

1 SB312
2 199320-3
3 By Senator Smitherman
4 RFD: Transportation and Energy
5 First Read: 18-APR-19

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8 SYNOPSIS: This bill would provide for the operation of
9 shared micromobility device systems and would
10 require the consent of a county or municipality, as
11 appropriate, prior to the use of the system in the
12 county or municipality.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to shared micromobility device systems; to
19 amend Section 32-1-1.1, as last amended by Act 2018-296, 2018
20 Regular Session, to further provide definitions; to add
21 Section 32-19-2 to the Code of Alabama 1975, to provide for
22 the operation of shared micromobility device systems; and to
23 amend Section 40-12-240, Code of Alabama 1975, to further
24 amend the definition of the term vehicle to exclude shared
25 micromobility devices.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 32-1-1.1, Code of Alabama 1975,
2 as last amended by Act 2018-296, 2018 Regular Session, is
3 amended to read as follows:

4 "§32-1-1.1.

5 "The following words and phrases when used in this
6 title ~~shall~~, for the purpose of this title, shall have
7 meanings respectively ascribed to them in this section, except
8 when the context otherwise requires:

9 "(1) ALLEY. A street or highway intended to provide
10 access to the rear or side of lots or buildings in urban
11 districts and not intended for the purpose of through
12 vehicular traffic.

13 "(2) ARTERIAL STREET. Any United States or state
14 numbered route, controlled-access highway, or other major
15 radial or circumferential street or highway designated by
16 local authorities within their respective jurisdictions as
17 part of a major arterial system of streets or highways.

18 "(3) AUTHORIZED EMERGENCY VEHICLE. Such fire
19 department vehicles, police vehicles and ambulances as are
20 publicly owned, and such other publicly or privately owned
21 vehicles as are designated by the Secretary of the Alabama
22 State Law Enforcement Agency or the chief of police of an
23 incorporated city.

24 "(4) BICYCLE. Every device propelled by human power
25 upon which any person may ride, having two tandem wheels
26 either of which is more than 14 inches in diameter.

1 "(5) BUS. Every motor vehicle designed for carrying
2 more than 10 passengers and used for the transportation of
3 persons; and every motor vehicle other than a taxicab,
4 designed and used for the transportation of persons for
5 compensation.

6 "(6) BUSINESS DISTRICT. The territory contiguous to
7 and including a highway when within any 600 feet along such
8 highway there are buildings in use for business or industrial
9 purposes, including, but not limited to, hotels, banks or
10 office buildings, railroad stations, and public buildings
11 which occupy at least 300 feet of frontage on one side or 300
12 feet collectively on both sides of the highway.

13 "(7) CANCELLATION OF DRIVER'S LICENSE. The annulment
14 or termination by formal action of the Secretary of the
15 Alabama State Law Enforcement Agency of a person's driver's
16 license because of some error or defect in the license or
17 because the licensee is no longer entitled to such license,
18 but the cancellation of a license is without prejudice and
19 application for a new license may be made at any time after
20 such cancellation.

21 "(8) CONTROLLED-ACCESS HIGHWAY. Every highway,
22 street, or roadway in respect to which owners or occupants of
23 abutting lands and other persons have no legal right of access
24 to or from the same except at such points only and in such
25 manner as may be determined by the public authority having
26 jurisdiction over such highway, street, or roadway.

27 "(9) CROSSWALK. Either of the following:

1 "a. That part of a roadway at an intersection
2 included within the connections of the lateral lines of the
3 sidewalks on opposite sides of the highway measured from the
4 curbs or, in the absence of curbs, from the edges of the
5 traversable roadway7.

6 "b. Any portion of a roadway at an intersection or
7 elsewhere distinctly indicated for pedestrian crossing by
8 lines or other markings on the surface.

9 "(10) DEALER. Every person engaged in the business
10 of buying, selling, or exchanging vehicles who has an
11 established place of business for such purpose in this state
12 and to whom current dealer registration plates have been
13 issued by the Department of Revenue.

14 "(11) DEPARTMENT. The Alabama State Law Enforcement
15 Agency acting directly or through its duly authorized officers
16 and agents.

17 "(12) DIRECTOR. The Secretary of the Alabama State
18 Law Enforcement Agency.

19 "(13) DRIVEAWAY-TOWAWAY OPERATION. Any operation in
20 which any motor vehicle, trailer, or semitrailer, singly or in
21 combination, new or used, constitutes the commodity being
22 transported, when one set or more of wheels of any such
23 vehicle are on the roadway during the course of
24 transportation, whether or not any such vehicle furnishes the
25 motive power.

26 "(14) DRIVER. Every person who drives or is in
27 actual physical control of a vehicle.

1 "(15) DRIVER'S LICENSE. Any license to operate a
2 motor vehicle issued under the laws of this state.

3 "~~(15.1)~~ (16) ELECTRIC PERSONAL ASSISTIVE MOBILITY
4 DEVICE. A self-balancing, two non-tandem wheeled device
5 designed to transport only one person with an electric
6 propulsion system with an average power of 750 watts (1 h.p.),
7 ~~whose~~ that has a maximum speed on a paved level surface, when
8 powered solely by such a propulsion system while ridden by an
9 operator who weighs not more than 170 pounds, ~~is~~ of less than
10 20 m.p.h. The term shall not include a motorized bicycle,
11 motorized scooter, or motorized skateboard.

12 "~~(16)~~ (17) ESSENTIAL PARTS. All integral and body
13 parts of a vehicle of a type required to be registered
14 hereunder, the removal, alteration, or substitution of which
15 would tend to conceal the identity of the vehicle or
16 substantially alter its appearance, model, type, or mode of
17 operation.

18 "~~(17)~~ (18) ESTABLISHED PLACE OF BUSINESS. The place
19 actually occupied either continuously or at regular periods by
20 a dealer or manufacturer where his or her books and records
21 are kept and a large share of his or her business is
22 transacted.

23 "~~(18)~~ (19) EXPLOSIVES. Any chemical compound or
24 mechanical mixture that is commonly used or intended for the
25 purpose of producing an explosion and which contains any
26 oxidizing and combustive units or other ingredients in such
27 proportions, quantities, or packing that an ignition by fire,

1 by friction, by concussion, by percussion, or by detonator of
2 any part of the compound or mixture may cause such a sudden
3 generation of highly heated gases that the resultant gaseous
4 pressures are capable of producing destructive effects on
5 contiguous objects or of destroying life or limb.

6 "~~(19)~~ (20) FARM TRACTOR. Every motor vehicle
7 designed and used primarily as a farm implement, for drawing
8 plows, mowing machines, and other implements of husbandry.

9 "~~(20)~~ (21) FLAMMABLE LIQUID. Any liquid which has a
10 flash point of 70 F. 7 or less, L as determined by a fagliabue or
11 equivalent closed-cup test device.

12 "~~(21)~~ (22) FOREIGN VEHICLE. Every vehicle of a type
13 required to be registered hereunder brought into this state
14 from another state, territory, or country other than in the
15 ordinary course of business by or through a manufacturer or
16 dealer and not registered in this state.

17 "~~(22)~~ (23) GROSS WEIGHT. The weight of a vehicle
18 without load plus the weight of any load thereon.

19 "~~(23)~~ (24) HIGHWAY. The entire width between the
20 boundary lines of every way publicly maintained when any part
21 thereof is open to the use of the public for purposes of
22 vehicular travel.

23 "~~(24)~~ (25) HOUSE TRAILER. Either of the following:

24 "a. A trailer or semitrailer ~~which~~ that is designed,
25 constructed, and equipped as a dwelling place, living abode,
26 or sleeping place, L ~~(either permanently or temporarily)~~, L and is
27 equipped for use as a conveyance on streets and highways; ~~or.~~ .

1 "b. A trailer or semitrailer ~~whose~~ that has a
2 chassis and exterior shell that is designed and constructed
3 for use as a house trailer, as defined in paragraph a., but
4 which is used instead permanently or temporarily for the
5 advertising, sales, display, or promotion of merchandise or
6 services, or for any other commercial purpose except the
7 transportation of property for hire or the transportation of
8 property for distribution by a private carrier.

9 "~~(25)~~ (26) IMPLEMENT OF HUSBANDRY. Every vehicle
10 designed and adapted exclusively for agricultural,
11 horticultural, or livestock raising operations or for lifting
12 or carrying an implement of husbandry and in either case not
13 subject to registration if used upon the highways.

14 "~~(26)~~ (27) INTERSECTION. Any of the following:

15 "a. The area embraced within the prolongation or
16 connection of the lateral curb lines, or, if none, then the
17 lateral boundary lines of the roadways of two highways which
18 join one another at, or approximately at, right angles, or the
19 area within which vehicles traveling upon different highways
20 joining at any other angle may come in conflict.

21 "b. Where a highway includes two roadways 30 feet or
22 more apart, then every crossing of each roadway of such
23 divided highway by an intersecting highway shall be regarded
24 as a separate intersection. In the event such intersecting
25 highway also includes two roadways 30 feet or more apart, then
26 every crossing of two roadways of such highways shall be
27 regarded as a separate intersection.

1 "c. The junction of an alley with a street or
2 highway shall not constitute an intersection.

3 "~~(27)~~ (28) LANED ROADWAY. A roadway which is divided
4 into two or more clearly marked lanes for vehicular traffic.

5 "~~(28)~~ (29) LICENSE or LICENSE TO OPERATE A MOTOR
6 VEHICLE. Any driver's license or any other license or permit
7 to operate a motor vehicle issued by the director under the
8 laws of this state, including any nonresident's operating
9 privilege as defined herein.

10 "~~(29)~~ (30) LOCAL AUTHORITIES. Either of the
11 following:

12 "a. Every county commission~~;~~ and.

13 "b. Every municipal and other local board or body
14 having authority to enact laws relating to traffic under the
15 constitution and laws of this state.

16 "~~(30)~~ (31) MAIL. To deposit in the United States
17 mail properly addressed and with postage prepaid.

18 "~~(31)~~ (32) METAL TIRE. Every tire the surface of
19 which in contact with the highway is wholly or partly of metal
20 or other hard, nonresilient material.

21 "(33) MICROMOBILITY DEVICE. A bicycle, tricycle,
22 scooter, hoverboard, skateboard, pedal car, or similar device,
23 whether powered or nonpowered. The term does not include
24 devices used as electric personal assistive mobility devices
25 by persons with disabilities.

26 "~~(32)~~ (34) MOTOR VEHICLE. Every vehicle which is
27 self-propelled and every vehicle which is propelled by

1 electric power obtained from overhead trolley wires, but not
2 operated upon rails, except for electric personal assistive
3 mobility devices and shared micromobility devices.

4 "~~(33)~~ (35) MOTORCYCLE. Every motor vehicle having a
5 seat or saddle for the use of the rider and designed to travel
6 on not more than three wheels in contact with the ground, but
7 excluding a tractor.

8 "~~(34)~~ (36) MOTOR-DRIVEN CYCLE. Every motorcycle,
9 including every motor scooter, with a motor ~~which~~ that
10 produces not ~~to exceed~~ more than five brake horsepower nor ~~to~~
11 ~~exceed~~ exceeds 150 cubic centimeter engine displacement, and
12 weighs less than 200 pounds fully equipped, and every bicycle
13 with a motor attached.

14 "~~(35)~~ (37) NONRESIDENT. Every person who is not a
15 resident of this state.

16 "~~(36)~~ (38) NONRESIDENT'S OPERATING PRIVILEGE. The
17 privilege conferred upon a nonresident by the laws of this
18 state pertaining to the operation by such person of a motor
19 vehicle, or the use of a vehicle owned by such person, in this
20 state.

21 "~~(37)~~ (39) OFFICIAL TRAFFIC-CONTROL DEVICES. All
22 signs, signals, markings, and devices not inconsistent with
23 this title placed or erected by authority of a public body or
24 official having jurisdiction, for the purpose of regulating,
25 warning, or guiding traffic.

26 "~~(38)~~ (40) OWNER. A person, other than a lienholder,
27 having the property in or title to a vehicle. The term

1 includes a person entitled to the use and possession of a
2 vehicle subject to a security interest in another person, but
3 excludes a lessee under a lease not intended as security.

4 "~~(39)~~ (41) PARK or PARKING. The standing of a
5 vehicle, whether occupied or not, ~~otherwise than~~. The term
6 does not include a vehicle that is stopped temporarily for the
7 purpose of and ~~while~~ actually engaged in loading or unloading
8 merchandise or passengers.

9 "~~(40)~~ (42) PASSENGER CAR. Every motor vehicle,
10 except motorcycles and motor-driven cycles, designed for
11 carrying 10 passengers or less and used for the transportation
12 of persons.

13 "~~(41)~~ (43) PEDESTRIAN. Any person afoot.

14 "~~(42)~~ (44) PERSON. Every natural person, firm,
15 copartnership, association, or corporation.

16 "~~(43)~~ (45) PNEUMATIC TIRE. Every tire in which
17 compressed air is designed to support the load.

18 "~~(44)~~ (46) POLE TRAILER. Every vehicle without
19 motive power designed to be drawn by another vehicle and
20 attached to the towing vehicle by means of a reach or pole, or
21 by being boomed or otherwise secured to the towing vehicle,
22 and ordinarily used for transporting long or irregularly
23 shaped loads such as poles, pipes, or structural members
24 capable, generally, of sustaining themselves as beams between
25 the supporting connections.

1 "~~(45)~~ (47) POLICE OFFICER. Every officer authorized
2 to direct or regulate traffic or to make arrests for
3 violations of traffic regulations.

4 "~~(46)~~ (48) PRIVATE ROAD or DRIVEWAY. Every way or
5 place in private ownership and used for vehicular travel by
6 the owner and those having express or implied permission from
7 the owner, but not by other persons.

8 "~~(47)~~ (49) RAILROAD. A carrier of persons or
9 property upon cars other than street cars, operated upon
10 stationary rails.

11 "~~(48)~~ (50) RAILROAD SIGN or SIGNAL. Any sign,
12 signal, or device erected by authority of a public body or
13 official or by a railroad and intended to give notice of the
14 presence of railroad tracks or the approach of a railroad
15 train.

16 "~~(49)~~ (51) RAILROAD TRAIN. A steam engine, electric
17 or other motor, with or without cars coupled thereto, operated
18 upon rails.

19 "~~(50)~~ (52) RECONSTRUCTED VEHICLE. Every vehicle of a
20 type required to be registered hereunder materially altered
21 from its original construction by the removal, addition, or
22 substitution of essential parts, new or used.

23 "~~(51)~~ (53) REGISTRATION. The registration
24 certificate or certificates and registration plates issued
25 under the laws of this state pertaining to the registration of
26 vehicles.

1 "~~(52)~~ (54) RESIDENCE DISTRICT. The territory
2 contiguous to and including a highway not comprising a
3 business district when the property on such highway for a
4 distance of 300 feet or more is in the main improved with
5 residences or residences and buildings in use for business.

6 "~~(53)~~ (55) REVOCATION OF DRIVER'S LICENSE. The
7 termination by formal action of the director of a person's
8 license or privilege to operate a motor vehicle on the public
9 highways, which termination shall not be subject to renewal or
10 restoration except that an application for a new license may
11 be presented and acted upon by the director after the
12 expiration of the applicable period of time prescribed in this
13 title.

14 "~~(54)~~ (56) RIGHT-OF-WAY. The right of one vehicle or
15 pedestrian to proceed in a lawful manner in preference to
16 another vehicle or pedestrian approaching under such
17 circumstances of direction, speed, and proximity as to give
18 rise to danger of collision unless one grants precedence to
19 the other.

20 "~~(55)~~ (57) ROAD TRACTOR. Every motor vehicle
21 designed and used for drawing other vehicles and not so
22 constructed as to carry any load thereon either independently
23 or any part of the weight of a vehicle or load so drawn.

24 "~~(56)~~ (58) ROADWAY. That portion of a highway
25 improved, designed, or ordinarily used for vehicular travel,
26 exclusive of the berm or shoulder. In the event a highway
27 includes two or more separate roadways the term "roadway" as

1 used herein shall refer to any such roadway separately but not
2 to all such roadways collectively.

3 "~~(57)~~ (59) SAFETY ZONE. The area or space officially
4 set apart within a roadway for the exclusive use of
5 pedestrians and which is protected or is so marked or
6 indicated by adequate signs as to be plainly visible at all
7 times while set apart as a safety zone.

8 "~~(58)~~ (60) SCHOOL BUS. Every motor vehicle that
9 complies with the color and identification requirements set
10 forth by statute or regulation and is used to transport
11 children to or from school or in connection with school
12 activities, but not including buses operated by common
13 carriers in urban transportation of school children.

14 "~~(59)~~ (61) SECURITY AGREEMENT. A written agreement
15 which reserves or creates a security interest.

16 "~~(60)~~ (62) SECURITY INTEREST. An interest in a
17 vehicle reserved or created by agreement and which secures
18 payment or performance of an obligation. The term includes the
19 interest of a lessor under a lease intended as security. A
20 security interest is perfected when it is valid against third
21 parties generally, subject only to specific statutory
22 exceptions.

23 "~~(61)~~ (63) SEMITRAILER. Every vehicle with or
24 without motive power, other than a pole trailer, designed for
25 carrying persons or property and for being drawn by a motor
26 vehicle and so constructed that some part of its weight and
27 that of its load rests upon or is carried by another vehicle.

1 "~~(64)~~ SHARED MICROMOBILITY DEVICE. A micromobility
2 device used in a shared micromobility device system.

3 "~~(65)~~ SHARED MICROMOBILITY DEVICE SYSTEM. A system
4 that provides micromobility devices to users for short-term
5 rentals, whether or not the system requires docking stations
6 or other similar fixed infrastructure to receive or return the
7 micromobility device.

8 "~~(62)~~ (66) SIDEWALK. That portion of a street
9 between the curb lines, or the lateral lines of a roadway, and
10 the adjacent property lines, intended for use by pedestrians.

11 "~~(63)~~ (67) SOLID TIRE. Every tire of rubber or other
12 resilient material which does not depend upon compressed air
13 for the support of the load.

14 "~~(64)~~ (68) SPECIAL MOBILE EQUIPMENT. Every vehicle
15 not designed or used primarily for the transportation of
16 persons or property and only incidentally operated or moved
17 over a highway, including, but not limited to: Ditch digging
18 apparatus, well boring apparatus, and road construction and
19 maintenance machinery such as asphalt spreaders, bituminous
20 mixers, bucket loaders, tractors other than truck tractors,
21 ditchers, levelling graders, finishing machines, motor
22 graders, road rollers, scarifiers, earth moving carry-alls and
23 scrapers, power shovels and drag lines, and self-propelled
24 cranes, and earth moving equipment. The term does not include
25 house trailers, dump trucks, truck mounted transit mixers,
26 cranes or shovels, or other vehicles designed for the

1 transportation of persons or property to which machinery has
2 been attached.

3 "~~(65)~~ (69) SPECIALLY CONSTRUCTED VEHICLE. Every
4 vehicle of a type required to be registered hereunder not
5 originally constructed under a distinctive name, make, model,
6 or type by a generally recognized manufacturer of vehicles and
7 not materially altered from its original construction.

8 "~~(66)~~ (70) STAND or STANDING. The halting of a
9 vehicle, whether occupied or not, ~~otherwise than~~. The term
10 does not include a vehicle that is halted temporarily for the
11 purpose of and while actually engaged in receiving or
12 discharging passengers.

13 "~~(67)~~ (71) STATE. A state, territory, or possession
14 of the United States, the District of Columbia, the
15 Commonwealth of Puerto Rico, or a province of Canada.

16 "~~(68)~~ (72) STOP. When required, means complete
17 cessation from movement.

18 "~~(69)~~ (73) STOP or STOPPING. When prohibited, means
19 any halting, even momentarily, of a vehicle, whether occupied
20 or not, except when necessary to avoid conflict with other
21 traffic or in compliance with the directions of a police
22 officer or traffic-control sign or signal.

23 "~~(70)~~ (74) STREET. The entire width between boundary
24 lines of every way publicly maintained when any part thereof
25 is open to the use of the public for purposes of vehicular
26 travel.

1 "~~(71)~~ (75) SUSPENSION OF DRIVER'S LICENSE. The
2 temporary withdrawal by formal action of the Secretary of the
3 Alabama State Law Enforcement Agency of a person's license or
4 privilege to operate a motor vehicle on the public highways,
5 which temporary withdrawal shall be for a period specifically
6 designated by the director.

7 "~~(72)~~ (76) THROUGH HIGHWAY. Every highway or portion
8 thereof on which vehicular traffic is given preferential
9 right-of-way, and at the entrances to which vehicular traffic
10 from intersecting highways is required by law to yield the
11 right-of-way to vehicles on such through highway in obedience
12 to a stop sign, yield sign, or other official traffic-control
13 device, when such signs or devices are erected as provided in
14 this title.

15 "~~(73)~~ (77) TRACKLESS TROLLEY COACH. Every motor
16 vehicle which is propelled by electric power obtained from
17 overhead trolley wires but not operated upon rails.

18 "~~(74)~~ (78) TRAFFIC. Pedestrians, ridden or herded
19 animals, vehicles, streetcars, and other conveyances either
20 singly or together while using any highway for purposes of
21 travel.

22 "~~(75)~~ (79) TRAFFIC-CONTROL SIGNAL. Any device,
23 whether manually, electrically, or mechanically operated, by
24 which traffic is alternately directed to stop and permitted to
25 proceed.

26 "~~(76)~~ (80) TRAILER. Every vehicle with or without
27 motive power, other than a pole trailer, designed for carrying

1 persons or property and for being drawn by a motor vehicle and
2 so constructed that no part of its weight rests upon the
3 towing vehicle.

4 "~~(77)~~ (81) TRANSPORTER. Every person engaged in the
5 business of delivering vehicles of a type required to be
6 registered hereunder from a manufacturing, assembling, or
7 distributing plant to dealers or sales agents of a
8 manufacturer.

9 "~~(78)~~ (82) TRUCK. Every motor vehicle designed,
10 used, or maintained primarily for the transportation of
11 property.

12 "~~(79)~~ (83) TRUCK PLATOON. A group of individual
13 commercial trucks traveling in a unified manner at
14 electronically coordinated speeds at following distances that
15 are closer than would be reasonable and prudent without the
16 electronic coordination.

17 "~~(80)~~ (84) TRUCK TRACTOR. Every motor vehicle
18 designed and used primarily for drawing other vehicles and not
19 so constructed as to carry a load other than a part of the
20 weight of the vehicle and load so drawn.

21 "~~(81)~~ (85) URBAN DISTRICT. The territory contiguous
22 to and including any street which is built up with structures
23 devoted to business, industry, or dwelling houses situated at
24 intervals of less than 100 feet for a distance of a quarter of
25 a mile or more.

26 "~~(82)~~ (86) VEHICLE. Every device in, upon, or by
27 which any person or property is or may be transported or drawn

1 upon a highway, excepting devices moved by human power or used
2 exclusively upon stationary rails or tracks or electric
3 personal assistive mobility devices; provided, that for the
4 purposes of this title, a bicycle or a ridden animal shall be
5 deemed a vehicle, except those provisions of this title, which
6 by their very nature can have no application."

7 Section 2. Section 32-19-2 is added to the Code of
8 Alabama 1975, to read as follows:

9 §32-19-2.

10 (a) A shared micromobility device system may not
11 operate or deploy shared micromobility devices on the public
12 highways or bikeways of the state without first obtaining
13 authorization or permission from the applicable county or
14 municipality in which the shared micromobility device system
15 will be operated.

16 (b) Except as provided in subsection (c), nothing in
17 this title shall be construed to limit the operation of shared
18 micromobility devices on the public highways and bikeways of
19 the state.

20 (c) A person who operates a shared micromobility
21 device shall obey all speed limits, shall yield the
22 right-of-way to pedestrians and human-powered devices at all
23 times, and shall give an audible signal before overtaking and
24 passing any pedestrian. A shared micromobility device may be
25 operated at night, provided the shared micromobility device is
26 equipped with a front light that emits white light and a rear
27 red reflector. A person may not park a shared micromobility

1 device on a sidewalk in a manner that impedes the normal or
2 reasonable movement of pedestrian or other traffic or in
3 violation of county or municipal parking regulations.

4 (d) A shared micromobility device is not required to
5 be equipped with a license plate or be registered with the
6 Department of Revenue.

7 (e) A shared micromobility device shall be labeled
8 with visible language identifying its use in a shared
9 micromobility device system.

10 Section 3. Section 40-12-240, Code of Alabama 1975,
11 is amended to read as follows:

12 "§40-12-240.

13 "For the purpose of this article, the following
14 terms shall have the respective meanings ascribed by this
15 section:

16 "(1) ESTABLISHED PLACE OF BUSINESS. A place actually
17 occupied either continuously or at regular periods at or from
18 which a business or a part thereof is transacted.

19 "(2) FARM TRACTOR. Every motor vehicle designed and
20 used primarily as a farm implement for drawing plows, mowing
21 machines, and other implements designed and used for
22 agricultural purposes and only incidentally moved upon public
23 highways.

24 "(3) FARMER. An individual, partnership, cooperative
25 corporation or other entity actively engaged in agriculture or
26 agricultural activities as the same are circumscribed and
27 defined in paragraphs a. and b. of Section 41-14-51(1).

1 "(4) FULL-TIME SALESPERSON. A person whose principal
2 income is derived from selling motor vehicles for a licensed
3 dealer and the income is reflected on the dealership payroll
4 for the withholding of income taxes on income derived from
5 motor vehicle sales.

6 "(5) GROSS VEHICLE WEIGHT. Whenever used in Section
7 40-12-248, or elsewhere in this section, the empty weight of
8 the truck or truck tractor, plus the heaviest load to be
9 carried and, in the case of combinations, the empty weight of
10 the heaviest trailer with which the power unit shall be placed
11 in combination, plus the heaviest load to be carried. The
12 intent being that all licenses which are levied on the basis
13 of the "gross vehicle weight" of the vehicle plus the heaviest
14 load to be carried, as "gross vehicle weight" is hereinabove
15 defined, shall be collected and enforced uniformly.

16 "(6) MINI-TRUCK. A four-wheeled reduced dimension
17 truck that is not less than 48 inches wide, with an unladen
18 weight, including fuels and fluids, of not less than 1,500
19 pounds, equipped with a fully enclosed metal cab, an installed
20 speed governor to prevent the truck from attaining a speed of
21 more than 25 miles per hour, headlamps, stop lamps, front and
22 rear turn signal lamps, tail lamps, reflex reflectors, a
23 parking brake, rearview mirrors, windshield, seat belts, and a
24 nonconforming vehicle identification number.

25 "(7) MOTORCYCLE. Every motor vehicle designed to
26 travel on not more than three wheels in contact with the

1 ground, including motor scooters and motor bicycles, but not
2 including farm tractors.

3 "(8) MOTOR VEHICLE. Every vehicle which is
4 self-propelled, every vehicle which is propelled by electric
5 power, and every vehicle that is drawn by a self-propelled
6 vehicle, including every trailer and semitrailer.

7 "(9) MOTOR VEHICLE DEALER. Every person currently
8 licensed under Section 40-12-390, et seq. as a new motor
9 vehicle dealer, as a used motor vehicle dealer, or licensed
10 under Section 40-12-169 and engaged in the business of buying,
11 selling, or exchanging of trailers, semitrailers, or
12 manufactured homes.

13 "(10) MOTOR VEHICLE MANUFACTURER. Every person
14 engaged in the business of constructing or assembling vehicles
15 or manufactured homes with manufacturing facilities located
16 within this state.

17 "(11) MOTOR VEHICLE REBUILDER. Any person engaged in
18 the business of making or causing to be made extensive
19 repairs, replacements, or combinations of different motor
20 vehicles to the extent of extinguishing the identity of the
21 original vehicle to the extent that the finished motor vehicle
22 is required to be assigned a new identification to be issued
23 by the Department of Revenue under Chapter 8 of Title 32.

24 "(12) MOTOR VEHICLE RECONDITIONER. Any person
25 engaged in the business of refurbishing, repairing, or
26 replacing damaged parts of motor vehicles for the purpose of

1 preparing the vehicle for resale under the same identification
2 and identity that the vehicle bore before the refurbishing.

3 "(13) MOTOR VEHICLE WHOLESALER. Any person engaged
4 in the business of buying, selling, or exchanging motor
5 vehicles at wholesale to motor vehicle dealers, as defined in
6 this article, and not to the public.

7 "(14) MUNICIPALITY. Any incorporated city or town in
8 this state.

9 "(15) NONRESIDENT. Every person who is not a
10 resident of this state.

11 "(16) OWNER. Any of the following:

12 "a. A person or persons holding the legal title to a
13 motor vehicle.

14 "b. The mortgagor or conditional vendee of a vehicle
15 that is the subject of a chattel mortgage or an agreement for
16 the conditional sale thereof or other like agreement with the
17 right of purchase upon performance of the conditions stated in
18 the agreement and with the immediate right of possession
19 vested in the mortgagor or conditional vendee.

20 "c. The lessee of a vehicle owned by the United
21 States of America or any of its agencies or instrumentalities.

22 "(17) PERSON. Every individual, firm, partnership,
23 association, estate, trust, or corporation, and the receiver,
24 assignee, agent, administrator, or other representative of any
25 of them.

1 "(18) PRIVATE PASSENGER AUTOMOBILE. Every motor
2 vehicle designed primarily for the transportation of nine
3 persons or less except the following:

4 "a. Motorcycles.

5 "b. Motor vehicles used in the transportation of
6 persons for hire.

7 "c. Trailers or semitrailers.

8 "d. Self-propelled campers or house cars including
9 every motor vehicle of the type usually referred to as a bus
10 which is owned and operated by an individual for personal or
11 private use and not for hire, rent, or compensation. Motor
12 trucks of the type commonly known as "pickups" or "pickup
13 trucks," regardless of the use made of any such motor trucks
14 and regardless of whether the owner thereof owns or has access
15 to any other mode of transportation, shall not be deemed to
16 constitute a private passenger automobile.

17 "(19) PUBLIC HIGHWAY. Every highway, road, street,
18 alley, lane, court, place, trail, drive, bridge, viaduct, or
19 trestle, located either within a municipality or in
20 unincorporated territory, and laid out or erected by the
21 public or dedicated or abandoned to the public or intended for
22 use by or for the public. The term "public highway" shall
23 apply to and include driveways upon the grounds of
24 universities, colleges, schools, and institutions, but shall
25 not include private driveways, private roads, or private
26 places not intended for use by the public.

1 "(20) SELF-PROPELLED CAMPERS or HOUSE CARS. A
2 self-propelled motor vehicle designed and used primarily for
3 mobile living quarters. The living quarters on self-propelled
4 campers or house cars are constructed as an integral part of
5 the motor vehicle and are not detachable. Self-propelled
6 campers or house cars are commonly known as motor homes.

7 "(21) SEMITRAILER. Every vehicle without motive
8 power designed for carrying persons or property and for being
9 drawn by a motor vehicle and so constructed that some part of
10 its weight and some part of its load rest upon or are carried
11 by another motor vehicle.

12 "(22) STATE. A state, territory, or possession of
13 the United States, the District of Columbia, the Commonwealth
14 of Puerto Rico, or a province of the Dominion of Canada.

15 "(23) TAX YEAR. The tax year of this state, being
16 the 12-month period commencing on each October 1.

17 "(24) TRAILER. Every vehicle without motive power
18 designed to carry persons or property wholly on its own
19 structure and to be drawn by another motor vehicle.

20 "(25) TRAVEL TRAILER. A vehicle without motive
21 power, designed and constructed as a camping vehicle or a
22 temporary dwelling, living, or sleeping place drawn by a
23 private passenger automobile or a pickup truck, but not
24 including folding or collapsible camping trailers included
25 within the definition of utility trailer, nor manufactured
26 homes as defined in Section 40-12-255(n).

1 "(26) TRUCK. Every self-propelled motor vehicle
2 designed and used primarily for the transportation of property
3 in or upon its own structure, every self-propelled motor
4 vehicle of the types known as "campers" and "house cars," and
5 every vehicle of the type commonly called a wrecker, which is
6 used to move disabled motor vehicles for repair, storage, and
7 other purposes.

8 "(27) TRUCK TRACTOR. Every motor vehicle designed
9 and used primarily for drawing other vehicles and not so
10 constructed as to carry a load other than a part of the weight
11 of the vehicles and load so drawn.

12 "(28) UTILITY TRAILER. A trailer primarily designed
13 to be drawn by a passenger car or pickup truck, including
14 luggage trailers, folding or collapsible camping trailers, and
15 other small trailers of similar size and function, but shall
16 not include boat trailers.

17 "(29) VEHICLE. Every device in, upon, or by which
18 any person or property is or may be transported or drawn upon
19 a highway, excepting devices moved by muscular power or used
20 exclusively upon rails or tracks, shared micromobility
21 devices, or electric personal assistive mobility devices.

22 "All references in this article to the judge of
23 probate shall be deemed to include the commissioner of
24 revenue, license commissioner, or other county official
25 designated by law to register motor vehicles, issue license
26 plates, and perform other duties in connection with motor
27 vehicle licenses."

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.