

By: Representatives Robinson (84th), Horne

To: Transportation

HOUSE BILL NO. 795

1 AN ACT TO AMEND SECTION 63-9-21, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE A LAW ENFORCEMENT OFFICER ISSUING A TRAFFIC TICKET TO  
3 RETURN IT TO THE APPLICABLE CLERK OF COURT WITHIN FIFTEEN DAYS OF  
4 ITS ISSUANCE; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 63-9-21, Mississippi Code of 1972, is  
7 amended as follows:

8 63-9-21. (1) This section shall be known as the Uniform  
9 Traffic Ticket Law.

10 (2) All traffic tickets shall be printed in the original and  
11 at least two (2) copies and such other copies as may be prescribed  
12 by the State Auditor. All traffic tickets shall be uniform as  
13 prescribed by the State Auditor and the Attorney General, except  
14 as otherwise provided in subsection (3)(b) and except that such  
15 state officers may alter the form and content of traffic tickets  
16 to meet the varying requirements of the different law enforcement  
17 agencies. The State Auditor and the Attorney General shall  
18 prescribe a separate traffic ticket, consistent with the  
19 provisions of subsection (3)(b) of this section, to be used  
20 exclusively for violations of the Mississippi Implied Consent Law.

21 (3) (a) Except as otherwise provided in paragraph (b) of  
22 this subsection, every traffic ticket issued by any sheriff,  
23 deputy sheriff, constable, county patrol officer, municipal police  
24 officer or State Highway Patrol officer for any violation of  
25 traffic or motor vehicle laws shall be issued on the uniform  
26 traffic ticket consisting of an original and at least two (2)  
27 copies and such other copies as may be prescribed by the State  
28 Auditor.



29           (b) The traffic ticket, citation or affidavit which is  
30 issued to a person arrested for a violation of the Mississippi  
31 Implied Consent Law shall be uniform throughout all jurisdictions  
32 in the State of Mississippi. It shall contain a place for the  
33 trial judge hearing the case or accepting the guilty plea, as the  
34 case may be, to sign, stating that the person arrested either  
35 employed an attorney or waived his right to an attorney after  
36 having been properly advised of his right to have an attorney. If  
37 the person arrested employed an attorney, the name, address and  
38 telephone number of the attorney shall be written on the ticket,  
39 citation or affidavit.

40           (c) Every traffic ticket shall show, among other  
41 necessary information, the name of the issuing officer, the name  
42 of the court in which the cause is to be heard, and the date and  
43 time such person is to appear to answer the charge. The ticket  
44 shall include information which will constitute a complaint  
45 charging the offense for which the ticket was issued, and when  
46 duly sworn to and filed with a court of competent jurisdiction,  
47 prosecution may proceed thereunder.

48           (4) All traffic tickets shall be bound in book form, shall  
49 be consecutively numbered and each traffic ticket shall be  
50 accounted for to the officer issuing such book. Said traffic  
51 ticket books shall be issued to sheriffs, deputy sheriffs,  
52 constables and county patrol officers by the chancery clerk of  
53 their respective counties, to each municipal police officer by the  
54 clerk of the municipal court, and to each State Highway Patrol  
55 officer by the Commissioner of Public Safety.

56           (5) The chancery clerk, clerk of the municipal court and the  
57 Commissioner of Public Safety shall keep a record of all traffic  
58 ticket books issued and to whom issued, accounting for all books  
59 printed and issued.

60           (6) The original traffic ticket shall be delivered by the  
61 officer issuing the traffic ticket to the clerk of the court to



62 which it is returnable within fifteen (15) days from the date of  
63 its issue, excluding Saturdays, Sundays and legal holidays. Such  
64 original traffic ticket shall be retained in that court's records  
65 and the number noted on the docket. The officer issuing the  
66 traffic ticket shall also give the accused a copy of the traffic  
67 ticket. The clerk of the court shall file a copy with the State  
68 Auditor within forty-five (45) days after judgment is rendered  
69 showing the amount of the fine and cost or, in cases in which no  
70 judgment has been rendered, within one hundred twenty (120) days  
71 after issuance of the ticket. Other copies that are prescribed by  
72 the State Auditor pursuant to this section shall be filed or  
73 retained as may be designated by the State Auditor. All copies  
74 shall be retained for at least two (2) years.

75 (7) Failure to comply with the provisions of this section  
76 shall constitute a misdemeanor and, upon conviction, shall be  
77 punishable by a fine of not less than Ten Dollars (\$10.00) nor  
78 more than One Hundred Dollars (\$100.00).

79 SECTION 2. This act shall take effect and be in force from  
80 and after July 1, 2001.

