

By: Representative Massengill

To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 158

1 AN ACT TO AMEND SECTION 63-31-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITIONS OF ALL-TERRAIN VEHICLES AND RECREATIONAL
3 OFF-HIGHWAY VEHICLES FOR THE PURPOSES OF THE STATUTE REGULATING
4 THE OPERATION OF OFF-ROAD 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-five (55) inches or less in width; has an
43 unladen dry weight of one thousand (1,000) pounds or less; and



44 travels on 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.

