

By: Senator(s) Dearing

To: Judiciary, Division B;  
Wildlife, Fisheries and Parks

SENATE BILL NO. 2998

1 AN ACT TO REQUIRE ALL-TERRAIN VEHICLES TO OBTAIN A  
2 CERTIFICATE OF NUMBER; TO AUTHORIZE THE COMMISSION ON WILDLIFE,  
3 FISHERIES AND PARKS TO ISSUE SUCH CERTIFICATES; TO PROVIDE THAT  
4 SUCH CERTIFICATE OF NUMBER SHALL BE PLACED ON ALL-TERRAIN  
5 VEHICLES; TO PROVIDE A PENALTY FOR VIOLATIONS; TO AMEND SECTION  
6 51-1-4, MISSISSIPPI CODE OF 1972, TO CLARIFY PERSONS USING  
7 ALL-TERRAIN VEHICLES IN PUBLIC WATERWAYS WITHOUT PERMISSION OF  
8 LANDOWNER ARE NOT ENTITLED TO RECOVER DAMAGES AGAINST SUCH  
9 LANDOWNER FOR INJURIES; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) All-terrain vehicles shall be numbered in  
12 accordance with this act.

13 (2) The owner of an all-terrain vehicle shall apply, within  
14 thirty (30) days from the date of acquisition of the vehicle, to  
15 the Commission on Wildlife, Fisheries and Parks, on forms  
16 provided, for a certificate of number. The application for a  
17 number shall include the following:

- 18 (a) Name and address of owner.
- 19 (b) Date of birth of owner.
- 20 (c) Social security number or driver's license number  
21 of the owner.
- 22 (d) Present citizenship of owner (county, state,  
23 country).
- 24 (e) County in which the vehicle is principally used.
- 25 (f) Present number (if any).
- 26 (g) Type, make, size and year built (if known).
- 27 (h) Signature of owner.
- 28 (i) Any other information that the commission may  
29 require.

30           **SECTION 2.** (1) The Commission on Wildlife, Fisheries and  
31 Parks shall require the number awarded to an all-terrain vehicle  
32 be attached to the vehicle.

33           (2) The commission shall furnish and ensure that the  
34 forms required for obtaining a certificate of number shall be  
35 available at all-terrain vehicle dealers and with its licensing  
36 agents.

37           (3) The commission may charge a fee not to exceed Five  
38 Dollars (\$5.00) for each certificate of number.

39           (4) Upon request, information on ownership and identity  
40 of numbered vehicles shall be available to federal, state and  
41 local officials, as needed, in any enforcement program. Such  
42 records pertaining to the ownership and identity of numbered  
43 vehicles are considered public records.

44           **SECTION 3.** (1) When a numbered all-terrain vehicle is lost,  
45 stolen, destroyed, abandoned or transferred to another person, the  
46 owner shall notify the Commission on Wildlife, Fisheries and Parks  
47 within fifteen (15) days.

48           (2) No person shall remove, change, mutilate or deface  
49 the number awarded to an all-terrain vehicle.

50           (3) No person shall buy, sell or possess an all-terrain  
51 vehicle on which the awarded number has been removed, changed,  
52 mutilated or defaced.

53           (4) A violation of this act is a Class II violation and  
54 punishable as provided in Section 49-7-143.

55           **SECTION 4.** Section 51-1-4, Mississippi Code of 1972, is  
56 amended as follows:

57           51-1-4. (1) Such portions of all natural flowing streams in  
58 this state having a mean annual flow of not less than one hundred  
59 (100) cubic feet per second, as determined and designated on  
60 appropriate maps by the Mississippi Department of Environmental  
61 Quality, shall be public waterways of the state on which the  
62 citizens of this state and other states shall have the right of

63 free transport in the stream and its bed and the right to fish and  
64 engage in water sports. Such persons exercising the rights  
65 granted by this section shall do so at their own risk, and such  
66 persons shall not be entitled to recover any damages against any  
67 owner of property along such public waterways or anyone using such  
68 property with permission of the owner for any injury to or death  
69 of persons or damage to property arising out of the exercise of  
70 rights granted, by this section other than those damages which may  
71 be recovered for intentional or malicious torts or for gross or  
72 willful negligence against the owner of property, or anyone using  
73 such property with permission of the owner.

74 (2) Nothing contained in this section shall authorize anyone  
75 utilizing such public waterways, under the authority granted by  
76 this section, to trespass upon adjacent lands or, to launch or  
77 land any commercial or pleasure craft along or from the shore of  
78 such waterways except at places established by public or private  
79 entities for such purposes.

80 (3) Nothing contained in this section shall authorize any  
81 person utilizing those public waterways, under the authority  
82 granted by this section, to disturb the banks or beds of such  
83 waterways or the discharge of any object or substance into such  
84 waters or upon or across any lands adjacent thereto or to hunt or  
85 fish or go on or across any adjacent lands under floodwaters  
86 beyond the natural banks of the bed of the public waterway.  
87 Floodwater which has overflowed the banks of a public waterway is  
88 not a part of the public waterway.

89 (4) The right of the public to use public waterways does not  
90 include the use of motorized vehicles in the beds of a public  
91 waterway without the written permission of the landowner. Any  
92 person who uses a motorized vehicle in the bed of a public  
93 waterway without the written permission of the landowner may be  
94 punished as provided in Section 97-17-93. Persons using a  
95 motorized vehicle in the bed of a public waterway without the

96 written permission of the landowner shall not be entitled to  
97 recover any damages against the owner of property along such  
98 public waterways for any injury to or death of persons or damage  
99 to property other than those damages which may be recovered for  
100 intentional or malicious torts or for gross or willful negligence  
101 against the owner of property.

102 (5) Nothing contained in this section shall be construed to  
103 prohibit the construction of dams and reservoirs by the State of  
104 Mississippi or any of its agencies or political subdivisions, or  
105 riparian owners, in the manner now or hereafter authorized by law,  
106 or in any way to affect the rights of riparian landowners along  
107 such waterways except as specifically provided hereinabove or to  
108 amend or repeal any law relating to pollution or water  
109 conservation, or to affect in any manner the title to the banks  
110 and beds of any such stream or the title to any minerals  
111 thereunder, or to restrict the mining or extraction of such  
112 minerals or the right of ingress and egress thereto.

113 (6) The provisions of this section limiting the liability of  
114 owners of property along public waterways and persons using such  
115 property with permission of the owners shall not be construed to  
116 limit any rights of claimants for damages under federal statutes  
117 or acts applying to navigable streams or waterways or any other  
118 civil causes of action subject to admiralty or maritime  
119 jurisdiction, nor shall those provisions be construed to limit the  
120 rights of any parties involved in litigation founded upon the  
121 commercial or business usage of any navigable streams or  
122 waterways.

123 (7) This section shall apply only to natural flowing  
124 streams.

125 (8) Any lake hydrologically connected to a natural flowing  
126 stream and listed as a public waterway under subsection (1) on  
127 July 1, 2000, and subsequently removed from that list before July  
128 1, 2001, by the Commission on Environmental Quality because the

129 lake did not meet the requirements of subsection (1), shall be  
130 presumed to be a public waterway until a court of competent  
131 jurisdiction determines otherwise. Nothing in this subsection  
132 shall be construed to determine the property rights in the bed or  
133 banks of the lake, the right of ingress or egress across private  
134 property to the lake, or mineral interests.

135         **SECTION 5.** This act shall take effect and be in force from  
136 and after July 1, 2007.