SENATE BILL NO. 3027

AN ACT TO CREATE NEW SECTION 45-15-17, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE DUTY OF CARE WITH RESPECT TO THE PLACEMENT OF PUBLIC UTILITY FACILITIES ON OR ADJACENT TO RIGHTS-OF-WAY OF STATE HIGHWAYS AND OTHER ROADS, STREETS AND BRIDGES; TO PROVIDE FOR THE DUTY OF CARE OF PROPERTY OWNERS WHO ARE NOT THE OWNER OR OPERATOR OF A PUBLIC UTILITY; TO DEFINE PUBLIC UTILITY FACILITIES; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 45-15-17, Mississippi Code of 1972:

45-15-17. (1) The duty of care owed to the public by the owners and/or operators of public utility facilities located adjacent to a highway, road, street or bridge in this state shall be satisfied when:

(a) With respect to state highways, the public utility facilities comply with the provisions of the applicable edition of the National Electrical Safety Code of structure placement relative to roadways;

(b) With respect to roads, streets and bridges not part of the state highway system, the public utility facilities located in public right-of-way comply with the provisions of the applicable edition of the National Electrical Safety Code for structure placement relative to roadways;

(c) With respect to roads, streets and bridges not part of the state highway system, the public utility facilities located on private property comply with provisions of the applicable edition of the National Electrical Safety Code for structure placement relative to roadways;
ST: Public utility facilities; provide duty of care with respect to placement on or adjacent to highways, roads/bridges.

(d) With respect to structures, appurtenances, equipment or appliances whose placement or installation is not subject to the provisions of the National Electric Safety Code, the public utility facilities comply with the provisions of the standards in effect at the time such structure, appurtenance, equipment or appliance is placed, installed or located adjacent to any highway, road, street or bridge in this state, whether or not a part of the state highway system.

(2) (a) The owner of a road, street, highway or bridge, which is not itself the owner or operator of a public utility, shall owe no duty to the public regarding or relating to the placement or location of any public utility facilities within or appurtenant to the right-of-way of such road, street, highway or bridge.

(b) The owner of private property, which is not itself the owner or operator of a public utility, shall owe no duty to the public regarding or relating to the placement or location of any public utility facilities on or appurtenant to such private property.

(3) For the purpose of this section, "public utility facilities" means pipes, mains, conduits, cables, wires, towers, poles and other structures, equipment or appliances, whether publicly or privately owned, installed or placed adjacent to any roadway by an owner or operator of a public utility facility.

SECTION 2. Section 1 of this act shall be codified as Section 45-15-17, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after its passage.