

By: Representative Staples (By Request)

To: Transportation

## HOUSE BILL NO. 1393

1 AN ACT TO AUTHORIZE THE OPERATION OF AN ALL-TERRAIN VEHICLE  
2 BY ANY PERSON, WHILE IN THE OPERATION OF FARMING OR AGRICULTURAL  
3 PURSUITS, ON THE RIGHT-OF-WAY OR NON-PAVED SURFACE OF ANY PUBLIC  
4 ROAD, STREET OR HIGHWAY IN THIS STATE LOCATED OUTSIDE OF THE  
5 LIMITS OF ANY INCORPORATED MUNICIPALITY; TO PROHIBIT SUCH  
6 OPERATION AT NIGHT OR ON A ROAD, STREET OR HIGHWAY ON THE  
7 DESIGNATED STATE HIGHWAY SYSTEM; TO REQUIRE SUCH PERSON TO WEAR A  
8 CRASH HELMET AND TO COMPLY WITH ALL APPLICABLE TRAFFIC RULES AND  
9 REGULATIONS WHEN OPERATING SUCH VEHICLE; TO PRESCRIBE PENALTIES  
10 FOR VIOLATIONS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) The term "all-terrain vehicle" or "ATV," as  
13 used in this section, means any motorized vehicle manufactured and  
14 designed exclusively for off-road use that is fifty (50) inches or  
15 less in width, has an unladen dry weight of six hundred (600)  
16 pounds or less, travels on three (3), four (4) or more low  
17 pressure tires, has a seat designed to be straddled by the  
18 operator and uses handlebars for steering control.

19 (2) Subject to the provisions of subsection (3) of this  
20 section, it shall not be unlawful for any person, while in the  
21 operation of farming or agricultural pursuits, to operate an ATV  
22 on the right-of-way or nonpaved surface of any public road, street  
23 or highway in this state located outside of the limits of any  
24 incorporated municipality; and such person, while operating the  
25 vehicle, shall not be required to possess a driver's license or  
26 permit, shall not be required to have liability insurance in  
27 effect for the vehicle and such vehicle shall not be required to  
28 be licensed or registered, have a vehicle inspection sticker or  
29 otherwise meet the motor vehicle equipment requirements of Chapter  
30 7, Title 63, Mississippi Code of 1972.

31 (3) Any person operating an ATV as provided under subsection  
32 (2) of this section:

33 (a) May not operate such vehicle at night;

34 (b) May not operate such vehicle on a road, street or  
35 highway on the designated state highway system;

36 (c) Must wear on his head a crash helmet that complies  
37 with minimum guidelines established by the National Highway  
38 Traffic Safety Administration pursuant to the National Traffic and  
39 Motor Vehicle Safety Act of 1966 for helmets designed for use by  
40 motorcyclists; and

41 (d) Must comply with all applicable traffic rules and  
42 regulations under Chapter 3 of Title 63, Mississippi Code of 1972.

43 (4) Any person who operates an ATV in violation of the  
44 provisions of this section shall be subject to the penalties  
45 imposed under Section 63-9-11.

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