

By: Representative Clark

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 162

1 AN ACT TO ALLOW ALL-TERRAIN VEHICLES TO OBTAIN A CERTIFICATE
2 OF NUMBER; TO REQUIRE ALL ALL-TERRAIN VEHICLES USED ON PUBLIC
3 LANDS TO OBTAIN A CERTIFICATE OF NUMBER; TO AUTHORIZE THE
4 MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS TO ISSUE
5 THE CERTIFICATES; TO PROVIDE THAT THE CERTIFICATE OF NUMBER SHALL
6 BE PLACED ON THE ALL-TERRAIN VEHICLES; TO PROVIDE A PENALTY FOR
7 VIOLATIONS; TO AMEND SECTION 49-5-21, MISSISSIPPI CODE OF 1972, TO
8 CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Sections 1 through 13 of this act shall be known,
11 and may be cited as the "Mississippi All-Terrain/Off-Road Vehicle
12 Numbering Act."

13 **SECTION 2.** As used in Sections 1 through 13 of this act,
14 unless the context clearly indicates otherwise:

15 (a) "ATV/ORV" means any all-terrain or off-road vehicle
16 of a kind and type used for hunting, off-road recreation, or other
17 vehicular travel over unimproved lands or trails as well as
18 semi-improved roads. The term includes, but is not limited to,
19 four-wheelers designed to be operated by one (1) rider astride the
20 vehicle using handlebar steering and any additional conventional
21 conveyances featuring a standard steering column and seating for



22 one or more persons sitting in tandem, including, but not limited
23 to, golf carts modified for off-road use. The commission shall
24 have the authority to expand the scope of this definition by rule
25 or regulation to include any additional conveyance that it deems
26 to be an ATV/ORV and properly subject to the provisions of
27 Sections 1 through 13 of this act.

28 (b) "Certificate of number" means the number issued by
29 the Department of Wildlife, Fisheries and Parks, after proper
30 application, certifying the ownership of the ATV/ORV to be true
31 and proper.

32 (c) "Commission" means the Mississippi Commission on
33 Wildlife, Fisheries and Parks.

34 (d) "Department" means the Mississippi Department of
35 Wildlife, Fisheries and Parks.

36 (e) "Operate" means to drive, steer or otherwise use an
37 ATV/ORV.

38 (f) "Operator" means the person who drives, steers or
39 who has charge of the operation or use of an ATV/ORV.

40 (g) "Owner" means the person who claims lawful
41 possession of an ATV/ORV by virtue of legal title or equitable
42 interest therein which entitles him to such possession.

43 (h) "Person" means an individual, partnership, firm,
44 corporation, association, or other entity.



45 (i) "Numbered ATV/ORV" means any ATV/ORV that has been
46 issued a valid certificate of number by the Department of
47 Wildlife, Fisheries and Parks.

48 (j) "Un-numbered ATV/ORV" means any ATV/ORV which has
49 not been issued a valid certificate of number by the Mississippi
50 Department of Wildlife, Fisheries and Parks, or in the case of an
51 ATV/ORV coming from outside of the State of Mississippi, has not
52 been issued a similar certification of ownership by the
53 jurisdiction from which the ATV/ORV came.

54 **SECTION 3.** (1) The Legislature finds that, as a matter of
55 public policy, it is necessary that a system of numbering and
56 certifying the ownership of certain all-terrain and off-road
57 vehicles be developed and implemented. To that end, the
58 Mississippi Commission on Wildlife, Fisheries and Parks shall
59 develop and implement a system of certified numbering of
60 all-terrain and off-road vehicles.

61 (2) The commission is authorized to promulgate rules and
62 regulations for the numbering of all-terrain and off-road
63 vehicles.

64 (3) The commission is authorized to set and collect fees for
65 issuing certificates of number for all-terrain and off-road
66 vehicles, not to exceed Ten Dollars (\$10.00) per certificate.

67 **SECTION 4.** (1) Every ATV/ORV owned and operated within the
68 boundaries of the State of Mississippi may be numbered in
69 accordance with Sections 1 through 13 of this act.



70 (2) Every ATV/ORV operated on public lands of the State of
71 Mississippi or any political subdivision thereof shall be numbered
72 in accordance with Sections 1 through 13 of this act, except:

73 (a) A foreign ATV/ORV temporarily within the State of
74 Mississippi, as long as the ATV/ORV has supporting ownership
75 documents, or is titled to the person in possession of the ATV/ORV
76 if the state of origin of that ATV/ORV requires titling;

77 (b) A public ATV/ORV of the United States of America;

78 (c) A state, county or municipal ATV/ORV used solely
79 for official business and displaying proper visual identification
80 and/or inventory control markings on the ATV/ORV;

81 (d) An undocumented ATV/ORV used exclusively for racing
82 as long as accompanied with supporting documentation of ownership
83 or title;

84 (e) An undocumented ATV/ORV operating under a valid
85 temporary certificate of number; and

86 (f) An ATV/ORV that has a number in full force and
87 effect awarded according to the laws of the jurisdiction from
88 which the ATV/ORV originated under an approved numbering system of
89 that state, provided that the ATV/ORV shall not have been within
90 this state for more than sixty (60) days.

91 (3) Nothing in this section shall prohibit the numbering of
92 any undocumented ATV/ORV upon the request of the owner.

93 **SECTION 5.** The owner of any ATV/ORV required to be numbered
94 under Sections 1 through 13 of this act shall apply to the



95 commission for a certificate of number within ten (10) days from
96 the date of acquisition of the ATV/ORV, on forms provided by the
97 commission or the department. The application for a number shall
98 include, but is not limited to, the following:

99 (a) Name and address of the owner;

100 (b) Date of birth of the owner;

101 (c) Social security number or driver's license number
102 of the owner;

103 (d) Present citizenship of the owner (county, state,
104 country);

105 (e) County in which the ATV/ORV will principally be
106 used;

107 (f) Manufacturer of the ATV/ORV and year built, if
108 known;

109 (g) Manufacturer's serial number or other
110 identification number associated with the ATV/ORV;

111 (h) Type of fuel or propulsion (gas, diesel or
112 electric) used by the ATV/ORV;

113 (i) Statement as to the primary use for which the
114 ATV/ORV is intended (pleasure/outdoor recreation, hunting, farm
115 work, commercial or other);

116 (j) Certification of ownership of the ATV/ORV by the
117 applicant;

118 (k) Signature of the owner;



119 (1) Receipt, sales or otherwise, that shows whether or
120 not a sales or use tax was paid at the time of the purchase of the
121 ATV/ORV. If the ATV/ORV was purchased outside the State of
122 Mississippi, and the tax for the privilege of using or consuming
123 tangible personal property imposed by Section 27-67-5 was not paid
124 at the time the ATV/ORV was acquired, then the owner shall be
125 required to pay the tax as provided by the Mississippi Use Tax Law
126 before a certificate of number can be issued; and

127 (m) Name of any lienholders.

128 **SECTION 6.** (1) The certificate of number shall include, at
129 a minimum, the following information:

130 (a) Name and address of the owner;

131 (b) Date of birth of the owner;

132 (c) Present citizenship of the owner (county, state,
133 country);

134 (d) County in which the ATV/ORV will principally be
135 used;

136 (e) Manufacturer of the ATV/ORV, model number or name,
137 and year built;

138 (f) Manufacturer's serial number or other
139 identification number associated with the ATV/ORV;

140 (g) Type of fuel or propulsion (gas, diesel or
141 electric) used by the ATV/ORV;



142 (h) Statement as to the primary use for which the
143 ATV/ORV is intended (pleasure/outdoor recreation, hunting, farm
144 work, commercial or other);

145 (i) Certification of ownership of the ATV/ORV by the
146 applicant;

147 (j) Name of lienholders, if applicable;

148 (k) Signature of the owner;

149 (l) Number awarded to ATV/ORV;

150 (m) Expiration date of certificate; and

151 (n) Notice to the owner that he shall report, within
152 fifteen (15) days, any changes of ownership or address, and
153 destruction or abandonment of ATV/ORV.

154 (2) The commission shall ensure that the forms required by
155 this section are available at various district offices, ATV/ORV
156 companies or dealerships, with law enforcement officers, and at
157 any other places for the purpose of making the forms accessible to
158 ATV/ORV owners or purchasers. The commission shall award
159 certificates of number and shall keep current a consolidated
160 record of all certificates of numbers awarded, and renewals of
161 numbers.

162 (3) Upon request, information on ownership and identity of a
163 numbered ATV/ORV shall be made available to federal, state and
164 local officials for any enforcement or assistance programs. The
165 records pertaining to the numbering of any undocumented ATV/ORV
166 under Sections 1 through 13 of this act are considered to be



167 public records. Information not exempt from release under other
168 authority, based on the records, may be released upon oral or
169 written inquiry, subject only to reasonable restrictions necessary
170 to carry on the business of the office. The commission may permit
171 excerpts to be made or the copying or reproduction thereof by a
172 private individual or concern. The fees and charges for copying,
173 certifying or searching of records for information shall be
174 assessed in accordance with usual fees allowed for those services.

175 **SECTION 7.** (1) An application for renewal of a certificate
176 of number shall be made by the owner on an application which must
177 be received by the commission within ninety (90) days before the
178 expiration date on the certificate of number. The same number
179 will be issued upon renewal. If a certificate of number is lost
180 or destroyed, the owner, within fifteen (15) days, shall notify
181 the commission's office. The notification shall be in writing,
182 describe the circumstances of the loss or destruction and be
183 accompanied by the fee prescribed in Section 3 of this act. The
184 certificate of number issued as a result of the report will
185 replace the certificate that was lost or destroyed.

186 (2) The commission shall mail notice of expiration of
187 numbers, together with an application for renewal of number, to
188 each registered ATV/ORV owner not less than sixty (60) days before
189 the expiration date. The commission shall verify annually an
190 updated list of all numbers in effect and those numbers not
191 renewed.



192 **SECTION 8.** The certified statement of ownership on the
193 application for the award of a number shall constitute prima facie
194 evidence of proof of ownership. Liens of all kinds, including
195 reservations or transfers of title to secure debts or claims, will
196 be disregarded in determining ownership under Sections 1 through
197 13 of this act. A lienholder who acquires possession and title by
198 virtue of default in the terms of the lien instrument, or any
199 other person who acquires ownership through any such action of a
200 lienholder, may apply for a number and shall attach to the
201 application a signed statement explaining the facts in detail.

202 In addition to any other provision of this act, a bill of
203 sale or receipt from any entity in the business of selling the
204 ATV/ORV, that clearly shows the person claiming ownership to be
205 the purchaser of that ATV/ORV, shall be further evidence of
206 ownership of the ATV/ORV.

207 **SECTION 9.** (1) The commission is authorized to research and
208 develop a method of affixing a number to an ATV/ORV. Any method
209 adopted must provide for secure attachment that does not interfere
210 with the operation of the ATV/ORV, but remains plainly visible to
211 any person and can be readily identified and read through casual
212 observation and without removing any part of the ATV/ORV. The
213 number awarded shall be affixed to the ATV/ORV for which it was
214 issued. The numbers shall read from left to right and shall be in
215 block characters of good proportion. The numbers shall be of a
216 color or material which will contrast with the color of the



217 background and must be maintained as to be clearly visible and
218 legible. No other number shall be carried on the ATV/ORV.

219 (2) Alteration, mutilation, removal, defacement or
220 destruction of any number awarded and affixed to any ATV/ORV under
221 Sections 1 through 13 of this act shall be a Class I violation as
222 prescribed in Section 49-7-141. Any person convicted of altering,
223 mutilating, removing, defacing or destroying a number awarded and
224 affixed according to Sections 1 through 13 of this act shall be
225 punished according to the provisions of Section 49-7-141.

226 **SECTION 10.** Certificates of number may be cancelled or
227 voided under the following circumstances:

- 228 (a) Surrender of certificate for cancellation;
229 (b) Issuance of a new number for the same ATV/ORV;
230 (c) False or fraudulent certification in an application
231 for a number; or
232 (d) Willful mutilation, defacing, or altering of a
233 number.

234 **SECTION 11.** (1) The fees authorized under Section 3 of this
235 act shall be charged when the owner of an ATV/ORV makes
236 application for a certificate of number. The ATV/ORV owner shall
237 request that the Department of Wildlife, Fisheries and Parks
238 perform an inspection of an ATV/ORV for the purpose of awarding or
239 replacing a number.

240 (2) All fees for numbers and renewal of numbers shall be
241 payable to the Mississippi Department of Wildlife, Fisheries and



242 Parks and shall be deposited in the Fisheries and Wildlife Fund
243 created in Section 49-5-21.

244 **SECTION 12.** Section 49-5-21, Mississippi Code of 1972, is
245 amended as follows:

246 49-5-21. (1) The department shall transfer all funds under
247 its control into a special fund in the State Treasury to be
248 segregated and known as the "Fisheries and Wildlife Fund," which
249 fund can only be expended as authorized by the Legislature for the
250 purposes for which the department was created. All funds derived
251 from the sale of licenses, fees, fines and other revenues received
252 by the department as provided by law, shall be deposited in the
253 Fisheries and Wildlife Fund. The interest obtained thereon from
254 any investment or deposit made pursuant to Section 27-105-33,
255 Mississippi Code of 1972, shall be credited by the State Treasurer
256 to the Fisheries and Wildlife Fund and shall not be paid into the
257 General Fund of Mississippi.

258 (2) (a) (i) The department may expend such sums as are
259 authorized by the Legislature from the Fisheries and Wildlife Fund
260 for paying salaries of its employees, operating and maintaining
261 equipment and for any other purpose the department is authorized
262 to expend funds by law, which amount shall be available for
263 expenditure.

264 (ii) The money herein authorized shall be paid by
265 the State Treasurer out of the Fisheries and Wildlife Fund on
266 warrants issued by the Executive Director of the Department of



267 Finance and Administration upon requisition signed by the
268 Executive Director of the Mississippi Department of Wildlife,
269 Fisheries and Parks.

270 (b) The monies deposited under Section 11 of this act
271 shall be used to defray all administrative costs of the ATV/ORV
272 numbering division of the department and to improve the law
273 enforcement capability of the department in the State of
274 Mississippi and as may be budgeted by the department for the
275 purpose of paying the costs of the administration of Sections 1
276 through 13 of this act. Unexpended amounts of the monies
277 deposited under Section 11 of this act remaining in the fund at
278 the end of the fiscal year shall not lapse into the State General
279 Fund, and any interest earned or investment earnings on amounts in
280 the fund shall be deposited into such fund.

281 (3) The department shall prepare and submit annually to the
282 Legislature a budget for its proposed operation. The budget
283 required shall reflect all anticipated revenues from all sources,
284 including all grants and matching funds, together with all
285 proposed expenditures. The budget shall be prepared in the same
286 manner as is now required of other departments of this state. The
287 department shall be subject to budgetary control and audit in the
288 same manner as is provided by law for other departments and
289 agencies. Nothing in this section shall be construed as requiring
290 legislative appropriation of such Fisheries and Wildlife Fund, but
291 it is intended that expenditure of such funds shall be under



292 authority of the budget approved as herein provided and as
293 authorized by the Legislature.

294 **SECTION 13.** This act shall take effect and be in force from
295 and after July 1, 2018.

