

By: Senator(s) Burton

To: Judiciary, Division B

SENATE BILL NO. 2968

1 AN ACT TO ESTABLISH THE ALL-TERRAIN VEHICLE SAFETY REGULATION
2 ACT; TO PROHIBIT THE OPERATION OF AN ALL-TERRAIN VEHICLE ON ANY
3 ROAD ON THE STATE HIGHWAY SYSTEM EXCEPT IN ORDER FOR ALL-TERRAIN
4 VEHICLES BEING USED FOR A LEGITIMATE AGRICULTURAL PURPOSE TO CROSS
5 ROADS ON THE STATE HIGHWAY SYSTEM THAT DO NOT CONSIST OF FOUR OR
6 MORE LANES FOR TRAFFIC; TO ALLOW THE OPERATION ON COUNTY ROADS OF
7 ALL-TERRAIN VEHICLES BEING USED FOR A LEGITIMATE AGRICULTURAL
8 PURPOSE BY PERSONS HOLDING A VALID DRIVER'S LICENSE FOR A DISTANCE
9 OF NOT MORE THAN ONE MILE IN ORDER FOR SUCH VEHICLE TO CROSS SUCH
10 COUNTY ROAD; TO PROHIBIT THE OPERATION OF AN ALL-TERRAIN VEHICLE
11 ON THE STREETS OF INCORPORATED MUNICIPALITIES; TO PROHIBIT THE
12 OPERATION OF AN ALL-TERRAIN VEHICLE ON PUBLIC PROPERTY WITHOUT A
13 HELMET BY A PERSON UNDER THE AGE OF 18 OR BY ANY PERSON UNDER THE
14 AGE OF 18 WITH A PASSENGER; TO PROHIBIT THE OPERATION OF AN
15 ALL-TERRAIN VEHICLE ON PUBLIC PROPERTY WITHOUT A VALID DRIVER'S
16 LICENSE; TO PROVIDE THAT A PERSON UNDER THE AGE OF 16 MAY OPERATE
17 AN ALL-TERRAIN VEHICLE ON PUBLIC PROPERTY IF HE HAS COMPLETED AN
18 ALL-TERRAIN VEHICLE RIDING TRAINING COURSE AND IS ACCOMPANIED BY
19 AND IN THE PLAIN SIGHT OF AN ADULT ALL-TERRAIN VEHICLE OPERATOR;
20 TO PROHIBIT THE OPERATION OF AN ALL-TERRAIN VEHICLE ON A PUBLIC
21 ROAD AT A SPEED OF GREATER THAN 25 MILES PER HOUR OR WITHOUT HEAD
22 AND TAIL LAMPS ILLUMINATED; TO PROHIBIT THE RIDING OF AN
23 ALL-TERRAIN VEHICLE UPON THE FENCED, ENCLOSED OR POSTED LANDS OF
24 ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER; TO PROVIDE
25 THAT A PERSON WHO ALLOWS A PERSON UNDER THE AGE OF 16 TO OPERATE
26 AN ALL-TERRAIN VEHICLE ON HIS PROPERTY SHALL REQUIRE THE OPERATOR
27 TO WEAR A HELMET; TO PLACE AGE LIMITS ON THE OPERATION OF
28 ALL-TERRAIN VEHICLE OF CERTAIN ENGINE DISPLACEMENTS; TO REQUIRE
29 PERSONS WHO SELL NEW ALL-TERRAIN VEHICLES TO DISPLAY CERTAIN
30 LITERATURE AND OFFER CERTAIN TRAINING COURSES; TO REQUIRE PERSONS
31 WHO LEASE ALL-TERRAIN VEHICLES TO OFFER HELMETS, PROTECTIVE
32 EYEWEAR AND TRAINING TO THEIR CUSTOMERS; TO REQUIRE THE REPORTING
33 OF CERTAIN ALL-TERRAIN VEHICLE ACCIDENTS; TO PROVIDE PENALTIES FOR
34 VIOLATIONS OF THIS ACT; TO AMEND SECTION 27-19-30, MISSISSIPPI
35 CODE OF 1972, TO PROVIDE THAT ALL-TERRAIN VEHICLES THAT ARE
36 OPERATED ON PUBLIC ROADS IN THE LIMITED MANNER AUTHORIZED IN THIS
37 ACT SHALL BE EXEMPT FROM PRIVILEGE TAXES AND REGISTRATION FEES AND
38 SHALL NOT BE REQUIRED TO HAVE A LICENSE TAG; TO AMEND SECTION
39 63-7-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL-TERRAIN
40 VEHICLES THAT ARE OPERATED ON PUBLIC ROADS IN THE LIMITED MANNER
41 AUTHORIZED IN THIS ACT SHALL BE EXEMPT FROM THE EQUIPMENT
42 REQUIREMENTS OF THE UNIFORM HIGHWAY TRAFFIC REGULATION LAW; AND
43 FOR RELATED PURPOSES.

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

45 **SECTION 1.** This act shall be known and may be cited as the
46 "All-Terrain Vehicle Safety Regulation Act."

47 **SECTION 2.** As used in this act:

48 (a) "All-terrain vehicle" means any off-highway vehicle
49 fifty (50) inches or less in width, having a dry weight of eight
50 hundred (800) pounds or less, traveling on three (3) or more
51 low-pressure tires, having a seat or saddle designed to be
52 straddled by the operator and handlebars for steering control.

53 (b) "Owner" means any person having a property interest
54 or title to an all-terrain vehicle and entitled to the use and
55 possession of the vehicle.

56 SECTION 3. (1) An all-terrain vehicle may not be operated
57 on any road in the state highway system; however, an all-terrain
58 vehicle being used for a legitimate agricultural purpose may be
59 operated on the state highway system to the extent necessary to
60 cross a road on the state highway system if the road does not
61 consist of four (4) or more lanes for traffic and the crossing is
62 done at an angle of approximately ninety degrees (90°) to the
63 direction of the road and at a place where no other obstruction
64 prevents a quick and safe crossing.

65 (2) An all-terrain vehicle being used for a legitimate
66 agricultural purpose may be operated on county roads by persons
67 holding a driver's license for a distance of not more than one (1)
68 mile in order to cross such a road; however, an all-terrain
69 vehicle may not be operated on streets or roads within an
70 incorporated municipality.

71 (3) An all-terrain vehicle may not be operated on public
72 property, including any public road:

73 (a) By any person under the age of eighteen (18) unless
74 the person is wearing a protective helmet of a type approved by
75 the United States Department of Transportation;

76 (b) By any person under the age of eighteen (18) with a
77 passenger; and

78 (c) Except as otherwise provided by subsection (3) of
79 this section, by any operator unless the operator possesses a
80 valid driver's license.

81 (3) A person under the age of sixteen (16) who does not have
82 a driver's license, who satisfactorily completes an all-terrain
83 vehicle rider training course approved by the Department of Public
84 Safety, may operate an all-terrain vehicle on public property when
85 accompanied by and in plain sight of any adult all-terrain vehicle
86 operator.

87 (4) An all-terrain vehicle may not be operated:

88 (a) In a careless or reckless manner so as to endanger
89 or cause injury or damage to any person or property;

90 (b) While under the influence of alcohol or any
91 controlled substance, or under the influence of a prescription or
92 nonprescription drug that impairs vision or motor coordination;

93 (c) At a speed of greater than twenty-five (25) miles
94 per hour on any public road; or

95 (d) Without head and tail lamps illuminated while on
96 any public road.

97 (5) (a) It is unlawful for any person to ride an
98 all-terrain vehicle upon the fenced, enclosed or posted land of
99 another person without having in his possession the written
100 permission of the landowner or the tenant or agent of the
101 landowner.

102 (b) Any landowner, tenant or agent who allows a person
103 under the age of sixteen (16) to ride an all-terrain vehicle on
104 land over which they have control shall require such person to
105 wear a protective helmet of a type approved by the United States
106 Department of Transportation.

107 (6) Law enforcement officers may enter upon private lands in
108 pursuit of the operator of an all-terrain vehicle violating the
109 provisions of this section.

110 **SECTION 4.** (1) No person shall knowingly allow the use of
111 an all-terrain vehicle under his control with an engine
112 displacement of seventy (70) cubic centimeters or more to be used
113 by a person under twelve (12) years of age.

114 (2) No person shall knowingly allow the use of an
115 all-terrain vehicle under his control with an engine displacement
116 of ninety (90) cubic centimeters or more to be used by a person
117 under sixteen (16) years of age.

118 (3) The owner of an all-terrain vehicle shall not authorize
119 or permit an all-terrain vehicle to be operated contrary to the
120 provisions of this act.

121 **SECTION 5.** (1) Persons who sell new all-terrain vehicles
122 shall display literature and signs approved by the Commissioner of
123 Public Safety to inform the public of the provisions of this act,
124 and shall offer a free all-terrain vehicle rider training course
125 approved by the Commissioner of Public Safety to each purchaser of
126 a new all-terrain vehicle.

127 (2) Persons who rent or lease all-terrain vehicles to the
128 public shall offer safety training to all-terrain rental customers
129 and shall provide a protective helmet of a type approved by the
130 United States Department of Transportation and safety eyewear to
131 all-terrain vehicle rental customers.

132 (3) The Commissioner of Public Safety shall prescribe rules
133 and regulations for acceptable all-terrain vehicle rider training
134 courses and the approval of such courses.

135 **SECTION 6.** If the operation of an all-terrain vehicle
136 results in an accident that causes the death of a person or
137 results in an injury that is treated by a physician, the operator
138 of each all-terrain vehicle involved in such accident shall give
139 notice of the accident to the Department of Public Safety in
140 accordance with rules and regulations promulgated by the
141 Commissioner of Public Safety for giving of such notice.

142 **SECTION 7.** (1) A person who violates the provisions of this
143 act shall, upon conviction thereof, be guilty of a misdemeanor and
144 shall be punished as follows:

145 (a) For a first conviction, by a fine of not more than
146 One Hundred Dollars (\$100.00);

147 (b) For a second conviction, by a fine of not more than
148 Two Hundred Dollars (\$200.00);

149 (c) For a third or subsequent conviction, by a fine of
150 not more than Five Hundred Dollars (\$500.00) or by imprisonment
151 for not more than one (1) month, or both.

152 (2) A person who operates an all-terrain vehicle while under
153 the influence of alcohol or any controlled substance shall, in
154 addition to any other penalty provided by law, be fined not more
155 than One Thousand Dollars (\$1,000.00).

156 **SECTION 8.** Section 27-19-30, Mississippi Code of 1972, is
157 amended as follows:

158 27-19-30. (1) No privilege tax or registration fee shall be
159 imposed upon, and no license tag shall be required or issued for,
160 any vehicle that is (a) designed or adapted to be used exclusively
161 in the preparation and loading of chemicals or other material for
162 aerial agricultural application to crops; and (b) only
163 incidentally used on public roadways in this state.

164 (2) No privilege tax or registration fee shall be imposed
165 upon, and no license tag shall be required or issued for an
166 all-terrain vehicle, as defined in Section 2, Senate Bill No.____,
167 2004 Regular Session, if the all-terrain vehicle is operated on
168 the public roads of this state in the limited manner authorized in
169 Section 3, Senate Bill No.____, 2004 Regular Session.

170 **SECTION 9.** Section 63-7-9, Mississippi Code of 1972, is
171 amended as follows:

172 63-7-9. (1) Except as may otherwise be provided in this
173 chapter, the provisions of this chapter with respect to equipment
174 on vehicles shall not apply to implements of husbandry, road
175 machinery, road rollers or farm tractors.

176 (2) The provisions of this chapter shall not apply to an
177 all-terrain vehicle, as defined in Section 2, Senate Bill No.____,
178 2004 Regular Session, if the all-terrain vehicle is operated on

179 the public roads of this state in the limited manner authorized in
180 Section 3, Senate Bill No. 2968, 2004 Regular Session.

181 **SECTION 10.** This act shall take effect and be in force from
182 and after July 1, 2004.