

By: Senator(s) Burton

To: Judiciary, Division B

SENATE BILL NO. 2852

1 AN ACT TO AMEND SECTION 63-7-64, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT PERSONS UNDER AGE 16 FROM OPERATING OR RIDING UPON ANY
3 MOTORCYCLE, MOTOR SCOOTER OR ALL-TERRAIN VEHICLE UPON ANY PUBLIC
4 OR PRIVATE PROPERTY IN THIS STATE UNLESS SUCH PERSON IS WEARING A
5 CRASH HELMET; TO PROHIBIT PERSONS AGES 16 TO 18 FROM OPERATING OR
6 RIDING UPON ANY MOTORCYCLE OR MOTOR SCOOTER UPON ANY PUBLIC ROAD
7 OR HIGHWAY OF THIS STATE UNLESS SUCH PERSON IS WEARING A CRASH
8 HELMET; TO CORRECT THE REFERENCE TO THE ENTITY APPROVING
9 MOTORCYCLE CRASH HELMET STANDARDS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 63-7-64, Mississippi Code of 1972, is
12 amended as follows:

13 63-7-64. (1) No person under sixteen (16) years of age may
14 operate or ride upon any motorcycle, motor scooter or all-terrain
15 vehicle upon any public or private property in this state unless
16 such person is wearing on his or her head a crash helmet that
17 complies with minimum guidelines established by the National
18 Highway Traffic Safety Administration pursuant to the National
19 Traffic and Motor Vehicle Safety Act of 1966 for helmets designed
20 for use by motorcyclists.

21 (2) No person who is at least sixteen (16) years of age but
22 who is under eighteen (18) years of age may operate or ride upon
23 any motorcycle or motor scooter upon the public roads or highways
24 of this state unless such person is wearing on his or her head a
25 crash helmet that complies with minimum guidelines established by
26 the National Highway Traffic Safety Administration pursuant to the
27 National Traffic and Motor Vehicle Safety Act of 1966 for helmets
28 designed for use by motorcyclists.

29 (3) Violation of this section shall be deemed a violation of
30 the traffic regulations and rules of the road and punishable as
31 provided by Section 63-9-11.

32 (4) For the purposes of this section, the term "all-terrain
33 vehicle" means any motorized vehicle manufactured and designed
34 exclusively for off-road use that is fifty (50) inches or less in
35 width, has an unladen dry weight of six hundred (600) pounds or
36 less, travels on three (3), four (4) or more low pressure tires,
37 has a seat designed to be straddled by the operator and uses
38 handlebars for steering control.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2004.