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Chapter No. 544
12/HR12/R1809SG
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HOUSE BILL NO. 1203

Originated in House  Clerk

HOUSE BILL NO. 1203

AN ACT TO AMEND SECTION 63-7-64, MISSISSIPPI CODE OF 1972, TO CORRECT THE REFERENCE TO THE ENTITY AUTHORIZED TO APPROVE MOTORCYCLE CRASH HELMET STANDARDS FOR OPERATORS OF MOTORCYCLES AND TO EXEMPT PARADE PARTICIPANTS FROM HELMET REQUIREMENT; TO AMEND SECTION 63-31-3, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN MINORS OPERATING A DIRT BIKE TO RECEIVE OFF-ROAD VEHICLE TRAINING AND TO WEAR A PROPER HELMET; TO AMEND SECTION 63-3-121, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-7-64, Mississippi Code of 1972, is amended as follows:

63-7-64. No person shall operate or ride upon any motorcycle or motor scooter upon the public roads or highways of this state unless such person is wearing on his or her head a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218). Violation of this section shall be deemed a violation of the traffic regulations and rules of the road and punishable as provided by Section 63-9-11. This section shall not apply to persons riding in a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older.

SECTION 2. Section 63-31-3, Mississippi Code of 1972, is amended as follows:

63-31-3. (1) No off-road vehicle shall be operated upon any public property by any person unless:

(a) (i) The person possesses a valid driver's license;

or

(ii) The person possesses a certificate as provided under subsections (3) and (4) of this section.

(b) No person may operate any off-road vehicle upon any public property in this state unless each person under sixteen (16) years of age who is operating or riding on the off-road vehicle is wearing a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218) for helmets designed for use by motorcyclists.

(2) A violation of subsection (1) of this section is punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

(3) Off-road vehicle safety courses shall be held by the Cooperative Extension Service using 4-H safety course materials and curricula, and shall be taught by instructors possessing qualifications approved by the Department of Public Safety. The Cooperative Extension Service shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.

(4) Off-road vehicle safety courses may be held by any organization approved by the Department of Public Safety. Such organization shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.

(5) For the purposes of this section * * *:

(a) "Off-road vehicle" means any all-terrain vehicle or dirt bike.

(b) "All-terrain vehicle" or "ATV" means any motorized vehicle manufactured and designed exclusively for off-road use that is fifty (50) inches or less in width; has an unladen dry weight of six hundred (600) pounds or less; travels on three (3), four (4) or more low-pressure tires; has a seat designed to be

straddled by the operator; and uses handlebars for steering control.

(c) "Dirt bike" means a motor-powered vehicle possessing two (2) or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not the vehicle may be operated legally on a public street.

(6) Nothing in this section shall be construed to authorize operation of an off-road vehicle on a public road or highway of this state.

SECTION 3. Section 63-3-121, Mississippi Code of 1972, is amended as follows:

63-3-121. (a) "Person" means every natural person, firm, copartnership, association, * * * corporation, limited liability company or other legal business entity.

(b) "Driver" means every person who drives or is in actual physical control of a vehicle.

(c) "Owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(d) "Pedestrian" means any person afoot or a person who uses an electric personal assistive mobility device or a manual or motorized wheelchair.

(e) "Instructor" means any person who gives instruction in a course related to this Title 63, whether given in person, recorded, transmitted by electronic means, or any combination thereof.

SECTION 4. Section 2 of this act shall take effect and be in force from and after July 1, 2012, and the remainder of this act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 30, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
May 2, 2012



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

5-22-12

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