

By: Representatives Carpenter, Arnold, Keen, To: Judiciary B
Mattox

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1015

1 AN ACT TO AMEND SECTION 77-7-335, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE DEPARTMENT OF PUBLIC SAFETY INSPECTORS TO ASSIST
3 OTHER OFFICERS; TO AMEND SECTION 63-11-5, MISSISSIPPI CODE OF
4 1972, TO ADD COMMERCIAL MOTOR CARRIER INSPECTORS TO THE LIST OF
5 PERSONS AUTHORIZED TO GIVE BREATH TESTS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 77-7-335, Mississippi Code of 1972, is
8 amended as follows:

9 77-7-335. (1) All division inspectors on duty shall wear
10 uniforms, shall have the right to bear arms, and shall have the
11 authority to make arrests and hold and impound any vehicle and the
12 contents thereof which is being operated in violation of this
13 chapter or the commission's or the department's rules, regulations
14 or general orders promulgated thereunder.

15 (2) All inspectors shall have the authority to enforce all
16 of the laws, rules and regulations of the commission and the
17 department under this chapter upon all highways in the state and
18 the rights-of-way of such highways and other properties as defined
19 in Section 77-7-261; except that if any person commits an offense



20 in violation of this chapter or the rules and regulations of the
21 commission or the department upon a highway in the state and be
22 pursued by an enforcement officer or inspector of the division,
23 such enforcement officer or inspector may pursue and apprehend
24 such offender upon any of the highways in this state, or to any
25 other place to which such offender may flee.

26 (3) All inspectors shall have the authority to aid and
27 assist any law enforcement officer whose life or safety is in
28 jeopardy and may arrest without warrant any fugitive from justice
29 who has escaped or who is using the highways in the state in an
30 attempt to flee. Inspectors of the division may assist other law
31 enforcement agencies in searching for convicted felons who have
32 escaped or for alleged felons where there is probable cause to
33 believe that the person being sought committed the felony and a
34 felony had actually been committed.

35 (4) Upon request of a sheriff of any county or the chief of
36 police of any community, all division inspectors have the
37 authority to assist in traffic control during time of natural
38 disasters, such as hurricanes, tornados or floods.

39 (5) All inspectors shall have the authority to assist any
40 officer of the department at the discretion and direction of the
41 commissioner.

42 (6) All inspectors shall have the authority to purchase and
43 use speed detection equipment on commercial vehicles that they are
44 authorized to inspect as provided in Section 77-7-16.



45 **SECTION 2.** Section 63-11-5, Mississippi Code of 1972, is
46 amended as follows:

47 63-11-5. (1) (a) Any person who operates a motor vehicle
48 upon the public highways, public roads * * * or streets of this
49 state shall be deemed to have given his consent, subject to the
50 provisions of this chapter, to a chemical test or tests of his
51 breath, blood or urine for the purpose of determining alcohol
52 concentration. A person shall give his consent to a chemical test
53 or tests of his breath, blood or urine for the purpose of
54 determining the presence in his body of any other substance which
55 would impair a person's ability to operate a motor vehicle.

56 (b) The test or tests shall be administered at the
57 direction of any authorized officer, when such officer has
58 reasonable grounds and probable cause to believe that the person
59 was driving or had under his actual physical control a motor
60 vehicle upon the public streets or highways of this state while
61 under the influence of intoxicating liquor or any other substance
62 which had impaired such person's ability to operate a motor
63 vehicle.

64 (2) (a) A breath analysis test must be administered by a
65 person who has met all the educational and training requirements
66 of the appropriate course of study prescribed by the Board on Law
67 Enforcement * * * Officer Standards and Training; however,
68 sheriffs and elected chiefs of police are exempt from the
69 educational and training requirement. A breath analysis test must



70 not be given to any person within fifteen (15) minutes of
71 consumption of any substance by mouth.

72 (b) For purposes of this section, the term "authorized
73 officer" means any highway patrol officer, commercial motor
74 carrier inspector, sheriff or his duly commissioned deputies,
75 police officer in any incorporated municipality, national park
76 ranger, officer of a state-supported institution of higher
77 learning campus police force if such officer is exercising this
78 authority in regard to a violation that occurred on campus
79 property, or security officer appointed and commissioned pursuant
80 to the Pearl River Valley Water Supply District Security Officer
81 Law of 1978 if such officer is exercising this authority in regard
82 to a violation that occurred within the limits of the Pearl River
83 Valley Water Supply District.

84 (3) If the officer has reasonable grounds and probable cause
85 to believe such person to have been driving a motor vehicle upon
86 the public highways, public roads * * * or streets of this state
87 while under the influence of intoxicating liquor or any other
88 substance that has impaired the person's ability to operate a
89 motor vehicle, the officer shall inform the person that his
90 failure to submit to such chemical test or tests of his breath,
91 blood or urine shall result in the suspension of his privilege to
92 operate a motor vehicle upon the public streets * * *, roads or
93 highways of this state for a period of ninety (90) days if the
94 person has not previously been convicted of a violation of Section



95 63-11-30, or * * * for a period of one (1) year if the person has
96 a prior conviction under Section 63-11-30.

97 (4) The traffic ticket, citation or affidavit issued to a
98 person arrested for a violation of this chapter shall conform to
99 the requirements of Section 63-9-21(3)(b) * * * and, if filed
100 electronically, shall conform to Section 63-9-21(8).

101 (5) Any person arrested under the provisions of this chapter
102 shall be informed that he has the right to telephone for the
103 purpose of requesting legal or medical assistance immediately
104 after being booked for a violation under this chapter.

105 (6) The Commissioner of Public Safety and the Mississippi
106 Forensics Laboratory created pursuant to Section 45-1-17 are
107 authorized to adopt procedures, rules and regulations applicable
108 to the Implied Consent Law.

109 **SECTION 3.** This act shall take effect and be in force from
110 and after July 1, 2024.

