

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2596
(As Sent to Governor)

1 AN ACT TO CREATE SECTION 63-7-103, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT USE OF NITROUS OXIDE IN ANY MOTOR VEHICLE OR
3 MOTORCYCLE DRIVEN ON THE STREETS OR HIGHWAYS AND TO PRESCRIBE
4 PENALTIES FOR THE USE OF NITROUS OXIDE IN MOTOR VEHICLES OR
5 MOTORCYCLES DRIVEN ON THE STREETS OR HIGHWAYS; TO CREATE NEW
6 SECTION 63-3-502, MISSISSIPPI CODE OF 1972, TO PROHIBIT RACING IN
7 A MOTOR VEHICLE OR MOTORCYCLE ON STREETS OR HIGHWAYS; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section
11 63-7-103, Mississippi Code of 1972:

12 63-7-103. (1) This section shall be known and may be cited
13 as the "Trooper Steve Hood Act: The Nitrous Oxide Prohibition
14 Act."

15 (2) For the purposes of this section:

16 (a) "Motor vehicle" has the meaning ascribed in Section
17 27-19-3; however, the term "motor vehicle" does not include any
18 vehicle with a gross vehicle or combination weight greater than
19 ten thousand (10,000) pounds.

20 (b) "Motorcycle" has the meaning ascribed in Section
21 27-19-3.

22 (c) "Nitrous oxide" means a gas or liquid form of
23 nitrous oxide that is used to increase the speed or performance of
24 a motor vehicle or motorcycle.

25 (d) "Street" or "highway" means the entire width
26 between property lines of every way or place of whatever nature
27 when any part thereof is open to the use of the public, as a
28 matter of right, for purposes of vehicular traffic.



29 (3) (a) (i) A person shall not operate on a street or
30 highway a motor vehicle or motorcycle that is equipped to supply
31 the engine with nitrous oxide unless the nitrous oxide supply
32 system is made inoperative by means of disconnecting the nitrous
33 oxide feed line from the engine or removing the nitrous oxide
34 canister from the motor vehicle or motorcycle.

35 (ii) No fine or imprisonment shall be imposed
36 against the operator for a violation of this section, unless at
37 the time the operator was charged with a violation of this section
38 he also was charged with some other offense under Title 63,
39 Mississippi Code of 1972, and he is convicted of both offenses.

40 (b) A person convicted for the first offense of
41 violating this subsection shall be fined not less than Two Hundred
42 Fifty Dollars (\$250.00) nor more than One Thousand Dollars
43 (\$1,000.00), imprisoned for not more than forty-eight (48) hours,
44 or both.

45 (c) For a second conviction of any person violating
46 this subsection, the offenses being committed within a period of
47 five (5) years, the person shall be fined not less than Six
48 Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred
49 Dollars (\$1,500.00), shall be imprisoned not less than five (5)
50 days nor more than one (1) year, and shall be sentenced to
51 community service work for not less than ten (10) days nor more
52 than one (1) year.

53 (d) (i) For a third or subsequent conviction of any
54 person violating this subsection, the offenses being committed
55 within a period of five (5) years, the person shall be guilty of a
56 felony and fined not less than Two Thousand Dollars (\$2,000.00)
57 nor more than Five Thousand Dollars (\$5,000.00), and shall serve
58 not less than one (1) year nor more than five (5) years in the
59 custody of the Department of Corrections; however, for any such
60 offense that does not result in serious injury or death to any



61 person, the sentence of incarceration may be served in the county
62 jail at the discretion of the circuit court judge.

63 (ii) After a conviction under this subsection and
64 upon receipt of the court abstract, the Commissioner of Public
65 Safety shall suspend the driver's license and driving privileges
66 of the person for not less than five (5) years.

67 (iii) After a conviction under this subsection,
68 the law enforcement agency shall seize the vehicle owned by any
69 person convicted of a third or subsequent violation of this
70 subsection, if the convicted person was driving the vehicle at the
71 time the offense was committed. The vehicle may be forfeited in
72 the manner provided by Sections 63-11-49 through 63-11-53.

73 **SECTION 2.** The following shall be codified as Section
74 63-3-502, Mississippi Code of 1972:

75 63-3-502. (1) For the purposes of this section:

76 (a) "Motor vehicle" has the meaning ascribed in Section
77 27-19-3.

78 (b) "Motorcycle" has the meaning ascribed in Section
79 27-19-3.

80 (c) "Street" or "highway" means the entire width
81 between property lines of every way or place of whatever nature
82 when any part thereof is open to the use of the public, as a
83 matter of right, for purposes of vehicular traffic.

84 (2) Any person driving a motor vehicle or motorcycle upon a
85 street or highway in a race, upon conviction, shall be punished as
86 follows:

87 (a) A person convicted for the first offense of
88 violating this subsection shall be fined not less than Two Hundred
89 Fifty Dollars (\$250.00) nor more than One Thousand Dollars
90 (\$1,000.00), imprisoned for not more than forty-eight (48) hours,
91 or both.

92 (b) For a second conviction of any person violating
93 this subsection, the offenses being committed within a period of



94 five (5) years, the person shall be fined not less than Six
95 Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred
96 Dollars (\$1,500.00), shall be imprisoned not less than five (5)
97 days nor more than one (1) year, and shall be sentenced to
98 community service work for not less than ten (10) days nor more
99 than one (1) year.

100 (c) (i) For a third or subsequent conviction of any
101 person violating this subsection, the offenses being committed
102 within a period of five (5) years, the person shall be guilty of a
103 felony and fined not less than Two Thousand Dollars (\$2,000.00)
104 nor more than Five Thousand Dollars (\$5,000.00), and shall serve
105 not less than one (1) year nor more than five (5) years in the
106 custody of the Department of Corrections; however, for any such
107 offense that does not result in serious injury or death to any
108 person, the sentence of incarceration may be served in the county
109 jail at the discretion of the circuit court judge.

110 (ii) After a conviction under this subsection and
111 upon receipt of the court abstract, the Commissioner of Public
112 Safety shall suspend the driver's license and driving privileges
113 of the person for not less than five (5) years.

114 (3) A conviction and imposition of a sentence under this
115 section does not prevent a conviction and imposition of a sentence
116 under Section 63-7-103.

117 **SECTION 3.** This act shall take effect and be in force from
118 and after July 1, 2010.

