

By: Representative Martinson

To: Transportation

## HOUSE BILL NO. 462

1 AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE SUSPENSION OF THE DRIVERS' LICENSES OF CERTAIN MOTOR  
3 VEHICLE OPERATORS WHO ARE 15 YEARS OF AGE UPON CONVICTION FOR A  
4 VIOLATION OF THE RESTRICTIONS ON THE HOURS DURING WHICH THE  
5 DRIVERS' LICENSES OF SUCH MINORS ARE VALID; TO AMEND SECTION  
6 63-1-55, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE  
7 PROVISIONS OF THIS ACT; TO AMEND SECTION 63-1-47, MISSISSIPPI CODE  
8 OF 1972, TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO RENEW THE  
9 DRIVERS' LICENSES OF MOTOR VEHICLE OPERATORS WHO ARE 15 YEARS OF  
10 AGE WITHIN FOURTEEN DAYS BEFORE EXPIRATION; TO AMEND SECTION  
11 63-1-46, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FEES FOR THE  
12 REINSTATEMENT OF DRIVERS' LICENSES THAT HAVE BEEN SUSPENDED,  
13 REVOKED OR CANCELLED SHALL NOT BE APPLICABLE TO THE ISSUANCE OF  
14 LICENSES TO CERTAIN MINORS WHOSE LICENSES WERE SUSPENDED; AND FOR  
15 RELATED PURPOSES.

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

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

19 63-1-9. (1) No license shall be issued pursuant to this  
20 article:

21 (a) To any person under the age of sixteen (16) years  
22 except as provided in subsection (2) of this section.

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

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

30 (d) To any person who would not be able by reason of  
31 physical or mental disability, in the opinion of the commissioner  
32 or other person authorized to grant an operator's license, to

33 operate a motor vehicle on the highways with safety. However,  
34 persons who have one (1) arm or leg, or have arms or legs  
35 deformed, and have their car provided with mechanical devices  
36 whereby they are able to drive in a safe manner over the highways,  
37 if otherwise qualified, shall receive an operator's license the  
38 same as other persons. Moreover, deafness shall not be a bar to  
39 obtaining a license.

40 (e) To any person who is under the age of seventeen  
41 (17) years to drive any motor vehicle while in use as a school bus  
42 for the transportation of pupils to or from school, or to drive  
43 any motor vehicle while in use as a public or common carrier of  
44 persons or property.

45 (f) To any person as an operator who has previously  
46 been adjudged to be afflicted with and suffering from any mental  
47 disability and who has not at time of application been restored to  
48 mental competency.

49 (g) To any unmarried person under the age of eighteen  
50 (18) years who does not at the time of application present a  
51 diploma or other certificate of high school graduation or a  
52 general education development certificate issued to the person in  
53 this state or any other state, or documentation that the person:

54 (i) Is enrolled and making satisfactory progress  
55 in a course leading to a general education development  
56 certificate;

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

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

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

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

65 (2) Upon meeting all other state requirements for licensure,  
66 a minor who is a resident of this state and who is fifteen (15)  
67 years of age may apply for and be issued a driver's license if:

68 (a) He presents to the Department of Public Safety, at  
69 the time of application, documentation satisfactory to the

70 Commissioner of Public Safety that the minor resides with a  
71 physically impaired parent whose physical impairment prevents the  
72 parent from securing a driver's license; or

73 (b) He presents to the Department of Public Safety, at  
74 the time of application, on a form prepared by and approved by the  
75 Commissioner of Public Safety, an affidavit signed by a parent or  
76 guardian of the minor and by the employer of the minor, with each  
77 signature being witnessed and acknowledged by a notary public or  
78 other person authorized under the laws of this state to administer  
79 oaths, stating that the minor is gainfully employed and, in order  
80 to avoid a severe hardship, needs to be authorized to drive a  
81 vehicle in order to retain his employment.

82 (3) A driver's license issued under paragraph (2)(b) of this  
83 section shall be restricted for use between the hours of 6:00 a.m.  
84 and 10:00 p.m. It shall be unlawful for any minor who is issued a  
85 driver's license under paragraph (2)(b) of this section to operate  
86 a motor vehicle between the hours of 10:00 p.m. and 6:00 a.m.

87 In addition to the penalties prescribed under Section  
88 63-1-69, the Commissioner of Public Safety shall suspend the  
89 driver's license and driving privileges of any minor who is  
90 convicted for a violation of this subsection (3) until the minor  
91 is sixteen (16) years of age. Thereafter, a minor whose driver's  
92 license and driving privileges have been suspended under this  
93 subsection may be issued a driver's license only after making  
94 application with the Department of Public Safety for the issuance  
95 of a temporary driving permit, taking and passing the applicable  
96 written test and driving skills test, paying the applicable fees,  
97 and meeting all other requirements of applicants for the issuance  
98 of original drivers' licenses.

99 SECTION 2. Section 63-1-55, Mississippi Code of 1972, is  
100 amended as follows:

101 63-1-55. A trial judge, in his discretion, if the person so  
102 convicted or who has entered a plea of guilty for any traffic

103 violation, except the offenses enumerated in paragraphs (a)  
104 through (e) of subsection (1) of Section 63-1-51, \* \* \* violations  
105 of the Implied Consent Law and the Uniform Controlled Substances  
106 Law and violations of Section 63-1-9, is a minor and dependent  
107 upon and subject to the care, custody and control of his parents  
108 or guardian, may, in lieu of the penalties otherwise provided by  
109 law and the provision of said section, suspend such minor's  
110 driver's license by taking and keeping same in custody of the  
111 court for a period of time not to exceed ninety (90) days. The  
112 judge so ordering such suspension shall enter upon his docket  
113 "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR \_\_\_\_\_ DAYS IN LIEU OF  
114 CONVICTION" and such action by the trial judge shall not  
115 constitute a conviction. The trial judge also may require the  
116 minor to successfully complete a defensive driving course approved  
117 by the judge as a condition of the suspension. Costs of court and  
118 penalty assessment for driver education and training program may  
119 be imposed in such actions within the discretion of the court.  
120 Should a minor appeal, in the time and manner as by law provided,  
121 the decision whereby his license is suspended, the trial judge  
122 shall then return said license to the minor and impose the fines  
123 and/or penalties that he would have otherwise imposed and same  
124 shall constitute a conviction.

125 SECTION 3. Section 63-1-47, Mississippi Code of 1972, is  
126 amended as follows:

127 63-1-47. (1) Each applicant for an original license issued  
128 pursuant to this article, who is entitled to issuance of same, and  
129 who is eighteen (18) years of age or older, shall be issued a  
130 four-year license. Each license will expire at midnight on the  
131 licensee's birthday.

132 (a) All renewal licenses of operators eighteen (18)  
133 years of age or older shall be for four-year periods and may be  
134 renewed any time within six (6) months before the expiration of  
135 the license upon application and payment of the required fee,

136 unless required to be reexamined.

137           (b) From and after January 1, 1990, no commercial  
138 driver's license shall be issued under the provisions of this  
139 article for any commercial motor vehicle, the lawful operation of  
140 which requires the driver to obtain a Class A, B or C commercial  
141 driver's license under Article 2 of this chapter; however, from  
142 time to time, the holder of a commercial license may apply for a  
143 commercial driver's license under Article 2 of this chapter; and,  
144 if he fails to pass the required test for such license, he shall  
145 be entitled to an extension of his license that shall be valid for  
146 one hundred twenty (120) days or until he again is tested under  
147 Article 2 of this chapter, whichever occurs first. The extension  
148 shall entitle the license holder to operate all vehicles which  
149 such license authorized him to operate prior to taking the  
150 required test. The first extension shall be without charge;  
151 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for  
152 any subsequent extension. No extension shall be valid past March  
153 31, 1992.

154           (2) Any commercial driver's license issued under this  
155 article before January 1, 1990, which expires after March 31,  
156 1992, shall be void on April 1, 1992, for the operation of any  
157 commercial vehicle requiring a commercial license to be issued  
158 under Article 2 of this chapter; however, if the holder of any  
159 such license applies for a commercial driver's license under  
160 Article 2 of this chapter, passes the required tests for such  
161 license, pays all applicable fees under Article 2 of this chapter  
162 except the Forty Dollars (\$40.00) license fee and otherwise meets  
163 all requirements for the issuance of such license, then such  
164 person shall be issued a license under Article 2 of this chapter  
165 which shall expire on the expiration date of the commercial  
166 driver's license being replaced.

167           (3) The Commissioner of Public Safety shall notify, by  
168 United States mail addressed to the last known address of record

169 with the Department of Public Safety, all holders of commercial  
170 driver's licenses issued under this article before January 1,  
171 1990, and which expire after March 31, 1992, that such licenses  
172 will be void on and after April 1, 1992, for the operation of any  
173 vehicle for which a commercial driver's license is required to be  
174 issued under Article 2 of this chapter.

175       (4) Any person holding a valid commercial driver's license  
176 issued under this article before January 1, 1990, shall continue  
177 thereafter, until expiration of such license, to be entitled to  
178 operate all vehicles which such license authorized him to operate  
179 immediately before January 1, 1990, except that from and after  
180 April 1, 1992, such license shall not entitle the licensee to  
181 operate a commercial motor vehicle the lawful operation of which  
182 requires a commercial driver's license under Article 2 of this  
183 chapter.

184       (5) Each applicant for an original license issued pursuant  
185 to this article, who is entitled to issuance of same, being under  
186 eighteen (18) years of age, shall be issued a one-year license.  
187 Each license will expire at midnight on the licensee's birthday.  
188 Renewal licenses of operators who are at least sixteen (16) years  
189 of age but under the age of eighteen (18) shall be for one-year  
190 periods and may be renewed anytime within two (2) months before  
191 the expiration of the license upon application and payment of the  
192 required fee. The license of an operator who is fifteen (15)  
193 years of age that was issued under Section 63-1-9(3), upon  
194 application and payment by the licensee of the required fee, may  
195 be renewed at anytime within fourteen (14) days before the  
196 licensee's sixteenth birthday and, upon such renewal, the  
197 restrictions on the hours during which such license is valid shall  
198 be removed. The application for renewal by an operator under the  
199 age of eighteen (18) must be accompanied by documentation that the  
200 applicant is in compliance with the education requirements of  
201 Section 63-1-9(g); the documentation must be dated no more than

202 thirty (30) days prior to the date of application.

203 SECTION 4. Section 63-1-46, Mississippi Code of 1972, is  
204 amended as follows:

205 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be  
206 charged for the reinstatement of a license issued pursuant to this  
207 article to every person whose license has been validly suspended,  
208 revoked or cancelled, except a minor whose license has been  
209 suspended under Section 63-1-9(3). This fee shall be in addition  
210 to the fee provided for in Section 63-1-43.

211 (2) The funds received under the provisions of subsection  
212 (1) of this section shall be deposited into the State General Fund  
213 in accordance with Section 45-1-23.

214 (3) In addition to the fee provided for in subsection (1) of  
215 this section, an additional fee of Seventy-five Dollars (\$75.00)  
216 shall be charged for the reinstatement of a license issued  
217 pursuant to this article to every person whose license has been  
218 suspended or revoked under the provisions of the Mississippi  
219 Implied Consent Law or as a result of a conviction of a violation  
220 of the Uniform Controlled Substances Law under the provisions of  
221 Section 63-1-71.

222 (4) The funds received under the provisions of subsection  
223 (3) of this section shall be placed in a special fund hereby  
224 created in the State Treasury. Monies in such special fund may be  
225 expended solely to contribute to the Disability and Relief Fund  
226 for members of the Mississippi Highway Safety Patrol such amounts  
227 as are necessary to make sworn agents of the Mississippi Bureau of  
228 Narcotics who were employed by such bureau prior to December 1,  
229 1990, and who were subsequently employed as enforcement troopers  
230 by the Department of Public Safety, full members of the retirement  
231 system for the Mississippi Highway Safety Patrol with full credit  
232 for the time they were employed as sworn agents for the  
233 Mississippi Bureau of Narcotics. The Board of Trustees of the  
234 Public Employees' Retirement System shall certify to the State

235 Treasurer the amounts necessary for the purposes described above.  
236 The State Treasurer shall monthly transfer from the special fund  
237 created pursuant to this subsection the amounts deposited in such  
238 special fund to the Disability and Relief Fund for members of the  
239 Mississippi Highway Safety Patrol until such time as the certified  
240 amount has been transferred. At such time as the certified amount  
241 has been transferred, the State Treasurer shall transfer any funds  
242 remaining in the special fund created pursuant to this subsection  
243 to the State General Fund and shall then dissolve such special  
244 fund. This subsection (4) of Section 3 shall stand repealed at  
245 such time when the State Treasurer transfers funds and dissolves  
246 the special fund account in accordance with the provisions of this  
247 subsection.

248 (5) The procedure for the reinstatement of a license issued  
249 pursuant to this article that has been suspended for being out of  
250 compliance with an order for support, as defined in Section  
251 93-11-153, and the payment of any fees for the reinstatement of a  
252 license suspended for that purpose, shall be governed by Section  
253 93-11-157 or 93-11-163, as the case may be.

254 SECTION 5. This act shall take effect and be in force from  
255 and after July 1, 1999.