

By: Senator(s) Robertson, Stogner, Minor,
Smith, Hewes, Nunnelee, Harden, Kirby,
Simmons

To: Public Utilities

SENATE BILL NO. 3027

1 AN ACT TO CREATE NEW SECTION 45-15-17, MISSISSIPPI CODE OF
2 1972, TO PROVIDE FOR THE DUTY OF CARE WITH RESPECT TO THE
3 PLACEMENT OF PUBLIC UTILITY FACILITIES ON OR ADJACENT TO
4 RIGHTS-OF-WAY OF STATE HIGHWAYS AND OTHER ROADS, STREETS AND
5 BRIDGES; TO PROVIDE FOR THE DUTY OF CARE OF PROPERTY OWNERS WHO
6 ARE NOT THE OWNER OR OPERATOR OF A PUBLIC UTILITY; TO DEFINE
7 PUBLIC UTILITY FACILITIES; AND FOR RELATED PURPOSES.

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

9 SECTION 1. The following shall be codified as Section
10 45-15-17, Mississippi Code of 1972:

11 45-15-17. (1) The duty of care owed to the public by the
12 owners and/or operators of public utility facilities located
13 adjacent to a highway, road, street or bridge in this state shall
14 be satisfied when:

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

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

24 (c) With respect to roads, streets and bridges not part
25 of the state highway system, the public utility facilities located
26 on private property comply with provisions of the applicable
27 edition of the National Electrical Safety Code for structure
28 placement relative to roadways;



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

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

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

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

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

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

