

By: Representatives Miles, Hudson,
Montgomery, Ward, Fleming

To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 768

1 AN ACT TO AMEND SECTION 63-3-516, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A PERSON WHO OPERATES A MOTOR VEHICLE WITHIN A
3 HIGHWAY WORK ZONE IN EXCESS OF THE MAXIMUM SPEED LIMIT
4 SPECIFICALLY ESTABLISHED FOR THAT ZONE MAY BE PUNISHED BY A FINE
5 OF DOUBLE THE MAXIMUM AMOUNT OTHERWISE AUTHORIZED BY LAW IF SIGNS
6 OR OTHER TRAFFIC CONTROL DEVICES APPROVED BY THE MISSISSIPPI
7 DEPARTMENT OF TRANSPORTATION ARE POSTED IN THE AREA WARNING THAT
8 A VIOLATION OF THE MAXIMUM POSTED SPEED LIMIT WHILE WORKERS ARE
9 PRESENT MAY BE PUNISHED BY SUCH INCREASED FINE; AND FOR RELATED
10 PURPOSES.

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

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

14 63-3-516. (1) It shall be unlawful for any person to
15 operate a motor vehicle within a highway work zone at a speed in
16 excess of the maximum speed limit specifically established for the
17 zone whenever workers are present and whenever the zone is
18 indicated by appropriately placed signs displaying the reduced
19 maximum speed limit. Any person violating the provisions of this
20 section shall be punished, upon conviction, for a first offense by
21 a fine of not more than Two Hundred Fifty Dollars (\$250.00; and
22 for a second, third or subsequent offense by a fine of not more
23 than double the maximum amount of the applicable fine prescribed
24 for second, third or subsequent offenses under Section 63-9-11.

25 (2) For the purposes of this section the term "highway work
26 zone" means a construction or maintenance area that is located on
27 or along any public highway, road or street within this state and
28 that is marked by * * * signs or other traffic control devices of
29 a design approved by the Mississippi Department of Transportation
30 warning that any person who operates a motor vehicle within the
31 designated area at a speed in excess of the reduced maximum speed

32 limit, while workers are present, may be punished by a fine of
33 double the maximum amount otherwise authorized by law.

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

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2004.