

Chapter No. 457  
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**SENATE BILL NO. 2596**

Originated in Senate *Juan W. Puyas* Secretary

SENATE BILL NO. 2596

AN ACT TO CREATE SECTION 63-7-103, MISSISSIPPI CODE OF 1972, TO PROHIBIT USE OF NITROUS OXIDE IN ANY MOTOR VEHICLE OR MOTORCYCLE DRIVEN ON THE STREETS OR HIGHWAYS AND TO PRESCRIBE PENALTIES FOR THE USE OF NITROUS OXIDE IN MOTOR VEHICLES OR MOTORCYCLES DRIVEN ON THE STREETS OR HIGHWAYS; TO CREATE NEW SECTION 63-3-502, MISSISSIPPI CODE OF 1972, TO PROHIBIT RACING IN A MOTOR VEHICLE OR MOTORCYCLE ON STREETS OR HIGHWAYS; AND FOR RELATED PURPOSES.

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

**SECTION 1.** The following shall be codified as Section 63-7-103, Mississippi Code of 1972:

63-7-103. (1) This section shall be known and may be cited as the "Trooper Steve Hood Act: The Nitrous Oxide Prohibition Act."

(2) For the purposes of this section:

(a) "Motor vehicle" has the meaning ascribed in Section 27-19-3; however, the term "motor vehicle" does not include any vehicle with a gross vehicle or combination weight greater than ten thousand (10,000) pounds.

(b) "Motorcycle" has the meaning ascribed in Section 27-19-3.

(c) "Nitrous oxide" means a gas or liquid form of nitrous oxide that is used to increase the speed or performance of a motor vehicle or motorcycle.

(d) "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(3) (a) (i) A person shall not operate on a street or highway a motor vehicle or motorcycle that is equipped to supply the engine with nitrous oxide unless the nitrous oxide supply system is made inoperative by means of disconnecting the nitrous oxide feed line from the engine or removing the nitrous oxide canister from the motor vehicle or motorcycle.

(ii) No fine or imprisonment shall be imposed against the operator for a violation of this section, unless at the time the operator was charged with a violation of this section he also was charged with some other offense under Title 63, Mississippi Code of 1972, and he is convicted of both offenses.

(b) A person convicted for the first offense of violating this subsection shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), imprisoned for not more than forty-eight (48) hours, or both.

(c) For a second conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than one (1) year, and shall be sentenced to community service work for not less than ten (10) days nor more than one (1) year.

(d) (i) For a third or subsequent conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections; however, for any such offense that does not result in serious injury or death to any

person, the sentence of incarceration may be served in the county jail at the discretion of the circuit court judge.

(ii) After a conviction under this subsection and upon receipt of the court abstract, the Commissioner of Public Safety shall suspend the driver's license and driving privileges of the person for not less than five (5) years.

(iii) After a conviction under this subsection, the law enforcement agency shall seize the vehicle owned by any person convicted of a third or subsequent violation of this subsection, if the convicted person was driving the vehicle at the time the offense was committed. The vehicle may be forfeited in the manner provided by Sections 63-11-49 through 63-11-53.

**SECTION 2.** The following shall be codified as Section 63-3-502, Mississippi Code of 1972:

63-3-502. (1) For the purposes of this section:

(a) "Motor vehicle" has the meaning ascribed in Section 27-19-3.

(b) "Motorcycle" has the meaning ascribed in Section 27-19-3.

(c) "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(2) Any person driving a motor vehicle or motorcycle upon a street or highway in a race, upon conviction, shall be punished as follows:

(a) A person convicted for the first offense of violating this subsection shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), imprisoned for not more than forty-eight (48) hours, or both.

(b) For a second conviction of any person violating this subsection, the offenses being committed within a period of

five (5) years, the person shall be fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than one (1) year, and shall be sentenced to community service work for not less than ten (10) days nor more than one (1) year.

(c) (i) For a third or subsequent conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections; however, for any such offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail at the discretion of the circuit court judge.

(ii) After a conviction under this subsection and upon receipt of the court abstract, the Commissioner of Public Safety shall suspend the driver's license and driving privileges of the person for not less than five (5) years.

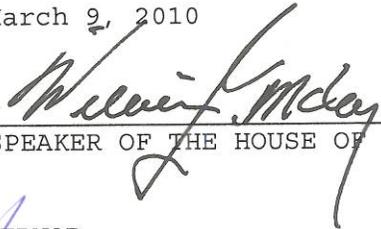
(3) A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section 63-7-103.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2010.

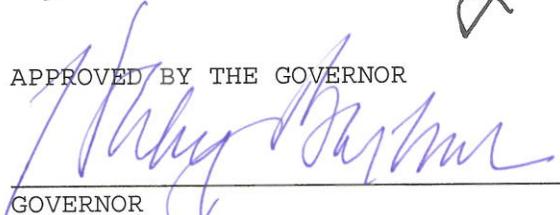
PASSED BY THE SENATE  
February 8, 2010

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 9, 2010

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

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