

By: Senator(s) Hyde-Smith

To: Highways and
Transportation

SENATE BILL NO. 2049

1 AN ACT TO AMEND SECTION 63-3-516, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PENALTY IMPOSED FOR OPERATING A MOTOR VEHICLE WITHIN
3 A HIGHWAY WORK ZONE IN EXCESS OF THE MAXIMUM SPEED LIMIT
4 SPECIFICALLY ESTABLISHED FOR THAT ZONE; TO REQUIRE THAT SIGNS BE
5 POSTED IN HIGHWAY WORK ZONES INDICATING THAT THE FINE FOR SPEEDING
6 IN SUCH WORK ZONES MAY BE PUNISHED BY A FINE OF DOUBLE THE MAXIMUM
7 AMOUNT OTHERWISE AUTHORIZED BY LAW; TO PROVIDE THAT THE PROVISIONS
8 OF THIS SECTION MAY BE ENFORCED THROUGH THE USE OF AUTOMATED
9 VEHICLE IDENTIFICATION SYSTEMS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 63-3-516, Mississippi Code of 1972, is
12 amended as follows:

13 63-3-516. (1) It shall be unlawful for any person to
14 operate a motor vehicle within a highway work zone at a speed in
15 excess of the maximum speed limit specifically established for the
16 zone whenever workers are present and whenever the zone is
17 indicated by appropriately placed signs displaying the reduced
18 maximum speed limit. Any person violating the provisions of this
19 section shall be punished, upon conviction, by a fine of not more
20 than double the maximum amount of the fine authorized to be
21 imposed under Section 63-9-11.

22 (2) (a) For purposes of enforcing the provisions of this
23 section, the Mississippi Highway Safety Patrol may operate radar
24 speed detection devices in conjunction with automated vehicle
25 identification systems in highway work zones. If a violation of
26 this section is detected through the use of an automated vehicle
27 identification system, a photograph of the vehicle taken by the
28 automated vehicle identification system and a uniform traffic
29 ticket setting forth the details of the violation shall be served
30 upon the owner of the vehicle.

31 (b) An automated vehicle identification system shall
32 not be used unless signs are posted in conspicuous places not less
33 than three hundred (300) feet before the entry into the highway
34 work zone. The Mississippi Department of Transportation shall be
35 responsible for the placement of such signs.

36 (c) A traffic ticket shall not be issued for a
37 violation of this section that is detected through the use of an
38 automated vehicle identification system unless a patrolman of the
39 Mississippi Highway Safety Patrol is present during the operation
40 of the automated vehicle identification system at the time the
41 violation is alleged to have occurred.

42 (d) Violations detected by means of an automated
43 vehicle identification system shall not be recorded on the
44 violator's driving record.

45 (3) For the purposes of this section:

46 (a) "Highway work zone" means a construction or
47 maintenance area that is located on or along any public highway,
48 road or street within this state that is marked:

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

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

56 (b) "Automated vehicle identification system" means a
57 system whereby a device is used to automatically detect a
58 violation of a traffic law and simultaneously record a photograph
59 of the vehicle, the operator of the vehicle and the license plate
60 of the vehicle.

61 (4) Nothing in this section shall preclude the prosecution
62 or conviction for reckless driving of any motor vehicle operator
63 whose operation of a motor vehicle in a highway work zone, apart

64 from speed, demonstrates a reckless disregard for life, limb or
65 property.

66 **SECTION 2.** This act shall take effect and be in force from
67 and after July 1, 2004.