

By: Representative Compretta

To: Transportation

HOUSE BILL NO. 1184
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-3-411, MISSISSIPPI CODE OF 1972,
2 TO DELETE CERTAIN REPORTING REQUIREMENTS OF DRIVERS INVOLVED IN
3 ACCIDENTS INVOLVING INJURY OR DEATH OR PROPERTY DAMAGE OF ONE
4 THOUSAND DOLLARS OR MORE; TO REPEAL SECTION 63-15-9, WHICH
5 REQUIRES OPERATORS OF MOTOR VEHICLES TO FILE ACCIDENT REPORTS WHEN
6 INVOLVED IN AN ACCIDENT; TO AUTHORIZE THE OPERATION OF ELECTRIC
7 PERSONAL ASSISTIVE MOBILITY DEVICES TO BE OPERATED ON A MARKED
8 BICYCLE PATH, ON ANY STREET OR ROAD WHERE BICYCLES ARE PERMITTED
9 OR ON A SIDEWALK, IF THE PERSON OPERATING THE DEVICE YIELDS THE
10 RIGHT-OF-WAY TO PEDESTRIANS AND GIVES AN AUDIBLE SIGNAL BEFORE
11 OVERTAKING AND PASSING A PEDESTRIAN; TO AMEND SECTIONS 21-37-3,
12 27-19-3, 27-51-5, 63-1-7, 63-1-75, 63-3-103, 63-3-121, 63-15-3,
13 63-17-155 AND 63-19-3, MISSISSIPPI CODE OF 1972, TO DEFINE
14 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES; TO LIMIT THE
15 JURISDICTION OF MUNICIPALITIES REGARDING THE USE OF ELECTRIC
16 PERSONAL ASSISTIVE MOBILITY DEVICES; TO INCLUDE ELECTRIC PERSONAL
17 ASSISTIVE MOBILITY DEVICES WITHIN THE DEFINITION OF THE TERM
18 "PEDESTRIAN FOR PURPOSES OF THE TRAFFIC LAWS"; TO EXCLUDE ELECTRIC
19 PERSONAL ASSISTIVE MOBILITY DEVICES FROM THE DEFINITION OF THE
20 TERM "MOTOR VEHICLE" FOR PURPOSES OF THE MOTOR VEHICLE PRIVILEGE
21 AND AD VALOREM TAX LAWS; TO AUTHORIZE THE OPERATION OF ELECTRIC
22 PERSONAL ASSISTIVE MOBILITY DEVICES WITHOUT A DRIVER'S LICENSE; TO
23 EXCLUDE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES FROM THE
24 DEFINITION OF THE TERM "MOTOR VEHICLE" FOR PURPOSES OF THE
25 MISSISSIPPI MOTOR VEHICLE SAFETY RESPONSIBILITY LAW, THE MOTOR
26 VEHICLE WARRANTY ENFORCEMENT ACT AND THE MOTOR VEHICLE SALES
27 FINANCE LAW; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** Section 63-3-411, Mississippi Code of 1972, is
30 amended as follows:

31 63-3-411. (1) The driver of a vehicle involved in an
32 accident resulting in injury to or death of any person or total
33 property damage to an apparent extent of Five Hundred Dollars
34 (\$500.00) or more shall immediately, by the quickest means of
35 communication, give notice of the collision to the local police
36 department if the collision occurs within an incorporated
37 municipality, or if the collision occurs outside of an
38 incorporated municipality to the nearest sheriff's office or
39 highway patrol station.



40 * * *

41 (2) The department may require any driver of a vehicle
42 involved in an accident, of which report must be made as provided
43 in this section, to file supplemental reports whenever the
44 original report is insufficient in the opinion of the department.
45 Additionally, the department may require witnesses of accidents to
46 render reports to the department.

47 (3) It shall be the duty of the highway patrol or the
48 sheriff's office to investigate all accidents required to be
49 reported by this section when the accident occurs outside the
50 corporate limits of a municipality, and it shall be the duty of
51 the police department of each municipality to investigate all
52 accidents required to be reported by this section when the
53 accidents occur within the corporate limits of the municipality.

54 Every law enforcement officer who investigates an accident as
55 required by this subsection, whether the investigation is made at
56 the scene of the accident or by subsequent investigation and
57 interviews, shall forward within six (6) days after completing the
58 investigation a written report of the accident to the department
59 if the accident occurred outside the corporate limits of a
60 municipality, or to the police department of the municipality if
61 the accident occurred within the corporate limits of such
62 municipality. Police departments shall forward such reports to
63 the department within six (6) days of the date of the accident.

64 (4) Whenever an engineer of a railroad locomotive, or other
65 person in charge of a train, is required to show proof of his
66 identity under the provisions of this article, in connection with
67 operation of such locomotive, to any law enforcement officer, such
68 person shall not be required to display his operator's or
69 chauffeur's license but shall display his railroad employee
70 number.

71 (5) In addition to the information required on the
72 "statewide uniform traffic accident report" forms provided by



73 Section 63-3-415, the department shall require the parties
74 involved in an accident and the witnesses of such accident to
75 furnish their phone numbers in order to assist the investigation
76 by law enforcement officers.

77 **SECTION 2.** Section 63-15-9, Mississippi Code of 1972, which
78 requires operators of motor vehicles to file accident reports when
79 involved in an accident, is repealed.

80 **SECTION 3.** An electric personal assistive mobility device as
81 defined in Section 63-3-103, may be operated:

82 (a) On a marked bicycle path;

83 (b) On any street or road where bicycles are permitted;

84 or

85 (c) On a sidewalk, if the person operating the device
86 yields the right-of-way to pedestrians and gives an audible signal
87 before overtaking and passing a pedestrian.

88 **SECTION 4.** Section 21-37-3, Mississippi Code of 1972, is
89 amended as follows:

90 21-37-3. (1) Except as otherwise provided in subsection (2)
91 of this section, the governing authorities of municipalities shall
92 have the power to exercise full jurisdiction in the matter of
93 streets, sidewalks, sewers, and parks; to open and lay out and
94 construct the same; and to repair, maintain, pave, sprinkle,
95 adorn, and light the same.

96 (2) Section 3, House Bill 1184, 2003 Regular Session, shall
97 govern the use of electric personal assistive mobility devices (as
98 defined in Section 63-3-103) on streets and sidewalks.

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

101 27-19-3. The following words and phrases when used in this
102 article for the purpose of this article have the meanings
103 respectively ascribed to them in this section, except in those
104 instances where the context clearly describes and indicates a
105 different meaning:



106 (1) "Vehicle" shall mean every device in, upon or by
107 which any person or property is or may be transported or drawn
108 upon a public highway, except devices moved by muscular power or
109 used exclusively upon stationary rails or tracks.

110 (2) "Commercial vehicle" shall mean every vehicle used
111 or operated upon the public roads, highways or bridges in
112 connection with any business function.

113 (3) "Motor vehicle" shall mean every vehicle as herein
114 defined which is self-propelled, including trackless street or
115 trolley cars. The term "motor vehicle" shall not include electric
116 personal assistive mobility devices as defined in Section
117 63-3-103.

118 (4) "Tractor" shall mean every vehicle designed,
119 constructed or used for drawing other vehicles.

120 (5) "Motorcycle" shall mean every vehicle designed to
121 travel on not more than three (3) wheels in contact with the
122 ground, except such vehicle as may be included within the term
123 "tractor" as herein classified and defined.

124 (6) "Truck tractor" shall mean every motor vehicle
125 designed and used for drawing other vehicles and so constructed as
126 to carry a load other than a part of the weight of the vehicle and
127 load so drawn and has a gross vehicle weight (GVW) in excess of
128 ten thousand (10,000) pounds.

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

132 (8) "Semitrailer" shall mean every vehicle (of the
133 trailer type) so designed and used in conjunction with a truck
134 tractor.

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



139 (10) "Pneumatic tires" shall mean all tires inflated
140 with compressed air.

141 (11) "Solid rubber tires" shall mean every tire made of
142 rubber other than pneumatic tires.

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

146 (13) "Person" shall mean every natural person, firm,
147 copartnership, corporation, joint-stock or other association or
148 organization.

149 (14) "Owner" shall mean a person who holds the legal
150 title of a vehicle or in the event a vehicle is the subject of an
151 agreement for the conditional sale, lease or transfer of the
152 possession, howsoever thereof, with the right of purchase upon
153 performance of conditions stated in the agreement, and with an
154 immediate right of possession vested in the conditional vendee,
155 lessee, possessor or in the event such or similar transaction is
156 had by means of a mortgage, and the mortgagor of a vehicle is
157 entitled to possession, then such conditional vendee, lessee,
158 possessor or mortgagor shall be deemed the owner for the purposes
159 of this article.

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

169 (16) "Dealer" shall mean every person engaged regularly
170 in the business of buying, selling or exchanging motor vehicles,
171 trailers, semitrailers, trucks, tractors or other character of



172 commercial or industrial motor vehicles in this state, and having
173 an established place of business in this state.

174 (17) "Highway" shall mean and include every way or
175 place of whatever nature, including public roads, streets and
176 alleys of this state generally open to the use of the public or to
177 be opened or reopened to the use of public for the purpose of
178 vehicular travel, and notwithstanding that the same may be
179 temporarily closed for the purpose of construction,
180 reconstruction, maintenance or repair.

181 (18) "State Tax Commission" shall mean the Chairman of
182 the State Tax Commission of this state, acting directly or through
183 his duly authorized officers, agents, representatives and
184 employees.

185 (19) "Common carrier by motor vehicle" shall mean any
186 person who or which undertakes, whether directly or by a lease or
187 any other arrangement, to transport passengers or property or any
188 class or classes of property for the general public in interstate
189 or intrastate commerce on the public highways of this state by
190 motor vehicles for compensation, whether over regular or irregular
191 routes. Not including, however, passenger buses operating within
192 the corporate limits of a municipality in this state or not
193 exceeding five (5) miles beyond the corporate limits of said
194 municipality, and hearses, ambulances, school buses as such. In
195 addition, this definition shall not include taxicabs.

196 (20) "Contract carrier by motor vehicle" shall mean any
197 person who or which under the special and individual contract or
198 agreements, and whether directly or by a lease or any other
199 arrangement, transports passengers or property in interstate or
200 intrastate commerce on the public highways of this state by motor
201 vehicle for compensation. Not including, however, passenger buses
202 operating wholly within the corporate limits of a municipality in
203 this state or not exceeding five (5) miles beyond the corporate



204 limits of said municipality, and hearses, ambulances, school buses
205 as such. In addition, this definition shall not include taxicabs.

206 (21) "Private commercial carrier of property by motor
207 vehicle" shall mean any person not included in the terms "common
208 carrier by motor vehicle" or "contract carrier by motor vehicle,"
209 who or which transports in interstate or intrastate commerce on
210 the public highways of this state by motor vehicle, property of
211 which such person is the owner, lessee, or bailee, other than for
212 hire, when such transportation is for the purpose of sale, lease,
213 rent, or bailment, or in the furtherance of any enterprise, or who
214 otherwise uses or employs any motor vehicle other than a vehicle
215 designed, constructed and used exclusively for the carriage of
216 passengers in the furtherance of any commercial enterprise. Not
217 including, however, passenger buses operated wholly within the
218 corporate limits of a municipality of this state, or not exceeding
219 five (5) miles beyond the corporate limits of said municipality,
220 and hearses, ambulances, school buses as such. In addition, this
221 definition shall not include taxicabs.

222 Haulers of fertilizer shall be classified as private
223 commercial carriers of property by motor vehicle.

224 (22) "Private carrier of passengers" shall mean all
225 other passenger motor vehicle carriers not included in the above
226 definitions. Not including, however, passenger buses operating
227 wholly within the corporate limits of a municipality in this
228 state, or not exceeding five (5) miles beyond the corporate limits
229 of said municipality, and hearses, ambulances, and school buses as
230 such. In addition, this definition shall not include taxicabs.

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

235 (24) "Driver" shall mean the person actually driving or
236 operating such motor vehicle at any given time.



237 (25) "Private carrier of property" shall mean any
238 person transporting property on the highways of this state as
239 defined below:

240 (a) Any person transporting farm products produced
241 on his own farm and also farm supplies, materials and equipment
242 used in the growing or production of his agricultural products in
243 his own truck.

244 (b) Any person transporting his own fish,
245 including shellfish, in his own truck.

246 (c) Any person transporting unprocessed forest
247 products, wherein ownership remains the same, in his own truck.

248 (26) "Taxicab" shall mean any passenger motor vehicle
249 for hire with a seating capacity not greater than ten (10)
250 passengers. For purposes of this paragraph (26), seating capacity
251 shall be determined according to the manufacturer's suggested
252 seating capacity for a vehicle. If there is no manufacturer's
253 suggested seating capacity for a vehicle, the seating capacity for
254 the vehicle shall be determined according to regulations
255 established by the State Tax Commission.

256 (27) "Passenger coach" shall mean any passenger motor
257 vehicle with a seating capacity greater than ten (10) passengers,
258 operating wholly within the corporate limits of a municipality of
259 this state or within five (5) miles of the corporate limits of
260 said municipality, or motor vehicles substituted for abandoned
261 electric railway systems in or between municipalities. For
262 purposes of this paragraph (27), seating capacity shall be
263 determined according to the manufacturer's suggested seating
264 capacity for a vehicle. If there is no manufacturer's suggested
265 seating capacity for a vehicle, the seating capacity for the
266 vehicle shall be determined according to regulations established
267 by the State Tax Commission.



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

271 (29) "Gross weight" shall mean the empty weight of the
272 vehicle, as defined herein, plus any load being transported or to
273 be transported.

274 (30) "Ambulance and hearse." The terms "ambulance" and
275 "hearse" shall have the meaning generally ascribed to them. A
276 hearse or funeral coach shall be classified as a light carrier of
277 property, as defined in Section 27-51-101.

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

288 (32) "Ton" shall mean two thousand (2,000) pounds
289 avoirdupois.

290 (33) "Leases." No lease shall be recognized under the
291 provisions of this article unless same shall be in writing and
292 shall fully define a bona fide relationship of lessor and lessee,
293 signed by both parties, dated and be in the possession of the
294 driver of the leased vehicle at all times.

295 (34) "Bus" shall mean any passenger vehicle with a
296 seating capacity of more than ten (10) but shall not include
297 "private carrier of passengers" and "school bus" as defined in
298 paragraphs (15) and (22) of this section. For purposes of this
299 paragraph (34), seating capacity shall be determined according to
300 the manufacturer's suggested seating capacity for a vehicle. If



301 there is no manufacturer's suggested seating capacity for a
302 vehicle, the seating capacity for the vehicle shall be determined
303 according to regulations established by the State Tax Commission.

304 (35) "Corporate fleet" shall mean a group of two
305 hundred (200) or more marked private carriers of passengers or
306 light carriers of property, as defined in Section 27-51-101,
307 trailers, semitrailers, or motor vehicles in excess of ten
308 thousand (10,000) pounds gross vehicle weight, except for those
309 vehicles registered for interstate travel, owned or leased on a
310 long-term basis by a corporation or other legal entity. In order
311 to be considered marked, the motor vehicle must have a name,
312 trademark or logo located either on the sides or the rear of the
313 vehicle in sharp contrast to the background, and of a size, shape
314 and color that is legible during daylight hours from a distance of
315 fifty (50) feet.

316 (36) "Individual fleet" means a group of five (5) or
317 more private carriers of passengers or light carriers of property,
318 as defined in Section 27-51-101, owned or leased by the same
319 person and principally garaged in the same county.

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

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

329 27-51-5. The subject words and terms of this section, for
330 the purpose of this chapter, shall have meanings as follows:

331 (a) "Motor vehicle" means any device and attachments
332 supported by one or more wheels which is propelled or drawn by any
333 power other than muscular power over the highways, streets or



334 alleys of this state. The term "motor vehicle" shall not include
335 electric personal assistive mobility devices as defined in Section
336 63-3-103. * * * However, * * * mobile homes which are detached
337 from any self-propelled vehicles and parked on land in the state
338 are hereby expressly exempt from the motor vehicle ad valorem
339 taxes, but house trailers which are actually in transit and which
340 are not parked for more than an overnight stop are not exempted.

341 (b) "Public highway" means and includes every way or
342 place of whatever nature, including public roads, streets and
343 alleys of this state generally open to the use of the public or to
344 be opened or reopened to the use of the public for the purpose of
345 vehicular travel, notwithstanding that the same may be temporarily
346 closed for the purpose of construction, reconstruction,
347 maintenance, or repair.

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

351 **SECTION 7.** Section 63-1-7, Mississippi Code of 1972, is
352 amended as follows:

353 63-1-7. No license issued pursuant to this article shall be
354 required of:

355 (a) Any person while operating a motor vehicle of the
356 Armed Forces of the United States.

357 (b) Any nonresident person who has in his immediate
358 possession a valid license to drive a motor vehicle on the
359 highways of his home state or country, issued to him by the proper
360 authorities of his home state or country, or of any nonresident
361 person whose home state or country does not require the licensing
362 of a person to operate a motor vehicle on the highways but does
363 require him to be duly registered. Such person being eighteen
364 (18) years of age or older may operate a motor vehicle in the
365 state for a period of sixty (60) days without securing a license.
366 However, any nonresident person operating a motor vehicle in this



367 state shall be subject to all the provisions of this article,
368 except as specified above.

369 (c) Any person while operating a road roller, road
370 machinery or any farm tractor or implement of husbandry
371 temporarily drawn, moved or propelled on the highways.

372 (d) Any engineer or motorman using tracks for road or
373 street, though used in the streets.

374 (e) Any person while operating an electric personal
375 assistive mobility device as defined in Section 63-3-103.

376 **SECTION 8.** Section 63-1-75, Mississippi Code of 1972, is
377 amended as follows:

378 63-1-75. The following words, as used in this article, shall
379 have the meanings herein ascribed unless the context clearly
380 requires otherwise:

381 (a) "Alcohol" means any substance containing any form
382 of alcohol, including, but not limited to, ethanol, methanol,
383 propanol and isopropanol;

384 (b) "Alcohol concentration" means the concentration of
385 alcohol in a person's blood, breath or urine. When expressed as a
386 percentage it means:

387 (i) The number of grams of alcohol per one hundred
388 (100) milliliters of blood; or

389 (ii) The number of grams of alcohol per two
390 hundred ten (210) liters of breath; or

391 (iii) The number of grams of alcohol per
392 sixty-seven (67) milliliters of urine;

393 (c) "Commercial driver's license" means a license
394 issued in accordance with the requirements of this article to an
395 individual which authorizes the individual to drive a Class A, B
396 or C commercial motor vehicle;

397 (d) "Commercial Driver License Information System"
398 means the information system established pursuant to the CMVSA to



399 serve as a clearinghouse for locating information related to the
400 licensing and identification of commercial motor vehicle drivers;

401 (e) "Commercial driver instruction permit" means a
402 permit issued pursuant to Section 63-1-79;

403 (f) "Commercial motor vehicle" means a motor vehicle
404 designed or used to transport passengers or property:

405 (i) If the vehicle has a gross vehicle weight
406 rating of twenty-six thousand one (26,001) or more pounds, or such
407 lesser rating as determined by applicable federal regulations; or

408 (ii) If the vehicle is designed to transport
409 sixteen (16) or more passengers, including the driver; or

410 (iii) If the vehicle is transporting hazardous
411 materials and is required to be placarded in accordance with the
412 Hazardous Materials Transportation Act, 49 Code of Federal
413 Regulations, Part 172, Subpart F;

414 (g) "Controlled substance" means any substance so
415 classified under Section 102(6) of the Controlled Substances Act,
416 21 USCS 802(6), and includes all substances listed on Schedules I
417 through V of 21 Code of Federal Regulations, Part 1308, as they
418 may be revised from time to time, any substance so classified
419 under Sections 41-29-113 through 41-29-121, Mississippi Code of
420 1972, and any other substance which would impair a person's
421 ability to operate a motor vehicle;

422 (h) "Conviction" means an unvacated adjudication of
423 guilt, or a determination that a person has violated or failed to
424 comply with the law in a court of original jurisdiction or an
425 authorized administrative tribunal, an unvacated forfeiture of
426 bail or collateral deposited to secure the person's appearance in
427 court, a plea of guilty or nolo contendere accepted by the court
428 or tribunal, the payment of a fine or court cost, or violation of
429 a condition of release without bail, regardless of whether or not
430 the penalty is rebated, suspended or probated;



431 (i) "Disqualification" means a withdrawal of the
432 privilege to drive a commercial motor vehicle, including a
433 suspension, cancellation or revocation of a person's driver's
434 license or driving privileges and an out-of-service order;

435 (j) "Drive" means to drive, operate or be in physical
436 control of a motor vehicle;

437 (k) "Driver" means any person who drives, operates or
438 is in physical control of a commercial motor vehicle or who is
439 required to hold a commercial driver's license;

440 (l) "Driver's license" means a license issued by a
441 state to an individual which authorizes the individual to drive a
442 motor vehicle;

443 (m) "Felony" means any offense under state or federal
444 law that is punishable by death or imprisonment for a term of one
445 (1) year or more;

446 (n) "Foreign jurisdiction" means any jurisdiction other
447 than a state or the United States;

448 (o) "Gross vehicle weight rating" means the value
449 specified by the manufacturer as the maximum loaded weight of a
450 single or a combination (articulated) vehicle, or registered gross
451 weight, whichever is greater. The gross vehicle weight rating of
452 a combination (articulated) vehicle (commonly referred to as the
453 "gross combination weight rating") is the gross vehicle weight
454 rating of the power unit plus the gross vehicle weight rating of
455 the towed unit or units;

456 (p) "Hazardous materials" has the meaning as that found
457 in Section 103 of the Hazardous Materials Transportation Act, 49
458 Appx. USCS 1801 et seq.;

459 (q) "Motor vehicle" means every vehicle which is
460 self-propelled and every vehicle which is propelled by electric
461 power obtained from overhead trolley wires but not operated upon
462 rails, except vehicles moved solely by human power, motorized



463 wheelchairs and electric assistive mobility devices, as such term
464 is defined in Section 63-3-103;

465 (r) "Nonresident commercial driver's license" means a
466 commercial driver's license issued by a state to an individual who
467 resides in a foreign jurisdiction;

468 (s) "Out-of-service order" means a temporary
469 prohibition against driving a commercial motor vehicle;

470 (t) "Serious traffic violation" means a conviction when
471 operating a commercial motor vehicle of:

472 (i) Excessive speeding, involving a single charge
473 of any speed fifteen (15) miles per hour or more above the posted
474 speed limit or such other minimum speed above the posted speed
475 limit as prescribed by the CMVSA or federal regulations
476 promulgated pursuant thereto;

477 (ii) Reckless driving as defined under state or
478 local law;

479 (iii) A violation of any state or local law
480 related to motor vehicle traffic control resulting in a fatal
481 accident other than a parking violation, a vehicle weight
482 violation or a vehicle defect; or

483 (iv) Any other violation of a state or local law
484 which the United States Secretary of Transportation determines by
485 regulation to be a serious traffic violation under the CMVSA;

486 (u) "State" means a state of the United States and the
487 District of Columbia;

488 (v) "United States" means the fifty (50) states and the
489 District of Columbia.

490 **SECTION 9.** Section 63-3-103, Mississippi Code of 1972, is
491 amended as follows:

492 63-3-103 (a) "Vehicle" means every device in, upon or by
493 which any person or property is or may be transported or drawn
494 upon a highway, except devices used exclusively upon stationary
495 rails or tracks.



496 (b) "Motor vehicle" means every vehicle which is
497 self-propelled and every vehicle which is propelled by electric
498 power obtained from overhead trolley wires, but not operated upon
499 rails. The term "motor vehicle" shall not include electric
500 personal assistive mobility devices.

501 (c) "Motorcycle" means every motor vehicle having a saddle
502 for the use of the rider and designed to travel on not more than
503 three (3) wheels in contact with the ground but excluding a
504 tractor.

505 (d) "Authorized emergency vehicle" means every vehicle of
506 the fire department (fire patrol), every police vehicle, and every
507 such ambulance and emergency vehicle of municipal departments or
508 public service corporations as is designated or authorized by the
509 commission or the chief of police of an incorporated city.

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

515 (f) "Recreational vehicle" means a vehicular type unit
516 primarily designed as temporary living quarters for recreational,
517 camping or travel use, which either has its own motive power or is
518 mounted on or drawn by another vehicle and includes travel
519 trailers, fifth wheel trailers, camping trailers, truck campers
520 and motor homes.

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

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



529 **SECTION 10.** Section 63-3-121, Mississippi Code of 1972, is
530 amended as follows:

531 63-3-121. (a) "Person" means every natural person, firm,
532 copartnership, association, or corporation.

533 (b) "Driver" means every person who drives or is in actual
534 physical control of a vehicle.

535 (c) "Owner" means a person who holds the legal title of a
536 vehicle; in the event a vehicle is the subject of an agreement for
537 the conditional sale or lease thereof with the right of purchase
538 upon performance of the conditions stated in the agreement and
539 with an immediate right of possession vested in the conditional
540 vendee or lessee, or in the event a mortgagor of a vehicle is
541 entitled to possession, then such conditional vendee or lessee or
542 mortgagor shall be deemed the owner for the purpose of this
543 chapter.

544 (d) "Pedestrian" means any person afoot or a person who uses
545 an electric personal assistive mobility device or a manual or
546 motorized wheelchair.

547 **SECTION 11.** Section 63-15-3, Mississippi Code of 1972, is
548 amended as follows:

549 63-15-3. The following words and phrases, when used in this
550 chapter, shall, for the purposes of this chapter, have the
551 meanings respectively ascribed to them in this section, except in
552 those instances where the context clearly indicates a different
553 meaning:

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

560 (b) "Judgment" means any judgment which shall have
561 become final by expiration, without appeal, of the time within



562 which an appeal might have been perfected, or by final affirmation
563 on appeal, rendered by a court of competent jurisdiction of any
564 state or of the United States, upon a cause of action arising out
565 of the ownership, maintenance or use of any motor vehicle, for
566 damages, including damages for care and loss of services, because
567 of bodily injury to or death of any person, or for damages because
568 of injury to or destruction of property, including the loss of use
569 thereof, or upon a cause of action on an agreement of settlement
570 for such damages.

571 (c) "Motor vehicle" means every self-propelled vehicle
572 (other than traction engines, road rollers and graders, tractor
573 cranes, power shovels, well drillers, implements of husbandry and
574 electric personal assistive mobility device as defined in Section
575 63-3-103) which is designed for use upon a highway, including
576 trailers and semitrailers designed for use with such vehicles, and
577 every vehicle which is propelled by electric power obtained from
578 overhead wires but not operated upon rails.

579 For purposes of this definition, "implements of husbandry"
580 shall not include trucks, pickup trucks, trailers and semitrailers
581 designed for use with such trucks and pickup trucks.

582 (d) "License" means any driver's, operator's,
583 commercial operator's, or chauffeur's license, temporary
584 instruction permit or temporary license, or restricted license,
585 issued under the laws of the State of Mississippi pertaining to
586 the licensing of persons to operate motor vehicles.

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

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

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



595 (h) "Owner" means a person who holds the legal title of
596 a motor vehicle; in the event a motor vehicle is the subject of an
597 agreement for the conditional sale or lease thereof with the right
598 of purchase upon performance of the conditions stated in the
599 agreement and with an immediate right of possession vested in the
600 conditional vendee or lessee or in the event a mortgagor of a
601 vehicle is entitled to possession, then such conditional vendee or
602 lessee or mortgagor shall be deemed the owner for the purpose of
603 this chapter.

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

606 (j) "Proof of financial responsibility" means proof of
607 ability to respond in damages for liability, on account of
608 accidents occurring subsequent to the effective date of said
609 proof, arising out of the ownership, maintenance or use of a motor
610 vehicle, in the amount of Ten Thousand Dollars (\$10,000.00)
611 because of bodily injury to or death of one (1) person in any one
612 (1) accident, and subject to said limit for one (1) person, in the
613 amount of Twenty Thousand Dollars (\$20,000.00) because of bodily
614 injury to or death of two (2) or more persons in any one (1)
615 accident, and in the amount of Five Thousand Dollars (\$5,000.00)
616 because of injury to or destruction of property of others in any
617 one (1) accident.

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

621 (l) "Department" means the Department of Public Safety
622 of the State of Mississippi, acting directly or through its
623 authorized officers and agents, except in such sections of this
624 chapter in which some other state department is specifically
625 named.



626 (m) "State" means any state, territory or possession of
627 the United States, the District of Columbia, or any province of
628 the Dominion of Canada.

629 **SECTION 12.** Section 63-17-155, Mississippi Code of 1972, is
630 amended as follows:

631 63-17-155. As used in Sections 63-17-151 through 63-17-165,
632 the following terms shall have the following meanings:

633 (a) "Collateral charges" means those additional charges
634 to a consumer which are not directly attributable to the
635 manufacturer's suggested retail price label for the motor
636 vehicle. * * * Collateral charges shall include, but not be
637 limited to, dealer preparation charges, undercoating charges,
638 transportation charges, towing charges, replacement car rental
639 costs and title charges.

640 (b) "Comparable motor vehicle" means an identical or
641 reasonably equivalent motor vehicle.

642 (c) "Consumer" means the purchaser, other than for
643 purposes of resale, of a motor vehicle, primarily used for
644 personal, family, or household purposes, and any person to whom
645 such motor vehicle is transferred for the same purposes during the
646 duration of an express warranty applicable to such motor vehicle,
647 and any other person entitled by the terms of such warranty to
648 enforce the obligations of the warranty.

649 (d) "Express warranty" means any written affirmation of
650 fact or promise made in connection with the sale of a motor
651 vehicle by a supplier to a consumer which relates to the nature of
652 the material or workmanship and affirms or promises that such
653 material or workmanship is defect-free or will meet a specified
654 level of performance over a specified period of time. For the
655 purposes of Section 63-17-151 et seq., express warranties do not
656 include implied warranties.

657 (e) "Manufacturer" means a manufacturer or distributor
658 as defined in Section 63-17-55.



659 (f) "Motor vehicle" means a vehicle propelled by power
660 other than muscular power which is sold in this state, is operated
661 over the public streets and highways of this state and is used as
662 a means of transporting persons or property, but shall not include
663 vehicles run only upon tracks, off-road vehicles, motorcycles,
664 mopeds, electric personal assistive mobility devices as defined in
665 Section 63-3-103 or parts and components of a motor home which
666 were added on and/or assembled by the manufacturer of the motor
667 home. "Motor vehicle" shall include demonstrators or
668 lease-purchase vehicles as long as a manufacturer's warranty was
669 issued as a condition of sale.

670 (g) "Purchase price" means the price which the consumer
671 paid to the manufacturer to purchase the motor vehicle in a cash
672 sale or, if the motor vehicle is purchased in a retail installment
673 transaction, the cash sale price as defined in Section 63-19-3.

674 **SECTION 13.** Section 63-19-3, Mississippi Code of 1972, is
675 amended as follows:

676 63-19-3. The following words and phrases, when used in this
677 chapter, shall have the meanings respectively ascribed to them in
678 this section, except where the context or subject matter otherwise
679 requires:

680 (a) "Motor vehicle" means any self-propelled or motored
681 device designed to be used or used primarily for the
682 transportation of passengers or property, or both, and having a
683 gross vehicular weight rating of less than fifteen thousand
684 (15,000) pounds, but shall not include electric personal assistive
685 mobility devices as defined in Section 63-3-103.

686 (b) "Commercial vehicle" means any self-propelled or
687 motored device designed to be used or used primarily for the
688 transportation of passengers or property, or both, and having a
689 gross vehicular weight rating of fifteen thousand (15,000) pounds
690 or more; however, wherever "motor vehicle" appears in this
691 chapter, except in Section 63-19-43, the same shall be construed



692 to include commercial vehicles where such construction is
693 necessary in order to give effect to this chapter.

694 (c) "Retail buyer" or "buyer" means a person who buys a
695 motor vehicle or commercial vehicle from a retail seller, not for
696 the purpose of resale, and who executes a retail installment
697 contract in connection therewith.

698 (d) "Retail seller" or "seller" means a person who
699 sells a motor vehicle or commercial vehicle to a retail buyer
700 under or subject to a retail installment contract.

701 (e) The "holder" of a retail installment contract means
702 the retail seller of the motor vehicle or commercial vehicle under
703 or subject to the contract or if the contract is purchased by a
704 sales finance company or other assignee, the sales finance company
705 or other assignee.

706 (f) "Retail installment transaction" means any
707 transaction evidenced by a retail installment contract entered
708 into between a retail buyer and a retail seller wherein the retail
709 buyer buys a motor vehicle or commercial vehicle from the retail
710 seller at a time price payable in one or more deferred
711 installments. The cash sale price of the motor vehicle or
712 commercial vehicle, the amount included for insurance and other
713 benefits if a separate charge is made therefor, official fees and
714 the finance charge shall together constitute the time price.

715 (g) "Retail installment contract" or "contract" means
716 an agreement entered into in this state pursuant to which the
717 title to or a lien upon the motor vehicle or commercial vehicle
718 which is the subject matter of a retail installment transaction is
719 retained or taken by a retail seller from a retail buyer as
720 security for the buyer's obligation. The term includes a chattel
721 mortgage, a conditional sales contract and a contract for the
722 bailment or leasing of a motor vehicle or commercial vehicle by
723 which the bailee or lessee contracts to pay as compensation for
724 its use a sum substantially equivalent to or in excess of its



725 value and by which it is agreed that the bailee or lessee is bound
726 to become, or has the option of becoming, the owner of the motor
727 vehicle upon full compliance with the provisions of the contract.

728 (h) "Cash sale price" means the price stated in a
729 retail installment contract for which the seller would have sold
730 to the buyer, and the buyer would have bought from the seller, the
731 motor vehicle or commercial vehicle which is the subject matter of
732 the retail installment contract, if such sale had been a sale for
733 cash instead of a retail installment transaction. The cash sale
734 price may include any taxes, registration, certificate of title,
735 if any, license and other fees and charges for accessories and
736 their installation and for delivery, servicing, repairing or
737 improving the motor vehicle or commercial vehicle.

738 (i) "Official fees" means the fees prescribed by law
739 for filing, recording or otherwise perfecting and releasing or
740 satisfying a retained title or a lien created by a retail
741 installment contract, if recorded.

742 (j) "Finance charge" means the amount agreed upon
743 between the buyer and the seller, as limited in this chapter, to
744 be added to the aggregate of the cash sale price, the amount, if
745 any, included for insurance and other benefits and official fees,
746 in determining the time price.

747 (k) "Sales finance company" means a person engaged, in
748 whole or in part, in the business of purchasing retail installment
749 contracts from one or more retail sellers. The term includes, but
750 is not limited to, a bank, trust company, private banker,
751 industrial bank or investment company, if so engaged. The term
752 also includes a retail seller engaged, in whole or in part, in the
753 business of creating and holding retail installment contracts
754 which exceed a total aggregate outstanding indebtedness of Five
755 Hundred Thousand Dollars (\$500,000.00). The term does not include
756 the pledgee to whom is pledged one or more of such contracts to
757 secure a bona fide loan thereon.



758 (1) "Person" means an individual, partnership,
759 corporation, association and any other group however organized.

760 (m) "Administrator" means the Commissioner of Banking
761 and Consumer Finance or his duly authorized representative.

762 (n) "Commissioner" means the Commissioner of Banking
763 and Consumer Finance.

764 (o) "Records" or "documents" means any item in hard
765 copy or produced in a format of storage commonly described as
766 electronic, imaged, magnetic, microphotographic or otherwise, and
767 any reproduction so made shall have the same force and effect as
768 the original thereof and be admitted in evidence equally with the
769 original.

770 Words in the singular include the plural and vice versa.

771 **SECTION 14.** This act shall take effect and be in force from
772 and after July 1, 2003.

