

By: Representative West

To: Transportation

HOUSE BILL NO. 1326

1 AN ACT TO AMEND SECTIONS 63-1-43 AND 63-1-45, MISSISSIPPI
2 CODE OF 1972, TO IMPOSE A FIVE DOLLAR FEE ON THE ISSUANCE AND
3 RENEWAL OF MOTORCYCLE ENDORSEMENTS; TO PROVIDE THAT THE PROCEEDS
4 FROM THE FEE SHALL BE USED BY THE DEPARTMENT OF PUBLIC SAFETY TO
5 ESTABLISH A MOTORCYCLE AWARENESS PROGRAM IN EACH OF THE PUBLIC
6 SCHOOLS THAT OFFER DRIVER'S EDUCATION CLASSES AND TO CONDUCT
7 PUBLIC SERVICE ANNOUNCEMENTS ON TELEVISION AND A BILLBOARD
8 CAMPAIGN PROMOTING MOTORCYCLE AWARENESS; AND FOR RELATED PURPOSES.

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

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

12 63-1-43. (1) The fee for receiving the application and
13 issuing the driver's or operator's license and the fee for
14 renewing the license shall be Twenty Dollars (\$20.00) for each
15 applicant for a four-year license and Five Dollars (\$5.00) for
16 each applicant for a one-year license. All originals and renewals
17 of regular operators' licenses shall be in compliance with Section
18 63-1-47.

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

24 (3) The fee for receiving the application and issuing a
25 restricted motorcycle operator's license and the fee for renewing
26 such license shall be Thirteen Dollars (\$13.00). All originals
27 and renewals of restricted motorcycle licenses shall be valid for
28 a period of four (4) years, in compliance with Section 63-1-47.

29 (4) From and after January 1, 1990, every person who makes

30 application for an original license or a renewal license to
31 operate a vehicle as a common carrier by motor vehicle, taxicab,
32 passenger coach, dray, contract carrier or private commercial
33 carrier as such terms are defined in Section 27-19-3, except for
34 those vehicles for which a Class A, B or C license is required
35 under Article 2 of this chapter, shall, in lieu of the regular
36 driver's license above provided for, apply for and obtain a Class
37 D commercial driver's license, the fee for which shall be
38 Twenty-five Dollars (\$25.00) for a period of four (4) years;
39 provided, however, except as required under Article 2 of this
40 chapter, no driver of a pickup truck shall be required to have a
41 commercial license regardless of the purpose for which the pickup
42 truck is used.

43 All originals and renewals of commercial licenses issued
44 under this section shall be valid for a period of four (4) years,
45 in compliance with Section 63-1-47. Only persons who operate the
46 above-mentioned vehicles in the course of the regular and
47 customary business of the owner shall be required to obtain a
48 Class D commercial operator's license, and persons operating such
49 vehicles for private purposes or in emergencies shall not be
50 required to obtain such license.

51 SECTION 2. Section 63-1-45, Mississippi Code of 1972, is
52 amended as follows:

53 63-1-45. (1) License examiners shall keep a complete record
54 of all funds received from applicants upon forms to be prescribed
55 and furnished by the department out of the operating funds of the
56 department. Application forms shall be printed in book form and
57 serially numbered and in such form that the original thereof may
58 be transmitted by the license examiner to the commissioner,
59 together with the renewal fee. A copy thereof, signed by the
60 examiner, shall be given to the applicant, and a copy thereof
61 shall be retained by the examiner. The license examiner shall,
62 not later than ten (10) days from the date of an application,

63 transmit the same, together with the fee, to the commissioner.
64 Such application blanks and funds shall be subject to audit at any
65 time. The commissioner shall maintain records of all application
66 forms on hand and issued to the examiners, who shall be charged
67 therewith. The receipt provided for herein shall be the only
68 valid and recognized form of receipt for fees paid by applicants,
69 and such receipt shall be sufficient in lieu of the renewed
70 license for a period of sixty (60) days or until such renewed
71 license has been issued to the applicant by the commissioner.
72 There shall be tendered with all applications for a temporary
73 driving permit or temporary motorcycle driving permit, or for the
74 initial issuance of any license issued pursuant to this article,
75 the proper fee required by law, in cash, or by money order,
76 cashier's or certified check. The required fee for issuance of
77 renewal licenses, duplicate licenses or other services for which a
78 fee is charged, shall be tendered with the application therefor by
79 cash, check or money order. In the event a check for renewal of a
80 license is dishonored for any reason, the person whose license was
81 being renewed by such check shall be notified in writing and be
82 given thirty (30) days after such written notice in which to pay
83 the renewal fee. This shall be done by forwarding a certified
84 check or postal money order in the correct amount to the
85 department. If, at the end of thirty (30) days, such certified
86 check or postal money order has not been received by the
87 department, the commissioner shall cancel that person's license,
88 and, in order for that license to be reinstated, a reinstatement
89 fee of Ten Dollars (\$10.00) plus the amount due on the returned
90 check must be received by the department.

91 (2) Except as otherwise provided in subsections (3) and (4)
92 of this section, the Commissioner of Public Safety shall deposit
93 the amount of fees, together with all fees for duplicate licenses,
94 permits, delinquent fees and reinstatement fees collected by him
95 into the general fund of the State Treasury, in accordance with

96 the provisions of Section 45-1-23(2) * * *.

97 (3) Seven Dollars (\$7.00) of the fee derived from the fee
98 charged for original and renewal operators' licenses imposed under
99 Section 63-1-43(1) and Four Dollars (\$4.00) of the fee derived
100 from the fee charged for original and renewal Class D commercial
101 drivers' licenses under Section 63-1-43(4) shall be deposited into
102 a special fund that is created in the State Treasury. Monies in
103 such special fund may be expended pursuant to legislative
104 appropriation solely for the purchase by the Mississippi Highway
105 Safety Patrol of patrol cars, communications equipment and
106 weapons.

107 (4) The Five Dollar (\$5.00) fee derived from the issuance
108 and renewal of motorcycle endorsements imposed under Section
109 63-1-43(2) shall be deposited into a special fund that is created
110 in the State Treasury. Monies in the fund shall be expended, upon
111 legislative appropriation, by the Department of Public Safety
112 solely for the purpose of (a) establishing and operating a
113 motorcycle awareness program in each of the public schools of the
114 state that offer driver's education classes, which program shall
115 be based upon the Motorcycle Safety Foundation program entitled
116 "Cars, Motorcycles, and a Common Road"; and (b) conducting public
117 service announcements on television and a billboard campaign
118 promoting motorcycle awareness.

119 SECTION 3. This act shall take effect and be in force from
120 and after July 1, 1999.