

By: Senator(s) Turner

To: Highways and  
Transportation

SENATE BILL NO. 2446

1 AN ACT TO AMEND SECTION 63-3-103, MISSISSIPPI CODE OF 1972,  
2 TO ENACT A DEFINITION OF "ALL-TERRAIN VEHICLE"; TO AMEND SECTION  
3 63-3-207, MISSISSIPPI CODE OF 1972, TO ALLOW ALL-TERRAIN VEHICLES  
4 TO BE OPERATED ON PUBLIC ROADS ONLY FOR LEGITIMATE AGRICULTURAL  
5 PURPOSES; TO AMEND SECTION 63-7-11, MISSISSIPPI CODE OF 1972, TO  
6 REQUIRE ALL-TERRAIN VEHICLES TO OPERATE WITH LIGHTS ON AT ALL  
7 TIMES WHILE ON A PUBLIC ROAD; TO AMEND SECTION 63-7-91,  
8 MISSISSIPPI CODE OF 1972, TO REQUIRE REFLECTORIZED, TRIANGULAR  
9 SLOW-MOVING FARM VEHICLE SIGNAGE TO BE PLACED ON THE REAR OF ANY  
10 ALL-TERRAIN VEHICLE WHEN OPERATED ON A PUBLIC ROAD; TO AMEND  
11 SECTION 63-21-11, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR  
12 RELATED PURPOSES.

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

14 **SECTION 1.** Section 63-3-103, Mississippi Code of 1972, is  
15 amended as follows:

16 63-3-103. (a) "Vehicle" means every device in, upon or by  
17 which any person or property is or may be transported or drawn  
18 upon a highway, except devices used exclusively upon stationary  
19 rails or tracks.

20 (b) "Motor vehicle" means every vehicle which is  
21 self-propelled and every vehicle which is propelled by electric  
22 power obtained from overhead trolley wires, but not operated upon  
23 rails. The term "motor vehicle" shall not include electric  
24 personal assistive mobility devices.

25 (c) "Motorcycle" means every motor vehicle having a saddle  
26 for the use of the rider and designed to travel on not more than  
27 three (3) wheels in contact with the ground but excluding a  
28 tractor.

29 (d) "Authorized emergency vehicle" means every vehicle of  
30 the fire department (fire patrol), every police vehicle, every 911  
31 Emergency Communications District vehicle, every such ambulance  
32 and special use EMS vehicle as defined in Section 41-59-3, and

33 every emergency vehicle of municipal departments or public service  
34 corporations as is designated or authorized by the commission or  
35 the chief of police of an incorporated city.

36 (e) "School bus" means every motor vehicle operated for the  
37 transportation of children to or from any school, provided same is  
38 plainly marked "School Bus" on the front and rear thereof and  
39 meets the requirements of the State Board of Education as  
40 authorized under Section 37-41-1.

41 (f) "Recreational vehicle" means a vehicular type unit  
42 primarily designed as temporary living quarters for recreational,  
43 camping or travel use, which either has its own motive power or is  
44 mounted on or drawn by another vehicle and includes travel  
45 trailers, fifth wheel trailers, camping trailers, truck campers  
46 and motor homes.

47 (g) "Motor home" means a motor vehicle that is designed and  
48 constructed primarily to provide temporary living quarters for  
49 recreational, camping or travel use.

50 (h) "Electric assistive mobility device" means a  
51 self-balancing two-tandem wheeled device, designed to transport  
52 only one (1) person, with an electric propulsion system that  
53 limits the maximum speed of the device to fifteen (15) miles per  
54 hour.

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

60 **SECTION 2.** Section 63-3-207, Mississippi Code of 1972, is  
61 amended as follows:

62 63-3-207. (1) Every person riding a bicycle or an animal,  
63 driving any animal drawing a vehicle, or operating an all-terrain  
64 vehicle upon a highway shall have all of the rights and all of the  
65 duties applicable to the driver of a vehicle under this chapter,

66 except those provisions of this chapter which by their nature can  
67 have no application.

68 (2) An all-terrain vehicle may be operated on a highway only  
69 as an implement of husbandry for legitimate agricultural purposes  
70 and only between sunrise and sunset.

71 **SECTION 3.** Section 63-7-11, Mississippi Code of 1972, is  
72 amended as follows:

73 63-7-11. (1) Every vehicle upon a highway within this state  
74 during the period from sunset to sunrise and at any other time  
75 when there is not sufficient light to render clearly discernible  
76 any person on the highway at a distance of five hundred (500) feet  
77 ahead shall be equipped with lighted front and rear lamps as  
78 respectively required in Section 63-7-13 for different classes of  
79 vehicles and subject to exemption with reference to lights on  
80 parked vehicles as hereinafter stated in this chapter.

81 (2) Every all-terrain vehicle shall be equipped with lighted  
82 front and rear lamps at all times it is being operated on any  
83 public road.

84 **SECTION 4.** Section 63-7-91, Mississippi Code of 1972, is  
85 amended as follows:

86 63-7-91. When any vehicle, including an all-terrain vehicle,  
87 whether pulled, towed, self-propelled or animal-drawn, which is  
88 not under ordinary circumstances moved, operated or driven at a  
89 speed in excess of twenty-five (25) miles per hour, is moved,  
90 operated or driven on any public highway or city street which is  
91 open for vehicular travel, it shall display a triangular  
92 slow-moving-vehicle emblem or high intensity reflectorized tape  
93 mounted as near as practicable to the center of the mass and at an  
94 approximate height of not less than two (2) nor more than six (6)  
95 feet from level ground or pavement surface. In any event, the  
96 emblem or tape shall be mounted so as to be entirely visible from  
97 the rear, day or night; and the emblem or tape and its position of  
98 mounting on the vehicle shall meet the specifications established

99 by rules and regulations properly adopted and promulgated by the  
100 Commissioner of Public Safety. Except in cases of emergency,  
101 vehicles subject to the provisions of this section that display  
102 the reflectorized tape shall not be operated upon any highway on  
103 the designated state highway system during the period from sunset  
104 to sunrise.

105 **SECTION 5.** Section 63-21-11, Mississippi Code of 1972, is  
106 amended as follows:

107 63-21-11. No certificate of title need be obtained for:

108 (a) A vehicle, manufactured home or mobile home owned  
109 by the United States or any agency thereof;

110 (b) A vehicle, manufactured home or mobile home owned  
111 by a manufacturer or dealer and held for sale, even though  
112 incidentally moved on the highway or used for purposes of testing  
113 or demonstration, or a vehicle used by a manufacturer solely for  
114 testing;

115 (c) A vehicle, manufactured home or mobile home owned  
116 by a nonresident of this state and not required by law to be  
117 registered in this state;

118 (d) A vehicle regularly engaged in the interstate  
119 transportation of persons or property for which a currently  
120 effective certificate of title has been issued in another state;

121 (e) A vehicle moved solely by animal power;

122 (f) An implement of husbandry, including an all-terrain  
123 vehicle used as an implement of husbandry;

124 (g) Special mobile equipment;

125 (h) A pole trailer;

126 (i) Utility trailers of less than five thousand (5,000)  
127 pounds gross vehicle weight.

128 **SECTION 6.** This act shall take effect and be in force from  
129 and after July 1, 2005.