

By: Representative Massengill

To: Transportation

HOUSE BILL NO. 158

1 AN ACT TO AMEND SECTION 63-31-3, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF RECREATIONAL OFF-HIGHWAY VEHICLES FOR THE  
3 PURPOSES OF THE STATUTE REGULATING THE OPERATION OF OFF-ROAD  
4 VEHICLES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-31-3, Mississippi Code of 1972, is  
7 amended as follows:

8 63-31-3. (1) No off-road vehicle shall be operated upon any  
9 public property by any person unless:

10 (a) (i) The person possesses a valid driver's license;  
11 or

12 (ii) The person possesses a certificate as  
13 provided under subsections (3) and (4) of this section.

14 (b) No person may operate any off-road vehicle upon any  
15 public property in this state unless each person under sixteen  
16 (16) years of age who is operating or riding on the off-road  
17 vehicle is wearing a crash helmet that complies with minimum  
18 guidelines established by the National Highway Traffic Safety  
19 Administration pursuant to the federal Motor Vehicle Safety



20 Standard No. 218 (49 CFR 571.218) for helmets designed for use by  
21 motorcyclists.

22 (2) A violation of subsection (1) of this section is  
23 punishable by a fine of not less than Twenty-five Dollars (\$25.00)  
24 nor more than Fifty Dollars (\$50.00).

25 (3) Off-road vehicle safety courses shall be held by the  
26 Cooperative Extension Service using 4-H safety course materials  
27 and curricula, and shall be taught by instructors possessing  
28 qualifications approved by the Department of Public Safety. The  
29 Cooperative Extension Service shall issue a certificate to each  
30 person who satisfactorily completes the off-road vehicle safety  
31 course.

32 (4) Off-road vehicle safety courses may be held by any  
33 organization approved by the Department of Public Safety. Such  
34 organization shall issue a certificate to each person who  
35 satisfactorily completes the off-road vehicle safety course.

36 (5) For the purposes of this section:

37 (a) "Off-road vehicle" means any all-terrain vehicle,  
38 dirt bike or recreational off-highway vehicle. The term "off-road  
39 vehicle" shall not include electric bicycles.

40 (b) "All-terrain vehicle" or "ATV" means any motorized  
41 vehicle manufactured and designed exclusively for off-road use  
42 that is fifty (50) inches or less in width; has an unladen dry  
43 weight of one thousand (1,000) pounds or less; and travels on



44 three (3), four (4) or more nonhighway tires. The term  
45 "all-terrain vehicle" shall not include electric bicycles.

46 (c) "Dirt bike" means a motor-powered vehicle  
47 possessing two (2) or more tires, designed to travel over any  
48 terrain and capable of travelling off of paved roads, whether or  
49 not the vehicle may be operated legally on a public street. The  
50 term "dirt bike" shall not include electric bicycles.

51 (d) "Recreational off-highway vehicle" means any  
52 motorized vehicle manufactured and designed exclusively for  
53 off-road use that is \* \* \* seventy-five (75) inches or less in  
54 width; has an unladen dry weight of \* \* \* three thousand five  
55 hundred (3,500) pounds or less; and travels on four (4) or more  
56 nonhighway tires.

57 (6) Nothing in this section shall be construed to authorize  
58 operation of an off-road vehicle on a public road or highway of  
59 this state.

60 **SECTION 2.** This act shall take effect and be in force from  
61 and after July 1, 2022.

