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Chapter No. 424  
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**SENATE BILL NO. 2794**

Originated in Senate  Secretary

SENATE BILL NO. 2794

AN ACT TO AMEND SECTION 45-1-21, MISSISSIPPI CODE OF 1972, TO CLARIFY THE RESPONSIBILITY OF THE COMMISSIONER OF PUBLIC SAFETY IN PROMULGATING FEES GENERALLY; TO AMEND SECTION 45-33-57, MISSISSIPPI CODE OF 1972, TO CLARIFY THE RESPONSIBILITY OF THE COMMISSIONER OF PUBLIC SAFETY IN PROMULGATING FEES UNDER THE SEX OFFENDER REGISTRATION ACT; TO AMEND SECTIONS 45-35-7 AND 45-35-9, MISSISSIPPI CODE OF 1972, TO CONFORM THE FEES CHARGED BY THE DEPARTMENT OF PUBLIC SAFETY FOR NONDRIVER IDENTIFICATION CARDS TO THE NEW FEE SCHEDULE; TO AMEND SECTIONS 45-35-53, 45-35-55 AND 45-35-65, MISSISSIPPI CODE OF 1972, TO CONFORM THE FEES CHARGED BY THE DEPARTMENT OF PUBLIC SAFETY FOR IDENTIFICATION CARDS ISSUED TO PERSONS WITH DISABILITIES TO THE NEW FEE SCHEDULE; TO AMEND SECTION 63-1-5, MISSISSIPPI CODE OF 1972, TO CONFORM THE REQUIREMENTS FOR AN OPERATOR'S LICENSE TO THE NEW FEE SCHEDULE; TO AMEND SECTION 63-1-6, MISSISSIPPI CODE OF 1972, TO CONFORM THE REQUIREMENTS FOR A MOTORCYCLE OPERATOR'S LICENSE TO THE NEW FEE SCHEDULE; TO AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO CONFORM THE REQUIREMENTS CONCERNING TEMPORARY LEARNING PERMITS TO THE NEW FEE SCHEDULE; TO AMEND SECTION 63-1-37, MISSISSIPPI CODE OF 1972, TO CONFORM THE REQUIREMENTS CONCERNING DUPLICATE LICENSES TO THE NEW FEE SCHEDULE; TO AMEND SECTION 63-1-43, MISSISSIPPI CODE OF 1972, TO SET FORTH A NEW FEE SCHEDULE FOR PERMITS AND LICENSES ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY DRIVER SERVICES DIVISION; TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF 1972, TO CONFORM REINSTATEMENT FEES TO THE NEW FEE SCHEDULE; TO AMEND SECTION 63-1-47, MISSISSIPPI CODE OF 1972, TO CONFORM DRIVER'S LICENSES GENERALLY TO THE NEW FEE SCHEDULE AND TO CLARIFY WHEN LICENSES AND PERMITS SHALL EXPIRE; TO AMEND SECTION 63-1-49, MISSISSIPPI CODE OF 1972, TO CONFORM THE LATE RENEWAL FEE TO THE NEW FEE SCHEDULE; TO AMEND SECTIONS 63-1-208, 63-1-210 AND

63-1-211, MISSISSIPPI CODE OF 1972, TO CONFORM THE COMMERCIAL DRIVER'S LICENSE TO THE NEW FEE SCHEDULE; TO AMEND SECTIONS 63-1-9 AND 63-1-33, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 45-1-21, Mississippi Code of 1972, is amended as follows:

45-1-21. (1) (a) The Mississippi Department of Public Safety being required by law to keep various records and perform various services and being authorized to furnish certain records and services, \* \* \* the department, by direction of the Commissioner of Public Safety, shall establish and collect for such services a proper fee, commensurate with the service rendered and the cost of \* \* \* the service for the furnishing of any record or abstract thereof in the Department of Public Safety now or which may hereafter be required by law to be kept by said department, any photograph or photo copy or any report of any kind authorized by law, including services for polygraph tests and reports thereof.

(b) No records shall be furnished by the Mississippi Department of Public Safety which are classified as confidential by law. All fees collected under this section shall be paid into the General Fund of the State Treasury in accordance with the provisions of Section 45-1-23(2).

\* \* \*

(2) (a) (i) The Commissioner of Public Safety, by rule duly filed with the Secretary of State under the Administrative

Procedures Act, may establish a card stock fee to be paid by an applicant when specifically authorized by statute for producing a license, permit or identification card bearing the likeness of the applicant. The card stock fee shall be the actual cost of producing the license, permit or identification card as set by contract rounded off to the next highest dollar.

(ii) The administrative rule filing shall include either:

1. A copy of the contract governing the actual cost of producing the license permit or identification card, from which nonpublic information may be redacted; or

2. An abstract of the pertinent parts of the contract verified to be correct by the person responsible for the administrative rule filing.

(b) Monies collected for the card stock fee shall be deposited into a special card stock fee account which the Department of Public Safety shall use to pay the actual cost of producing the licenses and identification cards. Any monies collected in excess of the actual costs of the card stock fee may be used by the department to defray the cost of future photography, fraud deterrence and driver's license technology initiatives. Money remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund and any interest earned from the investment of monies in the fund shall be deposited to the credit of the fund.

**SECTION 2.** Section 45-33-57, Mississippi Code of 1972, is amended as follows:

45-33-57. (1) The Department of Public Safety may adopt regulations to establish fees to be charged for information requests under this chapter.

(2) The Department of Public Safety may adopt regulations to establish fees to be charged to registrants for registration, reregistration, and verification or change of address.

(3) Regulations promulgated under this section shall be duly filed with the Secretary of State under the Administrative Procedures Act.

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

45-35-7. (1) (a) Except as provided in paragraph (b) of this subsection \* \* \* (1), each applicant for an original or renewal identification card issued pursuant to this chapter who is entitled to issuance of such a card shall be issued a four-year card or an eight-year card, at the option of the applicant. Each card shall expire at midnight on the \* \* \* cardholder's \* \* \* birthday \* \* \* and may be renewed any time \* \* \* within six (6) months before the expiration date of the card upon application and payment of the required fee.

\* \* \* (b) Any applicant who is blind, as defined in Section 43-6-1, upon payment of the fee \* \* \* prescribed in Section 63-1-43, shall be issued an original or renewal

identification card which shall remain valid for a period of \* \* \* eight (8) years \* \* \*, shall expire at midnight on the cardholder's birthday, and may be renewed any time within six (6) months before the expiration date of the card upon application and payment of the required fee.

\* \* \* (2) (a) Any applicant who is not a United States citizen \* \* \*, upon payment of the fee prescribed in \* \* \* Section 63-1-43, 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.

( \* \* \* b) An applicant for an original or renewal identification card under \* \* \* paragraph ( \* \* \* a) 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 an 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 an 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.

( \* \* \* 3 ) \* \* \* The fee \* \* \* for the issuance of an original or renewal identification card \* \* \* shall be as prescribed in Section 63-1-43.

( \* \* \* 4 ) 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), \* \* \* upon request shall 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. \* \* \* Subsequent

renewals \* \* \* shall be subject to the fees prescribed in \* \* \*  
Section 63-1-43.

( \* \* \*5) The department shall maintain a record of all  
identification cards issued \* \* \*.

( \* \* \*6) (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.** Section 45-35-9, Mississippi Code of 1972, is amended as follows:

45-35-9. (1) If an identification card issued under this chapter is lost, destroyed or mutilated, or a new name or other updated information is required, the person to whom it was issued may obtain a duplicate by furnishing \* \* \* the same identifying data \* \* \* as for an original card \* \* \* and paying the fee \* \* \* prescribed in Section 63-1-43.

(2) Any person who loses an identification card and who, after obtaining a duplicate, finds the original card shall promptly surrender the original card to the department.

**SECTION 5.** Section 45-35-53, Mississippi Code of 1972, is amended as follows:

45-35-53. (1) The Department of Public Safety shall issue personal identification cards to persons with disabilities who make application to the department in accordance with rules and regulations prescribed by the commissioner by filing with the Secretary of State under the Administrative Procedures Act. The identification card for persons with disabilities shall prominently display the international handicapped symbol and, in addition to any other information required by this article, may contain a recent color photograph of the applicant and the following information:

- (a) Full legal name;
- (b) Address of residence;

- (c) Birth date;
- (d) Date identification card was issued;
- (e) Date identification card expires;
- (f) Sex;
- (g) Height;
- (h) Weight;
- (i) Eye color;
- (j) Location where the identification card was issued;
- (k) Signature of person identified or facsimile

thereof; and

\* \* \*

( \* \* \*1) Such other information as required by the department.

(2) The identification card for persons with disabilities \* \* \* shall bear an identification card number which shall not be the same as the applicant's social security number \* \* \*. The commissioner shall prescribe the form of identification cards issued pursuant to this article to persons who are not United States citizens \* \* \*. The identification cards of such persons shall include a number and any other identifying information prescribed by the commissioner.

**SECTION 6.** Section 45-35-55, Mississippi Code of 1972, is amended as follows:

45-35-55. (1) The identification card for persons with disabilities shall be issued to a person with a permanent

disability for a period of four (4) years \* \* \*, shall \* \* \* expire at midnight on the cardholder's birthday, and may be renewed any time within six (6) months before the expiration date of the card upon application and payment of the required fee. The identification cards shall be issued to persons \* \* \* with disabilities \* \* \* upon presentation of the current sworn affidavit of at least one (1) medical doctor attesting to such permanent disability. A current affidavit shall be presented at each request for renewal.

(2) The identification card for persons with temporary disabilities shall be issued to a person with a temporary disability upon presentation of a sworn affidavit of at least one (1) medical doctor attesting to \* \* \* the disability and estimating the duration of \* \* \* the disability. \* \* \* Temporary disability identification cards shall be issued for periods of six (6) months. A current affidavit of a medical doctor attesting to the continuance of \* \* \* the disability shall be presented at each request for renewal thereafter.

**SECTION 7.** Section 45-35-65, Mississippi Code of 1972, is amended as follows:

45-35-65. The department shall collect a fee \* \* \* for an identification card for persons with disabilities \* \* \* as prescribed in Section 63-1-43.

**SECTION 8.** Section 63-1-5, Mississippi Code of 1972, is amended as follows:

63-1-5. (1) (a) No person shall drive or operate a motor vehicle \* \* \* upon the highways of the State of Mississippi without first securing an operator's license to drive on the highways of the state, \* \* \* unless specifically exempted by Section 63-1-7.

(b) The types of operator's licenses are:

(i) Class R;

(ii) Class D;

(iii) Class A, B or C commercial license governed by Article 5 of this chapter;

(iv) Intermediate license; and

(v) Ignition-interlock-restricted license as prescribed in Section 63-11-31.

(2) (a) Every person who makes application for an original license or a renewal license to operate any single vehicle with a gross weight rating of less than twenty-six thousand one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds other than vehicles included in Class C, vehicles which require a special endorsement, or to operate a vehicle as a common carrier by motor vehicle, taxicab, passenger coach, dray, contract carrier or private commercial carrier as defined in Section 27-19-3, other than those vehicles for which a Class A, B or C license is required under Article 5 of this chapter, may, in lieu of the Class R regular driver's license, apply for and obtain a Class D

driver's license. The fee for the issuance of a Class D driver's license shall be as set forth in Section 63-1-43 and the Class D license shall be valid for the term prescribed in Section 63-1-47. Except as required under Article 5 of this chapter, no driver of a pickup truck shall be required to have a Class D or a commercial license regardless of the purpose for which the pickup truck is used.

(b) Persons operating vehicles listed in paragraph (a) of this subsection for private purposes or in emergencies need not obtain a Class D license.

(3) An ignition-interlock-restricted license allows a person to drive only a motor vehicle equipped with an ignition-interlock device.

(4) A person who violates this section is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment for not less than two (2) days nor more than six (6) months, by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or both.

**SECTION 9.** Section 63-1-6, Mississippi Code of 1972, is amended as follows:

63-1-6. (1) Unless exempted under Section 63-1-7, no person shall drive or operate a motorcycle upon the highways of the State of Mississippi without first securing \* \* \* an operator's license with a motorcycle endorsement upon it \* \* \*.

(2) (a) A motorcycle endorsement may be issued to any person who holds a valid Mississippi driver's license and meets the other requirements for \* \* \* a motorcycle endorsement contained in this chapter.

(b) \* \* \* Every applicant for a motorcycle endorsement shall first obtain a temporary motorcycle permit, successfully complete the examination provided in Section 63-1-33, and pay the temporary motorcycle permit fee and examination fee prescribed in Section 63-1-43. Applicants for a temporary motorcycle permit shall:

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

(ii) 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;

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

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

(v) 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 regular learner's permits issued under Section 63-1-21.

**SECTION 10.** Section 63-1-21, Mississippi Code of 1972, is amended as follows:

63-1-21. (1) To obtain a new or original \* \* \* Class R, Class D or intermediate driver's license, every applicant other than a person holding \* \* \* a valid out-of-state license shall first obtain a \* \* \* regular learner's permit \* \* \*, successfully \* \* \* complete the examination provided for in Section 63-1-33, and \* \* \* pay the regular learner's permit fee and examination fee \* \* \* prescribed in Section 63-1-43.

(2) A \* \* \* regular learner's permit entitles the holder, \* \* \* if 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 \* \* \* regular learner's permit may be issued to any applicant who is at least fifteen (15) years of age \* \* \* and 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 aged 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 \* \* \* as prescribed in Section 63-1-43.

\* \* \*

**SECTION 11.** Section 63-1-37, Mississippi Code of 1972, is amended as follows:

63-1-37. If a license or \* \* \* regular learner's permit issued under the provisions of this article is lost or destroyed, the licensee \* \* \* may obtain \* \* \* a duplicate copy \* \* \* by paying the fee prescribed in Section 63-1-43. The license or permit shall be marked "Duplicate."

\* \* \*

**SECTION 12.** Section 63-1-43, Mississippi Code of 1972, is amended as follows:

63-1-43. (1) \* \* \* The commissioner shall charge and collect the following fees:

(a) Fees to which the card stock fee authorized in Section 45-1-21 shall be added:

|   |                |
|---|----------------|
| <u>Class R original or renewal four-year license</u>  |                |
| <u>authorized in Section 63-1-5 .....</u>             | <u>\$18.00</u> |
| <u>Class R original or renewal eight-year license</u> |                |
| <u>authorized in Section 63-1-5 .....</u>             | <u>\$36.00</u> |
| <u>Class D original or renewal four-year license</u>  |                |
| <u>authorized in Section 63-1-47 .....</u>            | <u>\$23.00</u> |

|   |                |
|---|----------------|
| <u>Class D original or renewal eight-year license</u>               |                |
| <u>authorized in Section 63-1-47 .....</u>                          | <u>\$46.00</u> |
| <u>Four-year Identification Card authorized in</u>                  |                |
| <u>Section 45-35-7 .....</u>  | <u>\$11.00</u> |
| <u>Eight-year Identification Card authorized in</u>                 |                |
| <u>Section 45-35-7 .....</u>  | <u>\$22.00</u> |
| <u>Eight-year Identification Card for the blind</u>                 |                |
| <u>authorized in Section 45-35-7 .....</u>                          | <u>\$11.00</u> |
| <u>Four-year Disability Identification Card authorized in</u>       |                |
| <u>Section 45-35-53 .....</u>                                       | <u>\$11.00</u> |
| <u>Regular Learner's Permit authorized in Section 63-1-21 .....</u> | <u>\$ 1.00</u> |
| <u>Duplicate Identification Card or Disability</u>                  |                |
| <u>Identification Card .....</u>                                    | <u>\$ 5.00</u> |
| <u>Intermediate license authorized in Section 63-1-21 .....</u>     | <u>\$ 5.00</u> |
| <u>Duplicate Class R or Class D license</u>                         |                |
| <u>authorized in Section 63-1-37 .....</u>                          | <u>\$ 5.00</u> |
| <u>Class A, B or C Commercial driver's license</u>                  |                |
| <u>authorized in Section 63-1-208 .....</u>                         | <u>\$48.00</u> |
| <u>CDL Learner's Permit authorized in Section 63-1-208 .....</u>    | <u>\$10.00</u> |
| <u>Duplicate CDL or CDL learner's permit .....</u>                  | <u>\$ 5.00</u> |
| <u>Ignition-Interlock-Restricted License</u>                        |                |
| <u>authorized in Section 63-11-31 .....</u>                         | <u>\$50.00</u> |
| <u>(b) Driver services fees to which the card stock fee</u>         |                |
| <u>authorized in Section 45-1-21 is not added:</u>                  |                |
| <u>Temporary Motorcycle Permit .....</u>                            | <u>\$ 1.00</u> |

|   |                |
|---|----------------|
| <u>Four-year or eight-year Motorcycle Endorsement .....</u>   | <u>\$ 5.00</u> |
| <u>Late Renewal Fee .....</u>   | <u>\$ 1.00</u> |
| <u>Four-year Identification Card upon medical reason for</u><br><u>surrender of a driver's license as authorized in</u><br><u>Section 45-35-7 (one (1) time only) .....</u> | <u>No fee</u>  |
| <u>Hazardous Materials Background Check (federal) .....</u>   | <u>\$63.00</u> |
| <u>Hazardous Materials Background Check (state) .....</u>   | <u>\$37.00</u> |
| <u>CDL Application Fee .....</u>  | <u>\$25.00</u> |
| <u>CDL Endorsements:</u>  |                |
| <u>Tanker Endorsement .....</u>   | <u>\$ 5.00</u> |
| <u>Doubles/Triples Endorsement .....</u>  | <u>\$ 5.00</u> |
| <u>Passenger Endorsement .....</u>  | <u>\$ 5.00</u> |
| <u>Hazardous Materials Endorsement .....</u>  | <u>\$ 5.00</u> |
| <u>School Bus Endorsement .....</u>   | <u>\$ 5.00</u> |

( \* \* \*c) In addition to the fees required in \* \* \* this \* \* \* section, an applicant may contribute an additional One Dollar (\$1.00) which shall be deposited into the Statewide Litter Prevention Fund. The applicant shall be informed that he may contribute an additional One Dollar (\$1.00) which shall be deposited into the Statewide Litter Prevention Fund and shall be expended solely for the purpose of funding litter prevention projects or litter education programs, as recommended by the Statewide Litter Prevention Program of Keep Mississippi Beautiful, Inc.

(2) All originals and renewals of \* \* \* operators' licenses shall be in compliance with Section 63-1-47.

\* \* \*

**SECTION 13.** Section 63-1-46, Mississippi Code of 1972, is amended as follows:

63-1-46. (1) (a) Except as otherwise provided in this section, a fee of One Hundred Dollars (\$100.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended, revoked or cancelled.

(b) The funds received under the provisions of this subsection shall be distributed as follows:

(i) Twenty-five Dollars (\$25.00) shall be deposited into the State General Fund in accordance with Section 45-1-23;

(ii) Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section 25-13-7;

(iii) Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section 63-1-45(3) for purchases of equipment by the Mississippi Highway Safety Patrol; and

(iv) Twenty-five Dollars (\$25.00) shall be deposited into the Ignition Interlock Device Fund created in Section 63-1-43 by Chapter 489, Laws of 2013.

(2) (a) A fee of One Hundred Seventy-five Dollars (\$175.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended or revoked under the provisions of the Mississippi Implied Consent Law or as a result of a conviction of a violation of the Uniform Controlled Substances Law under the provisions of Section 63-1-71.

(b) The funds received under the provisions of this subsection shall be distributed as follows:

(i) One Hundred Dollars (\$100.00) shall be deposited into the State General Fund in accordance with Section 45-1-23;

(ii) Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section 25-13-7;

(iii) Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section 63-1-45(3) for purchases of equipment by the Mississippi Highway Safety Patrol; and

(iv) Twenty-five Dollars (\$25.00) shall be deposited into the Ignition Interlock Device Fund created in Section 63-1-43 by Chapter 489, Laws of 2013.

(3) (a) A fee of Twenty-five Dollars (\$25.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended for nonpayment of child support under the provisions of Sections 93-11-151 through 93-11-163. The funds received under the provisions of this subsection shall be deposited into the State General Fund in accordance with Section 45-1-23.

( \* \* \*b) The procedure for the reinstatement of a license issued under this article that has been suspended for being out of compliance with an order for support, as defined in Section 93-11-153, and the payment of any fees for the reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.

(4) A fee of Twenty-five Dollars (\$25.00) will be charged for the reinstatement of a license that was suspended due to payment by a draft or other instrument that is dishonored by the payor.

(5) All reinstatement fees charged under this section shall be in addition to the fees \* \* \* prescribed in Section 63-1-43.

**SECTION 14.** Section 63-1-47, Mississippi Code of 1972, is amended as follows:

63-1-47. (1) (a) Except as otherwise provided in this section, each applicant for an original or renewal Class R or Class D license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license or an eight-year license, at the option of the applicant, which will expire at midnight on the licensee's birthday \* \* \* 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) \* \* \* The term of an intermediate license issued under this article shall be one (1) year.

(c) The term of an ignition-interlock-restricted license issued under this article shall be four (4) years.

(2) Any commercial driver's license issued under \* \* \* Article 5 of this chapter shall be issued for a five-year term to expire at midnight on the licensee's birthday \* \* \*.

\* \* \*

( \* \* \*3) (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 \* \* \* before 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 \* \* \* regular learner's 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 \* \* \* regular learner's 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.

( \* \* \*4) (a) Any original or renewal license issued under this \* \* \* chapter to a person who is not a United States citizen \* \* \* 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 ( \* \* \*4) 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 an 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 a 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 15.** Section 63-1-49, Mississippi Code of 1972, is amended as follows:

63-1-49. (1) An expired license issued pursuant to this article may be renewed at any time within \* \* \* eighteen (18) months after the expiration date of \* \* \* the license upon application and payment of the required fee, and the payment of a delinquent fee \* \* \* prescribed in Section 63-1-43, in lieu of a driver examination, unless the holder of the expired license is required to be examined, or unless the department has reason to believe the licensee is no longer qualified to receive a license. \* \* \*

(2) (a) Any person in the Armed Services of the United States, \* \* \* who holds a valid license issued pursuant to this \* \* \* chapter and \* \* \* is out of state due to military service at the time the license expires, may renew the license by mail or by online renewal services while out of state due to military service or at any time within ninety (90) days after being discharged from \* \* \* military service or upon returning to the state \* \* \* without payment of any delinquent fee or examination, unless the department has reason to believe that the licensee is no longer qualified to receive a license. \* \* \* The person shall make proof by affidavit of the fact of \* \* \* the person's current military service \* \* \* or of the time of discharge or return. The expiration of the license of a military

person under the provisions of this paragraph (a) shall not affect the validity of the license, but \* \* \* the license shall continue to be valid and permit \* \* \* the person to operate a motor vehicle in this state for a period of ninety (90) days after \* \* \* discharge from military service or \* \* \* return to the state or until \* \* \* renewal of the license, whichever \* \* \* occurs first.

(b) The provisions of paragraph (a) of this subsection (2) also apply to a dependent of a person in the armed services of the United States who is out of state due to military service if the dependent resides out of state with the armed services member and the license of the dependent expires during \* \* \* the family member's absence from the state. The Commissioner of Public Safety may adopt such rules and regulations under the Administrative Procedures Act as may be necessary to implement the provisions of this paragraph.

(3) Any person holding a valid license issued pursuant to this article who is going overseas for two (2) to four (4) years and whose license \* \* \* will expire during the stay overseas may renew \* \* \* the license for four (4) years or eight (8) years \* \* \* before leaving. \* \* \* The person shall make proof by affidavit of the fact of \* \* \* the overseas travel. \* \* \*

**SECTION 16.** Section 63-1-208, Mississippi Code of 1972, is amended as follows:

63-1-208. **Commercial driver's license qualification standards.** (1) Except as otherwise provided, the commissioner

shall not issue a commercial driver's license and commercial learner's permit to any person under the age of twenty-one (21) years.

(2) No person may be issued a commercial driver's license unless that person is domiciled in this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 CFR, Part 383, subparts F, G and H and has satisfied all other requirements of Title XII of Public Law 99-570 in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the commissioner. If the applicant wishes to have a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572.

(3) The commissioner may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency or instrumentality of local government, to administer the skills test specified by this section, provided:

(a) The test is the same as would otherwise be administered by the state; and

(b) The third party has entered into an agreement with this state which complies with requirements of 49 CFR, Part 383.75.

(4) A skills test may be waived as follows:

(a) The commissioner, by rules adopted pursuant to the Mississippi Administrative Procedures Law, may provide for a waiver of the skills test specified in this section for a commercial driver's license applicant who meets the requirements of 49 CFR, Part 383.77;

(b) The rules may establish deadlines by which applicants must claim entitlement and qualification to skills test waivers and may provide for the scheduling of group knowledge testing.

(5) A commercial learner's permit shall be issued as follows:

(a) A commercial learner's permit may be issued to an individual who holds a valid Mississippi driver's license \* \* \* who has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made;

(b) The commercial learner's permit shall be issued for a period of six (6) months for \* \* \* the fee \* \* \* prescribed in Section 63-1-43. Only one (1) renewal or reissuance may be granted within a two-year period. The holder of a commercial learner's permit may, unless otherwise disqualified, drive a

commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(6) A commercial driver's license \* \* \* or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or cancelled in any state. A driver's license may not be issued to a person who has a commercial driver's license issued by any state unless the person first surrenders all driver's licenses issued by any state, which licenses shall be returned to the issuing states for cancellation.

(7) A person shall be entitled to take the test for a commercial driver's license unless the person's driver's license is, at the time of the requested test, suspended, revoked, cancelled or disqualified in any other state.

(8) Notwithstanding any requirement imposed by state law or state or federal regulations restricting the issuance of a commercial driver's license to a person suffering from diabetes, a person suffering from diabetes may be issued a commercial driver's license if the person otherwise meets all qualifications for issuance provided:

(a) The driver is physically examined every year, including an examination by a board-certified/eligible endocrinologist attesting to the fact that the driver is:

(i) Free of insulin reactions (an individual is free of insulin reactions if that individual does not have severe hypoglycemia or hypoglycemia unawareness, and has less than one (1) documented, symptomatic hypoglycemic reaction per month);

(ii) Able to and has demonstrated willingness to properly monitor and manage the person's diabetes; and

(iii) Not likely to suffer any diminution in driving ability due to the person's diabetic condition.

(b) The driver agrees to and complies with the following conditions:

(i) A source of rapidly absorbable glucose shall be carried at all times while driving;

(ii) Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4) hours while driving or on duty prior to driving using a portable glucose monitoring device equipped with a computerized memory;

(iii) Submit blood glucose logs to the endocrinologist or medical examiner at the annual examination or when otherwise directed by the Department of Public Safety;

(iv) Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and

(v) Provide a copy of the annual medical certification to the person's employer for retention in the driver's qualification file and retain a copy of the certification on his person while driving for presentation to a duly authorized federal, state or local enforcement official.

(c) The commercial license issued under this subsection (8) will bear an endorsement restricting commercial driving on the license to driving only within the boundaries of Mississippi.

(9) The fees for all licenses, permits, renewals and endorsements shall be as prescribed in Section 63-1-43.

**SECTION 17.** Section 63-1-210, Mississippi Code of 1972, is amended as follows:

63-1-210. **Application for commercial driver's license.** (1)  
The application for a commercial driver's license or commercial learner's permit shall include the following:

(a) The full name and current mailing and residential addresses of the person.

(b) A physical description of the person, including sex, height and weight.

(c) Date of birth.

(d) The applicant's social security number.

(e) The person's signature.

(f) Certifications that:

(i) For an applicant who operates or expects to operate in interstate or foreign commerce or who is otherwise

subject to 49 CFR, Part 391, the applicant meets the qualification requirements contained in Part 391; or for an applicant who operates or expects to operate entirely in intrastate commerce and who is not subject to Part 391, that the applicant is subject to state driver qualification requirements and is not subject to Part 391;

(ii) The motor vehicle in which the applicant's skills test will be taken is representative of the type of motor vehicle that the applicant operates or expects to operate;

(iii) The applicant is not subject to any disqualification under 49 CFR, Part 385.51, or any license suspension, revocation, or cancellation under state law; and

(iv) The applicant does not have a driver's license from more than one (1) state or jurisdiction.

(g) Any other information required by the commissioner, including, but not limited to, the names of all states or jurisdictions where the applicant has been licensed to operate any type of motor vehicle during the previous ten (10) years.

(h) The application shall be accompanied by a fee \* \* \* as prescribed in Section 63-1-43.

(2) When a licensee or permittee changes his or her name, mailing address, or residence or in the case of the loss, mutilation, or destruction of a license or permit, the licensee or permittee shall \* \* \* notify the commissioner within sixty (60) days and apply in person for a duplicate license or permit in the

same manner as set forth in subsection (1) of this section. The fee for a duplicate license or permit shall be \* \* \* as prescribed in Section 63-1-43.

(3) A person who has been a resident of this state for more than thirty (30) days shall not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(4) Any person who knowingly falsifies information or certifications required under subsection (1) of this section shall have the person's commercial driver's license revoked. Such persons may reapply for a commercial driver's license no sooner than sixty (60) days after the revocation.

(5) (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 or renews a commercial driver's license or renewal of a commercial learner's permit under this article 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 18.** Section 63-1-211, Mississippi Code of 1972, is amended as follows:

63-1-211. **Commercial driver's license.** (1) **Contents of license.** A commercial driver's license shall be marked "commercial driver's license" or "CDL," and shall be, to the maximum extent practicable, tamper proof, and shall include, but not be limited to, the following information:

- (a) The name and residential address of the person.
- (b) The person's color photograph or imaged likeness.
- (c) A physical description of the person including sex, height, and weight.
- (d) Date of birth.
- (e) Any number or identifier deemed appropriate by the commissioner.
- (f) The person's signature.
- (g) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions.

(h) The name of this state.

(i) The dates between which the license is valid.

(2) **Classifications, endorsements and restrictions.**

Driver's licenses may be issued with the following classifications, endorsements, and restrictions:

(a) **Classifications.** Licensees may drive all vehicles in the class for which the license is issued and all lesser classes of vehicles, except those requiring special endorsements.

(i) Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds.

(ii) Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, and any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds.

(iii) Class C - Any single vehicle with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds:

1. Vehicles designed to transport sixteen (16) or more passengers, including the driver; and

2. Vehicles used in the transportation of hazardous materials as defined in Section 63-1-203.

(iv) Class D - \* \* \* Class D licenses \* \* \* are not \* \* \* commercial driver's licenses and shall be governed by the provisions of Section 63-1-5.

(b) Licenses may be issued with appropriate endorsements and restrictions noted thereon. The commissioner shall determine the manner of notation. Endorsements and restrictions may include, but are not limited \* \* \* to, those which:

(i) Authorize a driver to drive a vehicle transporting hazardous materials;

(ii) Restrict the driver to vehicles not equipped with air brakes when the person either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;

(iii) Authorize driving motorcycles;

(iv) Authorize driving tank vehicles;

(v) Authorize driving vehicles carrying passengers;

(vi) Authorize driving school buses;

(vii) Authorize driving double trailers;

(viii) Restrict the driver to operation solely within this state. A commercial driver's license or commercial learner's permit with this restriction may be issued to any person who has attained the age of eighteen (18) years.

(3) Before issuing a commercial driver's license, the commissioner shall request the applicant's complete operating record from any state in which the applicant was previously licensed to operate any type of motor vehicle in the past ten (10) years, conduct a check of the applicant's operating record by querying the national driver register, established under 49 USCS Section 30302, and the commercial driver's license information system, established under 49 USCS Section 31309, to determine if:

(a) The applicant has already been issued a commercial driver's license; and the applicant's commercial driver's license has been suspended, revoked, or canceled;

(b) The applicant had been convicted of any offenses contained in Section 205(a)(3) of the National Driver Register Act of 1982 (23 USCS Section 401 note).

(4) Within ten (10) days after issuing a commercial driver's license, the commissioner shall notify the commercial driver license information system of that fact, providing all information required to ensure identification of the person.

(5) The commercial driver's license shall expire in the manner set forth in Section 63-1-47.

(6) When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by Section 63-1-210, providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous

materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572. If notice is received from the United States Transportation Security Administration that the applicant poses a security risk, the commissioner shall refuse to issue, or revoke within fifteen (15) days of receipt of the notice, a hazardous materials endorsement.

**SECTION 19.** Section 63-1-9, Mississippi Code of 1972, is amended as follows:

63-1-9. (1) No driver's license, intermediate license or \* \* \* regular learner's permit shall be issued pursuant to this article:

(a) To any person under the age of eighteen (18) years except as provided in this article.

(b) To any person whose license to operate a motor vehicle on the highways of Mississippi has been previously revoked or suspended by this state or any other state or territory of the United States or the District of Columbia, if the revocation or suspension period has not expired.

(c) To any person who is an habitual drunkard or who is addicted to the use of other narcotic drugs.

(d) To any person who would not be able by reason of physical or mental disability \* \* \* to operate a motor vehicle on the highways with safety. However, persons who have one (1) arm or leg, or have arms or legs deformed, and are driving a car

provided with mechanical devices whereby the person is able to drive in a safe manner over the highways, if otherwise qualified, shall receive an operator's license the same as other persons. Moreover, deafness shall not be a bar to obtaining a license.

\* \* \*

( \* \* \*e) To any person as an operator who has previously been adjudged to be afflicted with and suffering from any mental disability and who has not at time of application been restored to mental competency.

( \* \* \*f) To any unmarried person under the age of eighteen (18) years who does not at the time of application present a diploma or other certificate of high school graduation or a general educational development certificate issued to the person in this state or any other state; or on whose behalf documentation has not been received by the Department of Public Safety from that person or a school official verifying that the person:

(i) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate;

(ii) Is enrolled in school in this state or any other state;

(iii) Is enrolled in a "nonpublic school," as such term is defined in Section 37-13-91(2)(i); or

(iv) Is unable to attend any school program due to circumstances deemed acceptable as set out in Section 63-1-10.

( \* \* \*g) To any person under the age of eighteen (18) years who has been convicted under Section 63-11-30.

(2) All permits and licenses issued on or before July 31, 2009, shall be valid according to the terms upon which issued. From and after August 1, 2009:

(a) A \* \* \* regular learner's permit may be issued to any person who is at least fifteen (15) years of age who otherwise meets the requirements of this article.

(b) An intermediate license may be issued to any person who is at least sixteen (16) years of age who otherwise meets the requirements of this article and who has held a \* \* \* regular learner's permit for at least one (1) year without any conviction under Section 63-11-30 or of a moving violation. Any conviction under Section 63-11-30 or of a moving violation shall restart the one-year requirement for the holding of a \* \* \* regular learner's permit before an applicant can qualify for an intermediate license.

(c) A driver's license may be issued to any person who is at least sixteen and one-half (16-1/2) years of age who otherwise meets the requirements of this article and who has held an intermediate license for at least six (6) months without any conviction under Section 63-11-30 or of a moving violation. Any conviction under Section 63-11-30 or of a moving violation shall

restart the six-month requirement for the holding of an intermediate license before an applicant can qualify for a driver's license. However, a person who is at least seventeen (17) years of age who has been issued a \* \* \* regular learner's permit and who has never been convicted under Section 63-11-30 or of a moving violation shall not be required to have held an intermediate license.

(d) An applicant for a Mississippi driver's license who, at the time of application, is at least sixteen and one-half (16-1/2) years of age and who has held a valid motor vehicle driver's license issued by another state for at least six (6) months shall not be required to hold a \* \* \* regular learner's permit or an intermediate license before being issued a driver's license.

(3) The commissioner shall ensure that the \* \* \* regular learner's permit, intermediate license and driver's license issued under this article are clear, distinct and easily distinguishable from one another.

**SECTION 20.** Section 63-1-33, Mississippi Code of 1972, is amended as follows:

63-1-33. (1) Except as otherwise provided under subsection (6) of this section, it shall be the duty of the license examiner, when application is made for an operator's license or \* \* \* regular learner's permit, to test the applicant's ability to read and understand road signs and to give the required signals as

adopted by the National Advisory Committee on Uniform Traffic Control Devices and the American Association of Motor Vehicle Administrators.

(2) Except as otherwise provided under subsection (6) of this section, the commissioner shall have prepared and administer a test composed of at least ten (10) questions relating to the safe operation of a motor vehicle and testing the applicant's knowledge of the proper operation of a motor vehicle. Every examination shall ensure adequate knowledge on the part of the applicant as to school bus safety requirements.

(3) Prior to the administration of the test, the license examiner shall inspect the horn, lights, brakes, inspection certificate \* \* \*, vehicle registration and proof of liability coverage of the motor vehicle which the applicant expects to operate while being tested, and if he finds that any of the aforementioned items are deficient, no license or endorsement shall be issued to the applicant until same have been repaired.

(4) An applicant for a Mississippi driver's license who, at the time of application, holds a valid motor vehicle driver's license issued by another state shall not be required to take a written test.

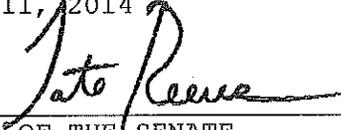
(5) Except as otherwise provided by Section 63-1-6, when application is made for an original motorcycle endorsement \* \* \*, the applicant shall be required to pass a written test which consists of questions relating to the safe operation of a

motorcycle and a skill test similar to the "Motorcycle Operator Skill Test," which is endorsed by the American Association of Motor Vehicle Administrators. The commissioner may exempt any applicant from the skill test if the applicant presents a certificate showing successful completion of a course approved by the commissioner, which includes a similar examination of skills needed in the safe operation of a motorcycle.

(6) The Department of Public Safety may accept the certification of successful completion of an individual's training in the knowledge and skills needed for the proper and safe operation of a motor vehicle from a driver education and training program at a secondary school that meets the standards of the department, in lieu of the department administering the examination of the individual for the purpose of obtaining a driver's license. The commissioner and the State Board of Education shall jointly promulgate rules and regulations for the administration of this subsection.

**SECTION 21.** This act shall take effect and be in force from and after October 1, 2014.

PASSED BY THE SENATE  
February 11, 2014



\_\_\_\_\_  
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 11, 2014



\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



\_\_\_\_\_  
GOVERNOR

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