

By: Representative Ellis (By Request)

To: Public Utilities;  
Judiciary A

## HOUSE BILL NO. 1265

1 AN ACT TO AMEND SECTION 11-27-43, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT UTILITY COMPANIES SHALL BE IMMUNE FROM LIABILITY  
3 FOR DAMAGE TO VEHICLES WHICH NEGLIGENTLY STRIKE THE POSTS OR OTHER  
4 FACILITIES OF THE UTILITY ERECTED ALONG PUBLIC THOROUGHFARES; AND  
5 FOR RELATED PURPOSES.

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

7 SECTION 1. Section 11-27-43, Mississippi Code of 1972, is  
8 amended as follows:

9 11-27-43. All companies or associations of persons  
10 incorporated or organized for the purposes set forth in Section  
11 11-27-41 are authorized and empowered to erect, place and maintain  
12 their posts, wires and conductors along and across any of the  
13 public highways, streets or waters and along and across all  
14 turnpikes, railroads and canals, and also through any of the  
15 public lands, and to do such clearing as may be reasonably  
16 necessary for the proper protection, operation and maintenance of  
17 such facilities; however, in all cases such authorization shall  
18 meet the requirements of the National Electrical Safety Code. The  
19 same shall be so constructed and placed in the exercise of  
20 reasonable care, so as not to be unreasonably dangerous to persons  
21 or property, nor interfere with the common use of such roads,  
22 streets, or waters, nor with the use of the wires of other  
23 wire-using companies, or more than is necessary with the  
24 convenience of any landowner. However, a company or association  
25 shall not be liable to any user of any public highway, street,  
26 waters, turnpike, railroad, canal or public land whose vehicle  
27 leaves the traveled portion thereof and negligently strikes the

28 posts, wires or conductors of the company or association off the  
29 traveled portion thereof. In the event of negligent operation of  
30 the vehicle, full liability for damage to a structure, the  
31 vehicle, contents of the vehicle, cargo, operator or any occupant  
32 shall be borne entirely by the operator of the vehicle.

33 SECTION 2. This act shall take effect and be in force from  
34 and after its passage.