

By: Senator(s) Burton

To: Judiciary, Division B

## SENATE BILL NO. 2282

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 TO ALLOW AN ALL-TERRAIN  
 4 VEHICLE 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 AN ALL-TERRAIN VEHICLE 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 UNDER THE  
 14 AGE OF 18 WITH A PASSENGER; TO PROHIBIT THE OPERATION OF AN  
 15 ALL-TERRAIN VEHICLE ON PUBLIC PROPERTY WITHOUT A VALID DRIVER'S  
 16 LICENSE; TO PROVIDE THAT A PERSON UNDER THE AGE OF 16 MAY OPERATE  
 17 AN ALL-TERRAIN VEHICLE ON PUBLIC PROPERTY IF HE HAS COMPLETED AN  
 18 ALL-TERRAIN VEHICLE RIDING TRAINING COURSE AND IS ACCOMPANIED BY  
 19 AND IN THE PLAIN SIGHT OF A DULY-LICENSED ADULT; TO PROHIBIT THE  
 20 OPERATION OF AN ALL-TERRAIN VEHICLE ON A PUBLIC ROAD AT A SPEED OF  
 21 GREATER THAN 25 MILES PER HOUR OR WITHOUT HEAD AND TAIL LAMPS  
 22 ILLUMINATED; TO PROHIBIT THE RIDING OF AN ALL-TERRAIN VEHICLE UPON  
 23 THE FENCED, ENCLOSED OR POSTED LANDS OF ANOTHER WITHOUT THE  
 24 WRITTEN PERMISSION OF THE OWNER; TO PROVIDE THAT A PERSON WHO  
 25 ALLOWS A PERSON UNDER THE AGE OF 16 TO OPERATE AN ALL-TERRAIN  
 26 VEHICLE ON HIS PROPERTY SHALL REQUIRE THE OPERATOR TO WEAR A  
 27 HELMET; TO PLACE AGE LIMITS ON THE OPERATION OF AN ALL-TERRAIN  
 28 VEHICLE OF CERTAIN ENGINE DISPLACEMENTS; TO REQUIRE PERSONS WHO  
 29 SELL NEW ALL-TERRAIN VEHICLES TO DISPLAY CERTAIN LITERATURE AND  
 30 OFFER CERTAIN TRAINING COURSES; TO REQUIRE PERSONS WHO LEASE  
 31 ALL-TERRAIN VEHICLES TO OFFER HELMETS, PROTECTIVE EYEWEAR AND  
 32 TRAINING TO THEIR CUSTOMERS; TO REQUIRE THE REPORTING OF CERTAIN  
 33 ALL-TERRAIN VEHICLE ACCIDENTS; TO PROVIDE PENALTIES FOR VIOLATIONS  
 34 OF THIS ACT; TO AMEND SECTION 27-19-30, MISSISSIPPI CODE OF 1972,  
 35 TO PROVIDE THAT ALL-TERRAIN VEHICLES THAT ARE OPERATED ON PUBLIC  
 36 ROADS IN THE LIMITED MANNER AUTHORIZED IN THIS ACT SHALL BE EXEMPT  
 37 FROM PRIVILEGE TAXES AND REGISTRATION FEES AND SHALL NOT BE  
 38 REQUIRED TO HAVE A LICENSE TAG; TO AMEND SECTION 63-7-9,  
 39 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL-TERRAIN VEHICLES  
 40 THAT ARE OPERATED ON PUBLIC ROADS IN THE LIMITED MANNER AUTHORIZED  
 41 IN THIS ACT SHALL BE EXEMPT FROM THE EQUIPMENT REQUIREMENTS OF THE  
 42 UNIFORM HIGHWAY TRAFFIC REGULATION 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 having a property interest  
53 or title to an all-terrain vehicle and entitled to the use and  
54 possession of the vehicle.

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

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

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

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

75           (b) By any person under the age of eighteen (18) with a  
76 passenger; and

77           (c) Except as otherwise provided by subsection (4) of  
78 this section, by any operator unless the operator possesses a  
79 valid driver's license.

80 (4) A person under the age of sixteen (16) who does not have  
81 a driver's license, 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 a person over the age of  
85 twenty-one (21) who holds a driver's license.

86 (5) 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 (6) (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 (7) Law enforcement officers may enter upon private lands in  
107 pursuit of the operator of an all-terrain vehicle violating the  
108 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 the 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, upon conviction, shall be guilty of a misdemeanor and shall  
143 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 2282, 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. 2282, 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 2282, 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. 2282, 2005 Regular Session.

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