

CITY OF DIAMONDHEAD

RESOLUTION OF THE CITY OF DIAMONDHEAD SUPPORTING
HOUSE BILL NO. 1445, AN ACT TO ALLOW THE OPERATION OF
LOW-SPEED VEHICLES AND GOLF CARTS ON CERTAIN ROADS
AND STREETS IN THE CITY OF DIAMONDHEAD, MISSISSIPPI

WHEREAS, the City of Diamondhead, Mississippi, was recently incorporated, and

WHEREAS, most of the roads and streets located within the City of Diamondhead are private roads and streets currently owned by the Diamondhead Country Club & Property Owners' Association, Inc., a nonprofit corporation, and

WHEREAS, the City of Diamondhead contemplates acquiring all of the private roads and streets within its city limits from the Diamondhead Country Club & Property Owners' Association, Inc., and

WHEREAS, golf carts and low-speed vehicles currently operate on the private residential roads and streets within the City of Diamondhead, and

WHEREAS, it is in the best interest of the citizens and residents of the City of Diamondhead, Mississippi, that golf carts and low-speed vehicles continue to be allowed to operate, as they have in the past, on certain roads and streets within the City of Diamondhead, Mississippi, after the streets are acquired by the City from the Diamondhead Country Club & Property Owners' Association, Inc.

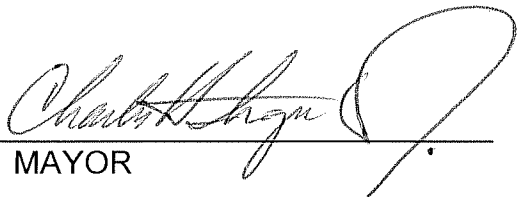
NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Diamondhead, Mississippi, that the Legislature of the State of Mississippi be, and is hereby, requested to enact local and private legislation in the form as it currently consists in House Bill No. 1445, so as to allow the continued use of golf carts and low-speed vehicles on certain designated roads and streets within the City of Diamondhead, Mississippi. A copy of House Bill No. 1445 is attached to this resolution as Exhibit "A".

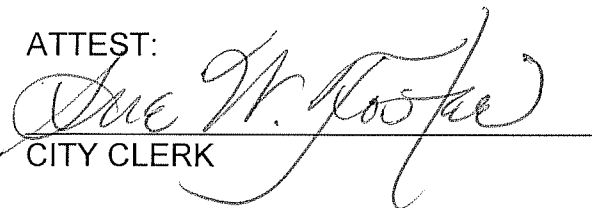
Following the reading of the foregoing resolution, Councilman Holcomb made the motion and Councilman Knobloch seconded the motion for its adoption.

Thereupon, the matter was put to a vote with the results as follows:

	AYE	NAY
MAYOR INGRAHAM	<u>✓</u>	_____
COUNCILMAN ACKERMAN	<u>✓</u>	_____
COUNCILMAN HOLCOMB	<u>✓</u>	_____
COUNCILMAN KNOBLOCH	<u>✓</u>	_____
COUNCILMAN RECH	<u>✓</u>	_____
COUNCILMAN ROBERSON	<u>✓</u>	_____

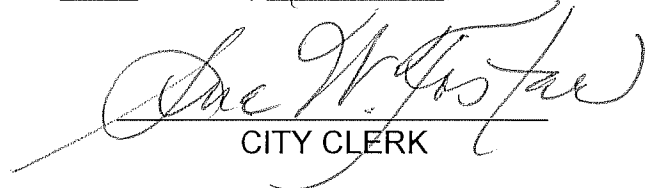
The above and foregoing, having received the majority vote of the City Council of the City of Diamondhead, Mississippi, the Mayor declared the same carried and adopted, this the 5th day of March, 2012.

Approved: 
MAYOR

ATTEST:

CITY CLERK

SEAL

THIS IS TO CERTIFY THAT THE FOREGOING RESOLUTION WAS ADOPTED BY THE CITY OF DIAMONDHEAD, MISSISSIPPI ON THE 5th DAY OF March, 2012.


CITY CLERK

SIGNED _____

HOUSE BILL NO. 1445

1 AN ACT TO ALLOW THE OPERATION OF LOW-SPEED VEHICLES AND GOLF
2 CARTS ON CERTAIN PUBLIC ROADS AND STREETS WITHIN THE CITY OF
3 DIAMONDHEAD; TO REQUIRE PERSONS OPERATING A LOW-SPEED VEHICLE OR
4 GOLF CART TO HAVE A VALID DRIVER'S LICENSE OR TEMPORARY DRIVER'S
5 PERMIT; TO AMEND SECTIONS 63-1-7, 63-3-103, 27-19-3, 27-19-48,
6 27-19-56 AND 27-51-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH
7 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) Low-speed vehicles, as defined in Section
10 63-3-103, and golf carts, as also defined in that section, may be
11 operated only on public roads and streets that are within the
12 contiguous Diamondhead Country Club and Property Owners
13 Association, Inc., area, including Kapalama Cove.

14 (2) Any person operating a low-speed vehicle or golf cart on
15 the public roads and streets under this section must have in his
16 or her possession a valid driver's license or temporary driver's
17 permit and proof of financial responsibility as required under
18 Section 63-15-1 et seq.

19 (3) Low-speed vehicles and golf carts may only be operated
20 on Golf Club Drive or Kapalama Drive if the operator is traveling
21 the shortest possible travel distance between his residence and
22 the nearest other public road or street authorized for use by
23 low-speed vehicles and/or golf carts, cart path or golf course
24 cart path.

25 (4) Low-speed vehicles and golf carts may not be operated in
26 the nonresidential area of the City of Diamondhead, and they may
27 not cross Interstate Highway 10 at the Exit 16 overpass or

29 (5) Notwithstanding any other provision of law to the
30 contrary, when operated by a person participating in a parade
31 permitted by the City of Diamondhead, low-speed vehicles and golf
32 carts may be operated on the permitted route of the parade while
33 participating in the parade and are not restricted to the
34 contiguous Diamondhead Country Club and Property Owners
35 Association, Inc., area.

36 **SECTION 2.** Every low-speed vehicle and golf cart to be
37 operated on a public road or street shall be required to register
38 the vehicle with the City of Diamondhead. Upon payment of a
39 reasonable fee to cover the costs of administration, map and
40 sticker may be charged by the city, presentation of proof of
41 financial responsibility and presentation of a valid driver's
42 license or temporary driving permit, the owner of the low-speed
43 vehicle or golf cart shall be issued a registration decal by the
44 county or municipal tax collector that must be displayed on the
45 left rear fender of the vehicle. The registration shall remain
46 valid for as long as the registering owner owns the low-speed
47 vehicle or golf cart. The city shall provide the registrant with
48 a map of the contiguous Diamondhead Country Club and Property
49 Owners Association, Inc., area where low-speed vehicles and golf
50 carts may be operated at the time of registration. The operator
51 shall be required to have proof of financial responsibility and a
52 valid driver's license in their possession at all times while
53 operating the low-speed vehicle or golf cart on public roads and
54 streets of the state.

55 (2) The registration fee imposed under subsection (1) of
56 this section shall be retained by the tax collector and deposited
57 into the county or municipal general fund, as the case may be.

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

62 (a) Any person while operating a motor vehicle for
63 military purposes, if the person is a member of the United States
64 Armed Forces or Reserves on active duty, a member of the National
65 Guard on active duty or full-time National Guard duty, a National
66 Guard military technician, or participating in part-time National
67 Guard training.

68 (b) Any nonresident person who has in his immediate
69 possession a valid license to drive a motor vehicle on the
70 highways of his home state or country, issued to him by the proper
71 authorities of his home state or country, or of any nonresident
72 person whose home state or country does not require the licensing
73 of a person to operate a motor vehicle on the highways but does
74 require him to be duly registered. That person being eighteen
75 (18) years of age or older may operate a motor vehicle in the
76 state for a period of sixty (60) days without securing a license.
77 However, any nonresident person operating a motor vehicle in this
78 state shall be subject to all the provisions of this article,
79 except as specified above.

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

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

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

87 (f) Any person while operating a low-speed vehicle or
88 golf cart, as those terms are defined in Section 63-3-103, on any
89 private road or golf course.

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

92 63-3-103. (a) "Vehicle" means every device in, upon or by

94 upon a highway, except devices used exclusively upon stationary
95 rails or tracks.

96 (b) "Motor vehicle" means every vehicle that is
97 self-propelled and every vehicle that is propelled by electric
98 power obtained from overhead trolley wires, but not operated upon
99 rails. The term "motor vehicle" shall not include electric
100 personal assistive mobility devices. The term "motor vehicle"
101 shall include any low-speed vehicle, as defined by subsection (i)
102 of this section, or golf cart, as defined by subsection (j) of
103 this section, that is self-propelled or any low-speed vehicle or
104 golf cart that is propelled by electric power obtained from
105 overhead trolley wires, but not operated upon rails.

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

110 (d) "Authorized emergency vehicle" means every vehicle of
111 the fire department (fire patrol), every police vehicle, every 911
112 Emergency Communications District vehicle, every such ambulance
113 and special use EMS vehicle as defined in Section 41-59-3, and
114 every emergency vehicle of municipal departments or public service
115 corporations as is designated or authorized by the commission or
116 the chief of police of an incorporated city.

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

122 (f) "Recreational vehicle" means a vehicular type unit
123 primarily designed as temporary living quarters for recreational,
124 camping or travel use, which either has its own motive power or is

126 trailers, fifth wheel trailers, camping trailers, truck campers
127 and motor homes.

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

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

136 (i) "Low-speed vehicle" means any four-wheeled electric or
137 gasoline powered vehicle that has a top speed greater than twenty
138 (20) miles per hour but less than twenty-five (25) miles per hour
139 and is equipped with the safety equipment required under 49 CFR
140 Section 571.500.

141 (j) "Golf cart" means a motor vehicle that is designed and
142 manufactured for operation on a golf course for sporting or
143 recreational purposes and that is not capable of exceeding speeds
144 of twenty (20) miles per hour and is equipped with the safety
145 equipment required under 49 CFR Section 571.500.

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

148 27-19-3. (a) The following words and phrases when used in
149 this article for the purpose of this article have the meanings
150 respectively ascribed to them in this section, except in those
151 instances where the context clearly describes and indicates a
152 different meaning:

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

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

160 (3) "Motor vehicle" means every vehicle as defined in
161 this section that is self-propelled, including trackless street or
162 trolley cars. The term "motor vehicle" shall not include electric
163 personal assistive mobility devices as defined in Section
164 63-3-103. "Motor vehicle" shall not include any low-speed vehicle
165 or golf cart, as those terms are defined under Section 63-3-103.

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

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

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

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

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

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

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

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

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

196 (14) "Owner" means a person who holds the legal title
197 of a vehicle or in the event a vehicle is the subject of an
198 agreement for the conditional sale, lease or transfer of the
199 possession, the person with the right of purchase upon performance
200 of conditions stated in the agreement, and with an immediate right
201 of possession vested in the conditional vendee, lessee, possessor
202 or in the event such or similar transaction is had by means of a
203 mortgage, and the mortgagor of a vehicle is entitled to
204 possession, then the conditional vendee, lessee, possessor or
205 mortgagor shall be deemed the owner for the purposes of this
206 article.

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

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

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

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

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

244 (20) "Contract carrier by motor vehicle" means any
245 person who or which under the special and individual contract or
246 agreements, and whether directly or by a lease or any other
247 arrangement, transports passengers or property in interstate or
248 intrastate commerce on the public highways of this state by motor
249 vehicle for compensation. The term "contract carrier by motor
250 vehicle" shall not include passenger buses operating wholly within
251 the corporate limits of a municipality in this state or not
252 exceeding five (5) miles beyond the corporate limits of the
253 municipality, and hearses, ambulances, and school buses as such.

255 (21) "Private commercial and noncommercial carrier of
256 property by motor vehicle" means any person not included in the
257 terms "common carrier by motor vehicle" or "contract carrier by
258 motor vehicle," who or which transports in interstate or
259 intrastate commerce on the public highways of this state by motor
260 vehicle, property of which such person is the owner, lessee, or
261 bailee, other than for hire. The term "private commercial and
262 noncommercial carrier of private property by motor vehicle" shall
263 not include passenger buses operated wholly within the corporate
264 limits of a municipality of this state, or not exceeding five (5)
265 miles beyond the corporate limits of the municipality, and
266 hearses, ambulances, and school buses as such. In addition, this
267 definition shall not include taxicabs.

268 Haulers of fertilizer shall be classified as private
269 commercial carriers of property by motor vehicle.

270 (22) "Private carrier of passengers" means all other
271 passenger motor vehicle carriers not included in the above
272 definitions. The term "private carrier of passengers" shall not
273 include passenger buses operating wholly within the corporate
274 limits of a municipality in this state, or not exceeding five (5)
275 miles beyond the corporate limits of the municipality, and
276 hearses, ambulances, and school buses as such. In addition, this
277 definition shall not include taxicabs.

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

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

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

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

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

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

296 (26) "Taxicab" means any passenger motor vehicle for
297 hire with a seating capacity not greater than ten (10) passengers.
298 For purposes of this paragraph (26), seating capacity shall be
299 determined according to the manufacturer's suggested seating
300 capacity for a vehicle. If there is no manufacturer's suggested
301 seating capacity for a vehicle, the seating capacity for the
302 vehicle shall be determined according to regulations established
303 by the Department of Revenue.

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

316 (28) "Empty weight" means the actual weight of a
317 vehicle including fixtures and equipment necessary for the

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

322 (30) "Ambulance and hearse" shall have the meaning
323 generally ascribed to them. A hearse or funeral coach shall be
324 classified as a light carrier of property, as defined in Section
325 27-51-101.

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

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

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

347 (34) "Corporate fleet" means a group of two hundred
348 (200) or more marked private carriers of passengers or light
349 carriers of property, as defined in Section 27-51-101, trailers,

352 for interstate travel, owned or leased on a long-term basis by a
353 corporation or other legal entity. In order to be considered
354 marked, the motor vehicle must have a name, trademark or logo
355 located either on the sides or the rear of the vehicle in sharp
356 contrast to the background, and of a size, shape and color that is
357 legible during daylight hours from a distance of fifty (50) feet.

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

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

365 (b) (1) No lease shall be recognized under the provisions
366 of this article unless it is in writing and * * * fully defines a
367 bona fide relationship of lessor and lessee, signed by both
368 parties, dated and is in the possession of the driver of the
369 leased vehicle at all times.

370 (2) Leased vehicles shall be considered as domiciled at
371 the place in the State of Mississippi from which they operate in
372 interstate or intrastate commerce, and for the purposes of this
373 article shall be considered as owned by the lessee, who shall
374 furnish all insurance on the vehicles and the driver of the
375 vehicles shall be considered as an agent of the lessee for all
376 purposes of this article.

377 **SECTION 6.** Section 27-19-48, Mississippi Code of 1972, is
378 amended as follows:

379 27-19-48. (1) Owners of motor vehicles and noncommercial
380 trailers who are residents of this state, upon complying with the
381 laws relating to registration and licensing of motor vehicles and
382 trailers, and upon payment of the road and bridge privilege taxes,

385 motor vehicles and trailers, and upon payment of an additional fee
386 in the amount provided in subsection (4)(a) of this section, shall
387 be issued a personalized license tag of the same color as regular
388 license tags to consist of the name of the county and not more
389 than seven (7) letters of the alphabet or seven (7) numbers in
390 lieu of the license tag numbering system prescribed by law. The
391 purchaser of the personalized license tag may choose the
392 combination of such letters or numbers, but no two (2) motor
393 vehicles or trailers shall have the same combination of letters or
394 numbers. In the event that the same combination of letters has
395 been chosen by two (2) or more purchasers, the Department of
396 Revenue shall assign a different number to each such purchaser
397 that shall appear on the license tag following the combination of
398 letters; however, this combination shall not exceed seven (7)
399 letters and/or numbers. The combination of letters and/or numbers
400 written across the license tag shall be sufficiently large to be
401 easily read but shall not be less than three (3) inches in height.
402 No combination of letters or numbers that comprise words or
403 expressions that are considered obscene, slandering, insulting or
404 vulgar in ordinary usage shall be permitted, with the Commissioner
405 of Revenue having the responsibility of making this determination.
406 If, however, the license plate is issued in error or otherwise and
407 is determined by the commissioner to be obscene, slanderous,
408 insulting, vulgar or offensive, the commissioner shall notify the
409 owner that the license plate must be surrendered and that another
410 personalized license plate may be selected by him and issued at no
411 cost. If the vehicle or trailer owner does not desire another
412 personalized license plate, the fee for the plate shall be
413 refunded. If the owner fails to surrender the license plate after
414 receiving proper notification, the commissioner shall issue an
415 order directing that the license plate be seized by agents of the

418 (2) For the purposes of this section the terms "motor
419 vehicle" and "vehicle" include motorcycles but excludes low-speed
420 vehicles and golf carts as both are defined under Section
421 63-3-103.

422 (3) Application for the personalized license tags shall be
423 made to the county tax collector on forms prescribed by the
424 Department of Revenue. The application form shall contain space
425 for the applicant to make five (5) different choices for the
426 combination of the letters and numbers in the order in which the
427 combination is desired by the applicant. The application and the
428 additional fee, less five percent (5%) thereof to be retained by
429 the tax collector, shall be remitted to the Department of Revenue
430 within seven (7) days of the date the application is made. The
431 portion of the additional fee retained by the tax collector shall
432 be deposited into the county general fund.

433 (4) (a) Beginning with any registration year commencing on
434 or after November 1, 1986, any person applying for a personalized
435 license tag shall pay an additional fee which shall be in addition
436 to all other taxes and fees. The additional fee paid shall be for
437 a period of time to run concurrently with the vehicle's or
438 trailer's established license tag year. The additional fee of
439 Thirty Dollars (\$30.00) is due and payable at the time the
440 original application is made for a personalized tag and thereafter
441 annually at the time of renewal registration as long as the owner
442 retains the personalized tag. If the owner does not wish to
443 retain the personalized tag, he must surrender it to the local
444 county tax collector. The additional fee due at the time of
445 renewal registration shall be collected by the county tax
446 collector and remitted to the Department of Revenue on a monthly
447 basis as prescribed by the department.

448 (b) The Department of Revenue shall deposit all taxes

451 fees collected under this section to the State Treasurer who shall
452 distribute to the credit of the State General Fund Sixteen Dollars
453 and Twenty-five Cents (\$16.25) of each additional fee and the
454 remainder of each such additional fee shall be deposited to the
455 credit of the State Highway Fund to be expended solely for the
456 repair, maintenance, construction or reconstruction of highways.

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

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

468 (7) In the case of loss or theft of a personalized license
469 tag, the owner may make application and affidavit for a
470 replacement license tag as provided by Section 27-19-37. The fee
471 for a replacement personalized license tag shall be Ten Dollars
472 (\$10.00). The tax collector receiving the application and
473 affidavit shall be entitled to retain and deposit into the county
474 general fund five percent (5%) of the fee for the replacement
475 license tag and the remainder shall be distributed in the same
476 manner as funds from the sale of regular license tags.

477 (8) The owner of a personalized license tag may make
478 application for a duplicate of such tag. The fee for the
479 duplicate personalized license tag shall be Ten Dollars (\$10.00).
480 The tax collector receiving the application shall be entitled to
481 retain and deposit into the county general fund five percent (5%)

484 the sale of regular license tags. A duplicate personalized
485 license tag may not be fastened to the rear of a vehicle or
486 trailer and may not be utilized as a replacement for any
487 personalized license tag issued under this section. Month decals
488 and year decals shall not be issued for duplicate personalized
489 license tags and month decals and year decals shall not be
490 attached to duplicate personalized license tags.

491 **SECTION 7.** Section 27-19-56, Mississippi Code of 1972, is
492 amended as follows:

493 27-19-56. (1) Upon application by any legal resident of the
494 State of Mississippi with a disability which limits or impairs the
495 ability to walk, or by the owner of a motor vehicle who has a
496 child, parent or spouse with a disability that limits or impairs
497 the ability to walk and the child, parent or spouse is living with
498 the applicant, the Department of Revenue shall prepare and issue
499 through the county tax collectors a special license plate bearing
500 the International Symbol of Access adopted by Rehabilitation
501 International in 1969 at its Eleventh World Congress on
502 Rehabilitation of the Disabled for not more than two (2) vehicles
503 that are registered in the applicant's name. The initial
504 application shall be accompanied by the certification of a
505 licensed physician that: (a) the applicant or the applicant's
506 child, parent or spouse meets the definition of persons with
507 disabilities that limit or impair the ability to walk; and (b)
508 that the physician has determined that the applicant or the
509 applicant's child, parent or spouse will have the disability for
510 at least five (5) years. The Department of Revenue shall prepare
511 and issue to the tax collectors of the various counties, decals
512 for placement on the special license plates. The decals shall
513 bear thereon the month in which the license plate was issued and
514 the year in which the special license plate will expire. The

517 is issued under Section 27-19-31(1). A person to whom the special
518 license plate is issued may retain the special license plate and
519 may renew it by submitting to the county tax collector, on or
520 before its expiration, the certification of a licensed physician
521 that the physician has determined (a) that the applicant or the
522 applicant's child, parent or spouse meets the definition of a
523 person with a disability that limits or impairs the ability to
524 walk; and (b) that the applicant or the applicant's child, parent
525 or spouse will have the disability for at least five (5) years.
526 If an applicant fails to renew the special license plate before
527 its date of expiration, then he shall surrender the special
528 license plate to the county tax collector and the tax collector
529 shall issue to that person a regular license plate to replace the
530 special license plate.

531 The terms "vehicle" and "motor vehicle," as used in this
532 section, include motorcycles and include low-speed vehicles and
533 golf carts as both are defined under Section 63-3-103.

534 The term "persons with disabilities that limit or impair the
535 ability to walk" when used in this section means those persons
536 who, as determined by a licensed physician:

537 (a) Cannot walk two hundred (200) feet without stopping
538 to rest; or

539 (b) Cannot walk without the use of, or assistance from,
540 a brace, cane, crutch, another person, prosthetic device,
541 wheelchair, or other assistive device; or

542 (c) Are restricted by lung disease to such an extent
543 that the person's forced (respiratory) expiratory volume for one
544 (1) second, when measured by spirometry, is less than one (1)
545 liter, or the arterial oxygen tension is less than sixty (60)
546 mm/hg on room air at rest; or

547 (d) Use portable oxygen; or

550 Class III or Class IV according to standards set by the American
551 Heart Association; or

552 (f) Are severely limited in their ability to walk due
553 to an arthritic, neurological or orthopedic condition.

554 An applicant for a special license plate bearing the
555 International Symbol of Access shall not be required to pay any
556 fee or charge for the issuance of the license plate separate from
557 or in addition to the road and bridge privilege taxes, ad valorem
558 taxes and registration fees otherwise required by law to be paid
559 for the issuance of a regular license plate for the vehicle.

560 (2) The Department of Revenue shall prepare removable
561 windshield placards and such placards shall be issued and
562 periodically renewed upon the applications of persons with
563 disabilities that limit or impair the ability to walk, or upon the
564 applications of owners of motor vehicles who have a child, parent
565 or spouse with a disability that limits or impairs the ability to
566 walk and the child, parent or spouse is living with the owner of
567 the motor vehicle. The placards shall be issued, free of charge,
568 to applicants through the offices of the tax collectors of the
569 counties. The initial application shall be accompanied by the
570 certification of a licensed physician that the applicant or the
571 applicant's child, parent or spouse meets the definition of
572 persons with disabilities that limit or impair the ability to
573 walk. These placards shall be valid for the period of time that
574 the license tag attached upon a motor vehicle is issued under
575 Section 27-19-31(1) and may be renewed in the same manner as
576 provided for the renewal of the special license plates under
577 subsection (1) of this section. The removable windshield placard
578 must be displayed on the left side of the vehicle dashboard or by
579 hanging it on the rearview mirror of the vehicle. The Department
580 of Revenue shall prescribe the placement for motorcycles.

583 of a person with a disability that limits or impairs the ability
584 to walk, or upon the application of the owner of a motor vehicle
585 who has a child, parent or spouse with a disability that limits or
586 impairs the ability to walk and the child, parent or spouse is
587 living with the owner of the motor vehicle. Temporary removable
588 windshield placards authorized by this subsection shall be
589 prepared by the Department of Revenue and shall be issued, free of
590 charge, to applicants through the offices of the tax collectors of
591 the counties. Application for a temporary removable windshield
592 placard must be accompanied by the certification of a licensed
593 physician that the applicant or the applicant's child, parent or
594 spouse meets the definition of persons with disabilities that
595 limit or impair the ability to walk. The certification shall also
596 include the period of time that the physician determines the
597 applicant or the applicant's child, parent or spouse will have the
598 disability, not to exceed six (6) months. The temporary removable
599 windshield placard must be displayed on the left side of the
600 vehicle dashboard or by hanging it on the rearview mirror of the
601 vehicle. The temporary removable windshield placard shall be
602 valid for a period of time for which the physician has determined
603 that the applicant will have the disability, not to exceed six (6)
604 months from the date of issuance. The Department of Revenue shall
605 prescribe the placement for motorcycles.

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

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

613 (b) An identification number and, on the reverse side,

616 (d) The seal of the State of Mississippi.

617 (5) (a) It shall be unlawful to park a motor vehicle in an
618 area set aside for persons who are disabled if the motor vehicle
619 does not:

620 (i) Have displayed the removable windshield
621 placard authorized in this section with the date of expiration
622 visible;

623 (ii) Have the special license plate issued under
624 this section properly displayed upon the motor vehicle; or

625 (iii) Have the disabled American veteran tag or
626 plate issued under Section 27-19-53 properly displayed upon the
627 motor vehicle.

628 Any person who unlawfully parks a motor vehicle in those
629 areas, or who blocks those spaces or access thereto, shall be
630 guilty of a misdemeanor and, upon conviction thereof, shall be
631 fined not more than Two Hundred Dollars (\$200.00) for each such
632 violation. For the third and subsequent offenses under this
633 section, the offender's driver's license shall be suspended for
634 ninety (90) days by the Commissioner of Public Safety in
635 accordance with Section 63-1-53 in addition to any fine imposed.
636 The court shall not suspend or reduce any fine required to be
637 imposed under this subsection.

638 (b) A person who is charged with a violation of this
639 section by parking a motor vehicle in an area set aside for
640 persons who are disabled and failing properly to display (i) a
641 removable windshield placard on the dash of the vehicle or by
642 hanging it on the rearview mirror of the vehicle, (ii) a special
643 license plate issued under this section upon the vehicle or (iii)
644 a disabled American veteran tag or plate issued under Section
645 27-19-53 upon the vehicle shall not be convicted and shall have
646 the charge dismissed upon presentation to the court of proof by

649 possessed a valid removable windshield placard issued under this
650 section.

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

657 (7) All law enforcement officers are authorized to enforce
658 this section on public and private property. Provision of spaces
659 restricted to handicapped parking and proper marking of those
660 spaces shall be considered as intent and permission to enforce the
661 designated parking on private property. Any owner of private
662 property may tow away a vehicle that is parked on the owner's
663 private property in violation of the disabled parking restrictions
664 set forth in this section at the vehicle owner's expense. In
665 addition, the vehicle owner may be subject to any fines or other
666 penalties provided in this section. Only areas marked in
667 accordance with the Americans with Disabilities Act Accessibility
668 Guidelines or equivalent standards shall be enforced. Spaces
669 shall bear the International Symbol of Access.

670 (8) Motor vehicles displaying a special license plate,
671 license plate decal, placard or parking certificate or permit
672 bearing the International Symbol of Access issued to a person with
673 a disability by any other state or district subject to the laws of
674 the United States shall be allowed the special parking privileges
675 under this section provided the license plate, decal, placard,
676 permit or certificate bears the International Symbol of Access and
677 is displayed in a prominent place on the vehicle.

678 (9) Parking in any area set aside for persons who are
679 disabled is limited to vehicles which, immediately before or after

682 identification required to park in such an area, except as
683 provided in subsection (8) of this section, is as follows:

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

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

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

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

702 **SECTION 8.** Section 27-51-5, Mississippi Code of 1972, is
703 amended as follows:

704 27-51-5. The subject words and terms of this section, for
705 the purpose of this chapter, shall have meanings as follows:

706 (a) "Motor vehicle" means any device and attachments
707 supported by one or more wheels that is propelled or drawn by any
708 power other than muscular power over the highways, streets or
709 alleys of this state. The term "motor vehicle" shall not include
710 electric personal assistive mobility devices as defined in Section
711 63-3-103, any low-speed vehicle as defined in Section 63-3-103, or
712 any golf cart as defined in Section 63-3-103. However, mobile

715 motor vehicle ad valorem taxes, but house trailers that are
716 actually in transit and that are not parked for more than an
717 overnight stop are not exempted.

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

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

728 **SECTION 9.** Nothing in this act shall affect or defeat any
729 claim, assessment, appeal, suit, right or cause of action for
730 taxes due or accrued under the highway privilege and ad valorem
731 tax laws before the date on which this act becomes effective,
732 whether those claims, assessments, appeals, suits or actions have
733 been begun before the date on which this act becomes effective or
734 are begun thereafter; and the provisions of the highway privilege
735 and ad valorem tax laws are expressly continued in full force,
736 effect and operation for the purpose of the assessment, collection
737 and enrollment of liens for any taxes due or accrued and the
738 execution of any warrant under those laws before the date on which
739 this act becomes effective, and for the imposition of any
740 penalties, forfeitures or claims for failure to comply with those
741 laws.

742 **SECTION 10.** This act shall take effect and be in force from
743 and after July 1, 2012.