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Chapter No. 423
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Sec 1 CT

HOUSE BILL NO. 930

Originated in House Don Richardson Clerk

HOUSE BILL NO. 930

AN ACT TO AMEND SECTIONS 63-1-43 AND 63-1-47, MISSISSIPPI CODE OF 1972, TO DEFINE THE REQUIREMENTS FOR ISSUING OR RENEWING A NONCITIZEN'S DRIVER'S LICENSE; TO AMEND SECTION 45-35-7, MISSISSIPPI CODE OF 1972, TO DEFINE THE REQUIREMENTS FOR ISSUING A NONCITIZEN'S NONDRIVER IDENTIFICATION CARD; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-1-43, Mississippi Code of 1972, is amended as follows:

63-1-43. (1) The fee for receiving the application and issuing the regular driver's or operator's license and the fee for renewing the license shall be:

(a) Eighteen Dollars (\$18.00) plus the applicable photograph fee for each applicant for a four-year license;

(b) Three Dollars (\$3.00) plus the applicable photograph fee for each applicant for a one-year license, except as provided in paragraph (c) of this subsection; and

(c) Eighteen Dollars (\$18.00) plus the applicable photograph fee for a * * * license for an applicant who is not a United States citizen and who does not possess a social security number issued by the United States government.

All originals and renewals of regular operators' licenses shall be in compliance with Section 63-1-47.

(2) The fee for receiving the application and issuing a motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle endorsements shall be valid for the same period of time as the applicant's operator's license.

(3) The fee for receiving the application and issuing a restricted motorcycle operator's license and the fee for renewing such license shall be:

(a) Eleven Dollars (\$11.00) plus the applicable photograph fee for a four-year license; and

(b) Eight Dollars (\$8.00) plus the applicable photograph fee for a one-year license.

All originals and renewals of restricted motorcycle licenses shall be valid for the same period of time that an original regular driver's license may be issued to such person in compliance with Section 63-1-47.

(4) From and after January 1, 1990, every person who makes application for an original license or a renewal license to operate a vehicle as a common carrier by motor vehicle, taxicab, passenger coach, dray, contract carrier or private commercial carrier as such terms are defined in Section 27-19-3, except for those vehicles for which a Class A, B or C license is required under Article 5 of this chapter, shall, in lieu of the regular driver's license above provided for, apply for and obtain a Class D commercial driver's license. Except as otherwise provided in subsection (5) of this section, the fee for the issuance of a Class D commercial driver's license shall be Twenty-three Dollars (\$23.00) plus the applicable photograph fee for a period of four (4) years; however, except as required under Article 5 of this chapter, no driver of a pickup truck shall be required to have a commercial license regardless of the purpose for which the pickup truck is used.

Except as otherwise provided in subsection (5) of this section, all originals and renewals of commercial licenses issued under this section shall be valid for a period of four (4) years, in compliance with Section 63-1-47. Only persons who operate the above-mentioned vehicles in the course of the regular and customary business of the owner shall be required to obtain a

Class D commercial operator's license, and persons operating such vehicles for private purposes or in emergencies shall not be required to obtain such license.

(5) The original and each renewal of a commercial driver's license issued under this section to a person who is not a United States citizen and who does not possess a social security number issued by the United States government shall be issued for a period of one (1) year for a fee of Eight Dollars (\$8.00) plus the applicable photograph fee and shall expire one (1) year from the date of issuance. Such person may renew a commercial license issued under this section within thirty (30) days of expiration of the license.

(6) The Commissioner of Public Safety, by rule or regulation, shall establish a driver's license photograph fee which shall be the actual cost of the photograph rounded off to the next highest dollar. Monies collected for the photograph fee shall be deposited into a special photograph fee account which the Department of Public Safety shall use to pay the actual cost of producing the photographs. Any monies collected in excess of the actual costs of the photography shall be deposited to the General Fund of the State of Mississippi.

SECTION 2. Section 63-1-47, Mississippi Code of 1972, is amended as follows:

63-1-47. (1) Except as otherwise provided in this section, each applicant for an original license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license which will expire at midnight on the licensee's birthday.

(a) Except as otherwise provided in this section, all renewal licenses shall be for four-year periods and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.

(b) From and after January 1, 1990, no commercial driver's license shall be issued under the provisions of this article for any commercial motor vehicle, the lawful operation of which requires the driver to obtain a Class A, B or C commercial driver's license under Article 5 of this chapter; however, from time to time, the holder of a commercial license may apply for a commercial driver's license under Article 5 of this chapter; and, if he fails to pass the required test for such license, he shall be entitled to an extension of his license that shall be valid for one hundred twenty (120) days or until he again is tested under Article 5 of this chapter, whichever occurs first. The extension shall entitle the license holder to operate all vehicles which such license authorized him to operate prior to taking the required test. The first extension shall be without charge; however, a fee of Fifteen Dollars (\$15.00) shall be imposed for any subsequent extension. No extension shall be valid past March 31, 1992.

(2) Any commercial driver's license issued under this article before January 1, 1990, which expires after March 31, 1992, shall be void on April 1, 1992, for the operation of any commercial vehicle requiring a commercial license to be issued under Article 5 of this chapter; however, if the holder of any such license applies for a commercial driver's license under Article 5 of this chapter, passes the required tests for such license, pays all applicable fees under Article 5 of this chapter except the Forty Dollars (\$40.00) license fee and otherwise meets all requirements for the issuance of such license, then such person shall be issued a license under Article 5 of this chapter which shall expire on the expiration date of the commercial driver's license being replaced.

(3) The fee for the issuance of an original and renewals of a Class D commercial driver's license under this article to an applicant who is not a United States citizen and who does not

possess a social security number issued by the United States government and the period for which such license will be valid and expire shall be as prescribed in Section 63-1-43.

(4) The Commissioner of Public Safety shall notify, by United States mail addressed to the last known address of record with the Department of Public Safety, all holders of a commercial driver's license issued under this article before January 1, 1990, and which expire after March 31, 1992, that such license will be void on and after April 1, 1992, for the operation of any vehicle for which a commercial driver's license is required to be issued under Article 5 of this chapter.

(5) Any person holding a valid commercial driver's license issued under this article before January 1, 1990, shall continue thereafter, until expiration of such license, to be entitled to operate all vehicles which such license authorized him to operate immediately before January 1, 1990, except that from and after April 1, 1992, such license shall not entitle the licensee to operate a commercial motor vehicle the lawful operation of which requires a commercial driver's license under Article 5 of this chapter.

(6) (a) All applications by an operator under eighteen (18) years of age must be accompanied by documentation that the applicant is in compliance with the education requirements of Section 63-1-9(1)(g), and the documentation used in establishing compliance must be dated no more than thirty (30) days prior to the date of application.

(b) All applications by an operator under eighteen (18) years of age, if applicable, must be accompanied by documentation signed and notarized by the parent or guardian of the applicant and the appropriate school official, authorizing the release of the applicant's attendance records to the Department of Public Safety as required under Section 63-1-10.

(c) The commissioner shall suspend the driver's license, intermediate license or temporary learning permit of a student under eighteen (18) years of age who has been reported by the Department of Education as required by Section 63-1-10.1, and shall give notice of the suspension to the licensee as provided in Section 63-1-52(4). A school superintendent or designee may request that the driver's license, intermediate license or temporary learning permit that has been suspended under the provisions of this subsection be reinstated after the student has successfully completed nine (9) weeks of school attendance without an unlawful absence.

(7) (a) Any original or renewal license issued under this article to a person who is not a United States citizen and who does not possess a social security number issued by the United States government shall expire four (4) years from the date of issuance or on the expiration date of the applicant's authorized stay in the United States, whichever is the lesser period of time, and may be renewed, if the person is otherwise qualified to renew the license, within thirty (30) days of expiration. The fee for any such license and for renewal shall be as prescribed in Section 63-1-43.

(b) Any applicant for an original or renewal license under this subsection (7) must present valid documentary evidence documenting that the applicant:

(i) Is a citizen or national of the United States;

(ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) Has conditional permanent residence status in the United States;

(iv) Has approved application for asylum in the United States or has entered into the United States in refugee status;

(v) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;

(vi) Has a pending application for asylum in the United States;

(vii) Has a pending or approved application for temporary protected status in the United States;

(viii) Has approved deferred action status;

(ix) Has pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or

(x) Has a valid employment authorization card issued by the United States Department of Homeland Security.

SECTION 3. Section 45-35-7, Mississippi Code of 1972, is amended as follows:

45-35-7. (1) Except as provided in subsection (3) of this section, each applicant for an original identification card issued pursuant to this chapter who is entitled to issuance of such a card shall be issued a four-year card. Each card shall expire at midnight on the last day of the cardholder's birth month.

(2) Except as provided in subsection (3) of this section, all renewal identification cards shall be for four-year periods and may be renewed any time during the birth month of the cardholder upon application and payment of the required fee.

(3) (a) Any applicant who is blind, as defined in Section 43-6-1, upon payment of the fee prescribed in this section, shall be issued an original identification card which shall remain valid for a period of ten (10) years. All renewal identification cards issued to such persons shall also be valid for a period of ten (10) years.

(b) (i) Any applicant who is not a United States citizen and who does not possess a social security number issued

by the United States government, upon payment of the fee prescribed in this section, shall be issued an original or renewal identification card which shall expire four (4) years from date of issuance or on the expiration date of the applicant's authorized stay in the United States, whichever is the lesser period of time, and may be renewed, if the person is otherwise qualified to renew the license, within thirty (30) days of expiration.

(ii) An applicant for an original or renewal identification card under this paragraph (b) must present valid documentary evidence documenting that the applicant:

1. Is a citizen or national of the United States;
2. Is an alien lawfully admitted for permanent or temporary residence in the United States;
3. Has conditional permanent residence status in the United States;
4. Has approved application for asylum in the United States or has entered into the United States in refugee status;
5. Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;
6. Has a pending application for asylum in the United States;
7. Has a pending or approved application for temporary protected status in the United States;
8. Has approved deferred action status;
9. Has pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or
10. Has a valid employment authorization card issued by the United States Department of Homeland Security.

(4) A fee of Eleven Dollars (\$11.00) shall be collected for the issuance of an original or renewal identification card plus the applicable photograph fee as provided in subsection (5) of this section. The fee of Eleven Dollars (\$11.00) shall be deposited into the State General Fund. The photograph fee shall be deposited into a special photograph fee account or the State General Fund as provided under subsection (5) of this section.

(5) The Commissioner of Public Safety, by rule or regulation, shall establish an identification card photograph fee which shall be the actual cost of the photograph rounded off to the next highest dollar. Monies collected for the photograph fee shall be deposited into a special photograph fee account which the Department of Public Safety shall use to pay the actual cost of producing the photographs. Any monies collected in excess of the actual costs of the photography shall be deposited to the General Fund of the State of Mississippi.

(6) Any person who, for medical reasons, surrenders his unexpired driver's license, and any person whose unexpired driver's license is suspended for medical reasons by the Commissioner of Public Safety under Section 63-1-53(2)(e), may be issued an identification card without payment of a fee. The identification card shall be valid for a period of four (4) years from its date of issue. All renewals of such card shall be subject to the fees prescribed in subsections (4) and (5) of this section.

(7) The department shall maintain a record of all identification cards issued, except for those cards cancelled, surrendered or denied renewal.

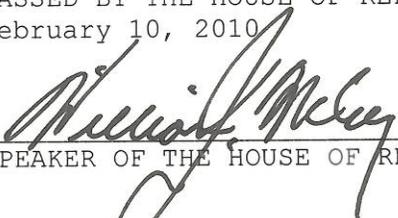
(8) (a) Any male who is at least eighteen (18) years of age but less than twenty-six (26) years of age and who applies for an identification card or a renewal of an identification card under this chapter shall be registered in compliance with the

requirements of Section 3 of the Military Selective Service Act, 50 USCS Appx 451 et seq., as amended.

(b) The department shall forward in an electronic format the necessary personal information of the applicant to the Selective Service System. The applicant's submission of the application shall serve as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The commissioner shall notify the applicant on, or as a part of, the application that his submission of the application will serve as his consent to registration with the Selective Service System, if so required. The commissioner also shall notify any male applicant under the age of eighteen (18) that he will be registered upon turning age eighteen (18) as required by federal law.

SECTION 4. This act shall take effect and be in force from and after January 1, 2010.

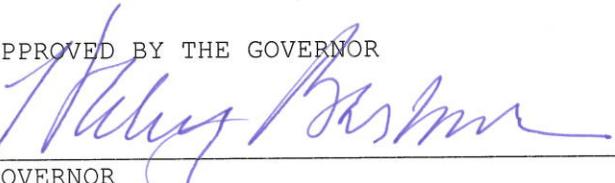
PASSED BY THE HOUSE OF REPRESENTATIVES
February 10, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 3, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

3/24/10

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