

By: Representative Snowden

To: Judiciary B

HOUSE BILL NO. 950

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION  
 2 63-3-1006, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CRIMINAL  
 3 PENALTIES FOR ANY VEHICLE OPERATOR WHO FAILS TO STOP OR YIELD THE  
 4 RIGHT-OF-WAY FOR ANOTHER VEHICLE OR PEDESTRIAN, WHEN AND AS  
 5 REQUIRED BY LAW, WHENEVER SUCH FAILURE RESULTS IN THE BODILY  
 6 INJURY OR DEATH OF ANOTHER; TO AMEND SECTIONS 63-1-51 AND 63-1-83,  
 7 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF  
 8 THIS ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section  
 11 63-3-1006, Mississippi Code of 1972:

12 63-3-1006. If the operator of any vehicle fails to stop or  
 13 yield the right-of-way for another vehicle or pedestrian when and  
 14 as required by law, and such failure results in the bodily injury  
 15 or death of another, such operator, upon conviction, shall be  
 16 punished as follows:

17 (a) When the injury is not great and does not result in  
 18 death, by a fine of Two Hundred Dollars (\$200.00), and by  
 19 suspension of such person's regular driver's license, commercial  
 20 driver's license or nonresident driving privileges for a period of  
 21 one hundred eighty (180) days.

22 (b) When the injury is great but does not result in  
 23 death, by a fine of Five Hundred Dollars (\$500.00), and by  
 24 suspension of such person's regular driver's license, commercial  
 25 driver's license or nonresident driving privileges for a period of  
 26 one hundred eighty (180) days.

27 (c) When death results because the operator's reckless  
 28 disregard for the safety of another person, such person shall be  
 29 sentenced to the custody of the Mississippi Department of

30 Corrections for not less than two (2) years nor more than five (5)  
31 years.

32 **SECTION 2.** Section 63-1-51, Mississippi Code of 1972, is  
33 amended as follows:

34 63-1-51. (1) It shall be the duty of the trial judge, upon  
35 conviction of any person holding a license issued pursuant to this  
36 article where the penalty for a traffic violation is as much as  
37 Ten Dollars (\$10.00), to mail a copy of abstract of the court  
38 record or provide an electronically or computer generated copy of  
39 abstract of the court record immediately to the commissioner at  
40 Jackson, Mississippi, showing the date of conviction, penalty,  
41 etc., so that a record of same may be made by the Department of  
42 Public Safety. The commissioner shall forthwith revoke the  
43 license of any person for a period of one (1) year upon receiving  
44 a duly certified record of each person's convictions of any of the  
45 following offenses when such conviction has become final:

46 (a) Manslaughter or negligent homicide resulting from  
47 the operation of a motor vehicle;

48 (b) Any felony in the commission of which a motor  
49 vehicle is used;

50 (c) Failure to stop and render aid as required under  
51 the laws of this state in event of a motor vehicle accident  
52 resulting in the death or personal injury of another;

53 (d) Perjury or the willful making of a false affidavit  
54 or statement under oath to the department under this article or  
55 under any other law relating to the ownership or operation of  
56 motor vehicles;

57 (e) Conviction, or forfeiture of bail not vacated, upon  
58 three (3) charges of reckless driving committed within a period of  
59 twelve (12) months;

60 (f) Contempt for failure to pay a fine or fee or to  
61 respond to a summons or citation pursuant to a charge of a  
62 violation of this title.

63           (2) The commissioner shall revoke the license issued  
64 pursuant to this article of any person convicted of negligent  
65 homicide, in addition to any penalty now provided by law.

66           (3) The commissioner shall suspend the license issued  
67 pursuant to this article of any person convicted of an offense  
68 under paragraph (a) or (b) of Section 63-3-1006 for the applicable  
69 time provided therein.

70           (4) In addition to the reasons specified in this section,  
71 the commissioner shall be authorized to suspend the license issued  
72 to any person pursuant to this article for being out of compliance  
73 with an order for support, as defined in Section 93-11-153. The  
74 procedure for suspension of a license for being out of compliance  
75 with an order for support, and the procedure for the reissuance or  
76 reinstatement of a license suspended for that purpose, and the  
77 payment of any fees for the reissuance or reinstatement of a  
78 license suspended for that purpose, shall be governed by Section  
79 93-11-157 or 93-11-163, as the case may be. If there is any  
80 conflict between any provision of Section 93-11-157 or 93-11-163  
81 and any provision of this article, the provisions of Section  
82 93-11-157 or 93-11-163, as the case may be, shall control.

83           **SECTION 3.** Section 63-1-83, Mississippi Code of 1972, is  
84 amended as follows:

85           63-1-83. (1) From and after April 1, 1992, it shall be a  
86 violation of this article and the Commissioner of Public Safety  
87 shall suspend for a period of one (1) year the commercial driver's  
88 license and commercial motor vehicle driving privileges of any  
89 person whom he determines to have committed a first violation of:

90           (a) Driving a commercial motor vehicle for which a  
91 commercial driver instruction permit or commercial driver's  
92 license is required under this article while under the influence  
93 of alcohol or a controlled substance;

94           (b) Driving a commercial motor vehicle for which a  
95 commercial driver instruction permit or commercial driver's

96 license is required under this article while the alcohol  
97 concentration of the person's blood, breath or urine is four  
98 one-hundredths percent (.04%) or more;

99 (c) Knowingly and willfully leaving the scene of an  
100 accident involving a commercial motor vehicle for which a  
101 commercial driver instruction permit or commercial driver's  
102 license is required under this article, if the vehicle was driven  
103 by such person;

104 (d) Using a commercial motor vehicle for which a  
105 commercial driver instruction permit or commercial driver's  
106 license is required under this article in the commission of any  
107 felony as defined in this article;

108 (e) Refusing to submit to a test to determine the  
109 driver's alcohol concentration while driving a commercial motor  
110 vehicle for which a commercial driver instruction permit or  
111 commercial driver's license is required under this article; or

112 (f) Operating a commercial motor vehicle without a  
113 commercial driver's license or without the proper type of license  
114 or endorsement.

115 If any of the violations in subsection (1) of this section  
116 occurred while transporting hazardous materials required to be  
117 placarded under the Hazardous Materials Transportation Act, the  
118 commissioner shall suspend the commercial driver's license of such  
119 person for a period of three (3) years.

120 (2) The Commissioner of Public Safety shall suspend the  
121 commercial driver's license of a person for life, or such lesser  
122 minimum period of time as shall be required under applicable  
123 federal law or regulations, if a person is determined to have  
124 committed two (2) or more of the violations specified in  
125 subsection (1) of this section or any combination of such  
126 violations arising from two (2) or more separate incidents. The  
127 provisions of this subsection (2) shall apply only to violations  
128 occurring on or after April 1, 1992.

129           (3) The Commissioner of Public Safety shall suspend for life  
130 the commercial driver's license of any person who uses a  
131 commercial motor vehicle for which a commercial driver instruction  
132 permit or commercial driver's license is required under this  
133 article in the commission of any felony involving the manufacture,  
134 distribution or dispensing of a controlled substance, or  
135 possession with intent to manufacture, distribute or dispense a  
136 controlled substance. The provisions of this subsection (3) shall  
137 apply only to violations occurring on or after April 1, 1992.

138           (4) The Commissioner of Public Safety shall suspend the  
139 commercial driver's license of any person convicted of an offense  
140 under paragraph (a) or (b) of Section 63-3-1006 for the applicable  
141 time provided therein.

142           (5) The Commissioner of Public Safety shall suspend for a  
143 period of sixty (60) days the commercial driver's license of any  
144 person convicted of two (2) serious traffic violations, or one  
145 hundred twenty (120) days if convicted of three (3) serious  
146 traffic violations, committed in a motor vehicle arising from  
147 separate incidents occurring within a period of three (3) years.

148           (6) In addition to the reasons specified in this section for  
149 suspension of the commercial driver's license, the Commissioner of  
150 Public Safety shall be authorized to suspend the commercial  
151 driver's license of any person for being out of compliance with an  
152 order for support, as defined in Section 93-11-153. The procedure  
153 for suspension of a commercial driver's license for being out of  
154 compliance with an order for support, and the procedure for the  
155 reissuance or reinstatement of a commercial driver's license  
156 suspended for that purpose, and the payment of any fees for the  
157 reissuance or reinstatement of a commercial driver's license  
158 suspended for that purpose, shall be governed by Section 93-11-157  
159 or 93-11-163, as the case may be. If there is any conflict  
160 between any provision of Section 93-11-157 or 93-11-163 and any

161 provision of this article, the provisions of Section 93-11-157 or  
162 93-11-163, as the case may be, shall control.

163         **SECTION 4.** This act shall take effect and be in force from  
164 and after July 1, 2007.