

By: Senator(s) Morgan

To: Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2847

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 MAXIMUM NUMBER OF PASSENGERS THAT MAY OPERATE OR RIDE UPON SUCH  
7 VEHICLE, AND TO COMPLY WITH ALL LAWS, RULES AND REGULATIONS  
8 REGARDING USE OF THE VEHICLE ON THE LANDS WHERE THE VEHICLE IS  
9 BEING OPERATED; TO PRESCRIBE PENALTIES FOR PERSONS VIOLATING THE  
10 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 meanings ascribed in this  
14 subsection 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 any person under the age of sixteen (16) who operates an

32 all-terrain vehicle upon any government lands shall wear on the  
33 operator's head a crash helmet that complies with minimum  
34 guidelines established by the National Highway Traffic Safety  
35 Administration pursuant to the National Traffic and Motor Vehicle  
36 Safety Act of 1966 for helmets designed for use by motorcyclists.

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

44 (4) A violation of this section shall constitute a traffic  
45 offense, and any person who operates an all-terrain vehicle in  
46 violation of the provisions of this section shall be guilty of a  
47 misdemeanor and, upon conviction, shall be punished by a fine of  
48 not to exceed Twenty-five Dollars (\$25.00). This fine shall be in  
49 addition to any fines or penalties as may otherwise be prescribed  
50 by law or by rule and regulation with regard to any prohibited act  
51 or omission committed upon the government land.

52 **SECTION 2.** This act shall be codified in Title 63,  
53 Mississippi Code of 1972.

54 **SECTION 3.** This act shall take effect and be in force from  
55 and after July 1, 2007.