

By: Representative Massengill

To: Transportation

HOUSE BILL NO. 1122

1 AN ACT TO REGULATE THE OPERATION OF UTILITY-TYPE VEHICLES
2 (UTVS) OR SIDE-BY-SIDES ON THE PUBLIC COUNTY AND MUNICIPAL ROADS
3 AND STREETS WITHIN THE STATE OF MISSISSIPPI; TO DEFINE TERMS USED
4 IN THIS ACT; TO REQUIRE THE REGISTRATION OF UTVS WITH THE
5 DEPARTMENT OF REVENUE IN THE SAME MANNER AS PASSENGER MOTOR
6 VEHICLES; TO AUTHORIZE THE OPERATION OF ON COUNTY AND MUNICIPAL
7 PUBLIC ROADS AND STREETS WITH POSTED SPEED LIMIT OF 55 MILES PER
8 HOUR OR LESS; TO REQUIRE OWNERS OF UTVS AND SIDE-BY-SIDES TO
9 OBTAIN A LICENSE PLATE AND REGISTRATION FROM THE DEPARTMENT OF
10 REVENUE UPON PRESENTING PROOF OF OWNERSHIP AND LIABILITY INSURANCE
11 FOR THE UTV AND PAYMENT OF AN ANNUAL REGISTRATION FEE; TO REQUIRE
12 THE DEPARTMENT OF REVENUE TO DETERMINE THE COLOR AND DESIGN OF THE
13 LICENSE TAGS; TO EXEMPT OWNERS FROM THE PAYMENT OF AD VALOREM
14 PROPERTY TAXES TO THE COUNTY WHERE THE VEHICLE IS REGISTERED; TO
15 PROVIDE FOR THE DEPOSIT AND DISTRIBUTION OF THE REGISTRATION FEES
16 BY THE DEPARTMENT OF REVENUE AND THE STATE TREASURER; TO PROVIDE
17 THAT THE FUNDS DISTRIBUTED TO COUNTIES SHALL BE USED FOR THE
18 MAINTENANCE OF ROADS AND BRIDGES THEREIN; TO REQUIRE OPERATORS OF
19 UTVS AND SIDE-BY-SIDES TO BE AT LEAST SIXTEEN YEARS OLD AND
20 POSSESS A VALID DRIVER'S LICENSE; TO REQUIRE OPERATORS OF UTVS TO
21 HAVE THEIR DRIVER'S LICENSE AND PROOF OF FINANCIAL RESPONSIBILITY
22 AT ALL TIMES WHILE OPERATING UTVS AND SIDE-BY-SIDES ON THE PUBLIC
23 ROADS OF THE STATE; TO LIMIT THE OPERATION OF UTVS AND
24 SIDE-BY-SIDES ON PUBLIC ROADS BY A SIXTEEN-YEAR OLD WITH ONLY A
25 CONDITIONAL DRIVER'S LICENSE TO OPERATING THE UTV DURING DAYLIGHT
26 HOURS WHILE ACCOMPANIED WITH A LICENSED ADULT DRIVER OVER THE AGE
27 OF EIGHTEEN; TO PROHIBIT THE OPERATION OF UTVS AND SIDE-BY-SIDES
28 ON PUBLIC ROADS BY ANYONE HOLDING ONLY A LEARNER'S PERMIT; TO
29 PROVIDE THAT NO CHILD UNDER THE AGE OF EIGHT MAY BE A PASSENGER IN
30 A UTV OR SIDE-BY-SIDE WHILE OPERATED ON A PUBLIC ROAD; TO
31 PRESCRIBE THE SPECIFIC SAFETY FEATURES A UTV OR SIDE-BY-SIDE MUST
32 BE EQUIPPED WITH TO BE REGISTERED WITH THE DEPARTMENT OF REVENUE
33 FOR PURPOSES OF OPERATING ON PUBLIC ROADS; TO AMEND SECTIONS
34 63-2-1, 63-3-103, 63-15-3, 63-21-5, 63-21-9, 27-19-3, 27-19-31,



35 27-51-5 AND 27-51-41, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
36 THE PRECEDING PROVISIONS; TO BRING FORWARD SECTION 63-15-4,
37 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
38 AND FOR RELATED PURPOSES.

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

40 **SECTION 1.** The following words and phrases, when used in
41 this chapter, shall, for the purposes of this chapter, have the
42 meanings respectively ascribed to them in this section, except in
43 those instances where the context clearly indicates a different
44 meaning:

45 (a) "Department" means the Department of Revenue,
46 except in such sections of this chapter in which some other state
47 department is specifically named.

48 (b) "License" means any driver's, operator's,
49 commercial operator's, or chauffeur's license, temporary
50 instruction permit or temporary license, or restricted license,
51 issued under the laws of the State of Mississippi pertaining to
52 the licensing of persons to operate motor vehicles.

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

56 (d) "Utility-type vehicle," "UTV" or "side-by-side"
57 means any motorized off-highway vehicle which is intended to
58 transport individuals, cargo or both with a top speed over
59 thirty-five (35) miles per hour and meets the following
60 manufacturer design specifications:



- 61 (i) Is seventy-five (75) inches in width or less;
62 (ii) Is not more than one hundred eighty (180)
63 inches, including the bumper, in length;
64 (iii) Has a dry weight of three thousand five
65 hundred (3,500) pounds or less;
66 (iv) Travels on four (4) or more nonhighway tires;
67 and
68 (v) Is equipped with side-by-side seating for the
69 use of the operator and a passenger, or additional seating for
70 multiple passengers.

71 The terms "utility-type vehicle" and "side-by-side," which
72 may be used interchangeably, shall include recreational
73 off-highway vehicles as defined in Section 63-31-3, but does not
74 include all-terrain vehicles, golf car vehicles or low-speed
75 vehicles.

76 **SECTION 2.** (1) The governing authorities of a county or
77 municipality may, in their discretion, authorize the operation of
78 utility-type vehicles and side-by-sides only upon public county
79 and municipal roads and streets within their jurisdiction and
80 control.

81 (2) (a) To operate a utility-type vehicle (UTV) or side-by-
82 side on a county or municipal road, the UTV or side-by-side must
83 comply with the requirements of this section. The UTV or
84 side-by-side must be registered by the Department of Revenue in



85 the same manner as passenger motor vehicles pursuant to Section
86 63-21-1 et seq., unless otherwise provided in this section.

87 (b) Utility-type vehicles and side-by-sides may be
88 operated on public county and municipal roads and streets upon
89 which motor vehicles are authorized by law to be operated for
90 which the posted speed limit is fifty-five (55) miles per hour or
91 less. UTVs and side-by-sides may not be operated on state
92 highways or federal highways except for the crossing at the
93 intersection thereof, in which case the shortest traveling
94 distance to do so shall be required.

95 (3) (a) An individual or business owner of a UTV must
96 obtain a license plate to be affixed to the rear of the vehicle in
97 an unobscured manner and registration from the Department of
98 Revenue upon presenting proof of ownership and liability insurance
99 for the UTV or side-by-side and upon payment of a reasonable
100 registration fee. Upon complying with the motor vehicle laws
101 relating to registration and licensing of motor vehicles, upon
102 payment of the registration fee prescribed by this subsection, UTV
103 and side-by-side owners shall be issued a license tag for each UTV
104 or side-by-side registered in his or her name.

105 (b) The Department of Revenue shall determine the color
106 and design of the license tags issued under this section and
107 whether or not a county name shall be required to be displayed on
108 the tag.



109 (c) UTV and side-by-side owners and registrants are
110 exempt from the payment of ad valorem property taxes to the county
111 in which the vehicle is registered. No county may charge any ad
112 valorem property taxes nor county fees of any kind on this type of
113 vehicle. Registrants of UTVs and side-by-sides shall renew their
114 registration annually directly with the Department of Revenue,
115 which shall deposit all fees collected under this section into the
116 State Treasury on the day collected. At the end of each month,
117 the Department of Revenue shall certify to the State Treasurer the
118 total fees collected under this section from the issuance of UTV
119 license tags. The State Treasurer shall distribute a portion of
120 the fees collected, in an amount determined by the department and
121 the several counties, for each such license tag issued under this
122 section to the State General Fund, and the remainder of the fees
123 collected shall be proportionately distributed by the State
124 Treasurer to the credit of the counties wherein the vehicles are
125 registered, for the purpose of maintaining the roads and bridges
126 therein.

127 **SECTION 3.** (1) Any person operating a utility-type vehicle
128 or side-by-side on public county or municipal roads and streets
129 under this chapter must be at least sixteen (16) years of age and
130 have in his or her possession a valid driver's license or
131 conditional driver's license and proof of financial responsibility
132 as required under Section 63-15-1 et seq., at all times while



133 operating the vehicle on public county or municipal roads and
134 streets of the state.

135 (2) If the registered UTV or side-by-side operator is
136 sixteen (16) years old and holds a conditional driver's license,
137 the registered UTV or side-by-side may only be operated during
138 daylight hours and shall not be allowed driving privileges without
139 the supervision of a licensed adult driver over the age of
140 eighteen (18). For purposes of this section, "daylight hours"
141 means the time between 6:00 a.m. and no later than 6:00 p.m.
142 However, beginning on the day that daylight saving time goes into
143 effect through the day that daylight saving time ends, "daylight
144 hours" means after 6:00 a.m. and no later than 8:00 p.m. All
145 other hours are designated as nighttime hours.

146 (3) Registered UTVs and side-by-sides must not be operated
147 by anyone who holds a learner's permit pursuant to Section
148 63-1-21. This provision includes the operation of a UTV or
149 side-by-side by a learner's permit holder even if there is a
150 licensed driver with the learner's permit holder in the UTV.

151 (4) No child under the age of eight (8) may be a passenger
152 in a registered UTV or side-by-side while operated on a public
153 road or street.

154 **SECTION 4.** Each utility-type vehicle and side-by-side
155 registered with the Department of Revenue to operate upon the
156 public county and municipal roads and streets of this state shall
157 be equipped with:



- 158 (a) Headlamps;
- 159 (b) Front and rear turn signal lamps;
- 160 (c) Taillamps;
- 161 (d) Stop lamps;
- 162 (e) Reflex reflectors: one (1) red on each side as far
163 to the rear as practicable, and one (1) red on the rear;
- 164 (f) An exterior mirror mounted on the driver's side of
165 the vehicle and either an exterior mirror mounted on the
166 passenger's side of the vehicle or an interior mirror;
- 167 (g) A parking brake;
- 168 (h) A windshield that conforms to the requirements of
169 49 CFR Section 571.205;
- 170 (i) A VIN that conforms to the requirements of 49 CFR
171 Section 565;
- 172 (j) A Type 1 or Type 2 seat belt assembly conforming to
173 the requirements of 49 CFR Section 571.209, installed at each
174 designated seating position;
- 175 (k) Rear visibility that conforms to the requirements
176 of 49 CFR Section 571.111; and
- 177 (l) An alert sound as required by 49 CFR Section
178 571.141.

179 **SECTION 5.** Section 63-2-1, Mississippi Code of 1972, is
180 amended as follows:

181 63-2-1. (1) When a passenger motor vehicle is operated in
182 forward motion on a public road, street or highway within this



183 state, every operator and every passenger shall wear a properly
184 fastened safety seat belt system, required to be installed in the
185 vehicle when manufactured pursuant to Federal Motor Vehicle Safety
186 Standard 208.

187 (2) "Passenger motor vehicle" for purposes of this chapter
188 means a motor vehicle designed to carry fifteen (15) or fewer
189 passengers, including the driver, but does not include motorcycles
190 that are not autocycles as defined in Section 63-3-103, mopeds,
191 all-terrain vehicles or trailers. The term does include
192 utility-type vehicles and side-by-sides as defined in Section 1 of
193 this act, which are registered for operation on public county and
194 municipal roads and streets within this state.

195 (3) This section shall not apply to:

196 (a) Vehicles which may be registered for "farm" use,
197 including "implements of husbandry" as defined in Section
198 63-21-5(d), and "farm tractors" as defined in Section 63-3-105(a);

199 (b) An operator or passenger possessing a written
200 verification from a licensed physician that he is unable to wear a
201 safety belt system for medical reasons;

202 (c) A passenger car operated by a rural letter carrier
203 of the United States Postal Service or by a utility meter reader
204 while on duty;

205 (d) Buses; or

206 (e) A child who is required to be protected by the use
207 of a child passenger restraint device or system or a



208 belt-positioning booster seat system under the provisions of
209 Sections 63-7-301 through 63-7-311.

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

212 63-3-103. (a) "Vehicle" means every device in, upon or by
213 which any person or property is or may be transported or drawn
214 upon a highway, except devices used exclusively upon stationary
215 rails or tracks.

216 (b) "Motor vehicle" means every vehicle which is
217 self-propelled and every vehicle which is propelled by electric
218 power obtained from overhead trolley wires, but not operated upon
219 rails. The term "motor vehicle" shall not include electric
220 personal assistive mobility devices, personal delivery devices or
221 electric bicycles.

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

228 (d) "Authorized emergency vehicle" means every vehicle of
229 the fire department (fire patrol), every police vehicle, every 911
230 Emergency Communications District vehicle, every such ambulance
231 and special use EMS vehicle as defined in Section 41-59-3, every
232 Mississippi Emergency Management Agency vehicle as is designated



233 or authorized by the Executive Director of MEMA and every
234 emergency vehicle of municipal departments or public service
235 corporations as is designated or authorized by the commission or
236 the chief of police of an incorporated city.

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

242 (f) "Recreational vehicle" means a vehicular type unit
243 primarily designed as temporary living quarters for recreational,
244 camping or travel use, which either has its own motive power or is
245 mounted on or drawn by another vehicle and includes travel
246 trailers, fifth-wheel trailers, camping trailers, truck campers
247 and motor homes.

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

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



256 (i) "Autocycle" means a three-wheel motorcycle with a
257 steering wheel, nonstraddle seating, rollover protection and seat
258 belts.

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

267 (k) "Platoon" means a group of individual motor vehicles
268 traveling in a unified manner at electronically coordinated speeds
269 at following distances that are closer than would be reasonable
270 and prudent without such coordination.

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

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



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

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

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

290 (i) Solely powered by an electric motor;

291 (ii) Intended to be operated primarily on sidewalks,
292 crosswalks, and other pedestrian areas to transport cargo;

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

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

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



304 (o) "Utility-type vehicle," "UTV" or "side-by-side" means
305 any motorized off-highway vehicle which is intended to transport
306 individuals, cargo or both with a top speed over thirty-five (35)
307 miles per hour and meets the following manufacturer design
308 specifications:

309 (i) Is seventy-five (75) inches in width or less;

310 (ii) Is not more than one hundred eighty (180) inches,
311 including the bumper, in length;

312 (iii) Has a dry weight of three thousand five hundred
313 (3,500) pounds or less;

314 (iv) Travels on four (4) or more nonhighway tires; and

315 (v) Is equipped with side-by-side seating for the use
316 of the operator and a passenger, or additional seating for
317 multiple passengers.

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

320 63-15-3. The following words and phrases, when used in this
321 chapter, shall, for the purposes of this chapter, have the
322 meanings respectively ascribed to them in this section, except in
323 those instances where the context clearly indicates a different
324 meaning:

325 (a) "Highway" means the entire width between property
326 lines of any road, street, way, thoroughfare or bridge in the
327 State of Mississippi not privately owned or controlled, when any
328 part thereof is open to the public for vehicular traffic and over



329 which the state has legislative jurisdiction under its police
330 power.

331 (b) "Judgment" means any judgment which shall have
332 become final by expiration, without appeal, of the time within
333 which an appeal might have been perfected, or by final affirmation
334 on appeal, rendered by a court of competent jurisdiction of any
335 state or of the United States, upon a cause of action arising out
336 of the ownership, maintenance or use of any motor vehicle, for
337 damages, including damages for care and loss of services, because
338 of bodily injury to or death of any person, or for damages because
339 of injury to or destruction of property, including the loss of use
340 thereof, or upon a cause of action on an agreement of settlement
341 for such damages.

342 (c) "Motor vehicle" means every self-propelled vehicle
343 (other than traction engines, road rollers and graders, tractor
344 cranes, power shovels, well drillers, implements of husbandry,
345 electric bicycles, personal delivery devices and electric personal
346 assistive mobility devices as defined in Section 63-3-103) which
347 is designed for use upon a highway, including trailers and
348 semitrailers designed for use with such vehicles, registered
349 utility-type vehicles and side-by-sides, and every vehicle which
350 is propelled by electric power obtained from overhead wires but
351 not operated upon rails.



352 For purposes of this definition, "implements of husbandry"
353 shall not include trucks, pickup trucks, trailers and semitrailers
354 designed for use with such trucks and pickup trucks.

355 (d) "License" means any driver's, operator's,
356 commercial operator's, or chauffeur's license, temporary
357 instruction permit or temporary license, or restricted license,
358 issued under the laws of the State of Mississippi pertaining to
359 the licensing of persons to operate motor vehicles.

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

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

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

368 (h) "Owner" means a person who holds the legal title of
369 a motor vehicle; in the event a motor vehicle is the subject of an
370 agreement for the conditional sale or lease thereof with the right
371 of purchase upon performance of the conditions stated in the
372 agreement and with an immediate right of possession vested in the
373 conditional vendee or lessee or in the event a mortgagor of a
374 vehicle is entitled to possession, then such conditional vendee or
375 lessee or mortgagor shall be deemed the owner for the purpose of
376 this chapter.



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

379 (j) "Proof of financial responsibility" means proof of
380 ability to respond in damages for liability, on account of
381 accidents occurring subsequent to the effective date of said
382 proof, arising out of the ownership, maintenance or use of a motor
383 vehicle, in the amount of Twenty-five Thousand Dollars
384 (\$25,000.00) because of bodily injury to or death of one (1)
385 person in any one (1) accident, and subject to said limit for one
386 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)
387 because of bodily injury to or death of two (2) or more persons in
388 any one (1) accident, and in the amount of Twenty-five Thousand
389 Dollars (\$25,000.00) because of injury to or destruction of
390 property of others in any one (1) accident. Liability insurance
391 required under this paragraph (j) may contain exclusions and
392 limitations on coverage as long as the exclusions and limitations
393 language or form has been filed with and approved by the
394 Commissioner of Insurance.

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

398 (l) "Department" means the Department of Public Safety
399 of the State of Mississippi, acting directly or through its
400 authorized officers and agents, except in such sections of this



401 chapter in which some other state department is specifically
402 named.

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

406 (n) "Utility-type vehicle," "UTV" or "side-by-side"
407 means any motorized off-highway vehicle which is intended to
408 transport individuals, cargo or both with a top speed over
409 thirty-five (35) miles per hour and meets the following
410 manufacturer design specifications:

411 (i) Is seventy-five (75) inches in width or less;

412 (ii) Is not more than one hundred eighty (180)
413 inches, including the bumper, in length;

414 (iii) Has a dry weight of three thousand five
415 hundred (3,500) pounds or less;

416 (iv) Travels on four (4) or more nonhighway tires;
417 and

418 (v) Is equipped with side-by-side seating for the
419 use of the operator and a passenger, or additional seating for
420 multiple passengers.

421 **SECTION 8.** Section 63-15-4, Mississippi Code of 1972, is
422 brought forward as follows:

423 63-15-4. (1) The following vehicles are exempted from the
424 requirements of this section:

425 (a) Motor vehicles exempted by Section 63-15-5;



426 (b) Motor vehicles for which a bond or a certificate of
427 deposit of money or securities in at least the minimum amounts
428 required for proof of financial responsibility is on file with the
429 department;

430 (c) Motor vehicles that are self-insured under Section
431 63-15-53; and

432 (d) Implements of husbandry.

433 (2) (a) Every motor vehicle operated in this state shall
434 have a motor vehicle liability insurance policy that covers the
435 vehicle and is in compliance with the liability limits required by
436 Section 63-15-3(j). The insured parties shall be responsible for
437 maintaining the insurance on each motor vehicle.

438 (b) An insurance company issuing a policy of motor
439 vehicle liability insurance as required by this section shall
440 furnish to the insured an insurance card for each motor vehicle at
441 the time the insurance policy becomes effective. The insurance
442 card may be furnished in either paper or electronic format as
443 chosen by the insured. Acceptable electronic formats include
444 display of electronic images on a cellular phone or any other type
445 of electronic device. Beginning on July 1, 2013, insurers shall
446 furnish commercial auto coverage customers with an insurance card
447 clearly marked with the identifier, "Commercial Auto Insurance" or
448 "Fleet" or similar language, to reflect that the vehicle is
449 insured under a commercial auto policy.



450 (3) Upon stopping a motor vehicle at a roadblock where all
451 passing motorists are checked as a method to enforce traffic laws
452 or upon stopping a motor vehicle for any other statutory
453 violation, a law enforcement officer, who is authorized to issue
454 traffic citations, shall verify that the insurance card required
455 by this section is in the motor vehicle or is displayed by
456 electronic image on a cellular phone or other type of electronic
457 device. However, no driver shall be stopped or detained solely
458 for the purpose of verifying that the motor vehicle is covered by
459 liability insurance in the amounts required under Section
460 63-15-3(j) unless the stop is part of such roadblock. If the law
461 enforcement officer uses the verification system created in
462 Section 63-16-3 and receives a response from the system verifying
463 that the owner of the motor vehicle has liability insurance in the
464 amounts required under Section 63-15-3(j), then the officer shall
465 not issue a citation under this section notwithstanding any
466 failure to display an insurance card by the owner or operator.

467 (4) Failure of the owner or the operator of a motor vehicle
468 to have the insurance card in the motor vehicle, or to display the
469 insurance card by electronic image on a cellular phone or other
470 type of electronic device, is a misdemeanor and, upon conviction,
471 is punishable by a fine of One Hundred Dollars (\$100.00) and
472 suspension of driving privilege for a period of one (1) year or
473 until the owner of the motor vehicle shows proof of liability
474 insurance that is in compliance with the liability limits required



475 by Section 63-15-3(j) and has paid the fines and assessments
476 imposed and the driver's license reinstatement fees imposed by the
477 Department of Public Safety. A judge shall determine whether the
478 defendant is indigent, and if a determination of indigence is
479 made, shall authorize the reinstatement of that person's driver's
480 license upon proof of mandatory liability insurance subject to
481 compliance with a payment plan for any fines, assessments and/or
482 fees. Fraudulent use of an insurance card shall be punishable in
483 accordance with Section 97-7-10. If such fines are levied in a
484 municipal court, the funds from such fines shall be deposited in
485 the general fund of the municipality. If such fines are levied in
486 any of the courts of the county, the funds from such fines shall
487 be deposited in the general fund of the county. A person
488 convicted of a criminal offense under this subsection (4) shall
489 not be convicted of a criminal offense under Section 63-16-13(1)
490 arising from the same incident.

491 (5) If, at the hearing date or the date of payment of the
492 fine the owner shows proof that such insurance was in effect at
493 the time of citation, the case shall be dismissed as to the
494 defendant with prejudice and all court costs shall be waived
495 against the defendant.

496 (6) No law enforcement officer may access any function,
497 feature or other electronic image on a person's cellular phone or
498 other type of electronic device when enforcing the provisions of



499 this section except for the electronic image of an insurance card
500 shown to the officer.

501 **SECTION 9.** Section 63-21-5, Mississippi Code of 1972, is
502 amended as follows:

503 63-21-5. The following words and phrases when used in this
504 chapter shall, for the purpose of this chapter, have the meanings
505 respectively ascribed to them in this section except where the
506 context clearly indicates a different meaning:

507 (a) " * * * Department of Revenue" or "department"
508 means the Department of Revenue of the State of Mississippi.

509 (b) "Dealer" means every person engaged regularly in
510 the business of buying, selling or exchanging motor vehicles,
511 trailers, semitrailers, trucks, tractors or other character of
512 commercial or industrial motor vehicles in this state, and having
513 in this state an established place of business as defined in
514 Section 27-19-303, Mississippi Code of 1972. The term "dealer"
515 shall also mean every person engaged regularly in the business of
516 buying, selling or exchanging manufactured housing in this state,
517 and licensed as a dealer of manufactured housing by the
518 Mississippi Department of Insurance.

519 (c) "Designated agent" means each county tax collector
520 in this state who may perform his duties under this chapter either
521 personally or through any of his deputies, or such other persons
522 as the Department of Revenue may designate. The term shall also
523 mean those "dealers" as herein defined and/or their officers and



524 employees and other persons who are appointed by the Department of
525 Revenue in the manner provided in Section 63-21-13, Mississippi
526 Code of 1972, to perform the duties of "designated agent" for the
527 purposes of this chapter.

528 (d) "Implement of husbandry" means every vehicle
529 designed and adapted exclusively for agricultural, horticultural
530 or livestock raising operations or for lifting or carrying an
531 implement of husbandry and in either case not subject to
532 registration if used upon the highways.

533 (e) "Vehicle identification number" means the numbers
534 and letters on a vehicle, manufactured home or mobile home
535 designated by the manufacturer or assigned by the Department of
536 Revenue for the purpose of identifying the vehicle, manufactured
537 home or mobile home.

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

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



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

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

568 (j) "Mobile home" means any structure, transportable in
569 one or more sections, which in the traveling mode, is eight (8)
570 body feet or more in width or forty (40) body feet or more in
571 length or, when erected on site, is three hundred twenty (320) or
572 more square feet and which is built on a permanent chassis and



573 designed to be used as a dwelling with or without a permanent
574 foundation when connected to the required utilities, and includes
575 the plumbing, heating, air-conditioning and electrical systems
576 contained therein and manufactured prior to June 15, 1976. Any
577 mobile home designated as realty on or before July 1, 1999, shall
578 continue to be designated as realty so that a security interest
579 will be made by incorporating such mobile home in a deed of trust.

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

585 (l) "Motor vehicle" means every automobile, motorcycle,
586 mobile trailer, semitrailer, truck, truck tractor, trailer,
587 utility-type vehicle, side-by-side and every other device in,
588 upon, or by which any person or property is or may be transported
589 or drawn upon a public highway which is required to have a road or
590 bridge privilege license, except such as is moved by animal power
591 or used exclusively upon stationary rails or tracks, and excepting
592 electric bicycles and personal delivery devices.

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



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

599 (o) "Owner" means a person or persons holding the legal
600 title of a vehicle, manufactured home or mobile home; in the event
601 a vehicle, manufactured home or mobile home is the subject of a
602 deed of trust or a chattel mortgage or an agreement for the
603 conditional sale or lease thereof or other like agreement, with
604 the right of purchase upon performance of the conditions stated in
605 the agreement and with the immediate right of possession vested in
606 the grantor in the deed of trust, mortgagor, conditional vendee or
607 lessee, the grantor, mortgagor, conditional vendee or lessee shall
608 be deemed the owner for the purpose of this chapter.

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

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

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



620 (s) "Security interest" means an interest in a vehicle,
621 manufactured home or mobile home reserved or created by agreement
622 and which secures payment or performance of an obligation. The
623 term includes the interest of a lessor under a lease intended as
624 security. A security interest is "perfected" when it is valid
625 against third parties generally, subject only to specific
626 statutory exceptions.

627 (t) "Special mobile equipment" means every vehicle not
628 designed or used primarily for the transportation of persons or
629 property and only incidentally operated or moved over a highway,
630 including, but not limited to: ditch-digging apparatus,
631 well-boring apparatus and road construction and maintenance
632 machinery such as asphalt spreaders, bituminous mixers, bucket
633 loaders, tractors other than truck tractors, ditchers, leveling
634 graders, finishing machines, motor graders, road rollers,
635 scarifiers, earth-moving carryalls and scrapers, power shovels and
636 draglines, and self-propelled cranes, vehicles so constructed that
637 they exceed eight (8) feet in width and/or thirteen (13) feet six
638 (6) inches in height, and earth-moving equipment. The term does
639 not include house trailers, dump trucks, truck-mounted transit
640 mixers, cranes or shovels, or other vehicles designed for the
641 transportation of persons or property to which machinery has been
642 attached.

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



645 (v) "Current address" means a new address different
646 from the address shown on the application or on the certificate of
647 title. The owner shall within thirty (30) days after his address
648 is changed from that shown on the application or on the
649 certificate of title notify the department of the change of
650 address in the manner prescribed by the department.

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

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

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

661 (z) "Mileage" means actual distance that a vehicle has
662 traveled.

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



670 with or without a permanent foundation when connected to the
671 required utilities, and includes the plumbing, heating,
672 air-conditioning and electrical systems contained therein
673 regardless of the date of manufacture.

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

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

685 (dd) "All-terrain vehicle" means a motor vehicle that
686 is designed for off-road use and is not required to have a motor
687 vehicle privilege license. The term "all-terrain vehicle" shall
688 not include electric bicycles.

689 (ee) "Utility-type vehicle," "UTV" or side-by-side
690 means any motorized off-highway vehicle which is intended to
691 transport individuals, cargo or both with a top speed over
692 thirty-five (35) miles per hour and meets the following
693 manufacturer design specifications:

694 (i) Is seventy-five (75) inches in width or less;



695 (ii) Is not more than one hundred eighty (180)
696 inches, including the bumper, in length;
697 (iii) Has a dry weight of three thousand five
698 hundred (3,500) pounds or less;
699 (iv) Travels on four (4) or more nonhighway tires;
700 and
701 (v) Is equipped with side-by-side seating for the
702 use of the operator and a passenger, or additional seating for
703 multiple passengers.

704 **SECTION 10.** Section 63-21-9, Mississippi Code of 1972, is
705 amended as follows:

706 63-21-9. (1) Except as provided in Section 63-21-11, every
707 owner of a motor vehicle as defined in this chapter, which is in
708 this state and which is manufactured or assembled after July 1,
709 1969, or which is the subject of first sale for use after July 1,
710 1969, and every owner of a manufactured home as defined in this
711 chapter, which is in this state and which is manufactured or
712 assembled after July 1, 1999, or which is the subject of first
713 sale for use after July 1, 1999, shall make application to
714 the * * * Department of Revenue for a certificate of title with
715 the following exceptions:

716 (a) Voluntary application for title may be made for any
717 model motor vehicle which is in this state after July 1, 1969, and
718 for any model manufactured home or mobile home which is in this
719 state after July 1, 1999, and any person bringing a motor vehicle,



720 manufactured home or mobile home into this state from a state
721 which requires titling shall make application for title to
722 the * * * Department of Revenue within thirty (30) days
723 thereafter.

724 (b) After July 1, 1969, any dealer, acting for himself,
725 or another, who sells, trades or otherwise transfers any new or
726 used vehicle as defined in this chapter, and after July 1, 1999,
727 any dealer, acting for himself, or another, who sells, trades or
728 otherwise transfers any new or used manufactured home or mobile
729 home as defined in this chapter, or any designated agent, shall
730 furnish to the purchaser or transferee, without charge for either
731 application or certificate of title, an application for title of
732 said vehicle, manufactured home or mobile home and cause to be
733 forwarded to the * * * Department of Revenue any and all documents
734 required by the commission to issue certificate of title to the
735 purchaser or transferee. The purchaser or transferee may then use
736 the duplicate application for title as a permit to operate vehicle
737 as provided in Section 63-21-67, until certificate of title is
738 received.

739 (2) (a) Voluntary application for title may be made for any
740 model all-terrain vehicle which is in this state.

741 (b) A dealer who sells, trades or otherwise transfers
742 any new or used all-terrain vehicles as defined in this chapter,
743 may furnish to the purchaser or transferee, without charge for
744 either application or certificate of title, an application for



745 title of said vehicle, and cause to be forwarded to the * * *
746 Department of Revenue any and all documents required by the
747 commission to issue certificate of title to the purchaser or
748 transferee.

749 (3) Any dealer, acting for himself or another who sells,
750 trades or otherwise transfers any vehicle, manufactured home or
751 mobile home required to be titled under this chapter who does not
752 comply with the provisions of this chapter shall be guilty of a
753 misdemeanor and upon conviction shall be fined a sum not exceeding
754 Five Hundred Dollars (\$500.00).

755 **SECTION 11.** Section 27-19-3, Mississippi Code of 1972, is
756 amended as follows:

757 27-19-3. (a) The following words and phrases when used in
758 this article for the purpose of this article have the meanings
759 respectively ascribed to them in this section, except in those
760 instances where the context clearly describes and indicates a
761 different meaning:

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

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



769 (3) "Motor vehicle" means every vehicle as defined in
770 this section which is self-propelled, including utility-type
771 vehicles, side-by-sides and trackless street or trolley cars. The
772 term "motor vehicle" shall not include electric bicycles, personal
773 delivery devices or electric personal assistive mobility devices
774 as defined in Section 63-3-103, or golf carts or low-speed
775 vehicles as defined in Section 63-32-1.

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

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

783 (6) "Truck tractor" means every motor vehicle designed
784 and used for drawing other vehicles and so constructed as to carry
785 a load other than a part of the weight of the vehicle and load so
786 drawn and has a gross vehicle weight (GVW) in excess of ten
787 thousand (10,000) pounds.

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

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



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

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

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

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

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

807 (14) "Owner" means a person who holds the legal title
808 of a vehicle or in the event a vehicle is the subject of an
809 agreement for the conditional sale, lease or transfer of the
810 possession, the person with the right of purchase upon performance
811 of conditions stated in the agreement, and with an immediate right
812 of possession vested in the conditional vendee, lessee, possessor
813 or in the event such or similar transaction is had by means of a
814 mortgage, and the mortgagor of a vehicle is entitled to
815 possession, then such conditional vendee, lessee, possessor or
816 mortgagor shall be deemed the owner for the purposes of this
817 article.



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

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

832 (17) "Highway" means and includes every way or place of
833 whatever nature, including public roads, streets and alleys of
834 this state generally open to the use of the public or to be opened
835 or reopened to the use of the public for the purpose of vehicular
836 travel, and notwithstanding that the same may be temporarily
837 closed for the purpose of construction, reconstruction,
838 maintenance or repair.

839 (18) " * * * Department of Revenue," "commission" or
840 "department" means the Commissioner of Revenue of the Department
841 of Revenue of this state, acting directly or through his duly
842 authorized officers, agents, representatives and employees.



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

855 (20) "Contract carrier by motor vehicle" means any
856 person who or which under the special and individual contract or
857 agreements, and whether directly or by a lease or any other
858 arrangement, transports passengers or property in interstate or
859 intrastate commerce on the public highways of this state by motor
860 vehicle for compensation. The term "contract carrier by motor
861 vehicle" shall not include passenger buses operating wholly within
862 the corporate limits of a municipality in this state or not
863 exceeding five (5) miles beyond the corporate limits of the
864 municipality, and hearses, ambulances, and school buses as such.
865 In addition, this definition shall not include taxicabs.

866 (21) "Private commercial and noncommercial carrier of
867 property by motor vehicle" means any person not included in the



868 terms "common carrier by motor vehicle" or "contract carrier by
869 motor vehicle," who or which transports in interstate or
870 intrastate commerce on the public highways of this state by motor
871 vehicle, property of which such person is the owner, lessee, or
872 bailee, other than for hire. The term "private commercial and
873 noncommercial carrier of private property by motor vehicle" shall
874 not include passenger buses operated wholly within the corporate
875 limits of a municipality of this state, or not exceeding five (5)
876 miles beyond the corporate limits of the municipality, and
877 hearses, ambulances, and school buses as such. In addition, this
878 definition shall not include taxicabs.

879 Haulers of fertilizer shall be classified as private
880 commercial carriers of property by motor vehicle.

881 (22) "Private carrier of passengers" means all other
882 passenger motor vehicle carriers not included in the above
883 definitions. The term "private carrier of passengers" shall not
884 include passenger buses operating wholly within the corporate
885 limits of a municipality in this state, or not exceeding five (5)
886 miles beyond the corporate limits of the municipality, and
887 hearses, ambulances, and school buses as such. In addition, this
888 definition shall not include taxicabs.

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



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

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

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

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

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

907 (26) "Taxicab" means any passenger motor vehicle for
908 hire with a seating capacity not greater than ten (10) passengers.
909 For purposes of this paragraph (26), seating capacity shall be
910 determined according to the manufacturer's suggested seating
911 capacity for a vehicle. If there is no manufacturer's suggested
912 seating capacity for a vehicle, the seating capacity for the
913 vehicle shall be determined according to regulations established
914 by the Department of Revenue.

915 (27) "Passenger coach" means any passenger motor
916 vehicle with a seating capacity greater than ten (10) passengers,
917 operating wholly within the corporate limits of a municipality of



918 this state or within five (5) miles of the corporate limits of the
919 municipality, or motor vehicles substituted for abandoned electric
920 railway systems in or between municipalities. For purposes of
921 this paragraph (27), seating capacity shall be determined
922 according to the manufacturer's suggested seating capacity for a
923 vehicle. If there is no manufacturer's suggested seating capacity
924 for a vehicle, the seating capacity for the vehicle shall be
925 determined according to regulations established by the Department
926 of Revenue.

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

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

933 (30) "Ambulance and hearse" shall have the meaning
934 generally ascribed to them. A hearse or funeral coach shall be
935 classified as a light carrier of property, as defined in Section
936 27-51-101.

937 (31) "Regular seats" means each seat ordinarily and
938 customarily used by one (1) passenger, including all temporary,
939 emergency, and collapsible seats. Where any seats are not
940 distinguished or separated by separate cushions and backs, a seat
941 shall be counted for each eighteen (18) inches of space on such
942 seats or major fraction thereof. In the case of a regular



943 passenger-type automobile which is used as a common or contract
944 carrier of passengers, three (3) seats shall be counted for the
945 rear seat of such automobile and one (1) seat shall be counted for
946 the front seat of such automobile.

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

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

958 (34) "Corporate fleet" means a group of two hundred
959 (200) or more marked private carriers of passengers or light
960 carriers of property, as defined in Section 27-51-101, trailers,
961 semitrailers, or motor vehicles in excess of ten thousand (10,000)
962 pounds gross vehicle weight, except for those vehicles registered
963 for interstate travel, owned or leased on a long-term basis by a
964 corporation or other legal entity. In order to be considered
965 marked, the motor vehicle must have a name, trademark or logo
966 located either on the sides or the rear of the vehicle in sharp



967 contrast to the background, and of a size, shape and color that is
968 legible during daylight hours from a distance of fifty (50) feet.

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

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

976 (37) "Utility-type vehicle," "UTV" or side-by-side
977 means any motorized off-highway vehicle which is intended to
978 transport individuals, cargo or both with a top speed over
979 thirty-five (35) miles per hour and meets the following
980 manufacturer design specifications:

981 (i) Is seventy-five (75) inches in width or less;

982 (ii) Is not more than one hundred eighty (180)
983 inches, including the bumper, in length;

984 (iii) Has a dry weight of three thousand five
985 hundred (3,500) pounds or less;

986 (iv) Travels on four (4) or more nonhighway tires;

987 and

988 (v) Is equipped with side-by-side seating for the
989 use of the operator and a passenger, or additional seating for
990 multiple passengers.



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

996 (2) Leased vehicles shall be considered as domiciled at
997 the place in the State of Mississippi from which they operate in
998 interstate or intrastate commerce, and for the purposes of this
999 article shall be considered as owned by the lessee, who shall
1000 furnish all insurance on the vehicles and the driver of the
1001 vehicles shall be considered as an agent of the lessee for all
1002 purposes of this article.

1003 **SECTION 12.** Section 27-19-31, Mississippi Code of 1972, is
1004 amended as follows:

1005 27-19-31. (1) The Department of Revenue is authorized and
1006 directed to establish and maintain a vehicle registration renewal
1007 system whereby the license tag attached upon a motor vehicle,
1008 utility-type vehicle side-by-side or trailer may be issued for
1009 five (5) years with the approval of the License Tag Commission,
1010 except for motor vehicles registered in excess of ten thousand
1011 (10,000) pounds gross vehicle weight, and motor vehicles in a
1012 fleet registered under Section 27-19-66, apportioned vehicles,
1013 rental and commercial trailers and buses, which shall be issued
1014 for a period of time determined by the Department of Revenue.
1015 During each intervening year of the period for which license tags



1016 are issued, the Department of Revenue shall issue up to two (2)
1017 license decals, in lieu of the license tags, the month and year in
1018 which the license tag expires shall be specified on one (1) of the
1019 decals so issued. Motor vehicles in a corporate fleet registered
1020 under Section 27-19-66, trailers in a fleet registered under
1021 Section 27-19-66.1, and apportioned vehicles shall not be issued
1022 decals specifying the month and year of expiration.

1023 Any series of tags may be cancelled by the commissioner with
1024 the approval of the License Tag Commission and a new series of
1025 tags issued.

1026 (2) The license decals issued in lieu of the license tags
1027 shall indicate the month and the last two (2) figures of the year
1028 for which such license shall expire. The license decals shall be
1029 attached to the license tag of the motor vehicle, utility-type
1030 vehicle, side-by-side or trailer, and when so attached shall be
1031 deemed to be the license tag for the ensuing registration year.
1032 The month and year decal shall be attached in an upright position
1033 in the lower right corner of the license tag. Decals specifying
1034 the month and year of expiration shall not be required to be
1035 attached to license tags on motor vehicles in a corporate fleet
1036 registered under Section 27-19-66, trailers in a fleet registered
1037 under Section 27-19-66.1, or apportioned vehicles.

1038 Except as otherwise provided in this paragraph, the
1039 registration year shall be a period of one (1) year commencing on
1040 the first day of the month following the month in which the



1041 vehicle was acquired. Beginning October 1, 1982, original
1042 registrations of motor vehicles, except motor vehicles registered
1043 in excess of ten thousand (10,000) pounds gross vehicle weight,
1044 apportioned vehicles and buses, may be made and shall be prorated
1045 for a period of from six (6) to eleven (11) months according to
1046 regulations established by the Department of Revenue to reduce a
1047 disproportionate number of registrations for a particular month.
1048 Beginning July 1, 1995, original registrations and renewal
1049 registrations of motor vehicles in corporate fleets registered
1050 under Section 27-19-66, shall be prorated according to regulations
1051 established by the Department of Revenue so as to cause the
1052 registration of such fleet motor vehicles to coincide with the
1053 anniversary month for corporate fleets established by the
1054 Department of Revenue. Beginning July 1, 2011, original
1055 registrations and renewal registrations of trailers in trailer
1056 fleets registered under Section 27-19-66.1 shall be prorated
1057 according to regulations established by the Department of Revenue
1058 so as to cause the registration of such trailers to coincide with
1059 the anniversary month for trailer fleets established by the
1060 Department of Revenue. Where a vehicle is registered for a period
1061 less than twelve (12) months, the anniversary month shall be the
1062 month of the expiration of the original license tag.

1063 Beginning July 1, 1996, original registrations and renewal
1064 registrations of motor vehicles in individual fleets registered
1065 under Section 27-19-66 shall be prorated according to regulations



1066 established by the Department of Revenue so as to cause the
1067 registration of such fleet motor vehicles to coincide with the
1068 anniversary month for individual fleets established by the county
1069 tax collector. Where a vehicle is registered for a period less
1070 than twelve (12) months, the anniversary month shall be the month
1071 of the expiration of the original license tag.

1072 The Department of Revenue, with the approval of the License
1073 Tag Commission, shall so specify the area or areas on the license
1074 tag where the license decals shall be attached. The number of the
1075 license tag shall be written across its face, and the number of
1076 the tag shall represent the registration number; and upon all the
1077 tags for private passenger vehicles the word "MISSISSIPPI" shall
1078 be written across the top of the tag in capital letters
1079 sufficiently large to be easily read, but upon all other tags such
1080 word may be abbreviated. The number of the license tag shall not
1081 exceed seven (7) letters, numbers or a combination of such letters
1082 and numbers. Also, on all tags sold and issued, an appropriate
1083 place will be provided thereon to place license decals indicating
1084 the expiration date of the tag. For the purposes of this section
1085 and Section 27-19-32, Mississippi Code of 1972, the term "decal,"
1086 "decals" or "license decal" shall mean a tab, sticker or other
1087 similar device attached to a license tag which validates same for
1088 a stated period of time. One (1) license tag and up to two (2)
1089 license decals shall be furnished for all vehicles and shall be
1090 fastened immovably twelve (12) inches or more above the ground, at



1091 the rear of the vehicle under or over the rear light, with the
1092 number in upright position so that it will be plainly visible and
1093 legible at all times, and at night at a distance of sixty (60)
1094 feet. In the case of tractors or other motor vehicles drawing or
1095 pulling trailers, semitrailers or farm implements, the tag shall
1096 be fastened upon such vehicle twelve (12) inches or more above the
1097 ground, upon the front or back of such vehicle, with the number in
1098 an upright position. Such license plate, all characters and any
1099 legally affixed decals shall not be defaced, covered or obstructed
1100 from view by any object, decal, sticker, paint, marking or license
1101 plate bracket or holder. Any person who defaces, covers or
1102 obstructs any portion of a license tag with any sticker,
1103 decoration, paint, marking, license plate bracket or holder or any
1104 other thing or device, in such a manner that the characters and
1105 any legally affixed decals on the tag cannot be read, shall be
1106 guilty of a misdemeanor and, upon conviction, shall be punished by
1107 a fine of not more than Twenty-five Dollars (\$25.00). However, it
1108 shall not be unlawful for the county name to be partially or
1109 completely obstructed from view by any object, decal, sticker or
1110 license plate bracket or holder. Unless the license tag with
1111 current decals is fastened to the vehicle as herein provided, the
1112 said vehicle shall be regarded as operating without a license tag,
1113 and the owner or operator shall be liable for the penalties herein
1114 provided.



1115 In addition to the above requirements, license tags for
1116 private passenger vehicles shall have a county designation thereon
1117 referencing the name of the county in which such vehicle is
1118 registered.

1119 Law enforcement officers of this state shall remove from a
1120 motor vehicle or trailer any license tag and/or decals which are
1121 so defaced that proper identification cannot be reasonably made.
1122 The officer shall issue to the driver of such vehicle a tag permit
1123 which shall be valid for a period of five (5) days. Each person
1124 receiving such tag permit shall purchase, within five (5) days
1125 from the date of the issuance of the permit, a new tag and/or
1126 decals for the fee set forth in Section 27-19-37, Mississippi Code
1127 of 1972, for a substitute tag.

1128 Any person who has a license tag or decals on a vehicle which
1129 may be so defaced that proper identification cannot be reasonably
1130 made may remove such and purchase another license tag and/or
1131 decals for the same fee required for a substitute tag. If any
1132 license tag shall deteriorate due to age so that identification
1133 cannot be reasonably made, the owner may surrender such tag to the
1134 issuing authority and be issued a new tag and like decals at no
1135 cost.

1136 (3) The Department of Revenue is authorized to promulgate
1137 appropriate rules and regulations to govern the use and display of
1138 license decals and to publish a summary thereof which shall be
1139 available to state officials and the public upon request.



1140 **SECTION 13.** Section 27-51-5, Mississippi Code of 1972, is
1141 amended as follows:

1142 27-51-5. The subject words and terms of this section, for
1143 the purpose of this chapter, shall have meanings as follows:

1144 (a) "Motor vehicle" means any device and attachments
1145 supported by one or more wheels which is propelled or drawn by any
1146 power other than muscular power, including utility-type vehicles
1147 and side-by-sides, over the highways, streets or alleys of this
1148 state. The term "motor vehicle" shall not include electric
1149 bicycles, personal delivery devices or electric personal assistive
1150 mobility devices as defined in Section 63-3-103, or golf carts or
1151 low-speed vehicles as defined in Section 63-32-1. However, mobile
1152 homes which are detached from any self-propelled vehicles and
1153 parked on land in the state are hereby expressly exempt from the
1154 motor vehicle ad valorem taxes, but house trailers which are
1155 actually in transit and which are not parked for more than an
1156 overnight stop are not exempted.

1157 (b) "Public highway" means and includes every way or
1158 place of whatever nature, including public roads, streets and
1159 alleys of this state generally open to the use of the public or to
1160 be opened or reopened to the use of the public for the purpose of
1161 vehicular travel, notwithstanding that the same may be temporarily
1162 closed for the purpose of construction, reconstruction,
1163 maintenance, or repair.



1164 (c) "Administrator of the road and bridge privilege tax
1165 law" means the official authorized by law to administer the road
1166 and bridge privilege tax law of this state.

1167 (d) "Utility-type vehicle," "UTV" or side-by-side means
1168 any motorized off-highway vehicle which is intended to transport
1169 individuals, cargo or both with a top speed over thirty-five (35)
1170 miles per hour and meets the following manufacturer design
1171 specifications:

1172 (i) Is seventy-five (75) inches in width or less;

1173 (ii) Is not more than one hundred eighty (180)
1174 inches, including the bumper, in length;

1175 (iii) Has a dry weight of three thousand five
1176 hundred (3,500) pounds or less;

1177 (iv) Travels on four (4) or more nonhighway tires;
1178 and

1179 (v) Is equipped with side-by-side seating for the
1180 use of the operator and a passenger, or additional seating for
1181 multiple passengers.

1182 **SECTION 14.** Section 27-51-41, Mississippi Code of 1972, is
1183 amended as follows:

1184 27-51-41. (1) The exemptions from the provisions of this
1185 chapter shall be confined to those persons or property exempted by
1186 this chapter or by the provisions of the Constitution of the
1187 United States or the State of Mississippi. No exemption as now
1188 provided by any other statute shall be valid as against the tax



1189 levied by this chapter. Any subsequent exemption from the tax
1190 levied hereunder shall be provided by amendment to this section
1191 which shall be inserted in the bill at length.

1192 (2) The following shall be exempt from ad valorem taxation:

1193 (a) All motor vehicles, as defined in this chapter, and
1194 including motor-propelled farm implements and vehicles, while in
1195 the hands of bona fide dealers as merchandise and which are not
1196 being operated upon the highways of this state.

1197 (b) All motor vehicles belonging to the federal
1198 government or the State of Mississippi or any agencies or
1199 instrumentalities thereof.

1200 (c) All motor vehicles owned by any school district in
1201 the state.

1202 (d) All motor vehicles owned by any fire protection
1203 district incorporated in accordance with Sections 19-5-151 through
1204 19-5-207 or by any fire protection grading district incorporated
1205 in accordance with Sections 19-5-215 through 19-5-241.

1206 (e) All motor vehicles owned by units of the
1207 Mississippi National Guard.

1208 (f) All motor vehicles which are exempted from highway
1209 privilege taxes under Section 27-19-1 et seq.

1210 (g) All motor vehicles operated in this state as common
1211 and contract carriers of property, private commercial carriers of
1212 property, private carriers of property and buses, all of which
1213 have a gross weight in excess of ten thousand (10,000) pounds.



1214 (h) Antique automobiles as defined in Section 27-19-47,
1215 and antique pickup trucks as provided for under Section
1216 27-19-47.2, Mississippi Code of 1972.

1217 (i) Street rods as defined in Section 27-19-56.6.

1218 (j) (i) Two (2) motor vehicles owned by a disabled
1219 American veteran, or by the spouse of a deceased disabled American
1220 veteran, who is entitled to purchase a distinctive license plate
1221 or tag in accordance with Section 27-19-53, regardless of the
1222 license plate or tag issued to the disabled American veteran or
1223 the veteran's spouse if the disabled American veteran is deceased.

1224 (ii) One (1) motorcycle owned by a disabled
1225 American veteran, or by the spouse of a deceased disabled American
1226 veteran, who is entitled to purchase a distinctive license plate
1227 or tag in accordance with Section 27-19-53, regardless of the
1228 license plate or tag issued to the disabled American veteran or
1229 the veteran's spouse if the disabled American veteran is deceased.

1230 (k) One (1) motor vehicle owned by the unremarried
1231 surviving spouse of a member of the Armed Forces of the United
1232 States who, while on active duty, is killed or dies and one (1)
1233 motor vehicle owned by the unremarried surviving spouse of a
1234 member of a reserve component of the Armed Forces of the United
1235 States or of the National Guard who, while on active duty for
1236 training, is killed or dies.

1237 (l) Motor vehicles owned by recipients of the
1238 Congressional Medal of Honor or by former prisoners of war, or by



1239 spouses of such deceased persons, in accordance with Section
1240 27-19-54.

1241 (m) (i) One (1) private carrier of passengers, as
1242 defined in Section 27-19-3, owned by any religious society,
1243 ecclesiastical body or any congregation thereof which is used
1244 exclusively for such society and not for profit.

1245 (ii) All motor vehicles owned by any such
1246 religious society or any educational institution having a seating
1247 capacity greater than seven (7) passengers and used exclusively
1248 for transporting passengers for religious or educational purposes
1249 and not for profit.

1250 (n) All motor vehicles primarily used as rentals under
1251 rental agreements with a term of not more than thirty (30)
1252 continuous days each and under the control of persons who are
1253 engaged in the business of renting such motor vehicles and who are
1254 subject to the tax under Section 27-65-231.

1255 (o) Antique motorcycles as defined in Section
1256 27-19-47.1.

1257 (p) One (1) motor vehicle owned by a recipient of the
1258 Purple Heart, and one (1) motor vehicle owned by the unremarried
1259 surviving spouse of a recipient of the Purple Heart, as provided
1260 in Section 27-19-56.5.

1261 (q) Motor vehicles that are eligible to display an
1262 authentic historical license plate as provided for in Section
1263 27-19-56.11.



1264 (r) Motor vehicles that are (i) designed or adapted to
1265 be used exclusively in the preparation and loading of chemicals or
1266 other material for aerial agricultural application to crops; and
1267 (ii) only incidentally used on public roadways in this state.

1268 (s) One (1) motor vehicle owned by the mother of a
1269 service member who died while serving on active duty in the Armed
1270 Forces of the United States while the United States was engaged in
1271 hostile activities or a time of war after September 11, 2001, as
1272 provided for in Section 27-19-56.162 or Section 27-19-56.524(5).

1273 (t) One (1) motor vehicle owned by the unremarried
1274 spouse of a service member who died while serving on active duty
1275 in the Armed Forces of the United States while the United States
1276 was engaged in hostile activities or a time of war after September
1277 11, 2001, as provided for in Section 27-19-56.162 or Section
1278 27-19-56.524(5).

1279 (u) Buses and other motor vehicles that are (a) owned
1280 and operated by an entity that has entered into a contract with a
1281 school board under Section 37-41-31 for the purpose of
1282 transporting students to and from schools and (b) used by the
1283 entity for such transportation purposes. This paragraph (u) shall
1284 apply to contracts entered into or renewed on or after July 1,
1285 2010.

1286 (v) One (1) motor vehicle owned by a recipient of the
1287 Silver Star, and one (1) motor vehicle owned by the unremarried



1288 surviving spouse of a recipient of the Silver Star, as provided in
1289 Section 27-19-56.284.

1290 (w) One (1) motor vehicle owned by a person who is a
1291 law enforcement officer and who (i) was wounded or otherwise
1292 received intentional or accidental bodily injury, regardless of
1293 whether occurring before or after July 1, 2014, while engaged in
1294 the performance of his official duties, provided the wound or
1295 injury was not self-inflicted, (ii) was required to receive
1296 medical treatment for the wound or injury due to the nature and
1297 extent of the wound or injury, and (iii) is eligible to receive a
1298 special license plate or tag under Section 27-19-56 as a result of
1299 such wound or injury, regardless of whether the person obtains
1300 such a plate or tag. Application for the exemption provided in
1301 this paragraph (w) may be made at the time of initial registration
1302 of a vehicle and renewal of registration. In addition, an
1303 applicant for the exemption must provide official written
1304 documentation that (i) the applicant is a law enforcement officer
1305 who was wounded or otherwise received intentional or accidental
1306 bodily injury while engaged in the performance of his official
1307 duties and that the wound or injury was not self-inflicted along
1308 with official written documentation verifying receipt of medical
1309 treatment for the wound or injury and the nature and extent of the
1310 wound or injury, and (ii) the applicant is eligible to receive a
1311 special license plate or tag under Section 27-19-56 as a result of



1312 such wound or injury, regardless of whether the person obtains
1313 such a plate or tag.

1314 (x) One (1) motor vehicle owned by an honorably
1315 discharged veteran of the Armed Forces of the United States who
1316 served during World War II, and one (1) motor vehicle owned by the
1317 unremarried surviving spouse of such veteran, as provided in
1318 Section 27-19-56.438.

1319 (y) All utility-type vehicles (UTVs) and side-by-sides
1320 registered with the Department of Revenue for operation on the
1321 public county and municipal roads of this state as provided in
1322 Sections 1 through 4 of this act.

1323 (3) Any claim for tax exemption by authority of the
1324 above-mentioned code sections or by any other legal authority
1325 shall be set out in the application for the road and bridge
1326 privilege license, and the specific legal authority for such tax
1327 exemption claim shall be cited in said application, and such
1328 authority cited shall be shown by the tax collector on the tax
1329 receipt as his authority for not collecting such ad valorem taxes,
1330 and the tax collector shall carry forward such information in his
1331 tax collection reports.

1332 (4) Any motor vehicle driven over the highways of this state
1333 to the extent that the owner of such motor vehicle is required to
1334 purchase a road and bridge privilege license in this state, yet
1335 the legal situs of such motor vehicle is located in another state,
1336 shall be exempt from ad valorem taxes authorized by this chapter.



1337 (5) If a taxpayer shall sell, trade or otherwise dispose of
1338 a vehicle on which the ad valorem and road and bridge privilege
1339 taxes have been paid in any county in the state, he shall remove
1340 the license plate from the vehicle. Such license plate must be
1341 surrendered to the issuing authority with the corresponding tax
1342 receipt, if required, and credit shall be allowed for the taxes
1343 paid for the remaining tax year on like privilege or ad valorem
1344 taxes due on another vehicle owned by the seller or transferor or
1345 by the seller's or transferor's spouse or dependent child. If the
1346 seller or transferor does not elect to receive such credit at the
1347 time the license plate is surrendered, the issuing authority shall
1348 issue a certificate of credit to the seller or transferor, or to
1349 the seller's or transferor's spouse or dependent child, or to any
1350 other person, business or corporation, at the direction of the
1351 seller or transferor, for the remaining unexpired taxes prorated
1352 from the first day of the month following the month in which the
1353 license plate is surrendered. The total of such credit may be
1354 used by the person or entity to whom the certificate of credit is
1355 issued, regardless of the relative amounts attributed to privilege
1356 taxes or to county, school or municipal ad valorem taxes. Any
1357 credit allowed for taxes due or any certificate of credit issued
1358 may be applied to like taxes owed in any county by the person to
1359 whom the credit is allowed or by the person possessing the
1360 certificate of credit. No credit, however, shall be allowed on
1361 the charge made for the license plate. Such license plates



1362 surrendered to the tax collector shall be retained by him, and in
1363 no event shall such license plate be attached to any vehicle after
1364 being surrendered to the tax collector, nor shall any license
1365 plate be transferred from one (1) vehicle to any other vehicle.

1366 (6) If the person owning a vehicle subject to taxation under
1367 the provisions of this chapter does not operate such vehicle on
1368 the highways of this state from the date of acquisition or, if
1369 previously registered, from the end of the anniversary month of
1370 the tag and decals to the date on which he makes application for a
1371 current license tag or decals, he shall pay such ad valorem tax
1372 for a period of twelve (12) months beginning with the first day of
1373 the month in which he applies for a current license tag or decals
1374 under Chapter 19, Title 27, Mississippi Code of 1972. The owner
1375 shall submit an affidavit with an application attesting to the
1376 fact that the vehicle was not operated on the highways of this
1377 state from the date of acquisition or, if previously registered,
1378 from the end of the anniversary month of the tag and decals to the
1379 date on which he makes application for the current license tag or
1380 decals.

1381 (7) Any person found violating any of the provisions of this
1382 section shall be arrested and tried, and if found guilty shall be
1383 fined in an amount double the total amount of taxes involved.

1384 **SECTION 15.** This act shall take effect and be in force from
1385 and after July 1, 2023.

