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Chapter No. 467
11/HR07/R1171SG
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HOUSE BILL NO. 847

Originated in House Don Richardson Clerk

HOUSE BILL NO. 847

AN ACT TO AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A TEMPORARY DRIVING PERMIT SHALL BE VALID FOR A PERIOD OF TWO YEARS; TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION ALLOWING THE COMMISSIONER OF PUBLIC SAFETY TO PROVIDE A LICENSEE WITH THE OPTION OF HAVING HIS SOCIAL SECURITY NUMBER AS HIS DRIVER'S LICENSE NUMBER; TO AMEND SECTION 63-1-37, MISSISSIPPI CODE OF 1972, TO REVISE THE FEES FOR DUPLICATE DRIVERS' LICENSES TO PROVIDE THAT THE FEE FOR THE FIRST AND EACH SUBSEQUENT DUPLICATE COPY OF THE LICENSE IS \$5.00; TO AMEND SECTION 63-1-45, MISSISSIPPI CODE OF 1972, TO CLARIFY PAYMENT OF CERTAIN FEES BY ELECTRONIC MEANS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-1-21, Mississippi Code of 1972, is amended as follows:

63-1-21. (1) To obtain a new or original driver's or operator's license, every applicant other than a person holding an out-of-state license shall first obtain a temporary driving permit by paying a fee of One Dollar (\$1.00) to the Department of Public Safety, successfully completing the examination provided for in Section 63-1-33, and paying the examination fee * * * provided for in Section 63-1-43.

(2) A temporary driving permit entitles the holder, provided the permit is in his immediate possession, to drive a motor vehicle other than a motorcycle on the highways of the State of Mississippi only when accompanied by a licensed operator who is at least twenty-one (21) years of age and who is actually occupying the seat beside the driver. A temporary driving permit may be issued to any applicant who is at least fifteen (15) years of age. A temporary driving permit shall be valid for a period of two (2) years from the date of issue.

(3) (a) An intermediate license allows unsupervised driving from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday and Saturday, and allows unsupervised driving any time for a person traveling directly to or from work. At all other times the intermediate licensee must be supervised by a parent, guardian or other person age twenty-one (21) years or older who holds a valid driver's license under this article and who is actually occupying the seat beside the driver.

(b) The fee for issuance of an intermediate license shall be Five Dollars (\$5.00).

(4) Except as otherwise provided by Section 63-1-6, every applicant for a restricted motorcycle operator's license or a motorcycle endorsement shall first obtain a temporary motorcycle driving permit by paying a fee of One Dollar (\$1.00) to the Department of Public Safety, successfully completing the examination provided for in Section 63-1-33, and paying the examination fee * * * provided for in Section 63-1-43. All applicants for a temporary motorcycle permit shall:

(a) Be at least fifteen (15) years of age;

(b) Operate a motorcycle only under the direct supervision of a person at least twenty-one (21) years of age who possesses either a valid driver's or operator's license with a motorcycle endorsement or a valid restricted motorcycle operator's license;

(c) Be prohibited from transporting a passenger on a motorcycle;

(d) Be prohibited from operating a motorcycle upon any controlled access highway; and

(e) Be prohibited from operating a motorcycle during the hours of 6:00 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall be valid for the same period of time and may be renewed upon the same conditions as temporary driving permits issued for vehicles other than motorcycles.

* * *

SECTION 2. Section 63-1-35, Mississippi Code of 1972, is amended as follows:

63-1-35. (1) The Commissioner of Public Safety shall prescribe the form of licenses issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety * * *. A licensee * * * shall list his social security number with the department which shall cross reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and regulations promulgated by the commissioner in conformity to Section 27-104-33. * * *

(2) The commissioner shall prescribe the form of licenses issued pursuant to this article to licensees who are not United States citizens and who do not possess a social security number issued by the United States government. The licenses of such persons shall include a number and/or other identifying features.

(3) Any new, renewal or duplicate driver's license, temporary driving permit, intermediate license or commercial driver's license issued to a person required to register as a sex

offender pursuant to Section 45-33-25 shall bear a designation identifying the licensee or permittee as a sex offender.

SECTION 3. Section 63-1-37, Mississippi Code of 1972, is amended as follows:

63-1-37. If a license or temporary driving permit issued under the provisions of this article is lost or destroyed, the licensee shall obtain from the commissioner a duplicate copy thereof and shall pay a fee in the amount of Five Dollars (\$5.00) plus the applicable photograph fee for the first * * * and each subsequent duplicate copy. The license or permit shall be marked "Duplicate."

All fees collected under this section, except photograph fees, shall be deposited into the State General Fund. Photograph fees collected under this section shall be deposited pursuant to the provisions of Section 63-1-43.

SECTION 4. Section 63-1-45, Mississippi Code of 1972, is amended as follows:

63-1-45. License examiners shall keep a complete record of all funds received from applicants upon forms to be prescribed and furnished by the department out of the operating funds of the department. Application forms shall be printed in book form and serially numbered and in such form that the original thereof may be transmitted by the license examiner to the commissioner, together with the renewal fee. A copy * * * signed by the examiner shall be given to the applicant, and a copy * * * shall be retained by the examiner. The license examiner shall, not later than ten (10) days from the date of an application, transmit the application, together with the fee, to the commissioner. The application blanks and funds shall be subject to audit at any time. The commissioner shall maintain records of all application forms on hand and issued to the examiners, who shall be charged therewith. The receipt provided for in this section shall be the only valid and recognized form of receipt for fees paid by

applicants, and the receipt shall be sufficient in lieu of the renewed license for a period of sixty (60) days or until the renewed license has been issued to the applicant by the commissioner.

There shall be tendered with all applications for a temporary driving permit, temporary motorcycle driving permit, * * * initial issuance of any license issued pursuant to this article, * * * renewal licenses, duplicate licenses or any other services for which a fee is charged, the proper fee required by law by cash, certified check, money order or electronic payment as authorized under Section 27-104-33. * * *

The Commissioner of Public Safety shall deposit the amount of fees, together with all fees for duplicate licenses, permits, delinquent fees and reinstatement fees collected by him into the General Fund of the State Treasury, in accordance with the provisions of Section 45-1-23(2); however, Seven Dollars (\$7.00) of the fee derived from the fee charged for original and renewal operators' licenses imposed under Section 63-1-43(1) and Four Dollars (\$4.00) of the fee derived from the fee charged for original and renewal Class D commercial drivers' licenses under Section 63-1-43(4) shall be deposited into a special fund that is created in the State Treasury. Monies in the fund may be expended pursuant to legislative appropriation solely for the purchase by the Mississippi Highway Safety Patrol of patrol cars, communications equipment and weapons.

SECTION 5. This act shall take effect and be in force from and after July 1, 2011.

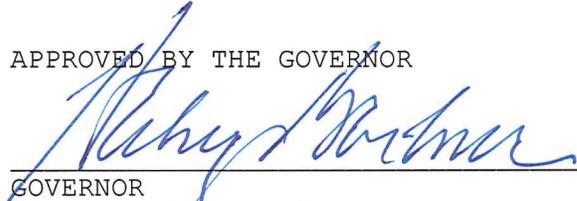
PASSED BY THE HOUSE OF REPRESENTATIVES
February 8, 2011


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 2, 2011


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
3/20/11 2:20p