

By: Senator(s) Dearing

To: Judiciary, Division B

SENATE BILL NO. 2792

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

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

27 (c) When death results, because of reckless disregard  
 28 for the safety of others, by sentence to the custody of the  
 29 Mississippi Department of Corrections for not less than two (2)  
 30 years nor more than five (5) years.

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

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

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

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

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

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

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

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

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

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

69 (4) In addition to the reasons specified in this section,  
70 the commissioner shall be authorized to suspend the license issued  
71 to any person pursuant to this article for being out of compliance  
72 with an order for support, as defined in Section 93-11-153. The  
73 procedure for suspension of a license for being out of compliance  
74 with an order for support, and the procedure for the reissuance or  
75 reinstatement of a license suspended for that purpose, and the  
76 payment of any fees for the reissuance or reinstatement of a  
77 license suspended for that purpose, shall be governed by Section  
78 93-11-157 or 93-11-163, as the case may be. If there is any  
79 conflict between any provision of Section 93-11-157 or 93-11-163  
80 and any provision of this article, the provisions of Section  
81 93-11-157 or 93-11-163, as the case may be, shall control.

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

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

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

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

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

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

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

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

111 (f) Operating a commercial motor vehicle without a  
112 commercial driver's license or without the proper type of license  
113 or endorsement.

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

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

128           (3) The Commissioner of Public Safety shall suspend for life  
129 the commercial driver's license of any person who uses a  
130 commercial motor vehicle for which a commercial driver instruction  
131 permit or commercial driver's license is required under this  
132 article in the commission of any felony involving the manufacture,  
133 distribution or dispensing of a controlled substance, or  
134 possession with intent to manufacture, distribute or dispense a  
135 controlled substance. The provisions of this subsection (3) shall  
136 apply only to violations occurring on or after April 1, 1992.

137           (4) 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 motor vehicle arising from  
142 separate incidents occurring within a period of three (3) years.

143           (5) The Commissioner of Public Safety shall suspend the  
144 commercial driver's license of any person convicted of an offense  
145 under paragraph (a) or (b) of Section 63-3-1006 for the applicable  
146 time provided therein.

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, 2006.