

By: Senator(s) Chism

To: Highways and
Transportation

SENATE BILL NO. 2259

1 AN ACT TO AMEND SECTION 63-31-3, MISSISSIPPI CODE OF 1972, TO
2 ALLOW ALL-TERRAIN VEHICLES AND RECREATIONAL OFF-HIGHWAY VEHICLES
3 TO OPERATE ON COUNTY RURAL, GRAVEL OR PAVED ROADS; TO REQUIRE, FOR
4 SUCH OPERATION, COMPLIANCE WITH LICENSING AND TAGGING REQUIREMENTS
5 AND OTHER MOTOR VEHICLE REGULATIONS, EXCEPT THOSE REQUIRING
6 EQUIPPING WITH WINDSHIELD WIPERS; TO SPECIFY THAT A LICENSE TAG
7 SHALL NOT AUTHORIZE THE USE OF AN ALL-TERRAIN VEHICLE OR
8 RECREATIONAL OFF-HIGHWAY VEHICLE FOR TOWING, OR FOR OPERATION ON
9 AN INTERSTATE HIGHWAY OR ANY OTHER ROAD FOR WHICH THE SPEED LIMIT
10 EXCEEDS 40 MILES PER HOUR, EXCEPT FOR CROSSING CERTAIN ROADS; TO
11 AMEND SECTION 27-19-43, MISSISSIPPI CODE OF 1972, TO CONFORM AND
12 TO PROVIDE THAT LICENSE TAGS SOLD AND ISSUED FOR ALL TERRAIN
13 VEHICLES OR RECREATIONAL OFF HIGHWAY VEHICLES SHALL NOT EXCEED
14 \$100.00; TO AMEND SECTIONS 27-19-3, 27-19-5, 27-51-5, 63-3-103,
15 63-15-3 AND 63-21-5, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR
16 RELATED PURPOSES.

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

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

20 63-31-3. (1) No off-road vehicle shall be operated upon any
21 public property by any person unless:

22 (a) (i) The person possesses a valid driver's license;
23 or

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

91 * * *

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

218 Haulers of fertilizer shall be classified as private
219 commercial carriers of property by motor vehicle.

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



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

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

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

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

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

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

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

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



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

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

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

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

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



274 classified as a light carrier of property, as defined in Section
275 27-51-101.

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

286 (32) "Ton" means two thousand (2,000) pounds
287 avoirdupois.

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

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



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

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

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

315 (37) "Rental fleet" means a group of two hundred (200)
316 or more private carriers of passengers or light carriers of
317 property, as defined in Section 27-51-101, trailers, semitrailers,
318 or motor vehicles in excess of ten thousand (10,000) pounds gross
319 vehicle weight, except for those vehicles registered for
320 interstate travel, owned or leased on a long-term basis by a
321 corporation or other legal entity and exempt from ad valorem
322 taxation under Section 27-51-41(2)(n).



323 (38) "All-terrain vehicle," "ATV" and "recreational
324 off-highway vehicle" have the meanings ascribed in Section
325 63-31-3.

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

331 (2) Leased vehicles shall be considered as domiciled at
332 the place in the State of Mississippi from which they operate in
333 interstate or intrastate commerce, and for the purposes of this
334 article shall be considered as owned by the lessee, who shall
335 furnish all insurance on the vehicles and the driver of the
336 vehicles shall be considered as an agent of the lessee for all
337 purposes of this article.

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

340 27-19-5. There is hereby levied the following annual highway
341 privilege tax on operators of private carriers of passengers as
342 reasonable compensation for the use of the highways of this state:

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

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



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

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

27-19-43. (1) License tags, substitute tags and decals for individual fleets and for private carriers of passengers, school buses (excluding school buses owned by a school district in the state), church buses, taxicabs, ambulances, hearses, motorcycles * * *, all-terrain vehicles and recreational off-highway vehicles operated on roads, private carriers of property, and private commercial carriers of property of a gross weight of ten thousand (10,000) pounds and less, shall be sold and issued by the tax collectors of the several counties. License tags sold and issued for all-terrain vehicles or recreational off-highway vehicles shall not exceed One Hundred Dollars (\$100.00).

(2) Applications for license tags for motor vehicles in a corporate fleet registered under Section 27-19-66, trailers in a fleet registered under Section 27-19-66.1, motor vehicles in a rental fleet registered under Section 27-19-66.2, and applications for all other license tags, substitute tags and decals shall be filed with the department or the local tax collector of the respective counties and forwarded to the department for issuance to the applicant. All tags and decals for vehicles owned by the



state or any agency or instrumentality thereof, and vehicles owned by a fire protection district, school district or a county or municipality, and all vehicles owned by a road, drainage or levee district shall be issued by the department.

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

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

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

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

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

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



additional registration fee shall be levied in the same manner as the regular registration fee. However, this additional registration fee shall not be levied on all-terrain vehicles or recreational off-highway vehicles.

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

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

(a) "Motor vehicle" means any device and attachments supported by one or more wheels which is propelled or drawn by any power other than muscular power over the highways, streets or alleys of this state. The term "motor vehicle" shall not include electric bicycles, personal delivery devices or electric personal assistive mobility devices as defined in Section 63-3-103, or golf carts or low-speed vehicles as defined in Section 63-32-1.

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

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



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

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

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

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

(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon



446 rails. The term "motor vehicle" shall not include electric
447 personal assistive mobility devices, personal delivery devices or
448 electric bicycles.

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

455 (d) "Authorized emergency vehicle" means every vehicle of
456 the fire department (fire patrol), every police vehicle, every 911
457 Emergency Communications District vehicle, every such ambulance
458 and special use EMS vehicle as defined in Section 41-59-3, every
459 Mississippi Emergency Management Agency vehicle as is designated
460 or authorized by the Executive Director of MEMA and every
461 emergency vehicle of municipal departments or public service
462 corporations as is designated or authorized by the commission or
463 the chief of police of an incorporated city.

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

469 (f) "Recreational vehicle" means a vehicular type unit
470 primarily designed as temporary living quarters for recreational,



471 camping or travel use, which either has its own motive power or is
472 mounted on or drawn by another vehicle and includes travel
473 trailers, fifth-wheel trailers, camping trailers, truck campers
474 and motor homes.

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

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

483 (i) "Autocycle" means a three-wheel motorcycle with a
484 steering wheel, nonstraddle seating, rollover protection and seat
485 belts.

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

494 (k) "Platoon" means a group of individual motor vehicles
495 traveling in a unified manner at electronically coordinated speeds



at following distances that are closer than would be reasonable and prudent without such coordination.

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

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

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

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

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

- (i) Solely powered by an electric motor;
- (ii) Intended to be operated primarily on sidewalks, crosswalks, and other pedestrian areas to transport cargo;



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

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

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

(o) "Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a Level 4 or Level 5 automation system under the Society of Automotive Engineers (SAE) Standard J3016.

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

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

(a) "Highway" means the entire width between property lines of any road, street, way, thoroughfare or bridge in the State of Mississippi not privately owned or controlled, when any



545 part thereof is open to the public for vehicular traffic and over
546 which the state has legislative jurisdiction under its police
547 power.

548 (b) "Judgment" means any judgment which shall have
549 become final by expiration, without appeal, of the time within
550 which an appeal might have been perfected, or by final affirmation
551 on appeal, rendered by a court of competent jurisdiction of any
552 state or of the United States, upon a cause of action arising out
553 of the ownership, maintenance or use of any motor vehicle, for
554 damages, including damages for care and loss of services, because
555 of bodily injury to or death of any person, or for damages because
556 of injury to or destruction of property, including the loss of use
557 thereof, or upon a cause of action on an agreement of settlement
558 for such damages.

559 (c) "Motor vehicle" means every self-propelled vehicle
560 (other than traction engines, road rollers and graders, tractor
561 cranes, power shovels, well drillers, implements of husbandry,
562 electric bicycles, personal delivery devices and electric personal
563 assistive mobility devices as defined in Section 63-3-103) which
564 is designed for use upon a highway, including trailers and
565 semitrailers designed for use with such vehicles, and every
566 vehicle which is propelled by electric power obtained from
567 overhead wires but not operated upon rails. The term "motor
568 vehicle" includes all-terrain vehicles and recreational



569 off-highway vehicles, as defined in Section 63-31-3, operated on
570 roads under Section 63-31-3.

571 For purposes of this definition, "implements of husbandry"
572 shall not include trucks, pickup trucks, trailers and semitrailers
573 designed for use with such trucks and pickup trucks.

574 (d) "License" means any driver's, operator's,
575 commercial operator's, or chauffeur's license, temporary
576 instruction permit or temporary license, or restricted license,
577 issued under the laws of the State of Mississippi pertaining to
578 the licensing of persons to operate motor vehicles.

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

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

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

587 (h) "Owner" means a person who holds the legal title of
588 a motor vehicle; in the event a motor vehicle is the subject of an
589 agreement for the conditional sale or lease thereof with the right
590 of purchase upon performance of the conditions stated in the
591 agreement and with an immediate right of possession vested in the
592 conditional vendee or lessee or in the event a mortgagor of a
593 vehicle is entitled to possession, then such conditional vendee or



lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

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

(j) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one (1) accident. Liability insurance required under this paragraph (j) may contain exclusions and limitations on coverage as long as the exclusions and limitations language or form has been filed with and approved by the Commissioner of Insurance.

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

(l) "Department" means the Department of Public Safety of the State of Mississippi, acting directly or through its



619 authorized officers and agents, except in such sections of this
620 chapter in which some other state department is specifically
621 named.

622 (m) "State" means any state, territory or possession of
623 the United States, the District of Columbia, or any province of
624 the Dominion of Canada.

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

627 63-21-5. The following words and phrases when used in this
628 chapter shall, for the purpose of this chapter, have the meanings
629 respectively ascribed to them in this section except where the
630 context clearly indicates a different meaning:

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

633 (b) "Dealer" means every person engaged regularly in
634 the business of buying, selling or exchanging motor vehicles,
635 trailers, semitrailers, trucks, tractors or other character of
636 commercial or industrial motor vehicles in this state, and having
637 in this state an established place of business as defined in
638 Section 27-19-303 * * *. The term "dealer" shall also mean every
639 person engaged regularly in the business of buying, selling or
640 exchanging manufactured housing in this state, and licensed as a
641 dealer of manufactured housing by the Mississippi Department of
642 Insurance.



643 (c) "Designated agent" means each county tax collector
644 in this state who may perform his duties under this chapter either
645 personally or through any of his deputies, or such other persons
646 as the Department of Revenue may designate. The term shall also
647 mean those "dealers" as herein defined and/or their officers and
648 employees and other persons who are appointed by the Department of
649 Revenue in the manner provided in Section 63-21-13 * * * to
650 perform the duties of "designated agent" for the purposes of this
651 chapter.

652 (d) "Implement of husbandry" means every vehicle
653 designed and adapted exclusively for agricultural, horticultural
654 or livestock raising operations or for lifting or carrying an
655 implement of husbandry and in either case not subject to
656 registration if used upon the highways.

657 (e) "Vehicle identification number" means the numbers
658 and letters on a vehicle, manufactured home or mobile home
659 designated by the manufacturer or assigned by the Department of
660 Revenue for the purpose of identifying the vehicle, manufactured
661 home or mobile home.

662 (f) "Lien" means every kind of written lease which is
663 substantially equivalent to an installment sale or which provides
664 for a right of purchase; conditional sale; reservation of title;
665 deed of trust; chattel mortgage; trust receipt; and every other
666 written agreement or instrument of whatever kind or character



whereby an interest other than absolute title is sought to be held or given on a motor vehicle, manufactured home or mobile home.

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

(h) "Manufactured housing" or "manufactured home" means any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USCS, Section 5401.

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



692 (j) "Mobile home" means any structure, transportable in
693 one or more sections, which in the traveling mode, is eight (8)
694 body feet or more in width or forty (40) body feet or more in
695 length or, when erected on site, is three hundred twenty (320) or
696 more square feet and which is built on a permanent chassis and
697 designed to be used as a dwelling with or without a permanent
698 foundation when connected to the required utilities, and includes
699 the plumbing, heating, air-conditioning and electrical systems
700 contained therein and manufactured prior to June 15, 1976. Any
701 mobile home designated as realty on or before July 1, 1999, shall
702 continue to be designated as realty so that a security interest
703 will be made by incorporating such mobile home in a deed of trust.

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

709 (l) "Motor vehicle" means every automobile, motorcycle,
710 mobile trailer, semitrailer, truck, truck tractor, trailer and
711 every other device in, upon, or by which any person or property is
712 or may be transported or drawn upon a public highway which is
713 required to have a road or bridge privilege license, except such
714 as is moved by animal power or used exclusively upon stationary
715 rails or tracks, and excepting electric bicycles and personal
716 delivery devices.



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

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

723 (o) "Owner" means a person or persons holding the legal
724 title of a vehicle, manufactured home or mobile home; in the event
725 a vehicle, manufactured home or mobile home is the subject of a
726 deed of trust or a chattel mortgage or an agreement for the
727 conditional sale or lease thereof or other like agreement, with
728 the right of purchase upon performance of the conditions stated in
729 the agreement and with the immediate right of possession vested in
730 the grantor in the deed of trust, mortgagor, conditional vendee or
731 lessee, the grantor, mortgagor, conditional vendee or lessee shall
732 be deemed the owner for the purpose of this chapter.

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

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



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

744 (s) "Security interest" means an interest in a vehicle,
745 manufactured home or mobile home reserved or created by agreement
746 and which secures payment or performance of an obligation. The
747 term includes the interest of a lessor under a lease intended as
748 security. A security interest is "perfected" when it is valid
749 against third parties generally, subject only to specific
750 statutory exceptions.

751 (t) "Special mobile equipment" means every vehicle not
752 designed or used primarily for the transportation of persons or
753 property and only incidentally operated or moved over a highway,
754 including, but not limited to: ditch-digging apparatus,
755 well-boring apparatus and road construction and maintenance
756 machinery such as asphalt spreaders, bituminous mixers, bucket
757 loaders, tractors other than truck tractors, ditchers, leveling
758 graders, finishing machines, motor graders, road rollers,
759 scarifiers, earth-moving carryalls and scrapers, power shovels and
760 draglines, and self-propelled cranes, vehicles so constructed that
761 they exceed eight (8) feet in width and/or thirteen (13) feet six
762 (6) inches in height, and earth-moving equipment. The term does
763 not include house trailers, dump trucks, truck-mounted transit
764 mixers, cranes or shovels, or other vehicles designed for the
765 transportation of persons or property to which machinery has been
766 attached.



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

769 (v) "Current address" means a new address different
770 from the address shown on the application or on the certificate of
771 title. The owner shall within thirty (30) days after his address
772 is changed from that shown on the application or on the
773 certificate of title notify the department of the change of
774 address in the manner prescribed by the department.

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

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

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

785 (z) "Mileage" means actual distance that a vehicle has
786 traveled.

787 (aa) "Trailer" means every vehicle other than a "pole
788 trailer" as defined in this chapter without motive power designed
789 to be drawn by another vehicle and attached to the towing vehicle
790 for the purpose of hauling goods or products. The term "trailer"
791 shall not refer to any structure, transportable in one or more



sections regardless of size, when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein regardless of the date of manufacture.

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

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

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

SECTION 9. This act shall take effect and be in force from and after July 1, 2025.

