

By: Representative Reed

To: Transportation

## HOUSE BILL NO. 1298

1 AN ACT TO PROVIDE THAT IT SHALL NOT BE UNLAWFUL UNDER CERTAIN  
2 CONDITIONS TO OPERATE AN ALL-TERRAIN VEHICLE UPON GOVERNMENT LANDS  
3 OTHER THAN PUBLIC ROADS, STREETS AND HIGHWAYS; TO REQUIRE PERSONS  
4 OPERATING SUCH VEHICLES ON GOVERNMENT LANDS TO WEAR A CRASH  
5 HELMET, TO MEET THE MANUFACTURER'S RECOMMENDATIONS REGARDING THE  
6 MINIMUM AGE AND MAXIMUM NUMBER OF PASSENGERS THAT MAY OPERATE OR  
7 RIDE UPON SUCH VEHICLE, AND TO COMPLY WITH ALL LAWS, RULES AND  
8 REGULATIONS REGARDING USE OF THE VEHICLE ON THE LANDS WHERE THE  
9 VEHICLE IS BEING OPERATED; TO PRESCRIBE PENALTIES FOR PERSONS  
10 VIOLATING THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) For the purposes of this section, the  
13 following terms shall have the meaning ascribed in this subsection  
14 unless the context otherwise requires:

15 (a) "All-terrain vehicle" means any motorized vehicle  
16 manufactured and designed exclusively for off-road use that is  
17 sixty (60) inches or less in width, has an unladen dry weight of  
18 seven hundred fifty (750) pounds or less, travels on three (3),  
19 four (4) or more low pressure tires, has a seat designed to be  
20 straddled by the operator and uses handlebars for steering  
21 control;

22 (b) "Governmental authority" means the State of  
23 Mississippi and any state agency, department, institution or  
24 instrumentality thereof, and any county, municipality or political  
25 subdivision of the state, or any instrumentality thereof.

26 (c) "Government lands" means real property owned by or  
27 leased by a governmental authority or over which a governmental  
28 authority has jurisdiction to enforce laws, rules and regulations  
29 governing the permissible uses of such property.

30 (2) Except as provided under subsection (3) of this section,  
31 it shall not be unlawful for any person to operate an all-terrain

32 vehicle upon any government lands, provided that every such  
33 operator shall:

34 (a) Wear on his or her head a crash helmet that  
35 complies with minimum guidelines established by the National  
36 Highway Traffic Safety Administration pursuant to the National  
37 Traffic and Motor Vehicle Safety Act of 1966 for helmets designed  
38 for use by motorcyclists;

39 (b) Meet the all-terrain manufacturer's recommendations  
40 as to the minimum age and maximum number of riders applicable to  
41 the type and model of vehicle being operated; and

42 (c) Comply with all laws, rules and regulations  
43 regarding use of the vehicle on the government lands upon which  
44 the vehicle is being operated.

45 (3) The provisions of this section shall not authorize any  
46 person to operate an all-terrain vehicle on any public road,  
47 street or highway constructed and designed primarily for the use  
48 of motor vehicles required to be registered and licensed under  
49 Chapter 19, Title 27, Mississippi Code of 1972, unless the  
50 governmental authority having jurisdiction over such road, street  
51 or highway has specifically authorized such use.

52 (4) Any person who operates an all-terrain vehicle in  
53 violation of the provisions of this section shall be guilty of a  
54 misdemeanor and, upon conviction, shall be punished by a fine of  
55 not to exceed One Hundred Dollars (\$100.00). Such fine shall be  
56 in addition to any fines or penalties as may otherwise be  
57 prescribed by law or by rule and regulation with regard to any  
58 prohibited act or omission committed upon the government land.

59 **SECTION 2.** This act shall take effect and be in force from  
60 and after July 1, 2007.