

By: Representative Hood (By Request)

To: Transportation; Revenue  
and Expenditure General Bills

## HOUSE BILL NO. 687

1 AN ACT TO AUTHORIZE THE OPERATION OF CERTAIN LOW-SPEED  
2 VEHICLES ON PUBLIC HIGHWAYS, ROADS AND STREETS ON WHICH THE POSTED  
3 SPEED LIMIT IS 35 MILES PER HOUR OR LESS; TO PROVIDE THAT SUCH  
4 VEHICLES MAY BE OPERATED ON SUCH PUBLIC ROADS AND STREETS ONLY BY  
5 THE HOLDER OF A VALID DRIVER'S LICENSE OR TEMPORARY DRIVER'S  
6 PERMIT; TO AUTHORIZE COUNTIES, MUNICIPALITIES AND THE MISSISSIPPI  
7 DEPARTMENT OF TRANSPORTATION TO PROHIBIT THE OPERATION OF SUCH  
8 VEHICLES UPON STREETS UNDER THEIR JURISDICTION IF SUCH PROHIBITION  
9 IS IN THE INTEREST OF SAFETY; TO REQUIRE SUCH VEHICLES TO BE  
10 REGISTERED WITH THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF THE  
11 ISSUANCE OF A LICENSE TAG; TO SPECIFY THE REQUIREMENTS FOR THE  
12 DESIGN AND DISPLAY OF THE LICENSE TAG; TO AUTHORIZE THE ISSUANCE  
13 OF PERSONALIZED LICENSE TAGS FOR SUCH VEHICLES; TO AMEND SECTIONS  
14 63-1-7, 63-3-103, 27-19-3, 27-19-43, 27-19-48, 27-19-56, 27-51-5,  
15 63-15-3, 63-17-55, 63-17-155 AND 63-21-5, MISSISSIPPI CODE OF  
16 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO BRING  
17 FORWARD SECTION 27-19-5, MISSISSIPPI CODE OF 1972, WHICH RELATES  
18 TO THE ANNUAL HIGHWAY PRIVILEGE TAX; TO REPEAL CHAPTER 938, LAWS  
19 OF 2012, WHICH AUTHORIZES THE CITY OF DIAMONDHEAD, MISSISSIPPI, TO  
20 ALLOW THE OPERATION OF LOW-SPEED VEHICLES AND CHAPTER 909, LAWS OF  
21 2013, WHICH AUTHORIZES THE CITY OF PASS CHRISTIAN, MISSISSIPPI, TO  
22 ALLOW THE OPERATION OF LOW-SPEED VEHICLES; AND FOR RELATED  
23 PURPOSES.

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

25 **SECTION 1.** (1) As used in this act, "low-speed vehicle"  
26 means any four-wheeled electric or gasoline powered vehicle that  
27 has a top speed greater than twenty (20) miles per hour but less  
28 than twenty-five (25) miles per hour and complies with all of the



provisions set forth in 49 CFR 571.500. The term "low-speed vehicle" includes golf carts that comply with all of the provisions set forth in 49 CFR 571.500.

(2) As used in this act, "golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

(3) A low-speed vehicle may be operated only on public highways, roads and streets where the posted speed limit is thirty-five (35) miles per hour or less. This subsection does not prohibit a low-speed vehicle from crossing a highway, road or street at an intersection where the highway, road or street has a posted speed limit of more than thirty-five (35) miles per hour.

(4) A county or municipality may prohibit the operation of low-speed vehicles on any public highway, road or street under its jurisdiction if the governing body of the county or municipality determines that the prohibition is necessary in the interest of public safety.

(5) The Department of Transportation may prohibit the operation of low-speed vehicles on any public highway, road or street under its jurisdiction if it determines that the prohibition is necessary in the interest of safety.

(6) Any person operating a low-speed vehicle on a public highway, road or street pursuant to this act must have in possession a valid driver's license or temporary driver's permit



and proof of financial responsibility as required under Section 63-15-1 et seq.

**SECTION 2.** (1) It is the intent of the Legislature that any low-speed vehicle or golf cart that will not be operated on any public road, street or highway, and will only be operated on any private road, private land or golf course shall not be required to register the vehicle with the Department of Revenue as required for motor vehicles. The crossing of any public road, street or highway by a low-speed vehicle or golf cart shall not constitute the operation of a low-speed vehicle or golf cart on a public road, street or highway for the purposes of this act.

(2) Every low-speed vehicle that is to be operated on a public highway, road or street shall be registered with the Department of Revenue as required for motor vehicles and trailers under Section 27-19-31 for the purpose of the issuance of a license tag. Every low-speed vehicle that is not going to be operated on a public highway or street shall not be required to register with the Department of Revenue as required for motor vehicles.

(3) The tag for low-speed vehicles shall be in every respect similar to the ordinary vehicle tag, subject to regulations of the department, with the exception that it shall be only six (6) inches wide, and three (3) inches high. It shall have the number and abbreviation "MISS." and an appropriate area provided for year and month decals, and shall be fastened immovably, in an upright



79 position, at the rear of the low-speed vehicle, so that it will be  
80 plainly visible and legible at all times from the rear of the  
81 low-speed vehicle.

82 (4) Notwithstanding the provisions of this section,  
83 personalized license tags and special license tags may be issued  
84 for low-speed vehicles as provided in Sections 27-19-48 and  
85 27-19-56.

86 **SECTION 3.** Section 63-1-7, Mississippi Code of 1972, is  
87 amended as follows:

88 63-1-7. No license issued pursuant to this article shall be  
89 required of:

90 (a) Any person while operating a motor vehicle for  
91 military purposes, if the person is a member of the United States  
92 Armed Forces or Reserves on active duty, a member of the National  
93 Guard on active duty or full-time National Guard duty, a National  
94 Guard military technician, or participating in part-time National  
95 Guard training.

96 (b) Any nonresident person who has in his immediate  
97 possession a valid license to drive a motor vehicle on the  
98 highways of his home state or country, issued to him by the proper  
99 authorities of his home state or country, or of any nonresident  
100 person whose home state or country does not require the licensing  
101 of a person to operate a motor vehicle on the highways but does  
102 require him to be duly registered. Such person being eighteen  
103 (18) years of age or older may operate a motor vehicle in the



state for a period of sixty (60) days without securing a license. However, any nonresident person operating a motor vehicle in this state shall be subject to all the provisions of this article, except as specified above.

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

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

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

(f) Any person while operating a low-speed vehicle or golf cart as defined in Section 1 of House Bill No. 687, 2016 Regular Session, on any private road, private land or golf course.

**SECTION 4.** Section 63-3-103, Mississippi Code of 1972, is amended as follows:

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

(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" includes any low-speed vehicle that is operated on a public highway, road or street. The term



"motor vehicle" shall not include electric personal assistive mobility devices.

(c) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor. The term "motorcycle" includes motor scooters as defined in paragraph (j) of this subsection.

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

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

(f) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel



trailers, fifth-wheel trailers, camping trailers, truck campers  
and motor homes.

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

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

(i) "Autocycle" means a motorcycle with three (3) wheels  
that is completely enclosed with a roll cage or roll bar,  
automotive controls and seat belts.

(j) "Motor scooter" means a two-wheeled vehicle that has a  
seat for the operator, one (1) wheel that is ten (10) inches or  
more in diameter, a step-through chassis, a motor with a rating of  
two and seven-tenths (2.7) brake horsepower or less if the motor  
is an internal combustion engine, an engine of 50cc or less and  
otherwise meets all safety requirements of motorcycles.

(k) "Low-speed vehicle" has the same meaning as provided in  
Section 1 of House Bill No. 687, 2016 Regular Session.

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

27-19-3. (a) The following words and phrases when used in  
this article for the purpose of this article have the meanings



179 respectively ascribed to them in this section, except in those  
180 instances where the context clearly describes and indicates a  
181 different meaning:

182           (1) "Vehicle" means every device in, upon or by which  
183 any person or property is or may be transported or drawn upon a  
184 public highway, except devices moved by muscular power or used  
185 exclusively upon stationary rails or tracks.

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

189           (3) "Motor vehicle" means every vehicle as defined in  
190 this section which is self-propelled, including, but not limited  
191 to, trackless street or trolley cars, and low-speed vehicles, that  
192 are operated on any public highway, road or street as defined in  
193 Section 1 of House Bill No. 687, 2016 Regular Session. The term  
194 "motor vehicle" shall not include electric personal assistive  
195 mobility devices as defined in Section 63-3-103.

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

198           (5) "Motorcycle" means every vehicle designed to travel  
199 on not more than three (3) wheels in contact with the ground,  
200 except vehicles included within the term "tractor" as herein  
201 classified and defined.

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





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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



279 vehicle for compensation. The term "contract carrier by motor  
280 vehicle" shall not include passenger buses operating wholly within  
281 the corporate limits of a municipality in this state or not  
282 exceeding five (5) miles beyond the corporate limits of the  
283 municipality, and hearses, ambulances, and school buses as such.  
284 In addition, this definition shall not include taxicabs.

285 (21) "Private commercial and noncommercial carrier of  
286 property by motor vehicle" means any person not included in the  
287 terms "common carrier by motor vehicle" or "contract carrier by  
288 motor vehicle," who or which transports in interstate or  
289 intrastate commerce on the public highways of this state by motor  
290 vehicle, property of which such person is the owner, lessee, or  
291 bailee, other than for hire. The term "private commercial and  
292 noncommercial carrier of private property by motor vehicle" shall  
293 not include passenger buses operated wholly within the corporate  
294 limits of a municipality of this state, or not exceeding five (5)  
295 miles beyond the corporate limits of the municipality, and  
296 hearses, ambulances, and school buses as such. In addition, this  
297 definition shall not include taxicabs.

298 Haulers of fertilizer shall be classified as private  
299 commercial carriers of property by motor vehicle.

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



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

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

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

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

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

321 ( \* \* \*ii) Any person transporting his own fish,  
322 including shellfish, in his own truck.

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

327 (26) "Taxicab" means any passenger motor vehicle for  
328 hire with a seating capacity not greater than ten (10) passengers.



For purposes of this paragraph (26), seating capacity shall be determined according to the manufacturer's suggested seating capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the Department of Revenue.

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

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

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



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

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

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

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



378           (34) "Corporate fleet" means a group of two hundred  
379   (200) or more marked private carriers of passengers or light  
380   carriers of property, as defined in Section 27-51-101, trailers,  
381   semitrailers, or motor vehicles in excess of ten thousand (10,000)  
382   pounds gross vehicle weight, except for those vehicles registered  
383   for interstate travel, owned or leased on a long-term basis by a  
384   corporation or other legal entity. In order to be considered  
385   marked, the motor vehicle must have a name, trademark or logo  
386   located either on the sides or the rear of the vehicle in sharp  
387   contrast to the background, and of a size, shape and color that is  
388   legible during daylight hours from a distance of fifty (50) feet.

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

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

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

401           (2) Leased vehicles shall be considered as domiciled at  
402   the place in the State of Mississippi from which they operate in





interstate or intrastate commerce, and for the purposes of this article shall be considered as owned by the lessee, who shall furnish all insurance on the vehicles and the driver of the vehicles shall be considered as an agent of the lessee for all purposes of this article.

**SECTION 6.** Section 27-19-43, Mississippi Code of 1972, is amended as follows:

27-19-43. (1) License tags, substitute tags and decals for individual fleets and for private carriers of passengers, school buses (excluding school buses owned by a school district in the state), church buses, taxicabs, ambulances, hearses, motorcycles, low-speed vehicles that are operated on public highways, roads or streets, and private carriers of property, and private commercial carriers of property of a gross weight of ten thousand (10,000) pounds and less, shall be sold and issued by the tax collectors of the several counties.

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



428 municipality, and all vehicles owned by a road, drainage or levee  
429 district shall be issued by the department.

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

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

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

436 (c) Additionally, the tax collector or the department,  
437 as the case may be, shall assess and collect a fee of Four Dollars  
438 (\$4.00) upon each set of license tags and two (2) decals issued,  
439 or upon each set of two (2) decals issued, and that sum shall be  
440 deposited in the Mississippi Trauma Care Systems Fund established  
441 in Section 41-59-75, to be used for the purposes set out in that  
442 section.

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

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



453           **SECTION 7.** Section 27-19-48, Mississippi Code of 1972, is  
454 amended as follows:

455           27-19-48. (1) Owners of motor vehicles and noncommercial  
456 trailers who are residents of this state, upon complying with the  
457 laws relating to registration and licensing of motor vehicles and  
458 trailers, and upon payment of the road and bridge privilege taxes,  
459 ad valorem taxes and registration fees as prescribed by law for  
460 private carriers of passengers, pickup trucks, other noncommercial  
461 motor vehicles and trailers, and upon payment of an additional fee  
462 in the amount provided in subsection (4) (a) of this section, shall  
463 be issued a personalized license tag of the same color as regular  
464 license tags to consist of the name of the county and not more  
465 than seven (7) letters of the alphabet or seven (7) numbers in  
466 lieu of the license tag numbering system prescribed by law. The  
467 purchaser of the personalized license tag may choose the  
468 combination of such letters or numbers, but no two (2) motor  
469 vehicles or trailers shall have the same combination of letters or  
470 numbers. In the event that the same combination of letters has  
471 been chosen by two (2) or more purchasers, the Department of  
472 Revenue shall assign a different number to each such purchaser  
473 which shall appear on the license tag following the combination of  
474 letters; however, this combination shall not exceed seven (7)  
475 letters and/or numbers. The combination of letters and/or numbers  
476 written across the license tag shall be sufficiently large to be  
477 easily read but shall not be less than three (3) inches in height.



478 No combination of letters or numbers which comprise words or  
479 expressions that are considered obscene, slandering, insulting or  
480 vulgar in ordinary usage shall be permitted, with the Commissioner  
481 of Revenue having the responsibility of making this determination.  
482 If, however, such license plate is issued in error or otherwise  
483 and is determined by the commissioner to be obscene, slanderous,  
484 insulting, vulgar or offensive, the commissioner shall notify the  
485 owner that the license plate must be surrendered and that another  
486 personalized license plate may be selected by him and issued at no  
487 cost. Should the vehicle or trailer owner not desire another  
488 personalized license plate, the fee for such plate shall be  
489 refunded. In the event the owner fails to surrender the license  
490 plate after receiving proper notification, the commissioner shall  
491 issue an order directing that the license plate be seized by  
492 agents of the Department of Revenue or any other duly authorized  
493 law enforcement personnel.

494 (2) For the purposes of this section the terms "motor  
495 vehicle" and "vehicle" include motorcycles and low-speed vehicles  
496 that are operated on any public highway, road or street, as  
497 defined in Section 1 of House Bill No. 687, 2016 Regular Session.

498 (3) Application for the personalized license tags shall be  
499 made to the county tax collector on forms prescribed by the  
500 Department of Revenue. The application form shall contain space  
501 for the applicant to make five (5) different choices for the  
502 combination of the letters and numbers in the order in which the



503 combination is desired by the applicant. The application and the  
504 additional fee, less five percent (5%) thereof to be retained by  
505 the tax collector, shall be remitted to the Department of Revenue  
506 within seven (7) days of the date the application is made. The  
507 portion of the additional fee retained by the tax collector shall  
508 be deposited into the county general fund.

509 (4) (a) Beginning with any registration year commencing on  
510 or after November 1, 1986, any person applying for a personalized  
511 license tag shall pay an additional fee which shall be in addition  
512 to all other taxes and fees. The additional fee paid shall be for  
513 a period of time to run concurrently with the vehicle's or  
514 trailer's established license tag year. The additional fee of  
515 Thirty Dollars (\$30.00) is due and payable at the time the  
516 original application is made for a personalized tag and thereafter  
517 annually at the time of renewal registration as long as the owner  
518 retains the personalized tag. If the owner does not wish to  
519 retain the personalized tag, he must surrender it to the local  
520 county tax collector. The additional fee due at the time of  
521 renewal registration shall be collected by the county tax  
522 collector and remitted to the Department of Revenue on a monthly  
523 basis as prescribed by the department.

524 (b) The Department of Revenue shall deposit all taxes  
525 and fees into the State Treasury on the day collected. At the end  
526 of each month, the Department of Revenue shall certify the total  
527 fees collected under this section to the State Treasurer who shall



distribute to the credit of the State General Fund Sixteen Dollars and Twenty-five Cents (\$16.25) of each additional fee and the remainder of each such additional fee shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(5) A regular license tag must be properly displayed as required by law until replaced by a personalized license tag; and the regular license tag must be surrendered to the tax collector upon issuance of the personalized license tag. The tax collector shall issue up to two (2) license decals for the personalized license tag, which will expire the same month and year as the original license tag.

(6) The applicant shall receive a refund of the fee paid for a personalized license tag if the personalized license tag is not issued to him because the combination of letters and numbers requested to be placed thereon is not available for any reason.

(7) In the case of loss or theft of a personalized license tag, the owner may make application and affidavit for a replacement license tag as provided by Section 27-19-37. The fee for a replacement personalized license tag shall be Ten Dollars (\$10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular license tags.



(8) The owner of a personalized license tag may make application for a duplicate of such tag. The fee for such duplicate personalized license tag shall be Ten Dollars (\$10.00). The tax collector receiving the application shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such duplicate personalized license tag and the remainder shall be distributed in the same manner as funds from the sale of regular license tags. A duplicate personalized license tag may not be fastened to the rear of a vehicle or trailer and may not be utilized as a replacement for any personalized license tag issued pursuant to this section. Month decals and year decals shall not be issued for duplicate personalized license tags and month decals and year decals shall not be attached to duplicate personalized license tags.

**SECTION 8.** Section 27-19-56, Mississippi Code of 1972, is amended as follows:

27-19-56. (1) (a) Upon application by any legal resident of the State of Mississippi with a disability which limits or impairs the ability to walk, or by the owner of a motor vehicle who has a child, parent or spouse with a disability which limits or impairs the ability to walk and the child, parent or spouse is living with the applicant, the Department of Revenue shall prepare and issue through the county tax collectors a special license plate bearing the International Symbol of Access adopted by Rehabilitation International in 1969 at its Eleventh World



578 Congress on Rehabilitation of the Disabled for not more than two  
579 (2) vehicles that are registered in the applicant's name. The  
580 initial application shall be accompanied by the certification of a  
581 licensed physician that (i) the applicant or the applicant's  
582 child, parent or spouse meets the definition of persons with  
583 disabilities which limit or impair the ability to walk; and (ii)  
584 that the physician has determined that the applicant or the  
585 applicant's child, parent or spouse will have the disability for  
586 at least five (5) years. The Department of Revenue shall prepare  
587 and issue to the tax collectors of the various counties, decals  
588 for placement on the special license plates. The decals shall  
589 bear thereon the month in which the license plate was issued and  
590 the year in which the special license plate will expire. The  
591 special license plate issued under this section is valid for the  
592 period of time that the license tag attached upon a motor vehicle  
593 is issued pursuant to Section 27-19-31(1). A person to whom the  
594 special license plate is issued may retain the special license  
595 plate and may renew it by submitting to the county tax collector,  
596 on or before its expiration, the certification of a licensed  
597 physician that the physician has determined (i) that the applicant  
598 or the applicant's child, parent or spouse meets the definition of  
599 a person with a disability which limits or impairs the ability to  
600 walk; and (ii) that the applicant or the applicant's child, parent  
601 or spouse will have the disability for at least five (5) years.  
602 If an applicant fails to renew the special license plate before





603 its date of expiration, then he or she shall surrender the special  
604 license plate to the county tax collector and the tax collector  
605 shall issue to such person a regular license plate to replace the  
606 special license plate.

607           (b) Upon application by any legal resident of the State  
608 of Mississippi who has a disabled American veteran plate or tag  
609 issued under Section 27-19-53 properly displayed on his vehicle  
610 and a disability which limits or impairs the ability to walk, the  
611 Department of Revenue shall prepare and issue through the county  
612 tax collectors a special decal bearing the International Symbol of  
613 Access adopted by Rehabilitation International in 1969 at its  
614 Eleventh World Congress on Rehabilitation of the Disabled for not  
615 more than two (2) vehicles that are registered in the applicant's  
616 name and properly display the plate or tag issued under Section  
617 27-19-53. The decal shall be affixed to the plate or tag issued  
618 under Section 27-19-53. The initial application shall be  
619 accompanied by the certification of a licensed physician that (i)  
620 the applicant meets the definition of persons with disabilities  
621 which limit or impair the ability to walk; and (ii) that the  
622 physician has determined that the applicant will have the  
623 disability for at least five (5) years. The Department of Revenue  
624 shall prepare and issue to the tax collectors of the various  
625 counties, decals for placement on the plate or tag issued under  
626 Section 27-19-53. The decals shall bear thereon the month in  
627 which the license plate or tag was issued and the year in which



628 the plate or tag will expire. The special decal is valid for the  
629 period of time that the license tag attached upon a motor vehicle  
630 is issued pursuant to Section 27-19-53. A person to whom the  
631 special decal is issued may retain the decal and may renew it by  
632 submitting to the county tax collector, on or before its  
633 expiration, the certification of a licensed physician that the  
634 physician has determined (i) that the applicant meets the  
635 definition of a person with a disability which limits or impairs  
636 the ability to walk; and (ii) that the applicant will have the  
637 disability for at least five (5) years. If an applicant fails to  
638 renew the special license plate decal before its date of  
639 expiration, then he shall surrender the decal to the county tax  
640 collector.

641 (c) (i) The terms "vehicle" and "motor vehicle," as  
642 used in this section, include motorcycles and low-speed vehicles  
643 as defined in Section 1 of House Bill No. 687, 2016 Regular  
644 Session that are operated on a public highway, road or street.

645 (ii) The term "persons with disabilities which  
646 limit or impair the ability to walk" when used in this section  
647 means those persons who, as determined by a licensed physician:

- 648 1. Cannot walk two hundred (200) feet without  
649 stopping to rest; or
- 650 2. Cannot walk without the use of, or  
651 assistance from, a brace, cane, crutch, another person, prosthetic  
652 device, wheelchair, or other assistive device; or



653                   3. Are restricted by lung disease to such an  
654 extent that the person's forced (respiratory) expiratory volume  
655 for one (1) second, when measured by spirometry, is less than one  
656 (1) liter, or the arterial oxygen tension is less than sixty (60)  
657 mm/hg on room air at rest; or

658                   4. Use portable oxygen; or

659                   5. Have a cardiac condition to the extent  
660 that the person's functional limitations are classified in  
661 severity as Class III or Class IV according to standards set by  
662 the American Heart Association; or

663                   6. Are severely limited in their ability to  
664 walk due to an arthritic, neurological or orthopedic condition.

665           (d) An applicant for a special license plate or decal  
666 bearing the International Symbol of Access shall not be required  
667 to pay any fee or charge for the issuance of such license plate or  
668 decal separate from or in addition to the road and bridge  
669 privilege taxes, ad valorem taxes and registration fees otherwise  
670 required by law to be paid for the issuance of a regular license  
671 plate for such vehicle.

672           (2) The Department of Revenue shall prepare removable  
673 windshield placards and such placards shall be issued and  
674 periodically renewed upon the applications of persons with  
675 disabilities which limit or impair the ability to walk, or upon  
676 the applications of owners of motor vehicles who have a child,  
677 parent or spouse with a disability which limits or impairs the



678 ability to walk and the child, parent or spouse is living with the  
679 owner of the motor vehicle. The placards shall be issued, free of  
680 charge, to applicants through the offices of the tax collectors of  
681 the counties. The initial application shall be accompanied by the  
682 certification of a licensed physician that the applicant or the  
683 applicant's child, parent or spouse meets the definition of  
684 persons with disabilities which limit or impair the ability to  
685 walk. These placards shall be valid for the period of time that  
686 the license tag attached upon a motor vehicle is issued pursuant  
687 to Section 27-19-31(1) and may be renewed in the same manner as  
688 provided for the renewal of the special license plates or decals  
689 under subsection (1) of this section. The removable windshield  
690 placard must be displayed on the left side of the vehicle  
691 dashboard or by hanging it on the rearview mirror of the vehicle.  
692 The Department of Revenue shall prescribe the placement for  
693 motorcycles.

694 (3) The Department of Revenue shall provide for the issuance  
695 of a temporary removable windshield placard, upon the application  
696 of a person with a disability which limits or impairs the ability  
697 to walk, or upon the application of the owner of a motor vehicle  
698 who has a child, parent or spouse with a disability which limits  
699 or impairs the ability to walk and the child, parent or spouse is  
700 living with the owner of the motor vehicle. Temporary removable  
701 windshield placards authorized by this subsection shall be  
702 prepared by the Department of Revenue and shall be issued, free of



charge, to applicants through the offices of the tax collectors of the counties. Application for a temporary removable windshield placard must be accompanied by the certification of a licensed physician that the applicant or the applicant's child, parent or spouse meets the definition of persons with disabilities which limit or impair the ability to walk. The certification shall also include the period of time that the physician determines the applicant or the applicant's child, parent or spouse will have the disability, not to exceed six (6) months. The temporary removable windshield placard must be displayed on the left side of the vehicle dashboard or by hanging it on the rearview mirror of the vehicle. The temporary removable windshield placard shall be valid for a period of time for which the physician has determined that the applicant will have the disability, not to exceed six (6) months from the date of issuance. The Department of Revenue shall prescribe the placement for motorcycles.

(4) The removable windshield placard and the temporary removable windshield placard shall be two-sided and shall include:

(a) The International Symbol of Access, which is at least three (3) inches in height, centered on the placard (the color of the removable windshield placard shall be white on a blue shield; and the temporary removable windshield placard shall be white on a red shield);

(b) An identification number and, on the reverse side, the name of the individual to whom the placard is issued;



(c) A date of expiration; and

(d) The seal of the State of Mississippi.

(5) (a) It shall be unlawful to park a motor vehicle in an area set aside for persons who are disabled if the motor vehicle does not (i) have displayed the removable windshield placard authorized in this section with the date of expiration visible, (ii) have the special license plate issued under this section properly displayed upon the motor vehicle, (iii) have the disabled American veteran tag or plate issued under Section 27-19-53 properly displayed upon the motor vehicle, or (iv) have the disabled Purple Heart Medal recipient tag or plate issued under Section 27-19-56.5 properly displayed upon the motor vehicle. Any person who unlawfully parks a motor vehicle in such areas, or who blocks such spaces or access thereto, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Two Hundred Dollars (\$200.00) for each such violation. For the third and subsequent offenses under this section, the offender's driver's license shall be suspended for ninety (90) days by the Commissioner of Public Safety in accordance with Section 63-1-53 in addition to any fine imposed. The court shall not suspend or reduce any fine required to be imposed under this subsection.

(b) A person who is charged with a violation of this section by parking a motor vehicle in an area set aside for persons who are disabled and failing properly to display (i) a



removable windshield placard on the dash of the vehicle or by hanging it on the rearview mirror of the vehicle, (ii) a special license plate issued under this section upon the vehicle, (iii) a disabled American veteran tag or plate issued under Section 27-19-53, or (iv) have the disabled Purple Heart Medal recipient tag or plate issued under Section 27-19-56.5 properly displayed upon the motor vehicle \* \* \* shall not be convicted and shall have the charge dismissed upon presentation to the court of proof by means of sworn oral testimony or sworn affidavit that at the time of the charged violation such person or a passenger in the vehicle possessed a valid removable windshield placard issued under this section.

(6) Any person who, for the purpose of obtaining a special license plate or windshield placard under this section, files with the county tax collector a physician's certification, knowing the certification to be false or to have been fraudulently obtained, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than Two Hundred Dollars (\$200.00).

(7) All law enforcement officers are authorized to enforce this section on public and private property. Provision of spaces restricted to handicapped parking and proper marking of such spaces shall be considered as intent and permission to enforce such designated parking on private property. Any owner of private property may tow away a vehicle that is parked on the owner's private property in violation of the disabled parking restrictions



778 set forth in this section at the vehicle owner's expense. In  
779 addition, the vehicle owner may be subject to any fines or other  
780 penalties provided in this section. Only areas marked in  
781 accordance with the Americans with Disabilities Act Accessibility  
782 Guidelines or equivalent standards shall be enforced. Spaces  
783 shall bear the International Symbol of Access.

784 (8) Motor vehicles displaying a special license plate,  
785 license plate decal, placard or parking certificate or permit  
786 bearing the International Symbol of Access issued to a person with  
787 a disability by any other state or district subject to the laws of  
788 the United States shall be allowed the special parking privileges  
789 under this section provided the license plate, decal, placard,  
790 permit or certificate bears the International Symbol of Access and  
791 is displayed in a prominent place on the vehicle.

792 (9) Parking in any area set aside for persons who are  
793 disabled is limited to vehicles which, immediately before or after  
794 the utilization of such an area, are used to transport a person  
795 with a disability which limits or impairs the ability to walk.  
796 The identification required to park in such an area, except as  
797 provided in subsection (8) of this section, is as follows:

798 (a) For a vehicle used to transport a person with a  
799 permanent disability, that person's permanent windshield placard  
800 must be displayed or the vehicle must have a special license tag  
801 issued under this section or Section 27-19-53 properly displayed.





(b) For a vehicle being used by a person who has a temporary disability which limits or impairs the ability to walk, or which is being used to transport such a person, a temporary windshield placard must be displayed.

Any person who parks in an area set aside for persons who are disabled in violation of this subsection shall be punished as provided for in subsection (5) of this section.

(10) Upon application by a nursing home, retirement home or other institution that transports disabled persons, the Department of Revenue may issue the special license plate authorized pursuant to this section for not more than one (1) vehicle that is registered in the applicant's name that is used to transport disabled residents of the institution. Such institution shall comply with all other laws regarding the registration of such vehicle.

**SECTION 9.** Section 27-51-5, Mississippi Code of 1972, is amended as follows:

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

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



on any public highway, road or street, as defined in Section 1 of House Bill No. 687, 2016 Regular Session. However, mobile homes which are detached from any self-propelled vehicles and parked on land in the state are hereby expressly exempt from the motor vehicle ad valorem taxes, but house trailers which are actually in transit and which are not parked for more than an overnight stop are not exempted.

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

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

**SECTION 10.** Section 63-15-3, Mississippi Code of 1972, is amended as follows:

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



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

857           (b) "Judgment" means any judgment which shall have  
858 become final by expiration, without appeal, of the time within  
859 which an appeal might have been perfected, or by final affirmation  
860 on appeal, rendered by a court of competent jurisdiction of any  
861 state or of the United States, upon a cause of action arising out  
862 of the ownership, maintenance or use of any motor vehicle, for  
863 damages, including damages for care and loss of services, because  
864 of bodily injury to or death of any person, or for damages because  
865 of injury to or destruction of property, including the loss of use  
866 thereof, or upon a cause of action on an agreement of settlement  
867 for such damages.

868           (c) "Motor vehicle" means every self-propelled vehicle  
869 (other than traction engines, road rollers and graders, tractor  
870 cranes, power shovels, well drillers, implements of husbandry and  
871 electric personal assistive mobility device as defined in Section  
872 63-3-103) which is designed for use upon a highway, including  
873 trailers and semitrailers designed for use with such vehicles, and  
874 every vehicle which is propelled by electric power obtained from  
875 overhead wires but not operated upon rails. The term "motor



876 vehicle" includes any low-speed vehicles as defined in Section 1  
877 of House Bill No. 687, 2016 Regular Session.

878 For purposes of this definition, "implements of husbandry"  
879 shall not include trucks, pickup trucks, trailers and semitrailers  
880 designed for use with such trucks and pickup trucks.

881 (d) "License" means any driver's, operator's,  
882 commercial operator's, or chauffeur's license, temporary  
883 instruction permit or temporary license, or restricted license,  
884 issued under the laws of the State of Mississippi pertaining to  
885 the licensing of persons to operate motor vehicles.

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

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

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

894 (h) "Owner" means a person who holds the legal title of  
895 a motor vehicle; in the event a motor vehicle is the subject of an  
896 agreement for the conditional sale or lease thereof with the right  
897 of purchase upon performance of the conditions stated in the  
898 agreement and with an immediate right of possession vested in the  
899 conditional vendee or lessee or in the event a mortgagor of a  
900 vehicle is entitled to possession, then such conditional vendee or



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

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

905 (j) "Proof of financial responsibility" means proof of  
906 ability to respond in damages for liability, on account of  
907 accidents occurring subsequent to the effective date of said  
908 proof, arising out of the ownership, maintenance or use of a motor  
909 vehicle, in the amount of Twenty-five Thousand Dollars  
910 (\$25,000.00) because of bodily injury to or death of one (1)  
911 person in any one (1) accident, and subject to said limit for one  
912 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)  
913 because of bodily injury to or death of two (2) or more persons in  
914 any one (1) accident, and in the amount of Twenty-five Thousand  
915 Dollars (\$25,000.00) because of injury to or destruction of  
916 property of others in any one (1) accident. Liability insurance  
917 required under this paragraph (j) may contain exclusions and  
918 limitations on coverage as long as the exclusions and limitations  
919 language or form has been filed with and approved by the  
920 Commissioner of Insurance.

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

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



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

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

**SECTION 11.** Section 63-17-55, Mississippi Code of 1972, is amended as follows:

63-17-55. The following words, terms and phrases, when used in the Mississippi Motor Vehicle Commission Law, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Motor vehicle" means any motor-driven vehicle of the sort and kind required to have a Mississippi road or bridge privilege license, and shall include, but not be limited to, motorcycles and low-speed vehicles that are operated on any public highway, road or street. "Motor vehicle" shall also mean an engine, transmission, or rear axle manufactured for installation in a vehicle having as its primary purpose the transport of person or persons or property on a public highway and having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds, whether or not attached to a vehicle chassis.

(b) "Motor vehicle dealer" means any person, firm, partnership, copartnership, association, corporation, trust or legal entity, not excluded by paragraph (c) of this section, who



951 holds a bona fide contract or franchise in effect with a  
952 manufacturer, distributor or wholesaler of new motor vehicles, and  
953 a license under the provisions of the Mississippi Motor Vehicle  
954 Commission Law, and such duly franchised and licensed motor  
955 vehicle dealers shall be the sole and only persons, firms,  
956 partnerships, copartnerships, associations, corporations, trusts  
957 or legal entities entitled to sell and publicly or otherwise  
958 solicit and advertise for sale new motor vehicles as such.

959 (c) The term "motor vehicle dealer" does not include:

960 (i) Receivers, trustees, administrators,  
961 executors, guardians or other persons appointed by or acting under  
962 judgment, decree or order of any court;

963 (ii) Public officers while performing their duties  
964 as such officers;

965 (iii) Employees of persons, corporations or  
966 associations enumerated in paragraph (c)(i) of this section when  
967 engaged in the specific performance of their duties as such  
968 employees; or

969 (iv) A motor vehicle manufacturer operating a  
970 project as defined in Section 57-75-5(f)(iv)1; and the provisions  
971 of the Mississippi Motor Vehicle Commission Law shall not apply  
972 to:

973 1. a. Any lease by such a motor vehicle  
974 manufacturer of three (3) or fewer motor vehicles at any one time  
975 and related vehicle maintenance, of any line of vehicle produced



976 by the manufacturer or its subsidiaries, to any one (1) employee  
977 of the motor vehicle manufacturer on a direct basis; or

978                   b. Any sale or other disposition of such  
979 motor vehicles by the motor vehicle manufacturer at the end of a  
980 lease through direct sales to employees of the manufacturer or  
981 through an open auction or auction limited to dealers of the  
982 manufacturer's vehicle line or its subsidiaries' vehicle lines; or

983                   2. Any sale or other disposition by such a  
984 motor vehicle manufacturer of motor vehicles for which the  
985 manufacturer obtained distinguishing number tags under Section  
986 27-19-309(8).

987                   (d) "New motor vehicle" means a motor vehicle which has  
988 not been previously sold to any person except a distributor or  
989 wholesaler or motor vehicle dealer for resale.

990                   (e) "Ultimate purchaser" means, with respect to any new  
991 motor vehicle, the first person, other than a motor vehicle dealer  
992 purchasing in his capacity as such dealer, who in good-faith  
993 purchases such new motor vehicle for purposes other than for  
994 resale.

995                   (f) "Retail sale" or "sale at retail" means the act or  
996 attempted act of selling, bartering, exchanging or otherwise  
997 disposing of a new motor vehicle to an ultimate purchaser for use  
998 as a consumer.





999                   (g) "Motor vehicle salesman" means any person who is  
1000 employed as a salesman by a motor vehicle dealer whose duties  
1001 include the selling or offering for sale of new motor vehicles.

1002                   (h) "Commission" means the Mississippi Motor Vehicle  
1003 Commission.

1004                   (i) "Manufacturer" means any person, firm, association,  
1005 corporation or trust, resident or nonresident, who manufactures or  
1006 assembles new motor vehicles.

1007                   (j) "Distributor" or "wholesaler" means any person,  
1008 firm, association, corporation or trust, resident or nonresident,  
1009 who, in whole or in part, sells or distributes new motor vehicles  
1010 to motor vehicle dealers, or who maintains distributor  
1011 representatives.

1012                   (k) "Factory branch" means a branch or division office  
1013 maintained by a person, firm, association, corporation or trust  
1014 who manufactures or assembles new motor vehicles for sale to  
1015 distributors or wholesalers, to motor vehicle dealers, or for  
1016 directing or supervising, in whole or in part, its  
1017 representatives.

1018                   (l) "Distributor branch" means a branch or division  
1019 office similarly maintained by a distributor or wholesaler for the  
1020 same purposes a factory branch or division is maintained.

1021                   (m) "Factory representative" means a representative  
1022 employed by a person, firm, association, corporation or trust who  
1023 manufactures or assembles new motor vehicles, or by a factory



1024 branch, for the purpose of making or promoting the sale of his,  
1025 its or their new motor vehicles, or for supervising or contacting  
1026 his, its or their dealers or prospective dealers.

1027 (n) "Distributor representative" means a representative  
1028 similarly employed by a distributor, distributor branch or  
1029 wholesaler.

1030 (o) "Person" means and includes, individually and  
1031 collectively, individuals, firms, partnerships, copartnerships,  
1032 associations, corporations and trusts, or any other forms of  
1033 business enterprise, or any legal entity.

1034 (p) "Good faith" means the duty of each party to any  
1035 franchise agreement, and all officers, employees or agents  
1036 franchise, to act in a fair and equitable manner toward each other  
1037 in the performance of the respective obligations under the  
1038 franchise agreement.

1039 (q) "Coerce" means to compel or attempt to compel by  
1040 threat or duress. However, recommendation, exposition,  
1041 persuasion, urging or argument shall not be deemed to constitute  
1042 coercion.

1043 (r) "Special tools" are those which a dealer was  
1044 required to purchase by the manufacturer or distributor for  
1045 service on that manufacturer's product.

1046 (s) "Motor vehicle lessor" means any person, not  
1047 excluded by paragraph (c) of this section, engaged in the motor  
1048 vehicle leasing or rental business.



1049           (t) "Specialty vehicle" means a motor vehicle  
1050 manufactured by a second stage manufacturer by purchasing motor  
1051 vehicle components, e.g. frame and drive train, and completing the  
1052 manufacturer of finished motor vehicles for the purpose of resale  
1053 with the primary manufacturer warranty unimpaired, to a limited  
1054 commercial market rather than the consuming public. Specialty  
1055 vehicles include garbage trucks, ambulances, fire trucks, buses,  
1056 limousines, hearses and other similar limited purpose vehicles as  
1057 the commission may by regulation provide.

1058           (u) "Auto auction" means (i) any person who provides a  
1059 place of business or facilities for the wholesale exchange of  
1060 motor vehicles by and between duly licensed motor vehicle dealers,  
1061 (ii) any motor vehicle dealer licensed to sell used motor vehicles  
1062 selling motor vehicles using an auction format but not on  
1063 consignment, or (iii) any person who provides the facilities for  
1064 or is in the business of selling in an auction format motor  
1065 vehicles.

1066           (v) "Motor home" means a motor vehicle that is designed  
1067 and constructed primarily to provide temporary living quarters for  
1068 recreational, camping or travel use.

1069           (w) "Dealer-operator" means the individual designated  
1070 in the franchise agreement as the operator of the motor vehicle  
1071 dealership.

1072           (x) "Franchise" or "franchise agreement" means a  
1073 written contract or agreement between a motor vehicle dealer and a



1074 manufacturer or its distributor or factory branch by which the  
1075 motor vehicle dealer is authorized to engage in the business of  
1076 selling or leasing the specific makes, models or classifications  
1077 of new motor vehicles marketed or leased by the manufacturer and  
1078 designated in the agreement or any addendum to such agreement.

1079           (y) "Net cost" means the price the motor vehicle dealer  
1080 pays for new motor vehicles, supplies, parts, equipment, signs,  
1081 furnishings and special tools, minus any applicable discounts or  
1082 subsidies obtained by the motor vehicle dealer.

1083           (z) "Line or make" means a collection of models,  
1084 series, or groups of motor vehicles manufactured by or for a  
1085 particular manufacturer, distributor or importer offered for sale,  
1086 lease or distribution pursuant to a common trademark, service mark  
1087 or brand name; however:

1088           (i) Multiple brand names or marks may constitute a  
1089 single line or make, but only when included in a common motor  
1090 vehicle dealer agreement and the manufacturer, distributor or  
1091 importer offers such vehicles bearing the multiple names of marks  
1092 together only, and not separately, to its authorized motor vehicle  
1093 dealers.

1094           (ii) Motor vehicles bearing a common brand name or  
1095 mark may constitute separate line or makes when such vehicles are  
1096 of different vehicle types or are intended for different types of  
1097 use, provided that either:



1098                   1. The manufacturer has expressly defined or  
1099 covered the subject line or makes of vehicles as separate and  
1100 distinct line or makes in the applicable dealer agreements; or

1101                   2. The manufacturer has consistently  
1102 characterized the subject vehicles as constituting separate and  
1103 distinct line or makes to its dealer network.

1104                   (aa) "Site-control agreement" or "exclusive use  
1105 agreement" means an agreement that, regardless of its name, title,  
1106 form or the parties entering into it, has the effect of:

1107                   (i) Controlling the use and development of the  
1108 premises of a motor vehicle dealer's franchise or facilities;

1109                   (ii) Requiring a motor vehicle dealer to establish  
1110 or maintain an exclusive motor vehicle dealership facility on the  
1111 premises of the motor vehicle dealer's franchise or facility;

1112                   (iii) Restricting the power or authority of the  
1113 dealer or the lessor, if the motor vehicle dealer leases the  
1114 dealership premises, to transfer, sell, lease, develop, redevelop  
1115 or change the use of the dealership premises, whether by sublease,  
1116 lease, collateral pledge of lease, right of first refusal to  
1117 purchase or lease, option to purchase or lease or any similar  
1118 arrangement; or

1119                   (iv) Establishing a valuation process or formula  
1120 for the motor vehicle dealership premises that does not allow for  
1121 the motor vehicle dealership premises to be transferred, sold or



1122 leased by the motor vehicle dealer at the highest and best use  
1123 valuation for the motor vehicle dealership premises.

1124 (bb) "Market area" means the area of responsibility set  
1125 forth in the franchise agreement.

1126 (cc) "Core parts" means those original vehicle  
1127 manufacturer parts that are listed in the original vehicle  
1128 manufacturer's or distributor's current parts catalog, for which  
1129 there is a core charge and which are returnable to the  
1130 manufacturer or distributor.

1131 **SECTION 12.** Section 63-17-155, Mississippi Code of 1972, is  
1132 amended as follows:

1133 63-17-155. As used in Sections 63-17-151 through 63-17-165,  
1134 the following terms shall have the following meanings:

1135 (a) "Collateral charges" means those additional charges  
1136 to a consumer which are not directly attributable to the  
1137 manufacturer's suggested retail price label for the motor vehicle.  
1138 Collateral charges shall include, but not be limited to, dealer  
1139 preparation charges, undercoating charges, transportation charges,  
1140 towing charges, replacement car rental costs and title charges.

1141 (b) "Comparable motor vehicle" means an identical or  
1142 reasonably equivalent motor vehicle.

1143 (c) "Consumer" means the purchaser, other than for  
1144 purposes of resale, of a motor vehicle, primarily used for  
1145 personal, family, or household purposes, and any person to whom  
1146 such motor vehicle is transferred for the same purposes during the



1147 duration of an express warranty applicable to such motor vehicle,  
1148 and any other person entitled by the terms of such warranty to  
1149 enforce the obligations of the warranty.

1150 (d) "Express warranty" means any written affirmation of  
1151 fact or promise made in connection with the sale of a motor  
1152 vehicle by a supplier to a consumer which relates to the nature of  
1153 the material or workmanship and affirms or promises that such  
1154 material or workmanship is defect-free or will meet a specified  
1155 level of performance over a specified period of time. For the  
1156 purposes of Section 63-17-151 et seq., express warranties do not  
1157 include implied warranties.

1158 (e) "Manufacturer" means a manufacturer or distributor  
1159 as defined in Section 63-17-55.

1160 (f) "Motor vehicle" means a vehicle propelled by power  
1161 other than muscular power which is sold in this state, is operated  
1162 over the public streets and highways of this state and is used as  
1163 a means of transporting persons or property, but shall not include  
1164 vehicles run only upon tracks, off-road vehicles, motorcycles,  
1165 low-speed vehicles, mopeds, electric personal assistive mobility  
1166 devices as defined in Section 63-3-103 or parts and components of  
1167 a motor home which were added on and/or assembled by the  
1168 manufacturer of the motor home. "Motor vehicle" shall include  
1169 demonstrators or lease-purchase vehicles as long as a  
1170 manufacturer's warranty was issued as a condition of sale.



1171           (g) "Purchase price" means the price which the consumer  
1172 paid to the manufacturer to purchase the motor vehicle in a cash  
1173 sale or, if the motor vehicle is purchased in a retail installment  
1174 transaction, the cash sale price as defined in Section 63-19-3.

1175           **SECTION 13.** Section 63-21-5, Mississippi Code of 1972, is  
1176 amended as follows:

1177           63-21-5. The following words and phrases when used in this  
1178 chapter shall, for the purpose of this chapter, have the meanings  
1179 respectively ascribed to them in this section except where the  
1180 context clearly indicates a different meaning:

1181           (a) "State Tax Commission" or "department" means the  
1182 Department of Revenue of the State of Mississippi.

1183           (b) "Dealer" means every person engaged regularly in  
1184 the business of buying, selling or exchanging motor vehicles,  
1185 trailers, semitrailers, trucks, tractors or other character of  
1186 commercial or industrial motor vehicles in this state, and having  
1187 in this state an established place of business as defined in  
1188 Section 27-19-303, Mississippi Code of 1972. The term "dealer"  
1189 shall also mean every person engaged regularly in the business of  
1190 buying, selling or exchanging manufactured housing in this state,  
1191 and licensed as a dealer of manufactured housing by the  
1192 Mississippi Department of Insurance.

1193           (c) "Designated agent" means each county tax collector  
1194 in this state who may perform his duties under this chapter either  
1195 personally or through any of his deputies, or such other persons





1196 as the Department of Revenue may designate. The term shall also  
1197 mean those "dealers" as herein defined and/or their officers and  
1198 employees and other persons who are appointed by the Department of  
1199 Revenue in the manner provided in Section 63-21-13, Mississippi  
1200 Code of 1972, to perform the duties of "designated agent" for the  
1201 purposes of this chapter.

1202 (d) "Implement of husbandry" means every vehicle  
1203 designed and adapted exclusively for agricultural, horticultural  
1204 or livestock raising operations or for lifting or carrying an  
1205 implement of husbandry and in either case not subject to  
1206 registration if used upon the highways.

1207 (e) "Vehicle identification number" means the numbers  
1208 and letters on a vehicle, manufactured home or mobile home  
1209 designated by the manufacturer or assigned by the Department of  
1210 Revenue for the purpose of identifying the vehicle, manufactured  
1211 home or mobile home.

1212 (f) "Lien" means every kind of written lease which is  
1213 substantially equivalent to an installment sale or which provides  
1214 for a right of purchase; conditional sale; reservation of title;  
1215 deed of trust; chattel mortgage; trust receipt; and every other  
1216 written agreement or instrument of whatever kind or character  
1217 whereby an interest other than absolute title is sought to be held  
1218 or given on a motor vehicle, manufactured home or mobile home.



1219 (g) "Lienholder" means any natural person, firm,  
1220 copartnership, association or corporation holding a lien as herein  
1221 defined on a motor vehicle, manufactured home or mobile home.

1222 (h) "Manufactured housing" or "manufactured home" means  
1223 any structure, transportable in one or more sections, which in the  
1224 traveling mode, is eight (8) body feet or more in width or forty  
1225 (40) body feet or more in length or, when erected on site, is  
1226 three hundred twenty (320) or more square feet and which is built  
1227 on a permanent chassis and designed to be used as a dwelling with  
1228 or without a permanent foundation when connected to the required  
1229 utilities, and includes the plumbing, heating, air-conditioning  
1230 and electrical systems contained therein; except that such terms  
1231 shall include any structure which meets all the requirements of  
1232 this paragraph except the size requirements and with respect to  
1233 which the manufacturer voluntarily files a certification required  
1234 by the Secretary of Housing and Urban Development and complies  
1235 with the standards established under the National Manufactured  
1236 Housing Construction and Safety Standards Act of 1974, 42 USCS,  
1237 Section 5401.

1238 (i) "Manufacturer" means any person regularly engaged  
1239 in the business of manufacturing, constructing or assembling motor  
1240 vehicles, manufactured homes or mobile homes, either within or  
1241 without this state.

1242 (j) "Mobile home" means any structure, transportable in  
1243 one or more sections, which in the traveling mode, is eight (8)



1244 body feet or more in width or forty (40) body feet or more in  
1245 length or, when erected on site, is three hundred twenty (320) or  
1246 more square feet and which is built on a permanent chassis and  
1247 designed to be used as a dwelling with or without a permanent  
1248 foundation when connected to the required utilities, and includes  
1249 the plumbing, heating, air-conditioning and electrical systems  
1250 contained therein and manufactured prior to June 15, 1976. Any  
1251 mobile home designated as realty on or before July 1, 1999, shall  
1252 continue to be designated as realty so that a security interest  
1253 will be made by incorporating such mobile home in a deed of trust.

1254 (k) "Motorcycle" means every motor vehicle having a  
1255 seat or saddle for the use of the rider and designed to travel on  
1256 not more than three (3) wheels in contact with the ground, but  
1257 excluding a farm tractor.

1258 (l) "Motor vehicle" means every automobile, motorcycle,  
1259 low-speed vehicle, mobile trailer, semitrailer, truck, truck  
1260 tractor, trailer and every other device in, upon, or by which any  
1261 person or property is or may be transported or drawn upon a public  
1262 highway which is required to have a road or bridge privilege  
1263 license, except such as is moved by animal power or used  
1264 exclusively upon stationary rails or tracks.

1265 (m) "New vehicle" means a motor vehicle, manufactured  
1266 home or mobile home which has never been the subject of a first  
1267 sale for use.



1268           (n) "Used vehicle" means a motor vehicle, manufactured  
1269 home or mobile home that has been the subject of a first sale for  
1270 use, whether within this state or elsewhere.

1271           (o) "Owner" means a person or persons holding the legal  
1272 title of a vehicle, manufactured home or mobile home; in the event  
1273 a vehicle, manufactured home or mobile home is the subject of a  
1274 deed of trust or a chattel mortgage or an agreement for the  
1275 conditional sale or lease thereof or other like agreement, with  
1276 the right of purchase upon performance of the conditions stated in  
1277 the agreement and with the immediate right of possession vested in  
1278 the grantor in the deed of trust, mortgagor, conditional vendee or  
1279 lessee, the grantor, mortgagor, conditional vendee or lessee shall  
1280 be deemed the owner for the purpose of this chapter.

1281           (p) "Person" includes every natural person, firm,  
1282 copartnership, association or corporation.

1283           (q) "Pole trailer" means every vehicle without motive  
1284 power designed to be drawn by another vehicle and attached to the  
1285 towing vehicle by means of a reach or pole, or by being boomed or  
1286 otherwise secured to the towing vehicle, and ordinarily used for  
1287 transporting long or irregularly shaped loads such as poles,  
1288 pipes, boats or structural members capable generally of sustaining  
1289 themselves as beams between the supporting connections.

1290           (r) "Security agreement" means a written agreement  
1291 which reserves or creates a security interest.



1292           (s) "Security interest" means an interest in a vehicle,  
1293 manufactured home or mobile home reserved or created by agreement  
1294 and which secures payment or performance of an obligation. The  
1295 term includes the interest of a lessor under a lease intended as  
1296 security. A security interest is "perfected" when it is valid  
1297 against third parties generally, subject only to specific  
1298 statutory exceptions.

1299           (t) "Special mobile equipment" means every vehicle not  
1300 designed or used primarily for the transportation of persons or  
1301 property and only incidentally operated or moved over a highway,  
1302 including, but not limited to: ditch-digging apparatus,  
1303 well-boring apparatus and road construction and maintenance  
1304 machinery such as asphalt spreaders, bituminous mixers, bucket  
1305 loaders, tractors other than truck tractors, ditchers, leveling  
1306 graders, finishing machines, motor graders, road rollers,  
1307 scarifiers, earth-moving carryalls and scrapers, power shovels and  
1308 draglines, and self-propelled cranes, vehicles so constructed that  
1309 they exceed eight (8) feet in width and/or thirteen (13) feet six  
1310 (6) inches in height, and earth-moving equipment. The term does  
1311 not include house trailers, dump trucks, truck-mounted transit  
1312 mixers, cranes or shovels, or other vehicles designed for the  
1313 transportation of persons or property to which machinery has been  
1314 attached.

1315           (u) "Nonresident" means every person who is not a  
1316 resident of this state.



1317           (v) "Current address" means a new address different  
1318 from the address shown on the application or on the certificate of  
1319 title. The owner shall within thirty (30) days after his address  
1320 is changed from that shown on the application or on the  
1321 certificate of title notify the department of the change of  
1322 address in the manner prescribed by the department.

1323           (w) "Odometer" means an instrument for measuring and  
1324 recording the actual distance a motor vehicle travels while in  
1325 operation; but shall not include any auxiliary instrument designed  
1326 to be reset by the operator of the motor vehicle for the purpose  
1327 of recording the distance traveled on trips.

1328           (x) "Odometer reading" means the actual cumulative  
1329 distance traveled disclosed on the odometer.

1330           (y) "Odometer disclosure statement" means a statement  
1331 certified by the owner of the motor vehicle to the transferee or  
1332 to the department as to the odometer reading.

1333           (z) "Mileage" means actual distance that a vehicle has  
1334 traveled.

1335           (aa) "Trailer" means every vehicle other than a "pole  
1336 trailer" as defined in this chapter without motive power designed  
1337 to be drawn by another vehicle and attached to the towing vehicle  
1338 for the purpose of hauling goods or products. The term "trailer"  
1339 shall not refer to any structure, transportable in one or more  
1340 sections regardless of size, when erected on site, and which is  
1341 built on a permanent chassis and designed to be used as a dwelling



1342 with or without a permanent foundation when connected to the  
1343 required utilities, and includes the plumbing, heating,  
1344 air-conditioning and electrical systems contained therein  
1345 regardless of the date of manufacture.

1346 (bb) "Salvage mobile home" or "salvage manufactured  
1347 home" means a mobile home or manufactured home for which a  
1348 certificate of title has been issued that an insurance company  
1349 obtains from the owner as a result of paying a total loss claim  
1350 resulting from collision, fire, flood, wind or other occurrence.  
1351 The term "salvage mobile home" or "salvage manufactured home" does  
1352 not mean or include and is not applicable to a mobile home or  
1353 manufactured home that is twenty (20) years old or older.

1354 (cc) "Salvage certificate of title" means a document  
1355 issued by the department for a salvage mobile home or salvage  
1356 manufactured home as defined in this chapter.

1357 (dd) "All-terrain vehicle" means a motor vehicle that  
1358 is designed for off-road use and is not required to have a motor  
1359 vehicle privilege license.

1360 **SECTION 14.** Section 27-19-5, Mississippi Code of 1972, is  
1361 brought forward for purposes of possible amendment as follows:

1362 27-19-5. There is hereby levied the following annual highway  
1363 privilege tax on operators of private carriers of passengers as  
1364 reasonable compensation for the use of the highways of this state:

1365 (a) On the owner or operator of each private carrier of  
1366 passengers.....\$15.00



1367 (b) On each motorcycle, per annum.....8.00

1368 **SECTION 15.** Chapter 938, Laws of 2012, which authorizes the  
1369 City of Diamondhead, Mississippi, to allow the operation of  
1370 low-speed vehicles and Chapter 909, Laws of 2013, which authorizes  
1371 the City of Pass Christian, Mississippi, to allow the operation of  
1372 low-speed vehicles are repealed.

1373 **SECTION 16.** Nothing in this act shall affect or defeat any  
1374 claim, assessment, appeal, suit, right or cause of action for  
1375 taxes due or accrued under the sales tax laws before the date on  
1376 which this act becomes effective, whether such claims,  
1377 assessments, appeals, suits or actions have been begun before the  
1378 date on which this act becomes effective or are begun thereafter;  
1379 and the provisions of the sales tax laws are expressly continued  
1380 in full force, effect and operation for the purpose of the  
1381 assessment, collection and enrollment of liens for any taxes due  
1382 or accrued and the execution of any warrant under such laws before  
1383 the date on which this act becomes effective, and for the  
1384 imposition of any penalties, forfeitures or claims for failure to  
1385 comply with such laws.

1386 **SECTION 17.** This act shall take effect and be in force from  
1387 and after July 1, 2016.

