

By: Senator(s) Suber

To: Highways and  
Transportation; Finance

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 SECTIONS 27-19-3, 27-19-5, 27-19-43, 27-51-5, 63-3-103,  
 12 63-15-3 AND 63-21-5, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR  
 13 RELATED PURPOSES.

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

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

17 63-31-3. (1) No off-road vehicle shall be operated upon any  
 18 public property by any person unless:

19 (a) (i) The person possesses a valid driver's license;  
 20 or

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



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

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

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

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

43 (5) All-terrain vehicles and recreational off-highway  
44 vehicles may be operated on county rural, gravel or paved roads.  
45 All-terrain vehicles and recreational off-highway vehicles  
46 operating under this subsection shall comply with licensing and  
47 tagging requirements under Title 27, Chapter 19, Mississippi Code



48 of 1972, and with other motor vehicle regulations, except those  
49 requiring equipping with windshield wipers. A license tag shall  
50 not authorize the use of an all-terrain vehicle or recreational  
51 off-highway vehicle for towing, or for operation on an interstate  
52 highway or any other road for which the speed limit exceeds forty  
53 (40) miles per hour. However, such a vehicle may, for the purpose  
54 of crossing from one (1) road, field or area of operation to  
55 another, be operated on a state-maintained highway or other  
56 noncounty road, other than the interstate and national defense  
57 highway system, if:

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

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

63 (c) The operator yields the right-of-way to all  
64 oncoming traffic that constitutes an immediate potential hazard;  
65 and

66 (d) Both the headlights and the taillights are  
67 illuminated when the crossing is made.

68 ( \* \* \*6) For the purposes of this section:

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



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

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

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

88 \* \* \*

89 **SECTION 2.** Section 27-19-3, Mississippi Code of 1972, is  
90 amended as follows:

91 27-19-3. (a) The following words and phrases when used in  
92 this article for the purpose of this article have the meanings  
93 respectively ascribed to them in this section, except in those  
94 instances where the context clearly describes and indicates a  
95 different meaning:



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

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

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

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

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

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



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

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

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

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

133 (10) "Pneumatic tires" means all tires inflated with  
134 compressed air.

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

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

140 (13) "Person" means every natural person, firm,  
141 copartnership, corporation, joint-stock or other association or  
142 organization.

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



146 possession, the person with the right of purchase upon performance  
147 of conditions stated in the agreement, and with an immediate right  
148 of possession vested in the conditional vendee, lessee, possessor  
149 or in the event such or similar transaction is had by means of a  
150 mortgage, and the mortgagor of a vehicle is entitled to  
151 possession, then such conditional vendee, lessee, possessor or  
152 mortgagor shall be deemed the owner for the purposes of this  
153 article.

154           (15) "School bus" means every motor vehicle engaged  
155 solely in transporting school children or school children and  
156 teachers to and from schools; however, such vehicles may transport  
157 passengers on weekends and legal holidays and during summer months  
158 between the terms of school for compensation when the  
159 transportation of passengers is over a route of which not more  
160 than fifty percent (50%) traverses the route of a common carrier  
161 of passengers by motor vehicle and when no passengers are picked  
162 up on the route of any such carrier.

163           (16) "Dealer" means every person engaged regularly in  
164 the business of buying, selling or exchanging motor vehicles,  
165 trailers, semitrailers, trucks, tractors or other character of  
166 commercial or industrial motor vehicles in this state, and having  
167 an established place of business in this state.

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



171 or reopened to the use of the public for the purpose of vehicular  
172 travel, and notwithstanding that the same may be temporarily  
173 closed for the purpose of construction, reconstruction,  
174 maintenance or repair.

175 (18) "State Tax Commission," "commission" or  
176 "department" means the Commissioner of Revenue of the Department  
177 of Revenue of this state, acting directly or through his duly  
178 authorized officers, agents, representatives and employees.

179 (19) "Common carrier by motor vehicle" means any person  
180 who or which undertakes, whether directly or by a lease or any  
181 other arrangement, to transport passengers or property or any  
182 class or classes of property for the general public in interstate  
183 or intrastate commerce on the public highways of this state by  
184 motor vehicles for compensation, whether over regular or irregular  
185 routes. The term "common carrier by motor vehicle" shall not  
186 include passenger buses operating within the corporate limits of a  
187 municipality in this state or not exceeding five (5) miles beyond  
188 the corporate limits of the municipality, and hearses, ambulances,  
189 and school buses as such. In addition, this definition shall not  
190 include taxicabs.

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





196 vehicle for compensation. The term "contract carrier by motor  
197 vehicle" shall not include passenger buses operating wholly within  
198 the corporate limits of a municipality in this state or not  
199 exceeding five (5) miles beyond the corporate limits of the  
200 municipality, and hearses, ambulances, and school buses as such.  
201 In addition, this definition shall not include taxicabs.

202 (21) "Private commercial and noncommercial carrier of  
203 property by motor vehicle" means any person not included in the  
204 terms "common carrier by motor vehicle" or "contract carrier by  
205 motor vehicle," who or which transports in interstate or  
206 intrastate commerce on the public highways of this state by motor  
207 vehicle, property of which such person is the owner, lessee, or  
208 bailee, other than for hire. The term "private commercial and  
209 noncommercial carrier of private property by motor vehicle" shall  
210 not include passenger buses operated wholly within the corporate  
211 limits of a municipality of this state, or not exceeding five (5)  
212 miles beyond the corporate limits of the municipality, and  
213 hearses, ambulances, and school buses as such. In addition, this  
214 definition shall not include taxicabs.

215 Haulers of fertilizer shall be classified as private  
216 commercial carriers of property by motor vehicle.

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



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

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

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

231 (25) "Private carrier of property" means any person  
232 transporting property on the highways of this state as defined  
233 below:

234 (i) Any person, or any employee of such person,  
235 transporting farm products, farm supplies, materials and/or  
236 equipment used in the growing or production of his own  
237 agricultural products in his own truck.

238 (ii) Any person transporting his own fish,  
239 including shellfish, in his own truck.

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

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



246 determined according to the manufacturer's suggested seating  
247 capacity for a vehicle. If there is no manufacturer's suggested  
248 seating capacity for a vehicle, the seating capacity for the  
249 vehicle shall be determined according to regulations established  
250 by the Department of Revenue.

251 (27) "Passenger coach" means any passenger motor  
252 vehicle with a seating capacity greater than ten (10) passengers,  
253 operating wholly within the corporate limits of a municipality of  
254 this state or within five (5) miles of the corporate limits of the  
255 municipality, or motor vehicles substituted for abandoned electric  
256 railway systems in or between municipalities. For purposes of  
257 this paragraph (27), seating capacity shall be determined  
258 according to the manufacturer's suggested seating capacity for a  
259 vehicle. If there is no manufacturer's suggested seating capacity  
260 for a vehicle, the seating capacity for the vehicle shall be  
261 determined according to regulations established by the Department  
262 of Revenue.

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

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

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



271 classified as a light carrier of property, as defined in Section  
272 27-51-101.

273 (31) "Regular seats" means each seat ordinarily and  
274 customarily used by one (1) passenger, including all temporary,  
275 emergency, and collapsible seats. Where any seats are not  
276 distinguished or separated by separate cushions and backs, a seat  
277 shall be counted for each eighteen (18) inches of space on such  
278 seats or major fraction thereof. In the case of a regular  
279 passenger-type automobile which is used as a common or contract  
280 carrier of passengers, three (3) seats shall be counted for the  
281 rear seat of such automobile and one (1) seat shall be counted for  
282 the front seat of such automobile.

283 (32) "Ton" means two thousand (2,000) pounds  
284 avoirdupois.

285 (33) "Bus" means any passenger vehicle with a seating  
286 capacity of more than ten (10) but shall not include "private  
287 carrier of passengers" and "school bus" as defined in paragraphs  
288 (15) and (22) of this section. For purposes of this paragraph  
289 (33), seating capacity shall be determined according to the  
290 manufacturer's suggested seating capacity for a vehicle. If there  
291 is no manufacturer's suggested seating capacity for a vehicle, the  
292 seating capacity for the vehicle shall be determined according to  
293 regulations established by the Department of Revenue.

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



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

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

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

312 (37) "All-terrain vehicle," "ATV" and "recreational  
313 off-highway vehicle" have the meanings ascribed in Section  
314 63-31-3.

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



320 (2) Leased vehicles shall be considered as domiciled at  
321 the place in the State of Mississippi from which they operate in  
322 interstate or intrastate commerce, and for the purposes of this  
323 article shall be considered as owned by the lessee, who shall  
324 furnish all insurance on the vehicles and the driver of the  
325 vehicles shall be considered as an agent of the lessee for all  
326 purposes of this article.

327 **SECTION 3.** Section 27-19-5, Mississippi Code of 1972, is  
328 amended as follows:

329 27-19-5. There is hereby levied the following annual highway  
330 privilege tax on operators of private carriers of passengers as  
331 reasonable compensation for the use of the highways of this state:

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

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

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

338 **SECTION 4.** Section 27-19-43, Mississippi Code of 1972, is  
339 amended as follows:

340 27-19-43. (1) License tags, substitute tags and decals for  
341 individual fleets and for private carriers of passengers, school  
342 buses (excluding school buses owned by a school district in the  
343 state), church buses, taxicabs, ambulances, hearses,  
344 motorcycles \* \* \*, all-terrain vehicles and recreational



345 off-highway vehicles operated on roads, private carriers of  
346 property, and private commercial carriers of property of a gross  
347 weight of ten thousand (10,000) pounds and less, shall be sold and  
348 issued by the tax collectors of the several counties.

349 (2) Applications for license tags for motor vehicles in a  
350 corporate fleet registered under Section 27-19-66 and trailers in  
351 a fleet registered under Section 27-19-66.1, and applications for  
352 all other license tags, substitute tags and decals shall be filed  
353 with the department or the local tax collector of the respective  
354 counties and forwarded to the department for issuance to the  
355 applicant. All tags and decals for vehicles owned by the state or  
356 any agency or instrumentality thereof, and vehicles owned by a  
357 fire protection district, school district or a county or  
358 municipality, and all vehicles owned by a road, drainage or levee  
359 district shall be issued by the department.

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

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

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

366 (c) Additionally, the tax collector or the department,  
367 as the case may be, shall assess and collect a fee of Four Dollars  
368 (\$4.00) upon each set of license tags and two (2) decals issued,  
369 or upon each set of two (2) decals issued, and that sum shall be



370 deposited in the Mississippi Trauma Care Systems Fund established  
371 in Section 41-59-75, to be used for the purposes set out in that  
372 section.

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

377 Beginning July 1, 1987, and until the date specified in  
378 Section 65-39-35, there shall be levied a registration fee of Five  
379 Dollars (\$5.00) in addition to the regular registration fee  
380 imposed in paragraphs (a) and (b) of this subsection. Such  
381 additional registration fee shall be levied in the same manner as  
382 the regular registration fee. However, this additional  
383 registration fee shall not be levied on all-terrain vehicles or  
384 recreational off-highway vehicles.

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

387 27-51-5. The subject words and terms of this section, for  
388 the purpose of this chapter, shall have meanings as follows:

389 (a) "Motor vehicle" means any device and attachments  
390 supported by one or more wheels which is propelled or drawn by any  
391 power other than muscular power over the highways, streets or  
392 alleys of this state. The term "motor vehicle" shall not include  
393 electric bicycles, personal delivery devices or electric personal  
394 assistive mobility devices as defined in Section 63-3-103, or golf





395 carts or low-speed vehicles as defined in Section 63-32-1.  
396 However, mobile homes which are detached from any self-propelled  
397 vehicles and parked on land in the state are hereby expressly  
398 exempt from the motor vehicle ad valorem taxes, but house trailers  
399 which are actually in transit and which are not parked for more  
400 than an overnight stop are not exempted. The term "motor vehicle"  
401 includes all-terrain vehicles and recreational off-highway  
402 vehicles, as defined in Section 63-31-3, operated on roads under  
403 Section 63-31-3.

404 (b) "Public highway" means and includes every way or  
405 place of whatever nature, including public roads, streets and  
406 alleys of this state generally open to the use of the public or to  
407 be opened or reopened to the use of the public for the purpose of  
408 vehicular travel, notwithstanding that the same may be temporarily  
409 closed for the purpose of construction, reconstruction,  
410 maintenance, or repair.

411 (c) "Administrator of the road and bridge privilege tax  
412 law" means the official authorized by law to administer the road  
413 and bridge privilege tax law of this state.

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

416 63-3-103. (a) "Vehicle" means every device in, upon or by  
417 which any person or property is or may be transported or drawn  
418 upon a highway, except devices used exclusively upon stationary  
419 rails or tracks. The term "vehicle" includes all-terrain vehicles



420 and recreational off-highway vehicles, as defined in Section  
421 63-31-3, operated on roads under Section 63-31-3. This inclusion  
422 subjects such all-terrain vehicles and recreational off-highway  
423 vehicles to the requirements of this chapter, except as to those  
424 provisions that by their nature can have no application; however,  
425 this inclusion does not permit all-terrain vehicles or  
426 recreational off-highway vehicles to be operated on public roads  
427 other than as authorized under Section 63-31-3.

428 (b) "Motor vehicle" means every vehicle which is  
429 self-propelled and every vehicle which is propelled by electric  
430 power obtained from overhead trolley wires, but not operated upon  
431 rails. The term "motor vehicle" shall not include electric  
432 personal assistive mobility devices, personal delivery devices or  
433 electric bicycles.

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

440 (d) "Authorized emergency vehicle" means every vehicle of  
441 the fire department (fire patrol), every police vehicle, every 911  
442 Emergency Communications District vehicle, every such ambulance  
443 and special use EMS vehicle as defined in Section 41-59-3, every  
444 Mississippi Emergency Management Agency vehicle as is designated



445 or authorized by the Executive Director of MEMA and every  
446 emergency vehicle of municipal departments or public service  
447 corporations as is designated or authorized by the commission or  
448 the chief of police of an incorporated city.

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

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

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

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



468 (i) "Autocycle" means a three-wheel motorcycle with a  
469 steering wheel, nonstraddle seating, rollover protection and seat  
470 belts.

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

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

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

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



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

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

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

502                 (i) Solely powered by an electric motor;

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

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

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

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



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

518           63-15-3. The following words and phrases, when used in this  
519 chapter, shall, for the purposes of this chapter, have the  
520 meanings respectively ascribed to them in this section, except in  
521 those instances where the context clearly indicates a different  
522 meaning:

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

529           (b) "Judgment" means any judgment which shall have  
530 become final by expiration, without appeal, of the time within  
531 which an appeal might have been perfected, or by final affirmation  
532 on appeal, rendered by a court of competent jurisdiction of any  
533 state or of the United States, upon a cause of action arising out  
534 of the ownership, maintenance or use of any motor vehicle, for  
535 damages, including damages for care and loss of services, because  
536 of bodily injury to or death of any person, or for damages because  
537 of injury to or destruction of property, including the loss of use  
538 thereof, or upon a cause of action on an agreement of settlement  
539 for such damages.



540 (c) "Motor vehicle" means every self-propelled vehicle  
541 (other than traction engines, road rollers and graders, tractor  
542 cranes, power shovels, well drillers, implements of husbandry,  
543 electric bicycles, personal delivery devices and electric personal  
544 assistive mobility devices as defined in Section 63-3-103) which  
545 is designed for use upon a highway, including trailers and  
546 semitrailers designed for use with such vehicles, and every  
547 vehicle which is propelled by electric power obtained from  
548 overhead wires but not operated upon rails. The term "motor  
549 vehicle" includes all-terrain vehicles and recreational  
550 off-highway vehicles, as defined in Section 63-31-3, operated on  
551 roads under Section 63-31-3.

552 For purposes of this definition, "implements of husbandry"  
553 shall not include trucks, pickup trucks, trailers and semitrailers  
554 designed for use with such trucks and pickup trucks.

555 (d) "License" means any driver's, operator's,  
556 commercial operator's, or chauffeur's license, temporary  
557 instruction permit or temporary license, or restricted license,  
558 issued under the laws of the State of Mississippi pertaining to  
559 the licensing of persons to operate motor vehicles.

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

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



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

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

568 (h) "Owner" means a person who holds the legal title of  
569 a motor vehicle; in the event a motor vehicle is the subject of an  
570 agreement for the conditional sale or lease thereof with the right  
571 of purchase upon performance of the conditions stated in the  
572 agreement and with an immediate right of possession vested in the  
573 conditional vendee or lessee or in the event a mortgagor of a  
574 vehicle is entitled to possession, then such conditional vendee or  
575 lessee or mortgagor shall be deemed the owner for the purpose of  
576 this chapter.

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

579 (j) "Proof of financial responsibility" means proof of  
580 ability to respond in damages for liability, on account of  
581 accidents occurring subsequent to the effective date of said  
582 proof, arising out of the ownership, maintenance or use of a motor  
583 vehicle, in the amount of Twenty-five Thousand Dollars  
584 (\$25,000.00) because of bodily injury to or death of one (1)  
585 person in any one (1) accident, and subject to said limit for one  
586 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)  
587 because of bodily injury to or death of two (2) or more persons in  
588 any one (1) accident, and in the amount of Twenty-five Thousand





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

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

598 (l) "Department" means the Department of Public Safety  
599 of the State of Mississippi, acting directly or through its  
600 authorized officers and agents, except in such sections of this  
601 chapter in which some other state department is specifically  
602 named.

603 (m) "State" means any state, territory or possession of  
604 the United States, the District of Columbia, or any province of  
605 the Dominion of Canada.

606 **SECTION 8.** Section 63-21-5, Mississippi Code of 1972, is  
607 amended as follows:

608 63-21-5. The following words and phrases when used in this  
609 chapter shall, for the purpose of this chapter, have the meanings  
610 respectively ascribed to them in this section except where the  
611 context clearly indicates a different meaning:

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



614           (b) "Dealer" means every person engaged regularly in  
615 the business of buying, selling or exchanging motor vehicles,  
616 trailers, semitrailers, trucks, tractors or other character of  
617 commercial or industrial motor vehicles in this state, and having  
618 in this state an established place of business as defined in  
619 Section 27-19-303 \* \* \*. The term "dealer" shall also mean every  
620 person engaged regularly in the business of buying, selling or  
621 exchanging manufactured housing in this state, and licensed as a  
622 dealer of manufactured housing by the Mississippi Department of  
623 Insurance.

624           (c) "Designated agent" means each county tax collector  
625 in this state who may perform his duties under this chapter either  
626 personally or through any of his deputies, or such other persons  
627 as the Department of Revenue may designate. The term shall also  
628 mean those "dealers" as herein defined and/or their officers and  
629 employees and other persons who are appointed by the Department of  
630 Revenue in the manner provided in Section 63-21-13 \* \* \* to  
631 perform the duties of "designated agent" for the purposes of this  
632 chapter.

633           (d) "Implement of husbandry" means every vehicle  
634 designed and adapted exclusively for agricultural, horticultural  
635 or livestock raising operations or for lifting or carrying an  
636 implement of husbandry and in either case not subject to  
637 registration if used upon the highways.



638 (e) "Vehicle identification number" means the numbers  
639 and letters on a vehicle, manufactured home or mobile home  
640 designated by the manufacturer or assigned by the Department of  
641 Revenue for the purpose of identifying the vehicle, manufactured  
642 home or mobile home.

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

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

653 (h) "Manufactured housing" or "manufactured home" means  
654 any structure, transportable in one or more sections, which in the  
655 traveling mode, is eight (8) body feet or more in width or forty  
656 (40) body feet or more in length or, when erected on site, is  
657 three hundred twenty (320) or more square feet and which is built  
658 on a permanent chassis and designed to be used as a dwelling with  
659 or without a permanent foundation when connected to the required  
660 utilities, and includes the plumbing, heating, air-conditioning  
661 and electrical systems contained therein; except that such terms  
662 shall include any structure which meets all the requirements of



663 this paragraph except the size requirements and with respect to  
664 which the manufacturer voluntarily files a certification required  
665 by the Secretary of Housing and Urban Development and complies  
666 with the standards established under the National Manufactured  
667 Housing Construction and Safety Standards Act of 1974, 42 USCS,  
668 Section 5401.

669 (i) "Manufacturer" means any person regularly engaged  
670 in the business of manufacturing, constructing or assembling motor  
671 vehicles, manufactured homes or mobile homes, either within or  
672 without this state.

673 (j) "Mobile home" means any structure, transportable in  
674 one or more sections, which in the traveling mode, is eight (8)  
675 body feet or more in width or forty (40) body feet or more in  
676 length or, when erected on site, is three hundred twenty (320) or  
677 more square feet and which is built on a permanent chassis and  
678 designed to be used as a dwelling with or without a permanent  
679 foundation when connected to the required utilities, and includes  
680 the plumbing, heating, air-conditioning and electrical systems  
681 contained therein and manufactured prior to June 15, 1976. Any  
682 mobile home designated as realty on or before July 1, 1999, shall  
683 continue to be designated as realty so that a security interest  
684 will be made by incorporating such mobile home in a deed of trust.

685 (k) "Motorcycle" means every motor vehicle having a  
686 seat or saddle for the use of the rider and designed to travel on  
687 not more than three (3) wheels in contact with the ground, but



688 excluding a farm tractor, personal delivery device and electric  
689 bicycle.

690 (l) "Motor vehicle" means every automobile, motorcycle,  
691 mobile trailer, semitrailer, truck, truck tractor, trailer and  
692 every other device in, upon, or by which any person or property is  
693 or may be transported or drawn upon a public highway which is  
694 required to have a road or bridge privilege license, except such  
695 as is moved by animal power or used exclusively upon stationary  
696 rails or tracks, and excepting electric bicycles and personal  
697 delivery devices.

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

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

704 (o) "Owner" means a person or persons holding the legal  
705 title of a vehicle, manufactured home or mobile home; in the event  
706 a vehicle, manufactured home or mobile home is the subject of a  
707 deed of trust or a chattel mortgage or an agreement for the  
708 conditional sale or lease thereof or other like agreement, with  
709 the right of purchase upon performance of the conditions stated in  
710 the agreement and with the immediate right of possession vested in  
711 the grantor in the deed of trust, mortgagor, conditional vendee or



712 lessee, the grantor, mortgagor, conditional vendee or lessee shall  
713 be deemed the owner for the purpose of this chapter.

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

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

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

725 (s) "Security interest" means an interest in a vehicle,  
726 manufactured home or mobile home reserved or created by agreement  
727 and which secures payment or performance of an obligation. The  
728 term includes the interest of a lessor under a lease intended as  
729 security. A security interest is "perfected" when it is valid  
730 against third parties generally, subject only to specific  
731 statutory exceptions.

732 (t) "Special mobile equipment" means every vehicle not  
733 designed or used primarily for the transportation of persons or  
734 property and only incidentally operated or moved over a highway,  
735 including, but not limited to: ditch-digging apparatus,  
736 well-boring apparatus and road construction and maintenance



737 machinery such as asphalt spreaders, bituminous mixers, bucket  
738 loaders, tractors other than truck tractors, ditchers, leveling  
739 graders, finishing machines, motor graders, road rollers,  
740 scarifiers, earth-moving carryalls and scrapers, power shovels and  
741 draglines, and self-propelled cranes, vehicles so constructed that  
742 they exceed eight (8) feet in width and/or thirteen (13) feet six  
743 (6) inches in height, and earth-moving equipment. The term does  
744 not include house trailers, dump trucks, truck-mounted transit  
745 mixers, cranes or shovels, or other vehicles designed for the  
746 transportation of persons or property to which machinery has been  
747 attached.

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

750 (v) "Current address" means a new address different  
751 from the address shown on the application or on the certificate of  
752 title. The owner shall within thirty (30) days after his address  
753 is changed from that shown on the application or on the  
754 certificate of title notify the department of the change of  
755 address in the manner prescribed by the department.

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



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

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

766 (z) "Mileage" means actual distance that a vehicle has  
767 traveled.

768 (aa) "Trailer" means every vehicle other than a "pole  
769 trailer" as defined in this chapter without motive power designed  
770 to be drawn by another vehicle and attached to the towing vehicle  
771 for the purpose of hauling goods or products. The term "trailer"  
772 shall not refer to any structure, transportable in one or more  
773 sections regardless of size, when erected on site, and which is  
774 built on a permanent chassis and designed to be used as a dwelling  
775 with or without a permanent foundation when connected to the  
776 required utilities, and includes the plumbing, heating,  
777 air-conditioning and electrical systems contained therein  
778 regardless of the date of manufacture.

779 (bb) "Salvage mobile home" or "salvage manufactured  
780 home" means a mobile home or manufactured home for which a  
781 certificate of title has been issued that an insurance company  
782 obtains from the owner as a result of paying a total loss claim  
783 resulting from collision, fire, flood, wind or other occurrence.  
784 The term "salvage mobile home" or "salvage manufactured home" does





785 not mean or include and is not applicable to a mobile home or  
786 manufactured home that is twenty (20) years old or older.

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

790 (dd) "All-terrain vehicle" means a motor vehicle that  
791 is designed for off-road use and is not required to have a motor  
792 vehicle privilege license unless operated on roads under Section  
793 63-31-3. The term "all-terrain vehicle" shall not include  
794 electric bicycles.

795 **SECTION 9.** This act shall take effect and be in force from  
796 and after July 1, 2023.

