

By: Representative Livingston

To: Transportation

HOUSE BILL NO. 515

1 AN ACT TO AMEND SECTIONS 65-7-23 AND 97-15-1, MISSISSIPPI
2 CODE OF 1972, TO REVISE PENALTIES FOR DESTROYING OR REMOVING
3 TRAFFIC SIGNS; TO AMEND SECTION 63-1-51, MISSISSIPPI CODE OF 1972,
4 TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. Section 65-7-23, Mississippi Code of 1972, is
8 amended as follows:

9 65-7-23. (1) Any person willfully defacing, removing,
10 marring, damaging or destroying any sign or guide board, including
11 any railroad crossing sign or flasher signal, or other traffic
12 control device erected as provided shall be guilty of a
13 misdemeanor and, upon conviction thereof, shall be liable for the
14 actual cost of replacing or repairing such sign and shall be fined
15 not less than Five Hundred Dollars (\$500.00) nor more than One
16 Thousand Dollars (\$1,000.00), or be imprisoned in the county jail
17 not more than six (6) months, or be punished by both such fine and
18 imprisonment. A person convicted under this section shall have
19 his driver's license suspended for ninety (90) days. If the
20 offender is a minor, the parents of such minor shall be civilly
21 liable in accordance with Section 93-13-2 for the actual cost of
22 replacing or repairing the sign, signal or device.

23 (2) The penalties prescribed in subsection (1) of this
24 section shall also be applicable to any person, and to the parents
25 of any minor, who willfully defaces, mars or damages any bridge,
26 underpass or overpass.

27 SECTION 2. Section 97-15-1, Mississippi Code of 1972, is

28 amended as follows:

29 97-15-1. (1) Any person who shall willfully destroy,
30 deface, mar, damage, pull down or remove any milepost, signboard,
31 or index board, or road number, or railroad crossing sign or
32 flasher signal, or other traffic control device shall, on
33 conviction thereof, be liable for the actual cost of replacing or
34 repairing such sign and shall be fined not less than Five Hundred
35 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
36 or be imprisoned in the county jail not more than six (6) months,
37 or be punished by both such fine and imprisonment. A person
38 convicted under this section shall have his driver's license
39 suspended for ninety (90) days. If the offender is a minor, the
40 parents of such minor shall be civilly liable in accordance with
41 Section 93-13-2 for the actual cost of replacing or repairing the
42 sign, signal or device.

43 (2) The penalties prescribed in subsection (1) of this
44 section shall also be applicable to any person, and to the parents
45 of any minor, who willfully defaces, mars or damages any bridge,
46 underpass or overpass.

47 SECTION 3. Section 63-1-51, Mississippi Code of 1972, is
48 amended as follows:

49 63-1-51. (1) It shall be the duty of the trial judge, upon
50 conviction of any person holding a license issued pursuant to this
51 article where the penalty for a traffic violation is as much as
52 Ten Dollars (\$10.00), to mail a copy of abstract of the court
53 record or provide an electronically or computer generated copy of
54 abstract of the court record immediately to the commissioner at
55 Jackson, Mississippi, showing the date of conviction, penalty,
56 etc., so that a record of same may be made by the Department of
57 Public Safety. The commissioner shall forthwith revoke the
58 license of any person for a period of one (1) year upon receiving
59 a duly certified record of each person's convictions of any of the
60 following offenses when such conviction has become final:

61 (a) Manslaughter or negligent homicide resulting from
62 the operation of a motor vehicle;

63 (b) Any felony in the commission of which a motor
64 vehicle is used;

65 (c) Failure to stop and render aid as required under
66 the laws of this state in event of a motor vehicle accident
67 resulting in the death or personal injury of another;

68 (d) Perjury or the willful making of a false affidavit
69 or statement under oath to the department under this article or
70 under any other law relating to the ownership or operation of
71 motor vehicles;

72 (e) Conviction, or forfeiture of bail not vacated, upon
73 three (3) charges of reckless driving committed within a period of
74 twelve (12) months;

75 (f) Contempt for failure to pay a fine or fee or to
76 respond to a summons or citation pursuant to a charge of a
77 violation of this title.

78 (2) The commissioner shall revoke the license issued
79 pursuant to this article of any person convicted of negligent
80 homicide, in addition to any penalty now provided by law.

81 (3) In addition to the reasons specified in this section,
82 the commissioner shall be authorized to suspend the license issued
83 to any person pursuant to this article for being out of compliance
84 with an order for support, as defined in Section 93-11-153. The
85 procedure for suspension of a license for being out of compliance
86 with an order for support, and the procedure for the reissuance or
87 reinstatement of a license suspended for that purpose, and the
88 payment of any fees for the reissuance or reinstatement of a
89 license suspended for that purpose, shall be governed by Section
90 93-11-157 or 93-11-163, as the case may be. If there is any
91 conflict between any provision of Section 93-11-157 or 93-11-163
92 and any provision of this article, the provisions of Section
93 93-11-157 or 93-11-163, as the case may be, shall control.

94 (4) The commissioner shall suspend the driver's license of
95 anyone convicted of a violation of Section 65-7-23 or Section
96 97-15-1 for a period of ninety (90) days.

97 SECTION 4. This act shall take effect and be in force from
98 and after July 1, 1999.