

By: Senator(s) Burton

To: Judiciary, Division B

SENATE BILL NO. 2281

1 AN ACT TO ESTABLISH THE ALL-TERRAIN VEHICLE SAFETY REGULATION
2 ACT; TO PROHIBIT THE OPERATION OF AN ALL-TERRAIN VEHICLE ON ANY
3 ROAD ON THE STATE HIGHWAY SYSTEM EXCEPT IN ORDER FOR ALL-TERRAIN
4 VEHICLES BEING USED FOR A LEGITIMATE AGRICULTURAL PURPOSE TO CROSS
5 ROADS ON THE STATE HIGHWAY SYSTEM THAT DO NOT CONSIST OF FOUR OR
6 MORE LANES FOR TRAFFIC; TO ALLOW THE OPERATION ON COUNTY ROADS OF
7 ALL-TERRAIN VEHICLES BEING USED FOR A LEGITIMATE AGRICULTURAL
8 PURPOSE BY PERSONS HOLDING A VALID DRIVER'S LICENSE FOR A DISTANCE
9 OF NOT MORE THAN ONE MILE IN ORDER FOR SUCH VEHICLE TO CROSS SUCH
10 COUNTY ROAD; TO PROHIBIT THE OPERATION OF AN ALL-TERRAIN VEHICLE
11 ON THE STREETS OF INCORPORATED MUNICIPALITIES; TO PROHIBIT THE
12 OPERATION OF AN ALL-TERRAIN VEHICLE ON PUBLIC PROPERTY WITHOUT A
13 HELMET BY A PERSON UNDER THE AGE OF 18 OR BY ANY PERSON WITH A
14 PASSENGER; TO PROHIBIT THE OPERATION OF AN ALL-TERRAIN VEHICLE ON
15 PUBLIC PROPERTY WITHOUT A VALID DRIVER'S LICENSE; TO PROVIDE THAT
16 A PERSON UNDER THE AGE OF 16 MAY OPERATE AN ALL-TERRAIN VEHICLE ON
17 PUBLIC PROPERTY IF HE HAS COMPLETED AN ALL-TERRAIN VEHICLE RIDING
18 TRAINING COURSE AND IS ACCOMPANIED BY AND IN THE PLAIN SIGHT OF AN
19 ADULT ALL-TERRAIN VEHICLE OPERATOR; TO PROHIBIT THE OPERATION OF
20 AN ALL-TERRAIN VEHICLE ON A PUBLIC ROAD AT A SPEED OF GREATER THAN
21 25 MILES PER HOUR OR WITHOUT HEAD AND TAIL LAMPS ILLUMINATED; TO
22 PROHIBIT THE RIDING OF AN ALL-TERRAIN VEHICLE UPON THE FENCED,
23 ENCLOSED OR POSTED LANDS OF ANOTHER WITHOUT THE WRITTEN PERMISSION
24 OF THE OWNER; TO PROVIDE THAT A PERSON WHO ALLOWS A PERSON UNDER
25 THE AGE OF 16 TO OPERATE AN ALL-TERRAIN VEHICLE ON HIS PROPERTY
26 SHALL REQUIRE THE OPERATOR TO WEAR A HELMET; TO PLACE AGE LIMITS
27 ON THE OPERATION OF ALL-TERRAIN VEHICLES OF CERTAIN ENGINE
28 DISPLACEMENTS; TO REQUIRE PERSONS WHO SELL NEW ALL-TERRAIN
29 VEHICLES TO DISPLAY CERTAIN LITERATURE AND OFFER CERTAIN TRAINING
30 COURSES; TO REQUIRE PERSONS WHO LEASE ALL-TERRAIN VEHICLES TO
31 OFFER HELMETS, PROTECTIVE EYEWEAR AND TRAINING TO THEIR CUSTOMERS;
32 TO REQUIRE THE REPORTING OF CERTAIN ALL-TERRAIN VEHICLE ACCIDENTS;
33 TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION
34 27-19-30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL-TERRAIN
35 VEHICLES THAT ARE OPERATED ON PUBLIC ROADS IN THE LIMITED MANNER
36 AUTHORIZED IN THIS ACT SHALL BE EXEMPT FROM PRIVILEGE TAXES AND
37 REGISTRATION FEES AND SHALL NOT BE REQUIRED TO HAVE A LICENSE TAG;
38 TO AMEND SECTION 63-7-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
39 ALL-TERRAIN VEHICLES THAT ARE OPERATED ON PUBLIC ROADS IN THE
40 LIMITED MANNER AUTHORIZED IN THIS ACT SHALL BE EXEMPT FROM THE
41 EQUIPMENT REQUIREMENTS OF THE UNIFORM HIGHWAY TRAFFIC REGULATION
42 LAW; AND FOR RELATED PURPOSES.

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

44 **SECTION 1.** This act shall be known and may be cited as the

45 "All-Terrain Vehicle Safety Regulation Act."

46 **SECTION 2.** As used in this act:

47 (a) "All-terrain vehicle" means any off-highway vehicle
48 fifty (50) inches or less in width, having a dry weight of eight
49 hundred (800) pounds or less, traveling on three (3) or more
50 low-pressure tires, having a seat or saddle designed to be
51 straddled by the operator and handlebars for steering control.

52 (b) "Owner" means any person, other than a person with
53 a security interest, having a property interest or title to an
54 all-terrain vehicle and entitled to the use and possession of the
55 vehicle.

56 SECTION 3. (1) An all-terrain vehicle may not be operated
57 on any road in the state highway system; however, an all-terrain
58 vehicle being used for a legitimate agricultural purpose may be
59 operated on the state highway system to the extent necessary to
60 cross a road on the state highway system if the road does not
61 consist of four (4) or more lanes for traffic and the crossing is
62 done at an angle of approximately ninety degrees (90°) to the
63 direction of the road and at a place where no other obstruction
64 prevents a quick and safe crossing.

65 (2) An all-terrain vehicle being used for a legitimate
66 agricultural purpose may be operated on county roads by persons
67 holding a driver's license for a distance of not more than one (1)
68 mile in order to cross such a road.

69 (3) An all-terrain vehicle may not be operated on streets or
70 roads within an incorporated municipality.

71 (4) An all-terrain vehicle may not be operated on public
72 property, including any public road:

73 (a) By any person under the age of eighteen (18) unless
74 the person is wearing a protective helmet of a type approved by
75 the United States Department of Transportation;

76 (b) By any operator with a passenger; and

77 (c) Except as otherwise provided by subsection (5) of
78 this section, by any operator unless the operator possesses a
79 valid driver's license.

80 (5) A person under the age of sixteen (16) who does not have
81 a driver's license but who satisfactorily completes an all-terrain
82 vehicle rider training course approved by the Department of Public
83 Safety may operate an all-terrain vehicle on public property when
84 accompanied by and in plain sight of any adult all-terrain vehicle
85 operator.

86 (6) An all-terrain vehicle may not be operated:

87 (a) In a careless or reckless manner so as to endanger
88 or cause injury or damage to any person or property;

89 (b) While under the influence of alcohol or any
90 controlled substance, or under the influence of a prescription or
91 nonprescription drug that impairs vision or motor coordination;

92 (c) At a speed of greater than twenty-five (25) miles
93 per hour on any public road; or

94 (d) Without head and tail lamps illuminated while on
95 any public road.

96 (7) (a) It is unlawful for any person to ride an
97 all-terrain vehicle upon the fenced, enclosed or posted land of
98 another person without having in his possession the written
99 permission of the landowner or the tenant or agent of the
100 landowner.

101 (b) Any landowner, tenant or agent who allows a person
102 under the age of sixteen (16) to ride an all-terrain vehicle on
103 land over which they have control shall require such person to
104 wear a protective helmet of a type approved by the United States
105 Department of Transportation.

106 (8) Law enforcement officers may enter upon private lands in
107 pursuit of the operator of an all-terrain vehicle being operated
108 in violation of the provisions of this section.

109 **SECTION 4.** (1) No person shall knowingly allow the use of
110 an all-terrain vehicle under his control with an engine
111 displacement of seventy (70) cubic centimeters or more to be used
112 by a person under twelve (12) years of age.

113 (2) No person shall knowingly allow the use of an
114 all-terrain vehicle under his control with an engine displacement
115 of ninety (90) cubic centimeters or more to be used by a person
116 under sixteen (16) years of age.

117 (3) The owner of an all-terrain vehicle shall not authorize
118 or permit an all-terrain vehicle to be operated contrary to the
119 provisions of this act.

120 **SECTION 5.** (1) Persons who sell new all-terrain vehicles
121 shall display literature and signs approved by the Commissioner of
122 Public Safety to inform the public of the provisions of this act,
123 and shall offer a free all-terrain vehicle rider training course
124 approved by the Commissioner of Public Safety to each purchaser of
125 a new all-terrain vehicle.

126 (2) Persons who rent or lease all-terrain vehicles to the
127 public shall offer safety training to all-terrain rental customers
128 and shall provide a protective helmet of a type approved by the
129 United States Department of Transportation and safety eyewear to
130 all-terrain vehicle rental customers.

131 (3) The Commissioner of Public Safety shall prescribe rules
132 and regulations for acceptable all-terrain vehicle rider training
133 courses and the approval of such courses.

134 **SECTION 6.** If the operation of an all-terrain vehicle
135 results in an accident that causes the death of a person or
136 results in an injury that is treated by a physician, the operator
137 of each all-terrain vehicle involved in such accident shall give
138 notice of the accident to the Department of Public Safety in
139 accordance with rules and regulations promulgated by the
140 Commissioner of Public Safety for giving of such notice.

141 **SECTION 7.** (1) A person who violates the provisions of this
142 act shall, upon conviction thereof, be guilty of a misdemeanor and
143 shall be punished as follows:

144 (a) For a first conviction, by a fine of not more than
145 One Hundred Dollars (\$100.00);

146 (b) For a second conviction, by a fine of not more than
147 Two Hundred Dollars (\$200.00);

148 (c) For a third or subsequent conviction, by a fine of
149 not more than Five Hundred Dollars (\$500.00) or by imprisonment
150 for not more than one (1) month, or both.

151 (2) A person who operates an all-terrain vehicle while under
152 the influence of alcohol or any controlled substance, in addition
153 to any other penalty provided by law, shall be fined not more than
154 One Thousand Dollars (\$1,000.00).

155 **SECTION 8.** Section 27-19-30, Mississippi Code of 1972, is
156 amended as follows:

157 27-19-30. (1) No privilege tax or registration fee shall be
158 imposed upon, and no license tag shall be required or issued for,
159 any vehicle that is (a) designed or adapted to be used exclusively
160 in the preparation and loading of chemicals or other material for
161 aerial agricultural application to crops; and (b) only
162 incidentally used on public roadways in this state.

163 (2) No privilege tax or registration fee shall be imposed
164 upon, and no license tag shall be required or issued for an
165 all-terrain vehicle, as defined in Section 2, Senate Bill No.
166 2281, 2005 Regular Session, if the all-terrain vehicle is operated
167 on the public roads of this state in the limited manner authorized
168 in Section 3, Senate Bill No. 2281, 2005 Regular Session.

169 **SECTION 9.** Section 63-7-9, Mississippi Code of 1972, is
170 amended as follows:

171 63-7-9. (1) Except as may otherwise be provided in this
172 chapter, the provisions of this chapter with respect to equipment
173 on vehicles shall not apply to implements of husbandry, road
174 machinery, road rollers or farm tractors.

175 (2) The provisions of this chapter shall not apply to an
176 all-terrain vehicle, as defined in Section 2, Senate Bill No.
177 2281, 2005 Regular Session, if the all-terrain vehicle is operated

178 on the public roads of this state in the limited manner authorized
179 in Section 3, Senate Bill No. 2281, 2005 Regular Session.

180 **SECTION 10.** This act shall take effect and be in force from
181 and after July 1, 2005.