

By: Representatives Baker, Sykes, Hale,
Wilkes, Gibbs (72nd)

To: Transportation

HOUSE BILL NO. 580
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION
2 TO REQUIRE ITS CONTRACTORS TO PROVIDE WORK ZONE SAFETY OPERATIONS;
3 TO AUTHORIZE THE COMMISSION'S CONTRACTORS TO ENTER INTO AGREEMENTS
4 WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO PROVIDE WORK ZONE
5 SAFETY OPERATIONS; TO AUTHORIZE THE COMMISSION TO UTILIZE ITS
6 OFFICERS TO PERFORM CERTAIN WORK ZONE SAFETY OPERATION FUNCTIONS;
7 TO AMEND SECTION 63-3-516, MISSISSIPPI CODE OF 1972, TO PROVIDE
8 NEW CRIMINAL PENALTIES FOR HIGHWAY WORK ZONE VIOLATIONS THAT
9 RESULT IN PROPERTY DAMAGE OR SERIOUS BODILY INJURY OR DEATH; AND
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) The Mississippi Transportation Commission
13 may require its contractors to provide for law enforcement safety
14 operations in work zones that the commission determines are on
15 high-volume roadways or on high risk projects by including such
16 provision in a contract between the commission and the contractor
17 or as part of a bid requirement. A contractor may provide law
18 enforcement work zone safety operations by entering into mutually
19 agreeable agreements with state, county and/or municipal law
20 enforcement agencies for the provision of such operations. Any
21 law enforcement agency that enters into such agreement with a
22 contractor shall only provide work zone safety operation services



23 in locations that are within the jurisdiction of the law
24 enforcement agency, and the agency shall only have those
25 enforcement powers granted to them by law. Contractors required
26 to provide work zone safety operations and state law enforcement
27 agencies, counties and municipalities are authorized to enter into
28 agreements to effectuate the purposes of this subsection (1).

29 (2) If a mutually acceptable agreement between a contractor
30 and applicable law enforcement agencies cannot be reached after
31 good faith negotiations, the Mississippi Transportation Commission
32 may utilize officers from the Mississippi Department of
33 Transportation Office of Law Enforcement to perform safety
34 operations in work zones that the commission determines are on
35 high-volume roadways or on high risk projects. Officers of the
36 Mississippi Department of Transportation Office of Law Enforcement
37 are authorized to utilize any enforcement power already granted to
38 them by law in the performance of work zone safety operations and
39 * * * shall engage the oscillating blue lights on their vehicles
40 to encourage the public to observe all traffic laws while
41 proceeding through the work zone. This subsection (2) shall not
42 be construed as granting the Office of Law Enforcement general
43 police powers.

44 **SECTION 2.** Section 63-3-516, Mississippi Code of 1972, is
45 amended as follows:

46 63-3-516. (1) It is unlawful for any person to operate a
47 motor vehicle within a highway work zone at a speed in excess of



the maximum speed limit specifically established for the zone whenever workers are present and whenever the zone is indicated by appropriately placed signs displaying the reduced maximum speed limit. Any person violating the provisions of this section shall be punished, upon conviction, for a first offense by a fine of not more than Two Hundred Fifty Dollars (\$250.00); and for second, third and subsequent offenses by a fine of double the maximum fine imposed for second, third or subsequent offenses under Section 63-9-11.

(2) For the purposes of this section the term "highway work zone" means a construction or maintenance area that is located on or along any public highway, road or street within this state that is marked:

(a) By appropriate warning signs or other traffic control devices indicating that work is in progress; and

(b) By signs of a design approved by the Department of Transportation indicating that any person who operates a motor vehicle within a highway work zone at a speed in excess of the reduced maximum speed limit may be punished by a fine of double the maximum amount otherwise authorized by law.

(3) Nothing in this section shall preclude the prosecution or conviction for careless or reckless driving of any motor vehicle operator whose operation of a motor vehicle in a highway work zone, apart from speed, demonstrates * * * the operation of the same in a careless or imprudent manner in violation of Section



63-3-1213 or in a reckless manner in violation of Section
63-3-1201.

(4) (a) Every person who operates any motor vehicle in
violation of the provisions of this section and who causes
property damage to road construction equipment or a motor vehicle
in an amount of Five Hundred Dollars (\$500.00) or greater within a
highway work zone shall, upon conviction, be guilty of a separate
misdemeanor and shall be punished by a fine of not less than Two
Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars
(\$1,000.00), or by imprisonment in the county jail for a term of
not less than thirty (30) days nor more than one (1) year, or by
both such fine and imprisonment, in the discretion of the court,
and the court shall, as a condition of any sentence imposed
determine the extent of the property damage caused by the violator
and require the violator to make restitution to the injured party
upon such terms and conditions determined by the court. Nothing
herein however shall prevent the injured party from pursuing any
other civil remedies against the violators as allowed by law.

(5) (a) Every person who operates any motor vehicle in
violation of the provisions of this section and who causes the
death of another within a highway work zone or mutilates,
disfigures, permanently disables or destroys the tongue, eye, lip,
nose or any other limb, organ or member of another within a
highway work zone shall, upon conviction, be guilty of a separate
felony for each victim who suffers death, mutilation,



disfigurement or other injury and shall be committed to the
custody of the State Department of Corrections for a period of
time of not less than three (3) years and not to exceed fifteen
(15) years for each death, mutilation, disfigurement or other
injury, and the imprisonment for the second or each subsequent
conviction, in the discretion of the court, shall commence either
at the termination of the imprisonment for the preceding
conviction or run concurrently with the preceding conviction.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2019.

