi Code of 1972, is
466 amended as follows:



467 27-51-5. The subject words and terms of this section, for
468 the purpose of this chapter, shall have meanings as follows:

469 (a) "Motor vehicle" means any device and attachments
470 supported by one or more wheels which is propelled or drawn by any
471 power other than muscular power over the highways, streets or
472 alleys of this state. The term "motor vehicle" shall not include
473 electric bicycles, personal delivery devices or electric personal
474 assistive mobility devices as defined in Section 63-3-103, or golf
475 carts or low-speed vehicles as defined in Section 63-32-1.
476 However, mobile homes which are detached from any self-propelled
477 vehicles and parked on land in the state are hereby expressly
478 exempt from the motor vehicle ad valorem taxes, but house trailers
479 which are actually in transit and which are not parked for more
480 than an overnight stop are not exempted. The term "motor vehicle"
481 includes all-terrain vehicles and recreational off-highway
482 vehicles, as defined in Section 63-31-3, operated on roads under
483 Section 63-31-3.

484 (b) "Public highway" means and includes every way or
485 place of whatever nature, including public roads, streets and
486 alleys of this state generally open to the use of the public or to
487 be opened or reopened to the use of the public for the purpose of
488 vehicular travel, notwithstanding that the same may be temporarily
489 closed for the purpose of construction, reconstruction,
490 maintenance, or repair.



491 (c) "Administrator of the road and bridge privilege tax
492 law" means the official authorized by law to administer the road
493 and bridge privilege tax law of this state.

494 **SECTION 7.** Section 63-3-103, Mississippi Code of 1972, is
495 amended as follows:

496 63-3-103. (a) "Vehicle" means every device in, upon or by
497 which any person or property is or may be transported or drawn
498 upon a highway, except devices used exclusively upon stationary
499 rails or tracks. The term "vehicle" includes all-terrain vehicles
500 and recreational off-highway vehicles, as defined in Section
501 63-31-3, operated on roads under Section 63-31-3. This inclusion
502 subjects such all-terrain vehicles and recreational off-highway
503 vehicles to the requirements of this chapter, except as to those
504 provisions that by their nature can have no application; however,
505 this inclusion does not permit all-terrain vehicles or
506 recreational off-highway vehicles to be operated on public roads
507 other than as authorized under Section 63-31-3.

508 (b) "Motor vehicle" means every vehicle which is
509 self-propelled and every vehicle which is propelled by electric
510 power obtained from overhead trolley wires, but not operated upon
511 rails. The term "motor vehicle" shall not include electric
512 personal assistive mobility devices, personal delivery devices or
513 electric bicycles.

514 (c) "Motorcycle" means every motor vehicle having a saddle
515 for the use of the rider and designed to travel on not more than



516 three (3) wheels in contact with the ground but excluding a
517 tractor. The term "motorcycle" includes motor scooters as defined
518 in subsection (j) of this section. The term "motorcycle" shall
519 not include electric bicycles or personal delivery devices.

520 (d) "Authorized emergency vehicle" means every vehicle of
521 the fire department (fire patrol), every police vehicle, every 911
522 Emergency Communications District vehicle, every such ambulance
523 and special use EMS vehicle as defined in Section 41-59-3, every
524 Mississippi Emergency Management Agency vehicle as is designated
525 or authorized by the Executive Director of MEMA and every
526 emergency vehicle of municipal departments or public service
527 corporations as is designated or authorized by the commission or
528 the chief of police of an incorporated city.

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

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



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

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

548 (i) "Autocycle" means a three-wheel motorcycle with a
549 steering wheel, nonstraddle seating, rollover protection and seat
550 belts.

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

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

563 (l) "Electric bicycle" means a bicycle or tricycle equipped
564 with fully operable pedals, a saddle or seat for the rider, and an



565 electric motor of less than seven hundred fifty (750) watts that
566 meets the requirements of one (1) of the following three (3)
567 classes:

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

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

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

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

582 (i) Solely powered by an electric motor;

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

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

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



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

596 **SECTION 8.** Section 63-15-3, Mississippi Code of 1972, is
597 amended as follows:

598 63-15-3. The following words and phrases, when used in this
599 chapter, shall, for the purposes of this chapter, have the
600 meanings respectively ascribed to them in this section, except in
601 those instances where the context clearly indicates a different
602 meaning:

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

609 (b) "Judgment" means any judgment which shall have
610 become final by expiration, without appeal, of the time within
611 which an appeal might have been perfected, or by final affirmation
612 on appeal, rendered by a court of competent jurisdiction of any
613 state or of the United States, upon a cause of action arising out



614 of the ownership, maintenance or use of any motor vehicle, for
615 damages, including damages for care and loss of services, because
616 of bodily injury to or death of any person, or for damages because
617 of injury to or destruction of property, including the loss of use
618 thereof, or upon a cause of action on an agreement of settlement
619 for such damages.

620 (c) "Motor vehicle" means every self-propelled vehicle
621 (other than traction engines, road rollers and graders, tractor
622 cranes, power shovels, well drillers, implements of husbandry,
623 electric bicycles, personal delivery devices and electric personal
624 assistive mobility devices as defined in Section 63-3-103) which
625 is designed for use upon a highway, including trailers and
626 semitrailers designed for use with such vehicles, and every
627 vehicle which is propelled by electric power obtained from
628 overhead wires but not operated upon rails. The term "motor
629 vehicle" includes all-terrain vehicles and recreational
630 off-highway vehicles, as defined in Section 63-31-3, operated on
631 roads under Section 63-31-3.

632 For purposes of this definition, "implements of husbandry"
633 shall not include trucks, pickup trucks, trailers and semitrailers
634 designed for use with such trucks and pickup trucks.

635 (d) "License" means any driver's, operator's,
636 commercial operator's, or chauffeur's license, temporary
637 instruction permit or temporary license, or restricted license,



638 issued under the laws of the State of Mississippi pertaining to
639 the licensing of persons to operate motor vehicles.

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

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

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

648 (h) "Owner" means a person who holds the legal title of
649 a motor vehicle; in the event a motor vehicle is the subject of an
650 agreement for the conditional sale or lease thereof with the right
651 of purchase upon performance of the conditions stated in the
652 agreement and with an immediate right of possession vested in the
653 conditional vendee or lessee or in the event a mortgagor of a
654 vehicle is entitled to possession, then such conditional vendee or
655 lessee or mortgagor shall be deemed the owner for the purpose of
656 this chapter.

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

659 (j) "Proof of financial responsibility" means proof of
660 ability to respond in damages for liability, on account of
661 accidents occurring subsequent to the effective date of said
662 proof, arising out of the ownership, maintenance or use of a motor



663 vehicle, in the amount of Twenty-five Thousand Dollars
664 (\$25,000.00) because of bodily injury to or death of one (1)
665 person in any one (1) accident, and subject to said limit for one
666 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)
667 because of bodily injury to or death of two (2) or more persons in
668 any one (1) accident, and in the amount of Twenty-five Thousand
669 Dollars (\$25,000.00) because of injury to or destruction of
670 property of others in any one (1) accident. Liability insurance
671 required under this paragraph (j) may contain exclusions and
672 limitations on coverage as long as the exclusions and limitations
673 language or form has been filed with and approved by the
674 Commissioner of Insurance.

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

678 (l) "Department" means the Department of Public Safety
679 of the State of Mississippi, acting directly or through its
680 authorized officers and agents, except in such sections of this
681 chapter in which some other state department is specifically
682 named.

683 (m) "State" means any state, territory or possession of
684 the United States, the District of Columbia, or any province of
685 the Dominion of Canada.

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



688 63-21-5. The following words and phrases when used in this
689 chapter shall, for the purpose of this chapter, have the meanings
690 respectively ascribed to them in this section except where the
691 context clearly indicates a different meaning:

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

694 (b) "Dealer" means every person engaged regularly in
695 the business of buying, selling or exchanging motor vehicles,
696 trailers, semitrailers, trucks, tractors or other character of
697 commercial or industrial motor vehicles in this state, and having
698 in this state an established place of business as defined in
699 Section 27-19-303 * * *. The term "dealer" shall also mean every
700 person engaged regularly in the business of buying, selling or
701 exchanging manufactured housing in this state, and licensed as a
702 dealer of manufactured housing by the Mississippi Department of
703 Insurance.

704 (c) "Designated agent" means each county tax collector
705 in this state who may perform his duties under this chapter either
706 personally or through any of his deputies, or such other persons
707 as the Department of Revenue may designate. The term shall also
708 mean those "dealers" as herein defined and/or their officers and
709 employees and other persons who are appointed by the Department of
710 Revenue in the manner provided in Section 63-21-13 * * * to
711 perform the duties of "designated agent" for the purposes of this
712 chapter.



713 (d) "Implement of husbandry" means every vehicle
714 designed and adapted exclusively for agricultural, horticultural
715 or livestock raising operations or for lifting or carrying an
716 implement of husbandry and in either case not subject to
717 registration if used upon the highways.

718 (e) "Vehicle identification number" means the numbers
719 and letters on a vehicle, manufactured home or mobile home
720 designated by the manufacturer or assigned by the Department of
721 Revenue for the purpose of identifying the vehicle, manufactured
722 home or mobile home.

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

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

733 (h) "Manufactured housing" or "manufactured home" means
734 any structure, transportable in one or more sections, which in the
735 traveling mode, is eight (8) body feet or more in width or forty
736 (40) body feet or more in length or, when erected on site, is
737 three hundred twenty (320) or more square feet and which is built



738 on a permanent chassis and designed to be used as a dwelling with
739 or without a permanent foundation when connected to the required
740 utilities, and includes the plumbing, heating, air-conditioning
741 and electrical systems contained therein; except that such terms
742 shall include any structure which meets all the requirements of
743 this paragraph except the size requirements and with respect to
744 which the manufacturer voluntarily files a certification required
745 by the Secretary of Housing and Urban Development and complies
746 with the standards established under the National Manufactured
747 Housing Construction and Safety Standards Act of 1974, 42 USCS,
748 Section 5401.

749 (i) "Manufacturer" means any person regularly engaged
750 in the business of manufacturing, constructing or assembling motor
751 vehicles, manufactured homes or mobile homes, either within or
752 without this state.

753 (j) "Mobile home" means any structure, transportable in
754 one or more sections, which in the traveling mode, is eight (8)
755 body feet or more in width or forty (40) body feet or more in
756 length or, when erected on site, is three hundred twenty (320) or
757 more square feet and which is built on a permanent chassis and
758 designed to be used as a dwelling with or without a permanent
759 foundation when connected to the required utilities, and includes
760 the plumbing, heating, air-conditioning and electrical systems
761 contained therein and manufactured prior to June 15, 1976. Any
762 mobile home designated as realty on or before July 1, 1999, shall



763 continue to be designated as realty so that a security interest
764 will be made by incorporating such mobile home in a deed of trust.

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

770 (l) "Motor vehicle" means every automobile, motorcycle,
771 mobile trailer, semitrailer, truck, truck tractor, trailer and
772 every other device in, upon, or by which any person or property is
773 or may be transported or drawn upon a public highway which is
774 required to have a road or bridge privilege license, except such
775 as is moved by animal power or used exclusively upon stationary
776 rails or tracks, and excepting electric bicycles and personal
777 delivery devices.

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

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

784 (o) "Owner" means a person or persons holding the legal
785 title of a vehicle, manufactured home or mobile home; in the event
786 a vehicle, manufactured home or mobile home is the subject of a
787 deed of trust or a chattel mortgage or an agreement for the



788 conditional sale or lease thereof or other like agreement, with
789 the right of purchase upon performance of the conditions stated in
790 the agreement and with the immediate right of possession vested in
791 the grantor in the deed of trust, mortgagor, conditional vendee or
792 lessee, the grantor, mortgagor, conditional vendee or lessee shall
793 be deemed the owner for the purpose of this chapter.

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

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

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

805 (s) "Security interest" means an interest in a vehicle,
806 manufactured home or mobile home reserved or created by agreement
807 and which secures payment or performance of an obligation. The
808 term includes the interest of a lessor under a lease intended as
809 security. A security interest is "perfected" when it is valid
810 against third parties generally, subject only to specific
811 statutory exceptions.



812 (t) "Special mobile equipment" means every vehicle not
813 designed or used primarily for the transportation of persons or
814 property and only incidentally operated or moved over a highway,
815 including, but not limited to: ditch-digging apparatus,
816 well-boring apparatus and road construction and maintenance
817 machinery such as asphalt spreaders, bituminous mixers, bucket
818 loaders, tractors other than truck tractors, ditchers, leveling
819 graders, finishing machines, motor graders, road rollers,
820 scarifiers, earth-moving carryalls and scrapers, power shovels and
821 draglines, and self-propelled cranes, vehicles so constructed that
822 they exceed eight (8) feet in width and/or thirteen (13) feet six
823 (6) inches in height, and earth-moving equipment. The term does
824 not include house trailers, dump trucks, truck-mounted transit
825 mixers, cranes or shovels, or other vehicles designed for the
826 transportation of persons or property to which machinery has been
827 attached.

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

830 (v) "Current address" means a new address different
831 from the address shown on the application or on the certificate of
832 title. The owner shall within thirty (30) days after his address
833 is changed from that shown on the application or on the
834 certificate of title notify the department of the change of
835 address in the manner prescribed by the department.



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

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

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

846 (z) "Mileage" means actual distance that a vehicle has
847 traveled.

848 (aa) "Trailer" means every vehicle other than a "pole
849 trailer" as defined in this chapter without motive power designed
850 to be drawn by another vehicle and attached to the towing vehicle
851 for the purpose of hauling goods or products. The term "trailer"
852 shall not refer to any structure, transportable in one or more
853 sections regardless of size, when erected on site, and which is
854 built on a permanent chassis and designed to be used as a dwelling
855 with or without a permanent foundation when connected to the
856 required utilities, and includes the plumbing, heating,
857 air-conditioning and electrical systems contained therein
858 regardless of the date of manufacture.

859 (bb) "Salvage mobile home" or "salvage manufactured
860 home" means a mobile home or manufactured home for which a



861 certificate of title has been issued that an insurance company
862 obtains from the owner as a result of paying a total loss claim
863 resulting from collision, fire, flood, wind or other occurrence.
864 The term "salvage mobile home" or "salvage manufactured home" does
865 not mean or include and is not applicable to a mobile home or
866 manufactured home that is twenty (20) years old or older.

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

870 (dd) "All-terrain vehicle" means a motor vehicle that
871 is designed for off-road use and is not required to have a motor
872 vehicle privilege license unless operated on roads under Section
873 63-31-3. The term "all-terrain vehicle" shall not include
874 electric bicycles.

875 **SECTION 10.** This act shall take effect and be in force from
876 and after July 1, 2023.

