

By: Senator(s) Chism, Tate, Barrett, Hill,
Thompson, Suber

To: Highways and
Transportation; Finance

SENATE BILL NO. 2570

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.

