

By: Representative Franks

To: Transportation;
Judiciary B

HOUSE BILL NO. 1295

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 63-3-1006, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CRIMINAL
3 PENALTIES FOR ANY VEHICLE OPERATOR WHO FAILS TO STOP OR YIELD THE
4 RIGHT-OF-WAY FOR ANOTHER VEHICLE OR PEDESTRIAN, WHEN AND AS
5 REQUIRED BY LAW, WHENEVER SUCH FAILURE RESULTS IN THE BODILY
6 INJURY OR DEATH OF ANOTHER; TO AMEND SECTIONS 63-1-51 AND 63-1-83,
7 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF
8 THIS ACT; AND FOR RELATED PURPOSES.

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

10 SECTION 1. The following shall be codified as Section
11 63-3-1006, Mississippi Code of 1972:

12 63-3-1006. If the operator of any vehicle fails to stop or
13 yield the right-of-way for another vehicle or pedestrian when and
14 as required by law, and such failure results in the bodily injury
15 or death of another, such operator, upon conviction, shall be
16 punished as follows:

17 (a) When the injury is not great and does not result in
18 death, by a fine of Two Hundred Dollars (\$200.00), and by
19 suspension of such person's regular driver's license, commercial
20 driver's license or nonresident driving privileges for a period of
21 one hundred eighty (180) days.

22 (b) When the injury is great but does not result in
23 death, by a fine of Five Hundred Dollars (\$500.00), and by
24 suspension of such person's regular driver's license, commercial
25 driver's license or nonresident driving privileges for a period of
26 one hundred eighty (180) days.

27 (c) When death results, by sentence to the custody of
28 the Mississippi Department of Corrections for not less than two
29 (2) years nor more than twenty (20) years.

30 **SECTION 2.** Section 63-1-51, Mississippi Code of 1972, is
31 amended as follows:

32 63-1-51. (1) It shall be the duty of the trial judge, upon
33 conviction of any person holding a license issued pursuant to this
34 article where the penalty for a traffic violation is as much as
35 Ten Dollars (\$10.00), to mail a copy of abstract of the court
36 record or provide an electronically or computer generated copy of
37 abstract of the court record immediately to the commissioner at
38 Jackson, Mississippi, showing the date of conviction, penalty,
39 etc., so that a record of same may be made by the Department of
40 Public Safety. The commissioner shall forthwith revoke the
41 license of any person for a period of one (1) year upon receiving
42 a duly certified record of each person's convictions of any of the
43 following offenses when such conviction has become final:

44 (a) Manslaughter or negligent homicide resulting from
45 the operation of a motor vehicle;

46 (b) Any felony in the commission of which a motor
47 vehicle is used;

48 (c) Failure to stop and render aid as required under
49 the laws of this state in event of a motor vehicle accident
50 resulting in the death or personal injury of another;

51 (d) Perjury or the willful making of a false affidavit
52 or statement under oath to the department under this article or
53 under any other law relating to the ownership or operation of
54 motor vehicles;

55 (e) Conviction, or forfeiture of bail not vacated, upon
56 three (3) charges of reckless driving committed within a period of
57 twelve (12) months;

58 (f) Contempt for failure to pay a fine or fee or to
59 respond to a summons or citation pursuant to a charge of a
60 violation of this title.

61 (2) The commissioner shall revoke the license issued
62 pursuant to this article of any person convicted of negligent
63 homicide, in addition to any penalty now provided by law.

64 (3) The commissioner shall suspend the license issued
65 pursuant to this article of any person convicted of an offense
66 under paragraph (a) or (b) of Section 63-3-1006 for the applicable
67 time provided therein.

68 (4) In addition to the reasons specified in this section,
69 the commissioner shall be authorized to suspend the license issued
70 to any person pursuant to this article for being out of compliance
71 with an order for support, as defined in Section 93-11-153. The
72 procedure for suspension of a license for being out of compliance
73 with an order for support, and the procedure for the reissuance or
74 reinstatement of a license suspended for that purpose, and the
75 payment of any fees for the reissuance or reinstatement of a
76 license suspended for that purpose, shall be governed by Section
77 93-11-157 or 93-11-163, as the case may be. If there is any
78 conflict between any provision of Section 93-11-157 or 93-11-163
79 and any provision of this article, the provisions of Section
80 93-11-157 or 93-11-163, as the case may be, shall control.

81 **SECTION 3.** Section 63-1-83, Mississippi Code of 1972, is
82 amended as follows:

83 63-1-83. (1) From and after April 1, 1992, it shall be a
84 violation of this article and the Commissioner of Public Safety
85 shall suspend for a period of one (1) year the commercial driver's
86 license of any person whom he determines to have committed a first
87 violation of:

88 (a) Driving a commercial motor vehicle for which a
89 commercial driver instruction permit or commercial driver's
90 license is required under this article while under the influence
91 of alcohol or a controlled substance;

92 (b) Driving a commercial motor vehicle for which a
93 commercial driver instruction permit or commercial driver's

94 license is required under this article while the alcohol
95 concentration of the person's blood, breath or urine is four
96 one-hundredths percent (.04%) or more;

97 (c) Knowingly and willfully leaving the scene of an
98 accident involving a commercial motor vehicle for which a
99 commercial driver instruction permit or commercial driver's
100 license is required under this article, if the vehicle was driven
101 by such person;

102 (d) Using a commercial motor vehicle for which a
103 commercial driver instruction permit or commercial driver's
104 license is required under this article in the commission of any
105 felony as defined in this article; or

106 (e) Refusing to submit to a test to determine the
107 driver's alcohol concentration while driving a commercial motor
108 vehicle for which a commercial driver instruction permit or
109 commercial driver's license is required under this article.

110 If any of the violations in subsection (1) of this section
111 occurred while transporting hazardous materials required to be
112 placarded under the Hazardous Materials Transportation Act, the
113 commissioner shall suspend the commercial driver's license of such
114 person for a period of three (3) years.

115 (2) The Commissioner of Public Safety shall suspend the
116 commercial driver's license of a person for life, or such lesser
117 minimum period of time as shall be required under applicable
118 federal law or regulations, if a person is determined to have
119 committed two (2) or more of the violations specified in
120 subsection (1) of this section or any combination of such
121 violations arising from two (2) or more separate incidents. The
122 provisions of this subsection (2) shall apply only to violations
123 occurring on or after April 1, 1992.

124 (3) The Commissioner of Public Safety shall suspend for life
125 the commercial driver's license of any person who uses a
126 commercial motor vehicle for which a commercial driver instruction

127 permit or commercial driver's license is required under this
128 article in the commission of any felony involving the manufacture,
129 distribution or dispensing of a controlled substance, or
130 possession with intent to manufacture, distribute or dispense a
131 controlled substance. The provisions of this subsection (3) shall
132 apply only to violations occurring on or after April 1, 1992.

133 (4) The Commissioner of Public Safety shall suspend the
134 commercial driver's license of any person convicted of an offense
135 under paragraph (a) or (b) of Section 63-3-1006 for the applicable
136 time provided therein.

137 (5) The Commissioner of Public Safety shall suspend for a
138 period of sixty (60) days the commercial driver's license of any
139 person convicted of (two 2) serious traffic violations, or one
140 hundred twenty (120) days if convicted of three (3) serious
141 traffic violations, committed in a commercial motor vehicle for
142 which a commercial driver instruction permit or commercial
143 driver's license is required under this article arising from
144 separate incidents occurring within a period of three (3) years.
145 The provisions of this subsection (5) shall apply only to
146 violations occurring on or after April 1, 1992.

147 (6) In addition to the reasons specified in this section for
148 suspension of the commercial driver's license, the Commissioner of
149 Public Safety shall be authorized to suspend the commercial
150 driver's license of any person for being out of compliance with an
151 order for support, as defined in Section 93-11-153. The procedure
152 for suspension of a commercial driver's license for being out of
153 compliance with an order for support, and the procedure for the
154 reissuance or reinstatement of a commercial driver's license
155 suspended for that purpose, and the payment of any fees for the
156 reissuance or reinstatement of a commercial driver's license
157 suspended for that purpose, shall be governed by Section 93-11-157
158 or 93-11-163, as the case may be. If there is any conflict
159 between any provision of Section 93-11-157 or 93-11-163 and any

160 provision of this article, the provisions of Section 93-11-157 or
161 93-11-163, as the case may be, shall control.

162 **SECTION 4.** This act shall take effect and be in force from
163 and after July 1, 2004.