

By: Representative Janus

To: Transportation

HOUSE BILL NO. 1137

1 AN ACT TO AMEND SECTION 77-1-21, MISSISSIPPI CODE OF 1972, TO  
2 TRANSFER THE LAW ENFORCEMENT FUNCTIONS OF THE MISSISSIPPI MOTOR  
3 CARRIER REGULATORY LAW OF 1938 FROM THE MISSISSIPPI DEPARTMENT OF  
4 TRANSPORTATION TO THE DEPARTMENT OF PUBLIC SAFETY; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 77-1-21, Mississippi Code of 1972, is  
8 amended as follows:

9 77-1-21. (1) For the purpose of enforcing the provisions of  
10 the Mississippi Motor Carrier Regulatory Law of 1938, the \* \* \*  
11 Department of Public Safety is authorized to employ, in addition  
12 to personnel already employed by the department, law enforcement  
13 officers, who shall be under the management of the department.  
14 Such officers shall devote their full time to the performance of  
15 their duties and shall take an oath faithfully to perform the  
16 duties of their position. The department shall require bonds to  
17 be carried on such employees as the department may deem necessary,  
18 the cost thereof to be paid by the department. Such law  
19 enforcement officers shall be qualified by experience and training  
20 in law enforcement or investigative work, and shall attend and  
21 satisfactorily complete an appropriate course of instruction  
22 established by the Commissioner of Public Safety at the Law  
23 Enforcement Officers Training Academy. The law enforcement  
24 officers referred to in this section shall be selected after an  
25 examination as to physical and mental fitness. Such employees  
26 shall be citizens of the United States and the State of  
27 Mississippi, and of good moral character. All such members of

28 staff shall be appointed by the \* \* \* Department of Public Safety  
29 and shall be subject to removal at any time by the department.

30 (2) The Mississippi Department of Transportation shall  
31 transfer all law enforcement officers, equipment, inventory and  
32 resources of the department employed and used to enforce the Motor  
33 Carrier Regulatory Law of 1938 to the \* \* \* Department of Public  
34 Safety on July 1, 2005. The transfer of personnel shall be  
35 commensurate with the number and classification of positions  
36 allocated to that law enforcement. The transfer also shall  
37 include direct support, clerical, data processing and  
38 communications positions allocated to that law enforcement.

39 (3) The Public Service Commission shall transfer to  
40 the \* \* \* Department of Public Safety each year the amount of  
41 funds necessary to support the law enforcement functions being  
42 performed for the commission by the department, as specified in  
43 the appropriation bill for the Public Service Commission.

44 (4) Any reference in any statute, rule or regulation to law  
45 enforcement duties being performed by the Public Service  
46 Commission shall be construed to mean law enforcement duties being  
47 performed for the commission by the \* \* \* Department of Public  
48 Safety.

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