AN ACT TO AMEND SECTION 63-11-5, MISSISSIPPI CODE OF 1972, TO
AUTHORIZE ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF
TRANSPORTATION TO DIRECT THAT CHEMICAL TESTS OF A PERSON'S BREATH,
BLOOD OR URINE BE ADMINISTERED FOR THE PURPOSE OF DETERMINING THE
PRESENCE OF SUBSTANCES IN SUCH PERSON'S BODY WHICH WOULD IMPAIR
HIS OR HER ABILITY TO OPERATE A MOTOR VEHICLE; AND FOR RELATED
PURPOSES.

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

SECTION 1. Section 63-11-5, Mississippi Code of 1972, is
amended as follows:

63-11-5. (1) Any person who operates a motor vehicle upon
the public highways, public roads and streets of this state shall
be deemed to have given his consent, subject to the provisions of
this chapter, to a chemical test or tests of his breath for the
purpose of determining alcohol concentration. A person shall give
his consent to a chemical test or tests of his breath, blood or
urine for the purpose of determining the presence in his body of
any other substance which would impair a person's ability to
operate a motor vehicle. The test or tests shall be administered
at the direction of any highway patrol officer, any sheriff or his
duly commissioned deputies, any police officer in any incorporated
municipality, any national park ranger, any enforcement officer of
the Mississippi Department of Transportation, any officer of a
state-supported institution of higher learning campus police force
if such officer is exercising this authority in regard to a
violation that occurred on campus property, or any security
officer appointed and commissioned pursuant to the Pearl River
Valley Water Supply District Security Officer Law of 1978 if such
officer is exercising this authority in regard to a violation that
occurred within the limits of the Pearl River Valley Water Supply
District, when such officer has reasonable grounds and probable
cause to believe that the person was driving or had under his
actual physical control a motor vehicle upon the public streets or
highways of this state while under the influence of intoxicating
liquor or any other substance which had impaired such person's
ability to operate a motor vehicle. No such test shall be
administered by any person who has not met all the educational and
training requirements of the appropriate course of study
prescribed by the Board on Law Enforcement Officers Standards and
Training; provided, however, that sheriffs and elected chiefs of
police shall be exempt from such educational and training
requirement. No such tests shall be given by any officer or any
agency to any person within fifteen (15) minutes of consumption of
any substance by mouth.

(2) If the officer has reasonable grounds and probable cause
to believe such person to have been driving a motor vehicle upon
the public highways, public roads and streets of this state while
under the influence of intoxicating liquor, such officer shall
inform such person that his failure to submit to such chemical
test or tests of his breath shall result in the suspension of his
privilege to operate a motor vehicle upon the public streets and
highways of this state for a period of ninety (90) days in the
event such person has not previously been convicted of a violation
of Section 63-11-30, or, for a period of one (1) year in the event
of any previous conviction of such person under Section 63-11-30.

(3) The traffic ticket, citation or affidavit issued to a
person arrested for a violation of this chapter shall conform to
the requirements of Section 63-9-21(3)(b).

(4) Any person arrested under the provisions of this chapter
shall be informed that he has the right to telephone for the
purpose of requesting legal or medical assistance immediately
after being booked for a violation under this chapter.
(5) The Commissioner of Public Safety and the State Crime Laboratory created pursuant to Section 45-1-17 are hereby authorized from and after the passage of this section to adopt procedures, rules and regulations, applicable to the Implied Consent Law.

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