

By: Hamilton, Ellzey, Read, Rushing, Shows,
Taylor, Baker

To: Transportation

HOUSE BILL NO. 435

1 AN ACT TO PROVIDE THAT IT SHALL NOT BE UNLAWFUL, SUBJECT TO
2 CERTAIN CONDITIONS AND RESTRICTIONS, FOR A PERSON WHO HAS BEEN
3 ADJUDGED BY THE VETERANS ADMINISTRATION AS HAVING A TOTAL
4 SERVICE-CONNECTED DISABILITY, OR HAS BEEN ADJUDGED TO BE TOTALLY
5 DISABLED BY THE SOCIAL SECURITY ADMINISTRATION, TO OPERATE AN
6 ALL-TERRAIN VEHICLE UPON ANY PUBLIC HIGHWAY, ROAD OR STREET WITHIN
7 A WILDLIFE MANAGEMENT AREA WHILE LAWFULLY PURSUING HUNTING OR
8 FISHING ACTIVITIES; TO DEFINE THE TERM "ALL-TERRAIN VEHICLE"; TO
9 AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO
10 RESTRICT OR REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES UPON
11 THE HIGHWAYS, ROADS AND STREETS UNDER THE JURISDICTION OF THE
12 MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS; TO
13 PRESCRIBE PENALTIES FOR VIOLATIONS OF THE CONDITIONS, RESTRICTIONS
14 OR PROHIBITIONS FOR THE OPERATION OF SUCH VEHICLES; TO AMEND
15 SECTIONS 27-19-3, 27-51-5 AND 27-51-41, MISSISSIPPI CODE OF 1972,
16 TO EXEMPT ALL-TERRAIN VEHICLES FROM THE MOTOR VEHICLE PRIVILEGE
17 TAX LAWS AND THE MOTOR VEHICLE AD VALOREM TAX LAWS WHEN OPERATED
18 IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT; TO AMEND SECTION
19 63-13-3, MISSISSIPPI CODE OF 1972, TO EXEMPT ALL-TERRAIN VEHICLES
20 FROM THE MISSISSIPPI MOTOR VEHICLE SAFETY INSPECTION LAW WHEN
21 OPERATED IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT; TO AMEND
22 SECTION 63-1-7, MISSISSIPPI CODE OF 1972, TO EXEMPT A PERSON WHO
23 HAS BEEN ADJUDGED BY THE VETERANS ADMINISTRATION AS HAVING A TOTAL
24 SERVICE-CONNECTED DISABILITY, OR HAS BEEN ADJUDGED TO BE TOTALLY
25 DISABLED BY THE SOCIAL SECURITY ADMINISTRATION, FROM THE
26 REQUIREMENT OF HAVING A DRIVER'S LICENSE WHILE OPERATING AN
27 ALL-TERRAIN VEHICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT;
28 AND FOR RELATED PURPOSES.

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

30 SECTION 1. (1) The term "all-terrain vehicle," as used in
31 this section, means any motorized vehicle manufactured and
32 designed exclusively for off-road use that is fifty (50) inches or
33 less in width, has an unladen dry weight of six hundred (600)
34 pounds or less, travels on three (3), four (4) or more low

35 pressure tires, has a seat designed to be straddled by the
36 operator and uses handlebars for steering control.

37 (2) Except as provided in subsection (3) of this section,
38 and subject to the requirements of this subsection, it shall not
39 be unlawful for a person who has been adjudged by the Veterans
40 Administration as having a total service-connected disability, or
41 has been adjudged to be totally disabled by the Social Security
42 Administration, to operate an all-terrain vehicle while in lawful
43 pursuit of hunting or fishing activities upon any public highway,
44 road or street located within a wildlife management area under the
45 jurisdiction and control of the Department of Wildlife, Fisheries
46 and Parks. However, such vehicle:

47 (a) If the operator is less than fifteen (15) years of
48 age, must be operated under the direct supervision of a person who
49 is at least twenty-one (21) years of age;

50 (b) Must be equipped with and display a fluorescent
51 orange flag not less than sixteen (16) inches square mounted upon
52 a stick, pole or rod extending not less than six (6) feet above
53 the ground; and

54 (c) Shall be subject to and must comply with all
55 traffic rules and regulations applicable to other motor vehicles.

56 (3) The Commission on Wildlife, Fisheries and Parks, by
57 order duly adopted and entered upon its minutes, may further
58 restrict or regulate, the operation of all-terrain vehicles upon
59 highways, roads and streets within wildlife management areas under
60 the jurisdiction of the Department of Wildlife, Fisheries and
61 Parks.

62 (4) Any person who operates an all-terrain vehicle in
63 violation of subsection (2) of this section, or in violation of
64 any order adopted by the Commission on Wildlife, Fisheries and
65 Parks under subsection (3) of this section, shall be subject to

66 the penalties prescribed in Section 63-9-11.

67 SECTION 2. Section 27-19-3, Mississippi Code of 1972, is
68 amended as follows:

69 27-19-3. The following words and phrases when used in this
70 article for the purpose of this article have the meanings
71 respectively ascribed to them in this section, except in those
72 instances where the context clearly describes and indicates a
73 different meaning:

74 (1) "Vehicle" shall mean every device in, upon or by which
75 any person or property is or may be transported or drawn upon a
76 public highway, except devices moved by muscular power or used
77 exclusively upon stationary rails or tracks.

78 (2) "Commercial vehicle" shall mean every vehicle used or
79 operated upon the public roads, highways or bridges in connection
80 with any business function.

81 (3) "Motor vehicle" shall mean every vehicle as herein
82 defined which is self-propelled, including trackless street or
83 trolley cars.

84 (4) "Tractor" shall mean every vehicle designed, constructed
85 or used for drawing other vehicles.

86 (5) "Motorcycle" shall mean every vehicle designed to travel
87 on not more than three (3) wheels in contact with the ground,
88 except such vehicle as may be included within the term "tractor"
89 as herein classified and defined.

90 (6) "Truck tractor" shall mean every motor vehicle designed
91 and used for drawing other vehicles and so constructed as to carry
92 a load other than a part of the weight of the vehicle and load so
93 drawn and has a gross vehicle weight (GVW) in excess of ten

94 thousand (10,000) pounds.

95 (7) "Trailer" shall mean every vehicle without motive power,
96 designed to carry property or passengers wholly on its structure
97 and which is drawn by a motor vehicle.

98 (8) "Semitrailer" shall mean every vehicle (of the trailer
99 type) so designed and used in conjunction with a truck tractor.

100 (9) "Foreign vehicle" shall mean every motor vehicle,
101 trailer or semitrailer, which shall be brought into the state
102 otherwise than by or through a manufacturer or dealer for resale
103 and which has not been registered in this state.

104 (10) "Pneumatic tires" shall mean all tires inflated with
105 compressed air.

106 (11) "Solid rubber tires" shall mean every tire made of
107 rubber other than pneumatic tires.

108 (12) "Solid tires" shall mean all tires, the surface of
109 which in contact with the highway is wholly or partly of metal or
110 other hard, nonresilient material.

111 (13) "Person" shall mean every natural person, firm,
112 copartnership, corporation, joint-stock or other association or
113 organization.

114 (14) "Owner" shall mean a person who holds the legal title
115 of a vehicle or in the event a vehicle is the subject of an
116 agreement for the conditional sale, lease or transfer of the
117 possession, howsoever thereof, with the right of purchase upon
118 performance of conditions stated in the agreement, and with an
119 immediate right of possession vested in the conditional vendee,
120 lessee, possessor or in the event such or similar transaction is
121 had by means of a mortgage, and the mortgagor of a vehicle is

122 entitled to possession, then such conditional vendee, lessee,
123 possessor or mortgagor shall be deemed the owner for the purposes
124 of this article.

125 (15) "School bus" shall mean every motor vehicle engaged
126 solely in transporting school children or school children and
127 teachers to and from schools; provided, however, that such
128 vehicles may transport passengers on weekends and legal holidays
129 and during summer months between the terms of school for
130 compensation when the transportation of such passengers is over a
131 route of which not more than fifty percent (50%) traverses the
132 route of a common carrier of passengers by motor vehicle and when
133 no passengers are picked up on the route of any such carrier.

134 (16) "Dealer" shall mean every person engaged regularly in
135 the business of buying, selling or exchanging motor vehicles,
136 trailers, semitrailers, trucks, tractors or other character of
137 commercial or industrial motor vehicles in this state, and having
138 an established place of business in this state.

139 (17) "Highway" shall mean and include every way or place of
140 whatever nature, including public roads, streets and alleys of
141 this state generally open to the use of the public or to be opened
142 or reopened to the use of public for the purpose of vehicular
143 travel, and notwithstanding that the same may be temporarily
144 closed for the purpose of construction, reconstruction,
145 maintenance or repair.

146 (18) "Comptroller" shall mean the Chairman of the State Tax
147 Commission of this state, acting directly or through his duly
148 authorized officers, agents, representatives and employees.

149 (19) "Common carrier by motor vehicle" shall mean any person

150 who or which undertakes, whether directly or by a lease or any
151 other arrangement, to transport passengers or property or any
152 class or classes of property for the general public in interstate
153 or intrastate commerce on the public highways of this state by
154 motor vehicles for compensation, whether over regular or irregular
155 routes. Not including, however, passenger buses operating within
156 the corporate limits of a municipality in this state or not
157 exceeding five (5) miles beyond the corporate limits of said
158 municipality, and hearses, ambulances, school buses as such. In
159 addition, this definition shall not include taxicabs.

160 (20) "Contract carrier by motor vehicle" shall mean any
161 person who or which under the special and individual contract or
162 agreements, and whether directly or by a lease or any other
163 arrangement, transports passengers or property in interstate or
164 intrastate commerce on the public highways of this state by motor
165 vehicle for compensation. Not including, however, passenger buses
166 operating wholly within the corporate limits of a municipality in
167 this state or not exceeding five (5) miles beyond the corporate
168 limits of said municipality, and hearses, ambulances, school buses
169 as such. In addition, this definition shall not include taxicabs
170 operating wholly within the corporate limits of a municipality or
171 not exceeding twenty (20) miles beyond the corporate limits of
172 such municipality.

173 (21) "Private commercial carrier of property by motor
174 vehicle" shall mean any person not included in the terms "common
175 carrier by motor vehicle" or "contract carrier by motor vehicle,"
176 who or which transports in interstate or intrastate commerce on
177 the public highways of this state by motor vehicle, property of

178 which such person is the owner, lessee, or bailee, other than for
179 hire, when such transportation is for the purpose of sale, lease,
180 rent, or bailment, or in the furtherance of any enterprise, or who
181 otherwise uses or employs any motor vehicle other than a vehicle
182 designed, constructed and used exclusively for the carriage of
183 passengers in the furtherance of any commercial enterprise. Not
184 including, however, passenger buses operated wholly within the
185 corporate limits of a municipality of this state, or not exceeding
186 five (5) miles beyond the corporate limits of said municipality,
187 and hearses, ambulances, school buses as such. In addition, this
188 definition shall not include taxicabs operating wholly within the
189 corporate limits of a municipality or not exceeding twenty (20)
190 miles beyond the corporate limits of such municipality.

191 Haulers of fertilizer shall be classified as private
192 commercial carriers of property by motor vehicle.

193 (22) "Private carrier of passengers" shall mean all other
194 passenger motor vehicle carriers not included in the above
195 definitions. Not including, however, passenger buses operating
196 wholly within the corporate limits of a municipality in this
197 state, or not exceeding five (5) miles beyond the corporate limits
198 of said municipality, and hearses, ambulances, and school buses as
199 such. In addition, this definition shall not include taxicabs
200 operating wholly within the corporate limits of a municipality or
201 not exceeding twenty (20) miles beyond the corporate limits of
202 such municipality. The term "private carrier of passengers" does
203 not include an "all-terrain vehicle" as such term is defined under
204 Section 1 (1) of this act whenever such vehicle is being used in
205 accordance with Section 1(2) of this act, and such vehicles are

206 exempt from the provisions of this article.

207 (23) "Operator" shall mean any person, partnership,
208 joint-stock company or corporation operating on the public
209 highways of the state one or more motor vehicles as the beneficial
210 owner or lessee.

211 (24) "Driver" shall mean the person actually driving or
212 operating such motor vehicle at any given time.

213 (25) "Private carrier of property" shall mean any person
214 transporting property on the highways of this state as defined
215 below:

216 (a) Any person transporting farm products produced on
217 his own farm and also farm supplies, materials, and equipment used
218 in the growing or production of his agricultural products in his
219 own truck.

220 (b) Any person transporting his own fish, including
221 shellfish, in his own truck.

222 (c) Any person transporting unprocessed forest
223 products, wherein ownership remains the same, in his own truck.

224 (26) "Taxicab" shall mean any passenger motor vehicle for
225 hire with a seating capacity not greater than seven (7)
226 passengers.

227 (27) "Passenger coach" shall mean any passenger motor
228 vehicle with a seating capacity greater than seven (7) passengers,
229 operating wholly within the corporate limits of a municipality of
230 this state or within five (5) miles of the corporate limits of
231 said municipality, or motor vehicles substituted for abandoned
232 electric railway systems in or between municipalities.

233 (28) "Empty weight" shall mean the actual weight of a

234 vehicle including fixtures and equipment necessary for the
235 transportation of load hauled or to be hauled.

236 (29) "Gross weight" shall mean the empty weight of the
237 vehicle, as defined herein, plus any load being transported or to
238 be transported.

239 (30) "Ambulance and hearse." The terms "ambulance" and
240 "hearse" shall have the meaning generally ascribed to them. A
241 hearse or funeral coach shall be classified as a light carrier of
242 property, as defined in Section 27-51-101.

243 (31) "Regular seats" shall mean each seat ordinarily and
244 customarily used by one (1) passenger, including all temporary,
245 emergency, and collapsible seats. Where any seats are not
246 distinguished or separated by separate cushions and backs, a seat
247 shall be counted for each eighteen (18) inches of space on such
248 seats or major fraction thereof. In the case of a regular
249 passenger-type automobile which is used as a common or contract
250 carrier of passengers, three (3) seats shall be counted for the
251 rear seat of such automobile and one (1) seat shall be counted for
252 the front seat of such automobile.

253 (32) "Ton" shall mean two thousand (2,000) pounds
254 avoirdupois.

255 (33) "Leases." No lease shall be recognized under the
256 provisions of this article unless same shall be in writing and
257 shall fully define a bona fide relationship of lessor and lessee,
258 signed by both parties, dated and be in the possession of the
259 driver of the leased vehicle at all times.

260 (34) "Bus" shall mean any passenger vehicle with a seating
261 capacity of more than seven (7) but shall not include "private

262 carrier of passengers" and "school bus" as defined in paragraphs
263 (15) and (22) of this section.

264 (35) "Corporate fleet" shall mean a group of two hundred
265 (200) or more marked private carriers of passengers or light
266 carriers of property, as defined in Section 27-51-101, trailers,
267 semitrailers, or motor vehicles in excess of ten thousand (10,000)
268 pounds gross vehicle weight, except for those vehicles registered
269 for interstate travel, owned or leased on a long-term basis by a
270 corporation or other legal entity. In order to be considered
271 marked, the motor vehicle must have a name, trademark or logo
272 located either on the sides or the rear of the vehicle in sharp
273 contrast to the background, and of a size, shape and color that is
274 legible during daylight hours from a distance of fifty (50) feet.

275 (36) "Individual fleet" means a group of five (5) or more
276 private carriers of passengers or light carriers of property, as
277 defined in Section 27-51-101, owned or leased by the same person
278 and principally garaged in the same county.

279 Leased vehicles shall be considered as domiciled at the place
280 in the State of Mississippi from which they operate in interstate
281 or intrastate commerce, and for the purposes of this article shall
282 be considered as owned by the lessee, who shall furnish all
283 insurance on the vehicles and the driver of the vehicles shall be
284 considered as an agent of the lessee for all purposes of this
285 article.

286 SECTION 3. Section 27-51-5, Mississippi Code of 1972, is
287 amended as follows:

288 27-51-5. The subject words and terms of this section, for
289 the purpose of this chapter, shall have meanings as follows:

290 (a) "Motor vehicle" shall mean any device and
291 attachments supported by one or more wheels which is propelled or
292 drawn by any power other than muscular power over the highways,
293 streets or alleys of this state. Provided, however, that mobile
294 homes which are detached from any self-propelled vehicles and
295 parked on land in the state are hereby expressly exempt from the
296 motor vehicle ad valorem taxes, but house trailers which are
297 actually in transit and which are not parked for more than an
298 overnight stop are not exempted. The term "motor vehicle" does
299 not include an "all-terrain vehicle" as such term is defined under
300 Section 1(1) of this act whenever such vehicle is being used in
301 accordance with Section 1(2) of this act, and such vehicles are
302 exempt from the motor vehicle ad valorem tax laws.

303 (b) "Public highway" shall mean and include every way
304 or place of whatever nature, including public roads, streets and
305 alleys of this state generally open to the use of the public or to
306 be opened or reopened to the use of the public for the purpose of
307 vehicular travel, notwithstanding that the same may be temporarily
308 closed for the purpose of construction, reconstruction,
309 maintenance, or repair.

310 (c) "Administrator of the road and bridge privilege tax
311 law" shall mean the official authorized by law to administer the
312 road and bridge privilege tax law of this state.

313 SECTION 4. Section 27-51-41, Mississippi Code of 1972, is
314 amended as follows:

315 27-51-41. (1) The exemptions from the provisions of this
316 chapter shall be confined to those persons or property exempted by
317 this chapter or by the provisions of the Constitution of the

318 United States or the State of Mississippi. No exemption as now
319 provided by any other statute shall be valid as against the tax
320 levied by this chapter. Any subsequent exemption from the tax
321 levied hereunder shall be provided by amendment to this section
322 which shall be inserted in the bill at length.

323 (2) The following shall be exempt from ad valorem taxation:

324 (a) All motor vehicles, as defined in this chapter, and
325 including motor-propelled farm implements and vehicles, while in
326 the hands of bona fide dealers as merchandise and which are not
327 being operated upon the highways of this state, shall be exempt
328 from all ad valorem taxes.

329 (b) All motor vehicles belonging to the federal
330 government or the State of Mississippi or any agencies or
331 instrumentalities thereof shall be exempt from all ad valorem
332 taxes.

333 (c) All motor vehicles owned by any school district in
334 the state shall be exempt from all ad valorem taxes.

335 (d) All motor vehicles owned by any fire protection
336 district incorporated in accordance with Sections 19-5-151 through
337 19-5-207 or by any fire protection grading district incorporated
338 in accordance with Sections 19-5-215 through 19-5-243 shall be
339 exempt from all ad valorem taxes.

340 (e) All motor vehicles owned by units of the
341 Mississippi National Guard shall be exempt from all ad valorem
342 taxes.

343 (f) All motor vehicles which are exempted from highway
344 privilege taxes under Section 27-19-1 et seq. shall be exempt from
345 ad valorem taxes.

346 (g) All motor vehicles operated in this state as common
347 and contract carriers of property, private commercial carriers of
348 property, private carriers of property and buses, all of which
349 have a gross weight in excess of ten thousand (10,000) pounds,
350 shall be exempt from all ad valorem taxes.

351 (h) Antique automobiles as defined in Section 27-19-47
352 shall be exempt from all ad valorem taxes.

353 (i) Street rods as defined in Section 27-19-56.6 shall
354 be exempt from all ad valorem taxes.

355 (j) Motor vehicles owned by disabled American veterans,
356 or by spouses of deceased disabled American veterans, in
357 accordance with Section 27-19-53, shall be exempt from all ad
358 valorem taxes.

359 (k) One (1) motor vehicle owned by the unremarried
360 surviving spouse of a member of the Armed Forces of the United
361 States who, while on active duty, is killed or dies and one (1)
362 motor vehicle owned by the unremarried surviving spouse of a
363 member of a reserve component of the Armed Forces of the United
364 States or of the National Guard who, while on active duty for
365 training, is killed or dies shall be exempt from ad valorem taxes.

366 (l) Motor vehicles owned by recipients of the
367 Congressional Medal of Honor or by former prisoners of war, or by
368 spouses of such deceased persons, in accordance with Section
369 27-19-54, shall be exempt from all ad valorem taxes.

370 (m) Any religious society, ecclesiastical body or any
371 congregation thereof shall be exempt from ad valorem taxation on
372 one (1) private carrier of passengers, as defined in Section
373 27-19-3, owned by it, which is used exclusively for such society

374 and not for profit. All motor vehicles owned by any such
375 religious society or any educational institution having a seating
376 capacity greater than seven (7) passengers and used exclusively
377 for transporting passengers for religious or educational purposes
378 and not for profit shall be exempt from all ad valorem taxes.

379 (n) All motor vehicles primarily used as rentals under
380 rental agreements with a term of not more than thirty (30)
381 continuous days each and under the control of persons who are
382 engaged in the business of renting such motor vehicles and who are
383 subject to the tax under Section 27-65-231 shall be exempt from
384 all ad valorem taxes.

385 (o) Antique motorcycles as defined in Section
386 27-19-47.1, shall be exempt from all ad valorem taxes.

387 (p) All-terrain vehicles, as defined under Section 1(1)
388 of this act whenever such vehicles are being used in accordance
389 with Section 1(2) of this act, are exempt from all ad valorem
390 taxes.

391 (3) Any claim for tax exemption by authority of the
392 above-mentioned code sections or by any other legal authority
393 shall be set out in the application for the road and bridge
394 privilege license, and the specific legal authority for such tax
395 exemption claim shall be cited in said application, and such
396 authority cited shall be shown by the tax collector on the tax
397 receipt as his authority for not collecting such ad valorem taxes,
398 and the tax collector shall carry forward such information in his
399 tax collection reports.

400 (4) Any motor vehicle driven over the highways of this state
401 to the extent that the owner of such motor vehicle is required to

402 purchase a road and bridge privilege license in this state, yet
403 the legal situs of such motor vehicle is located in another state,
404 shall be exempt from ad valorem taxes authorized by this chapter.

405 (5) If a taxpayer shall sell, trade or otherwise dispose of
406 a vehicle on which the ad valorem and road and bridge privilege
407 taxes have been paid in any county in the state, he shall remove
408 the license plate from the vehicle. Such license plate must be
409 surrendered to the issuing authority with the corresponding tax
410 receipt, if required, and credit shall be allowed for the taxes
411 paid for the remaining tax year on like privilege or ad valorem
412 taxes due on another vehicle owned by the seller or transferor or
413 by the seller's or transferor's spouse or dependent child. If the
414 seller or transferor does not elect to receive such credit at the
415 time the license plate is surrendered, the issuing authority shall
416 issue a certificate of credit to the seller or transferor, or to
417 the seller's or transferor's spouse or dependent child, or to any
418 other person, business or corporation, at the direction of the
419 seller or transferor, for the remaining unexpired taxes prorated
420 from the first day of the month following the month in which the
421 license plate is surrendered. The total of such credit may be
422 used by the person or entity to whom the certificate of credit is
423 issued, regardless of the relative amounts attributed to privilege
424 taxes or to county, school or municipal ad valorem taxes. Any
425 credit allowed for taxes due or any certificate of credit issued
426 may be applied to like taxes owed in any county by the person to
427 whom the credit is allowed or by the person possessing the
428 certificate of credit. No credit, however, shall be allowed on
429 the charge made for the license plate. Such license plates

430 surrendered to the tax collector shall be retained by him, and in
431 no event shall such license plate be attached to any vehicle after
432 being surrendered to the tax collector, nor shall any license
433 plate be transferred from one (1) vehicle to any other vehicle.

434 (6) If the person owning a vehicle subject to taxation under
435 the provisions of this chapter does not operate such vehicle on
436 the highways of this state from the date of acquisition or, if
437 previously registered, from the end of the anniversary month of
438 the tag and decals to the date on which he makes application for a
439 current license tag or decals, he shall pay such ad valorem tax
440 for a period of twelve (12) months beginning with the first day of
441 the month in which he applies for a current license tag or decals
442 under Chapter 19, Title 27, Mississippi Code of 1972. The owner
443 shall submit an affidavit with an application attesting to the
444 fact that the vehicle was not operated on the highways of this
445 state from the date of acquisition or, if previously registered,
446 from the end of the anniversary month of the tag and decals to the
447 date on which he makes application for the current license tag or
448 decals.

449 (7) Any person found violating any of the provisions of this
450 section shall be arrested and tried, and if found guilty shall be
451 fined in an amount double the total amount of taxes involved.

452 SECTION 5. Section 63-13-3, Mississippi Code of 1972, is
453 amended as follows:

454 63-13-3. No person shall drive or move on any highway any
455 motor vehicle, trailer, semitrailer or pole trailer, or any
456 combination thereof, unless the equipment upon any and every said
457 vehicle is in good working order and adjustment as required in

458 this chapter, and said vehicle is in such safe mechanical
459 condition as not to endanger the driver or other occupant or any
460 person upon the highway. This section shall not apply to disabled
461 vehicles being moved to a garage or service station by means of
462 another vehicle, or to farm trailers engaged in farm operations,
463 or to any farm tractor, combine, cotton picker, semitrailer, pole
464 trailer, or other agricultural or farming equipment or machinery,
465 or any combination thereof, used primarily for agricultural
466 purposes, and not normally used on the public highways of the
467 state. Moreover, pulpwood trucks or log trucks used exclusively
468 during daylight hours shall not be required under the provisions
469 of this chapter to have any lights in addition to headlights and
470 taillights. The provisions of this chapter are not applicable to
471 all-terrain vehicles as defined under and operated in accordance
472 with Section 1 of this act.

473 SECTION 6. Section 63-1-7, Mississippi Code of 1972, is
474 amended as follows:

475 63-1-7. No license issued pursuant to this article shall be
476 required of:

477 (a) Any person while operating a motor vehicle of the
478 Armed Forces of the United States.

479 (b) Any nonresident person who has in his immediate
480 possession a valid license to drive a motor vehicle on the
481 highways of his home state or country, issued to him by the proper
482 authorities of his home state or country, or of any nonresident
483 person whose home state or country does not require the licensing
484 of a person to operate a motor vehicle on the highways but does
485 require him to be duly registered. Such person being eighteen

486 (18) years of age or older may operate a motor vehicle in the
487 state for a period of sixty (60) days without securing a license.
488 However, any nonresident person operating a motor vehicle in this
489 state shall be subject to all the provisions of this article,
490 except as specified above.

491 (c) Any person while operating a road roller, road
492 machinery or any farm tractor or implement of husbandry
493 temporarily drawn, moved or propelled on the highways.

494 (d) Any engineer or motorman using tracks for road or
495 street, though used in the streets.

496 (e) Any person who has been adjudged by the Veterans
497 Administration as having a total service-connected disability, or
498 has been adjudged to be totally disabled by the Social Security
499 Administration, while operating an all-terrain vehicle in
500 accordance with the provisions of Section 1 of this act.

501 SECTION 7. This act shall take effect and be in force from
502 and after July 1, 2000.