

By: Senator(s) Burton

To: Judiciary, Division B

SENATE BILL NO. 2048

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 the person is properly wearing a crash helmet that complies with  
17 minimum guidelines established by the National Highway Traffic  
18 Safety Administration pursuant to the National Traffic and Motor  
19 Vehicle Safety Act of 1966 for helmets designed for use by  
20 motorcyclists.

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

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

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

38       **SECTION 2.** This act shall take effect and be in force from  
39 and after July 1, 2005.