

By: Senator(s) McDaniel, Watson, Yancey, Montgomery, Hyde-Smith, King, Lee (35th), Chassaniol, Ward, Gollott, Flowers, Hewes, Mettetal, Hudson, Jackson (15th), Moffatt, Fillingane, Brown, Davis, Burton, Dearing

To: Judiciary, Division A

SENATE BILL NO. 2472  
(As Sent to Governor)

1 AN ACT TO CREATE "NATHAN'S LAW"; TO AMEND SECTION 63-3-615,  
2 MISSISSIPPI CODE OF 1972, TO CLARIFY THE OFFENSE OF PASSING A  
3 SCHOOL BUS WHEN STOPPED TO LOAD OR UNLOAD STUDENTS AND TO REVISE  
4 THE PENALTY THEREFOR; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION  
5 TO DEVELOP CURRICULUM GUIDELINES FOR SCHOOL BUS SAFETY; TO AMEND  
6 SECTION 63-1-73, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF  
7 WIRELESS COMMUNICATION DEVICES BY BUS DRIVERS; TO AMEND SECTION  
8 97-3-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION  
9 63-1-33, MISSISSIPPI CODE OF 1972, TO REVISE THE DRIVER'S LICENSE  
10 EXAMINATION REQUIREMENTS TO ENSURE COVERAGE THEREON OF SCHOOL BUS  
11 SAFETY ISSUES; TO AUTHORIZE CAMERAS ON SCHOOL BUS STOP ARMS; TO  
12 AUTHORIZE THE DEPARTMENTS OF TRANSPORTATION AND EDUCATION TO  
13 CONDUCT A PUBLIC EDUCATION CAMPAIGN ON SCHOOL BUS SAFETY; AND FOR  
14 RELATED PURPOSES.

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

16 **SECTION 1.** Section 63-3-615, Mississippi Code of 1972, is  
17 amended as follows:

18 63-3-615. (1) (a) The driver of a vehicle upon a street or  
19 highway upon meeting or overtaking any school bus that has stopped  
20 on the street or highway for the purpose of receiving or  
21 discharging any school children shall come to a complete stop at  
22 least ten (10) feet from the school bus before reaching the school  
23 bus when there is in operation on the school bus the flashing red  
24 lights provided in Section 63-7-23, or when a retractable,  
25 hand-operated stop sign is extended; the driver \* \* \* shall not  
26 proceed until the children have crossed the street or highway and  
27 the school bus has resumed motion or the flashing red lights are  
28 no longer actuated and the hand-operated stop sign is retracted.

29 (b) The driver of a vehicle upon a highway that has  
30 four (4) lanes or more, whether or not there is a median or turn  
31 lane, need not stop upon meeting or passing a school bus that is  
32 on a different roadway or when upon a controlled-access highway if



33 the school bus is stopped in a loading zone that is a part of or  
34 adjacent to the highway and where pedestrians are not permitted to  
35 cross the roadway.

36 (2) (a) Except as provided in paragraph (b), any person  
37 violating the provisions of subsection (1) of this section shall  
38 be guilty of a misdemeanor and upon a first conviction thereof  
39 shall be fined not less than Three Hundred Fifty Dollars (\$350.00)  
40 nor more than Seven Hundred Fifty Dollars (\$750.00), or imprisoned  
41 for not more than one (1) year, or both. For a second or  
42 subsequent offense, the offenses being committed within a period  
43 of five (5) years, the person shall be guilty of a misdemeanor  
44 and, upon conviction, shall be fined not less than Seven Hundred  
45 Fifty Dollars (\$750.00) nor more than One Thousand Five Hundred  
46 Dollars (\$1,500.00), or imprisoned for not more than one (1) year,  
47 or both. In addition, the Commissioner of Public Safety or his  
48 duly authorized designee, after conviction for a second or  
49 subsequent offense and upon receipt of the court abstract, shall  
50 suspend the driver's license and driving privileges of the person  
51 for a period of ninety (90) days.

52 (b) A conviction under this section for a violation  
53 resulting in any injury to a child who is in the process of  
54 boarding or exiting a school bus shall be a violation of Section  
55 97-3-7, and a violator shall be punished under subsection (2) of  
56 that section.

57 (3) This section shall be applicable only in the event the  
58 school bus shall bear upon the front and rear thereon a plainly  
59 visible sign containing the words "school bus" in letters not less  
60 than four (4) inches in height.

61 (4) If the driver of any vehicle is witnessed by a law  
62 enforcement officer or the driver of a school bus to have violated  
63 this section and the identity of the driver of the vehicle is not  
64 otherwise apparent, it shall be a rebuttable inference that the  
65 person in whose name the vehicle is registered committed the



66 violation. If charges are filed against multiple owners of a  
67 motor vehicle, only one (1) of the owners may be convicted and  
68 court costs may be assessed against only one (1) of the owners.  
69 If the vehicle that is involved in the violation is registered in  
70 the name of a rental or leasing company and the vehicle is rented  
71 or leased to another person at the time of the violation, the  
72 rental or leasing company may rebut the inference of guilt by  
73 providing the law enforcement officer or prosecuting authority  
74 with a copy of the rental or lease agreement in effect at the time  
75 of the violation.

76 **SECTION 2.** Section 63-1-73, Mississippi Code of 1972, is  
77 amended as follows:

78 63-1-73. (1) For purposes of this section, the following  
79 terms shall have the meanings ascribed in this subsection, unless  
80 the context clearly indicates otherwise:

81 (a) "Cellular telephone" means an analog or digital  
82 wireless telephone authorized by the Federal Communications  
83 Commission to operate in the frequency bandwidth reserved for  
84 cellular radiophones.

85 (b) "Personal digital assistant" means a wireless  
86 electronic communication device that provides for data  
87 communication other than by voice.

88 (c) The term "E911" shall have the meaning ascribed in  
89 Section 19-5-303.

90 (d) "Wireless communication device" means a device that  
91 uses a commercial mobile service, as defined by 47 USC Section  
92 332, including a cellular telephone or personal digital assistant.

93 (2) (a) A person who is authorized to drive under an  
94 intermediate license, a temporary learning permit or a temporary  
95 driving permit shall not operate a motor vehicle on a highway  
96 while using a wireless communication device to send or receive a  
97 written message while the motor vehicle is in motion.



98           (b) A person shall not use a wireless communication  
99 device while operating a passenger bus with a minor passenger on  
100 the bus, except for an emergency or in the case of a school bus  
101 driver for official school business or in an emergency.

102           (3) This section does not apply to any of the following:

103           (a) Law enforcement and safety personnel;

104           (b) Drivers of authorized emergency vehicles;

105           (c) \* \* \* A person who is reporting reckless or  
106 negligent behavior;

107           (d) \* \* \* A person who believes that the person or  
108 another person is in physical danger \* \* \*;

109           (e) Written messages sent or received while the vehicle  
110 is parked; \* \* \*

111           (f) The use of a wireless communication device for the  
112 sole purpose of communicating with any of the following regarding  
113 an emergency situation:

114                   (i) An emergency response or E911 operator;

115                   (ii) A hospital, physician's office or health  
116 clinic;

117                   (iii) A provider of ambulance services;

118                   (iv) A provider of fire fighting services;

119                   (v) A law enforcement agency;

120           (g) The use of technology utilizing a cellular  
121 connection to a vehicle to relay vehicle operational information  
122 between the vehicle and a call center or repair facility; and

123           (h) A vehicle navigation system utilizing a cellular  
124 connection to update databases and provide real-time traffic  
125 information.

126           (4) (a) A violation of this section is a misdemeanor, and  
127 upon conviction, is punishable by a fine not to exceed Five  
128 Hundred Dollars (\$500.00).

129           (b) If the person violates this section at the time  
130 that he is involved in a motor vehicle accident, then the



131 violation is punishable by a fine not to exceed One Thousand  
132 Dollars (\$1,000.00).

133 (c) A law enforcement officer investigating a motor  
134 vehicle accident in which a person is cited for violating  
135 subsection (2)(b) or (c) of this section \* \* \* shall indicate on  
136 the written accident report \* \* \* the use of a wireless  
137 communication device in violation of this section \* \* \* at the  
138 time of the accident.

139 **SECTION 3.** Section 97-3-7, Mississippi Code of 1972, is  
140 amended as follows:

141 97-3-7. (1) A person is guilty of simple assault if he (a)  
142 attempts to cause or purposely, knowingly or recklessly causes  
143 bodily injury to another; or (b) negligently causes bodily injury  
144 to another with a deadly weapon or other means likely to produce  
145 death or serious bodily harm; or (c) attempts by physical menace  
146 to put another in fear of imminent serious bodily harm; and, upon  
147 conviction, he shall be punished by a fine of not more than Five  
148 Hundred Dollars (\$500.00) or by imprisonment in the county jail  
149 for not more than six (6) months, or both. However, a person  
150 convicted of simple assault (a) upon a statewide elected official,  
151 law enforcement officer, fireman, emergency medical personnel,  
152 public health personnel, social worker or family protection  
153 specialist or family protection worker employed by the Department  
154 of Human Services or another agency, youth detention center  
155 personnel, training school juvenile care worker, any county or  
156 municipal jail officer, superintendent, principal, teacher or  
157 other instructional personnel, school attendance officer, school  
158 bus driver, or a judge of a circuit, chancery, county, justice,  
159 municipal or youth court or a judge of the Court of Appeals or a  
160 justice of the Supreme Court, district attorney, legal assistant  
161 to a district attorney, county prosecutor, municipal prosecutor,  
162 court reporter employed by a court, court administrator, clerk or  
163 deputy clerk of the court, or public defender, while such



164 statewide elected official, judge or justice, law enforcement  
165 officer, fireman, emergency medical personnel, public health  
166 personnel, social worker, family protection specialist, family  
167 protection worker, youth detention center personnel, training  
168 school juvenile care worker, any county or municipal jail officer,  
169 superintendent, principal, teacher or other instructional  
170 personnel, school attendance officer, school bus driver, district  
171 attorney, legal assistant to a district attorney, county  
172 prosecutor, municipal prosecutor, court reporter employed by a  
173 court, court administrator, clerk or deputy clerk of the court, or  
174 public defender is acting within the scope of his duty, office or  
175 employment; (b) upon a legislator while the Legislature is in  
176 regular or extraordinary session or while otherwise acting within  
177 the scope of his duty, office or employment; or (c) upon a person  
178 who is sixty-five (65) years of age or older or a person who is a  
179 vulnerable adult, as defined in Section 43-47-5, shall be punished  
180 by a fine of not more than One Thousand Dollars (\$1,000.00) or by  
181 imprisonment for not more than five (5) years, or both.

182 (2) A person is guilty of aggravated assault if he (a)  
183 attempts to cause serious bodily injury to another, or causes such  
184 injury purposely, knowingly or recklessly under circumstances  
185 manifesting extreme indifference to the value of human life; \* \* \*  
186 (b) attempts to cause or purposely or knowingly causes bodily  
187 injury to another with a deadly weapon or other means likely to  
188 produce death or serious bodily harm; or (c) causes any injury to  
189 a child who is in the process of boarding or exiting a school bus  
190 in the course of a violation of Section 63-3-615; and, upon  
191 conviction, he shall be punished by imprisonment in the county  
192 jail for not more than one (1) year or in the Penitentiary for not  
193 more than twenty (20) years. However, a person convicted of  
194 aggravated assault (a) upon a statewide elected official, law  
195 enforcement officer, fireman, emergency medical personnel, public  
196 health personnel, social worker, family protection specialist,



197 family protection worker employed by the Department of Human  
198 Services or another agency, youth detention center personnel,  
199 training school juvenile care worker, any county or municipal jail  
200 officer, superintendent, principal, teacher or other instructional  
201 personnel, school attendance officer, school bus driver, or a  
202 judge of a circuit, chancery, county, justice, municipal or youth  
203 court or a judge of the Court of Appeals or a justice of the  
204 Supreme Court, district attorney, legal assistant to a district  
205 attorney, county prosecutor, municipal prosecutor, court reporter  
206 employed by a court, court administrator, clerk or deputy clerk of  
207 the court, or public defender, while such statewide elected  
208 official, judge or justice, law enforcement officer, fireman,  
209 emergency medical personnel, public health personnel, social  
210 worker, family protection specialist, family protection worker,  
211 youth detention center personnel, training school juvenile care  
212 worker, any county or municipal jail officer, superintendent,  
213 principal, teacher or other instructional personnel, school  
214 attendance officer, school bus driver, district attorney, legal  
215 assistant to a district attorney, county prosecutor, municipal  
216 prosecutor, court reporter employed by a court, court  
217 administrator, clerk or deputy clerk of the court, or public  
218 defender is acting within the scope of his duty, office or  
219 employment; (b) upon a legislator while the Legislature is in  
220 regular or extraordinary session or while otherwise acting within  
221 the scope of his duty, office or employment; or (c) upon a person  
222 who is sixty-five (65) years of age or older or a person who is a  
223 vulnerable adult, as defined in Section 43-47-5, shall be punished  
224 by a fine of not more than Five Thousand Dollars (\$5,000.00) or by  
225 imprisonment for not more than thirty (30) years, or both.

226 (3) A person is guilty of simple domestic violence who  
227 commits simple assault as described in subsection (1) of this  
228 section against a current or former spouse or a child of that  
229 person, a person living as a spouse or who formerly lived as a



230 spouse with the defendant or a child of that person, other persons  
231 related by consanguinity or affinity who reside with or formerly  
232 resided with the defendant, a person who has a current or former  
233 dating relationship with the defendant, or a person with whom the  
234 defendant has had a biological or legally adopted child and, upon  
235 conviction, the defendant shall be punished as provided under  
236 subsection (1) of this section; however, upon a third or  
237 subsequent conviction of simple domestic violence, whether against  
238 the same or another victim and within five (5) years, the  
239 defendant shall be guilty of a felony and sentenced to a term of  
240 imprisonment not less than five (5) nor more than ten (10) years.  
241 In sentencing, the court shall consider as an aggravating factor  
242 whether the crime was committed in the physical presence or  
243 hearing of a child under sixteen (16) years of age who was, at the  
244 time of the offense, living within either the residence of the  
245 victim, the residence of the perpetrator, or the residence where  
246 the offense occurred.

247 (4) A person is guilty of aggravated domestic violence who  
248 commits aggravated assault as described in subsection (2) of this  
249 section against, or who strangles, or attempts to strangle, a  
250 current or former spouse or a child of that person, a person  
251 living as a spouse or who formerly lived as a spouse with the  
252 defendant or a child of that person, other persons related by  
253 consanguinity or affinity who reside with or formerly resided with  
254 the defendant, a person who has a current or former dating  
255 relationship with the defendant, or a person with whom the  
256 defendant has had a biological or legally adopted child. Upon  
257 conviction, the defendant shall be punished by imprisonment in the  
258 custody of the Department of Corrections for not less than two (2)  
259 years; however, upon a third or subsequent conviction of  
260 aggravated domestic violence, whether against the same or another  
261 victim and within five (5) years, the defendant shall be guilty of  
262 a felony and sentenced to a term of imprisonment of not less than





263 ten (10) nor more than twenty (20) years. In sentencing, the  
264 court shall consider as an aggravating factor whether the crime  
265 was committed in the physical presence or hearing of a child under  
266 sixteen (16) years of age who was, at the time of the offense,  
267 living within either the residence of the victim, the residence of  
268 the perpetrator, or the residence where the offense occurred.  
269 Reasonable discipline of a child, such as spanking, is not an  
270 offense under this subsection (4). A person convicted of  
271 aggravated domestic violence shall not be eligible for parole  
272 under the provisions of Section 47-7-3(1)(c) until he shall have  
273 served one (1) year of his sentence.

274 For the purposes of this section, "strangle" means to  
275 restrict the flow of oxygen or blood by intentionally applying  
276 pressure on the neck or throat of another person by any means or  
277 to intentionally block the nose or mouth of another person by any  
278 means.

279 (5) "Dating relationship" means a social relationship as  
280 defined in Section 93-21-3.

281 (6) Every conviction of domestic violence may require as a  
282 condition of any suspended sentence that the defendant participate  
283 in counseling or treatment to bring about the cessation of  
284 domestic abuse. The defendant may be required to pay all or part  
285 of the cost of the counseling or treatment, in the discretion of  
286 the court.

287 (7) When investigating allegations of a violation of  
288 subsection (3) or (4) of this section, law enforcement officers  
289 shall utilize the form prescribed for such purposes by the Office  
290 of the Attorney General in consultation with the sheriff's and  
291 police chief's associations.

292 (8) In any conviction of assault as described in any  
293 subsection of this section which arises from an incident of  
294 domestic violence, the sentencing order shall include the  
295 designation "domestic violence." The court shall forward a copy



296 of each sentencing order bearing the designation "domestic  
297 violence" to the Office of the Attorney General.

298 **SECTION 4.** The State Department of Education shall develop  
299 and issue curriculum guidelines to school districts relating to  
300 the implementation of a school bus safety curriculum for  
301 implementation in Kindergarten through Grade 3.

302 **SECTION 5.** Section 63-1-33, Mississippi Code of 1972, is  
303 amended as follows:

304 63-1-33. (1) Except as otherwise provided under subsection  
305 (6) of this section, it shall be the duty of the license examiner,  
306 when application is made for an operator's license or temporary  
307 driving permit, to test the applicant's ability to read and  
308 understand road signs and to give the required signals as adopted  
309 by the National Advisory Committee on Uniform Traffic Control  
310 Devices and the American Association of Motor Vehicle  
311 Administrators.

312 (2) Except as otherwise provided under subsection (6) of  
313 this section, the commissioner shall have prepared and administer  
314 a test composed of at least ten (10) questions relating to the  
315 safe operation of a motor vehicle and testing the applicant's  
316 knowledge of the proper operation of a motor vehicle. Every  
317 examination shall ensure adequate knowledge on the part of the  
318 applicant as to school bus safety requirements.

319 (3) Prior to the administration of the test, the license  
320 examiner shall inspect the horn, lights, brakes, inspection  
321 certificate and vehicle registration of the motor vehicle which  
322 the applicant expects to operate while being tested, and if he  
323 finds that any of the aforementioned items are deficient, no  
324 license or endorsement shall be issued to the applicant until same  
325 have been repaired.

326 (4) An applicant for a Mississippi driver's license who, at  
327 the time of application, holds a valid motor vehicle driver's



328 license issued by another state shall not be required to take a  
329 written test.

330 (5) Except as otherwise provided by Section 63-1-6, when  
331 application is made for an original motorcycle endorsement or a  
332 restricted motorcycle operator's license, the applicant shall be  
333 required to pass a written test which consists of questions  
334 relating to the safe operation of a motorcycle and a skill test  
335 similar to the "Motorcycle Operator Skill Test," which is endorsed  
336 by the American Association of Motor Vehicle Administrators. The  
337 commissioner may exempt any applicant from the skill test if the  
338 applicant presents a certificate showing successful completion of  
339 a course approved by the commissioner, which includes a similar  
340 examination of skills needed in the safe operation of a  
341 motorcycle.

342 (6) The Department of Public Safety may accept the  
343 certification of successful completion of an individual's training  
344 in the knowledge and skills needed for the proper and safe  
345 operation of a motor vehicle from a driver education and training  
346 program at a secondary school that meets the standards of the  
347 department, in lieu of the department administering the  
348 examination of the individual for the purpose of obtaining a  
349 driver's license. The commissioner and the State Board of  
350 Education shall jointly promulgate rules and regulations for the  
351 administration of this subsection.

352 **SECTION 6.** Every school district is authorized to mount a  
353 camera on any retractable, hand-operated stop sign that is a part  
354 of the equipment of a school bus.

355 **SECTION 7.** To the extent that state, federal or other funds  
356 are available or appropriated, the Department of Transportation  
357 and the Department of Education shall cooperate to conduct an  
358 information campaign to educate drivers concerning the provisions  
359 of this act and the importance of school bus safety.



360           **SECTION 8.** (1) There is created the Mississippi School Bus  
361 Safety Task Force which shall be composed of nine (9) members as  
362 follows:

363                   (a) Three (3) members appointed by the Speaker of the  
364 House of Representatives, one (1) of whom shall be appointed from  
365 the membership of the House of Representatives;

366                   (b) Three (3) members appointed by the Lieutenant  
367 Governor, one (1) of whom shall be appointed from the membership  
368 of the Senate; and

369                   (c) Three (3) members appointed by the Governor.

370           (2) At its first meeting, the task force shall elect a  
371 chairman and vice chairman from its membership and shall adopt  
372 rules for transacting its business and keeping records. Members  
373 of the task force shall receive a per diem in the amount provided  
374 in Section 25-3-69 for each day engaged in the business of the  
375 task force. Members of the task force other than legislative  
376 members shall receive reimbursement for travel expenses incurred  
377 while engaged in official business of the task force in accordance  
378 with Section 25-3-41; legislative members of the task force shall  
379 receive the expense allowance provided for in Section 5-1-47.

380           (3) The duties of the task force shall be to:

381                   (a) Make a comprehensive study of school bus safety  
382 designs and technology related to safety and law enforcement.

383                   (b) Examine and study approaches taken by other states  
384 in the implementation and costs of school bus safety.

385                   (c) Research and develop recommendations relating to  
386 school bus safety.

387           (4) The task force shall publish its findings and  
388 recommendations with any proposed legislation in a report to the  
389 Governor and the Legislature to be made on or before December 31,  
390 2011.

391           (5) The task force shall stand dissolved on January 1, 2012.



392           **SECTION 9.** This act shall take effect and be in force from  
393 and after July 1, 2011.

