

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.

