

By: Representative Franks

To: Judiciary B

HOUSE BILL NO. 1538

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, 2005.