

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1184**

**By Senator(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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 (l) "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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.