3/21/19 1:58 P.M.

Chapter No. 356
19/HR43/R864SG
EW / KTW

HOUSE BILL NO. 580

Originated in House _____ Clerk

HOUSE BILL NO. 580

AN ACT TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO REQUIRE ITS CONTRACTORS TO PROVIDE WORK ZONE SAFETY OPERATIONS; TO AUTHORIZE THE COMMISSION'S CONTRACTORS TO ENTER INTO AGREEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO PROVIDE WORK ZONE SAFETY OPERATIONS; TO AUTHORIZE THE COMMISSION TO UTILIZE ITS OFFICERS TO PERFORM CERTAIN WORK ZONE SAFETY OPERATION FUNCTIONS; TO AMEND SECTION 63-3-516, MISSISSIPPI CODE OF 1972, TO PROVIDE NEW CRIMINAL PENALTIES FOR HIGHWAY WORK ZONE VIOLATIONS THAT RESULT IN PROPERTY DAMAGE OR SERIOUS BODILY INJURY OR DEATH; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Mississippi Transportation Commission may require its contractors to provide for law enforcement safety operations in work zones that the commission determines are on high-volume roadways or on high risk projects by including such provision in a contract between the commission and the contractor or as part of a bid requirement. A contractor may provide law enforcement work zone safety operations by entering into mutually agreeable agreements with state, county and/or municipal law enforcement agencies for the provision of such operations. Any law enforcement agency that enters into such agreement with a

contractor shall only provide work zone safety operation services in locations that are within the jurisdiction of the law enforcement agency, and the agency shall only have those enforcement powers granted to them by law. Contractors required to provide work zone safety operations and state law enforcement agencies, counties and municipalities are authorized to enter into agreements to effectuate the purposes of this subsection (1).

(2) If a mutually acceptable agreement between a contractor and applicable law enforcement agencies cannot be reached after good faith negotiations, the Mississippi Transportation Commission may utilize officers from the Mississippi Department of Transportation Office of Law Enforcement to perform safety operations in work zones that the commission determines are on high-volume roadways or on high risk projects. Officers of the Mississippi Department of Transportation Office of Law Enforcement are authorized to utilize any enforcement power already granted to them by law in the performance of work zone safety operations and * * * shall engage the oscillating blue lights on their vehicles to encourage the public to observe all traffic laws while proceeding through the work zone. This subsection (2) shall not be construed as granting the Office of Law Enforcement general police powers.

SECTION 2. Section 63-3-516, Mississippi Code of 1972, is amended as follows:

63-3-516. (1) It is unlawful for any person to operate a motor vehicle within a highway work zone at a speed in excess of the maximum speed limit specifically established for the zone whenever workers are present and whenever the zone is indicated by appropriately placed signs displaying the reduced maximum speed limit. Any person violating the provisions of this section shall be punished, upon conviction, for a first offense by a fine of not more than Two Hundred Fifty Dollars ($250.00); and for second, third and subsequent offenses by a fine of double the maximum fine imposed for second, third or subsequent offenses under Section 63-9-11.

(2) For the purposes of this section the term "highway work zone" means a construction or maintenance area that is located on or along any public highway, road or street within this state that is marked:

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

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

(3) Nothing in this section shall preclude the prosecution or conviction for careless or reckless driving of any motor vehicle operator whose operation of a motor vehicle in a highway

work zone, apart from speed, demonstrates * * * the operation of the same in a careless or imprudent manner in violation of Section 63-3-1213 or in a reckless manner in violation of Section 63-3-1201.

(4) (a) Every person who operates any motor vehicle in violation of the provisions of this section and who causes property damage to road construction equipment or a motor vehicle in an amount of Five Hundred Dollars ($500.00) or greater within a highway work zone shall, upon conviction, be guilty of a separate misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment, in the discretion of the court, and the court shall, as a condition of any sentence imposed determine the extent of the property damage caused by the violator and require the violator to make restitution to the injured party upon such terms and conditions determined by the court. Nothing herein however shall prevent the injured party from pursuing any other civil remedies against the violators as allowed by law.

(5) (a) Every person who operates any motor vehicle in violation of the provisions of this section and who causes the death of another within a highway work zone or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another within a

highway work zone shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than three (3) years and not to exceed fifteen (15) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 6, 2019

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 6, 2019

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

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