

By: Representative Ellis

To: Public Utilities

HOUSE BILL NO. 1004  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-9-31, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE IMPOSITION OF A SURCHARGE ON CERTAIN TRAFFIC VIOLATION  
3 CITATIONS ISSUED BY MISSISSIPPI HIGHWAY SAFETY PATROL OFFICERS FOR  
4 THE PURPOSE OF FUNDING THE AUTOMATION OF CITATIONS ISSUED BY  
5 HIGHWAY PATROL OFFICERS AND A WIRELESS RADIO COMMUNICATIONS  
6 PROGRAM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-9-31, Mississippi Code of 1972, is  
9 amended as follows:

10 63-9-31. (1) In addition to any other monetary penalties  
11 and other penalties imposed by law, any county or municipality  
12 which participates in a \* \* \* wireless radio communications  
13 program approved by the applicable governing authorities may  
14 assess an additional surcharge in an amount not to exceed Ten  
15 Dollars (\$10.00) on each person upon whom a court imposes a fine  
16 or other penalty for each violation of Title 63, Mississippi Code  
17 of 1972, except offenses relating to vehicular parking or  
18 registration. \* \* \* On all citations issued by Mississippi  
19 Highway Safety Patrol officers, a surcharge in the amount of Ten  
20 Dollars (\$10.00) shall be collected by the court and deposited as  
21 provided in subsection (2) of this section. The proceeds from the  
22 surcharge on citations issued by county and municipal law  
23 enforcement officers may be used by a county or municipality only  
24 to fund that county's or municipality's participation in the \* \* \*  
25 wireless radio communications program by funding public safety  
26 wireless communications systems and related computer and  
27 communications equipment. The proceeds from the surcharge on  
28 citations issued by Mississippi Highway Safety Patrol officers  
29 shall be used as provided in subsection (2) of this section. All



30 proceeds from the surcharge imposed by this subsection shall be  
31 deposited into a special fund in the Department of Public Safety's  
32 Office of Public Safety Planning \* \* \*. The Office of Public  
33 Safety Planning shall promulgate rules and procedures relating to  
34 the administration of the special fund and the disbursement of  
35 monies in the fund to participating governmental entities. The  
36 maximum amount that a governmental entity may receive from the  
37 special fund shall be an amount equal to the deposits made into  
38 the fund by that entity, less one percent (1%) to be retained by  
39 the Office of Public Safety Planning to defray the costs of  
40 administering the special fund. Interest earned on the special  
41 fund shall remain in the fund and shall be used by the Office of  
42 Public Safety Planning to further defray the costs of  
43 administering the special fund.

44 (2) Deposits into the special fund resulting from citations  
45 issued by the Mississippi Highway Safety Patrol shall be utilized  
46 as follows: Fifty percent (50%) of the deposits into the special  
47 fund shall be used to automate the citations issued by Mississippi  
48 Highway Safety Patrol officers (including the transmittal of  
49 citations to the justice court, retrieval of the disposition from  
50 the justice court, and updating the driver's records) and fifty  
51 percent (50%) of the deposits into the special fund shall be used  
52 for the purpose of funding wireless communications and related  
53 computer equipment, subject to the approval of the Mississippi  
54 Department of Information Technology Services.

55 (3) Approval of a \* \* \* wireless radio communications  
56 program must be given by the applicable governing authorities  
57 when:

58 (a) The program includes the sharing of support  
59 facilities, including, but not limited to, towers, shelters and  
60 microwave, by participating entities; or



61           (b) The program includes the establishment of a mutual  
62 aid system using common radio frequency channels between  
63 participating entities; or

64           (c) The program sets forth a feasible methodology that  
65 utilizes the radio frequency spectrum in an efficient manner.

66           (4) Participating counties, municipalities and the  
67 Mississippi Highway Safety Patrol must provide notification of  
68 facilities available for interoperability to the Mississippi  
69 Department of Information Technology Services annually.

70           (5) Counties and municipalities participating in a \* \* \*  
71 wireless radio communications program and the Mississippi Highway  
72 Safety Patrol must comply with competitive bidding requirements  
73 prescribed in Section 31-7-13 and are encouraged to utilize an  
74 open architecture, nonproprietary system.

75           (6) This section shall stand repealed on July 1, 2004.

76           **SECTION 2.** This act shall take effect and be in force from  
77 and after its passage.

