

3/23/15

2:01 P.M

Chapter No. 406

15/HR40/R410

CST/NC

HOUSE BILL NO. 111

Originated in House  Clerk

HOUSE BILL NO. 111

AN ACT TO AMEND SECTION 63-3-103, MISSISSIPPI CODE OF 1972, TO DEFINE AUTOCYCLES; TO AMEND SECTION 63-7-64, MISSISSIPPI CODE OF 1972, TO EXEMPT AUTOCYCLES FROM THE MOTORCYCLE HELMET REQUIREMENT; TO AMEND SECTION 63-1-6, MISSISSIPPI CODE OF 1972, TO EXEMPT AUTOCYCLES FROM THE REQUIREMENT OF A MOTORCYCLE ENDORSEMENT; TO AMEND SECTIONS 63-1-5, 63-1-211 AND 63-2-1, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-3-103, Mississippi Code of 1972, is amended as follows:

63-3-103. (a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" shall not include electric personal assistive mobility devices.

(c) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor.

(d) "Authorized emergency vehicle" means every vehicle of the fire department (fire patrol), every police vehicle, every 911 Emergency Communications District vehicle, every such ambulance and special use EMS vehicle as defined in Section 41-59-3, every Mississippi Emergency Management Agency vehicle as is designated or authorized by the Executive Director of MEMA and every emergency vehicle of municipal departments or public service corporations as is designated or authorized by the commission or the chief of police of an incorporated city.

(e) "School bus" means every motor vehicle operated for the transportation of children to or from any school, provided same is plainly marked "School Bus" on the front and rear thereof and meets the requirements of the State Board of Education as authorized under Section 37-41-1.

(f) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel trailers, fifth-wheel trailers, camping trailers, truck campers and motor homes.

(g) "Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.

(h) "Electric assistive mobility device" means a self-balancing two-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour.

(i) "Autocycle" means a motorcycle with three (3) wheels that is completely enclosed with a roll cage or roll bar, automotive controls and seat belts.

SECTION 2. Section 63-7-64, Mississippi Code of 1972, is amended as follows:

63-7-64. No person shall operate or ride upon any motorcycle or motor scooter upon the public roads or highways of this state unless such person is wearing on his or her head a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218). Violation of this section shall be deemed a violation of the traffic regulations and rules of the road and punishable as provided by Section 63-9-11. This section shall not apply to a person operating an autocycle as defined in Section 63-3-103 or persons riding any motorcycle or motor scooter in a parade, at a speed not

to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older.

SECTION 3. 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, except for an autocycle as defined in Section 63-3-103, 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 4. 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 or an autocycle as defined in Section 63-3-103 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 5. Section 63-1-211, Mississippi Code of 1972, is amended as follows:

63-1-211. (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 that are not autocycles as defined in Section 63-3-103;

(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.

(7) The department shall provide a means for electronic transmission of a medical card and may charge a vendor convenience fee in an amount not to exceed Two Dollars and Fifty Cents (\$2.50) per transmission.

SECTION 6. Section 63-2-1, Mississippi Code of 1972, is amended as follows:

63-2-1. (1) When a passenger motor vehicle is operated in forward motion on a public road, street or highway within this state, every operator, every front-seat passenger and every child under seven (7) years of age who is not required to be protected by the use of a child passenger restraint device or system or a belt positioning booster seat system under the provisions of Sections 63-7-301 through 63-7-311, regardless of the seat that the child occupies, shall wear a properly fastened safety seat belt system, required to be installed in the vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208.

(2) "Passenger motor vehicle" for purposes of this chapter means a motor vehicle designed to carry fifteen (15) or fewer passengers, including the driver, but does not include motorcycles that are not autocycles as defined in Section 63-3-103, mopeds, all-terrain vehicles or trailers.

(3) This section shall not apply to:

(a) Vehicles which may be registered for "farm" use, including "implements of husbandry" as defined in Section 63-21-5(d), and "farm tractors" as defined in Section 63-3-105(a);

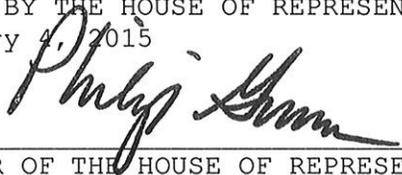
(b) An operator or passenger possessing a written verification from a licensed physician that he is unable to wear a safety belt system for medical reasons;

(c) A passenger car operated by a rural letter carrier of the United States Postal Service or by a utility meter reader while on duty; or

(d) Buses.

SECTION 7. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 4, 2015



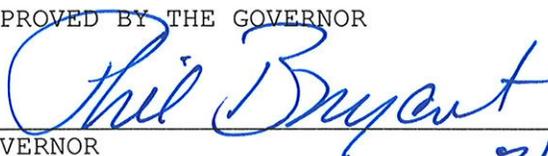
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 5, 2015



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

3/23/15
2:01 pm