AN ACT TO AMEND SECTION 63-3-516, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTY IMPOSED FOR OPERATING A MOTOR VEHICLE WITHIN A HIGHWAY WORK ZONE IN EXCESS OF THE MAXIMUM SPEED LIMIT SPECIFICALLY ESTABLISHED FOR THAT ZONE; TO REQUIRE THAT SIGNS BE POSTED IN HIGHWAY WORK ZONES INDICATING THAT THE FINE FOR SPEEDING IN SUCH WORK ZONES MAY BE PUNISHED BY A FINE OF DOUBLE THE MAXIMUM AMOUNT OTHERWISE AUTHORIZED BY LAW; TO PROVIDE THAT THE PROVISIONS OF THIS SECTION MAY BE ENFORCED THROUGH THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-3-516, Mississippi Code of 1972, is amended as follows:

63-3-516. (1) It shall be unlawful for any person to operate a motor vehicle within a highway work zone at a speed in excess of the maximum speed limit specifically established for the zone whenever workers are present and whenever the zone is indicated by appropriately placed signs displaying the reduced maximum speed limit. Any person violating the provisions of this section shall be punished, upon conviction, by a fine of not more than double the maximum amount of the fine authorized to be imposed under Section 63-9-11.

(2) (a) For purposes of enforcing the provisions of this section, the Mississippi Highway Safety Patrol may operate radar speed detection devices in conjunction with automated vehicle identification systems in highway work zones. If a violation of this section is detected through the use of an automated vehicle identification system, a photograph of the vehicle taken by the automated vehicle identification system and a uniform traffic ticket setting forth the details of the violation shall be served upon the owner of the vehicle.
(b) An automated vehicle identification system shall not be used unless signs are posted in conspicuous places not less than three hundred (300) feet before the entry into the highway work zone. The Mississippi Department of Transportation shall be responsible for the placement of such signs.

(c) A traffic ticket shall not be issued for a violation of this section that is detected through the use of an automated vehicle identification system unless a patrolman of the Mississippi Highway Safety Patrol is present during the operation of the automated vehicle identification system at the time the violation is alleged to have occurred.

(d) Violations detected by means of an automated vehicle identification system shall not be recorded on the violator's driving record.

(3) For the purposes of this section:

(a) "Highway work zone" means a construction or maintenance area that is located on or along any public highway, road or street within this state that is marked:

(i) By appropriate warning signs or other traffic control devices indicating that work is in progress; and

(ii) By signs of a design approved by the Department of Transportation indicating that any person who operates a motor vehicle within a highway work zone at a speed in excess of the reduced maximum speed limit may be punished by a fine of double the maximum amount otherwise authorized by law.

(b) "Automated vehicle identification system" means a system whereby a device is used to automatically detect a violation of a traffic law and simultaneously record a photograph of the vehicle, the operator of the vehicle and the license plate of the vehicle.

(4) Nothing in this section shall preclude the prosecution or conviction for reckless driving of any motor vehicle operator whose operation of a motor vehicle in a highway work zone, apart
from speed, demonstrates a reckless disregard for life, limb or
property.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2003.