

By: Representative Reeves

To: Transportation

HOUSE BILL NO. 1456

1 AN ACT TO AMEND SECTION 63-1-19, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE AN APPLICANT FOR A DRIVER'S LICENSE TO SIGN A STATEMENT
3 THAT HE UNDERSTANDS THAT THROWING TRASH ON THE ROADS, STREETS OR
4 HIGHWAYS IN THIS STATE IS A VIOLATION OF LAW AND TO PLEDGE THAT HE
5 WILL NOT LITTER AND THAT HE WILL REPORT ANY SUCH OFFENDER TO THE
6 APPROPRIATE LAW ENFORCEMENT OFFICIAL; TO REQUIRE APPLICANTS TO
7 VIEW A FILM OR VIDEO PRESENTED BY THE DEPARTMENT OF PUBLIC SAFETY
8 RELATING TO LITTER ABATEMENT; TO REQUIRE THE COMMISSIONER OF
9 PUBLIC SAFETY TO DISTRIBUTE TO DRIVER'S LICENSE APPLICANTS
10 MATERIAL AND INFORMATION WITH REGARD TO THE LAWS OF THIS STATE
11 PROHIBITING LITTERING; TO AMEND SECTION 63-1-33, MISSISSIPPI CODE
12 OF 1972, TO REQUIRE AT LEAST ONE QUESTION TO APPEAR ON THE WRITTEN
13 DRIVER'S LICENSE EXAMINATION RELATING TO LITTERING; TO AMEND
14 SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE DRIVER'S
15 LICENSES TO HAVE DISPLAYED ON THE REVERSE SIDE THE TELEPHONE
16 NUMBER OF THE MISSISSIPPI HIGHWAY SAFETY PATROL; TO AMEND SECTIONS
17 63-1-51, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONER OF
18 PUBLIC SAFETY TO SUSPEND FOR NINETY DAYS THE DRIVER'S LICENSE OF
19 ANY PERSON CONVICTED OF LITTERING; TO AMEND SECTION 97-15-29,
20 MISSISSIPPI CODE OF 1972, TO INCREASE THE FINE FOR LITTERING AND
21 TO AUTHORIZE THE COURT TO SUSPEND THE FINE UPON CONDITION THAT THE
22 DEFENDANT PERFORM COMMUNITY SERVICE BY PICKING UP LITTER ALONG THE
23 ROADS, STREETS AND HIGHWAYS WITHIN THE JURISDICTION OF THE COURT;
24 AND FOR RELATED PURPOSES.

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

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

28 63-1-19. Every applicant for a license issued pursuant to
29 this article shall file an application for such license, on a form
30 provided by the Department of Public Safety, with the commissioner
31 or an official license examiner of the department. All persons
32 not holding valid, unexpired licenses issued in this state shall
33 be required to secure an original license, except those
34 specifically exempted from licensing under Section 63-1-7. The
35 application shall state the name, date of birth, sex, race, color
36 of eyes, color of hair, weight, height and residence address, and
37 whether or not the applicant's privilege to drive has been
38 suspended or revoked at any time, and, if so, when, by whom, and

39 for what cause, and whether any previous application by him has
40 been denied, and whether he has any physical defects which would
41 interfere with his operating a motor vehicle safely upon the
42 highways.

43 The applicant also shall be required to sign a statement
44 that he understands that throwing trash on the roads, streets or
45 highways in this state is a violation of law punishable by a fine
46 of not less than Two Hundred Fifty Dollars (\$250.00) nor more than
47 Five Hundred Dollars (\$500.00) and suspension of his driver's
48 license for a period of ninety (90) days. In addition, the
49 applicant shall be required to sign a certificate of pledge that
50 states that he will not throw trash on the roads, streets or
51 highways in this state and that he will report any such offender
52 of which he has knowledge to the law enforcement officials having
53 jurisdiction thereof by calling the number listed on the reverse
54 side of his driver's license as prescribed in Section 63-1-35.
55 Each applicant also shall be required to view a film or video
56 presented by the Department of Public Safety relating to litter
57 and litter abatement. The Commissioner of Public Safety shall
58 distribute to persons who apply for a driver's license material
59 and information with regard to the laws of this state prohibiting
60 littering on roads, street and highways in order to prepare such
61 person for such questions as may appear relating thereto on the
62 written driver's license examination.

63 Each application or filing made under this section shall
64 include the Social Security number(s) of the applicant in
65 accordance with Section 93-11-64.

66 SECTION 2. Section 63-1-33, Mississippi Code of 1972, is
67 amended as follows:

68 63-1-33. It shall be the duty of the license examiner, when
69 application is made for an operator's license or temporary driving
70 permit, to test the applicant's ability to read and understand
71 road signs and to give the required signals as adopted by the
72 National Advisory Committee on Uniform Traffic Control Devices and
73 the American Association of Motor Vehicle Administrators.

74 The commissioner shall have prepared and administer a test
75 composed of at least ten (10) questions relating to the safe
76 operation of a motor vehicle and testing the applicant's knowledge

of the proper operation of a motor vehicle. At least one (1) question shall relate to the laws of this state prohibiting littering on the roads, streets and highways.

The commissioner shall prepare and administer a test for the central and peripheral vision of persons using bioptic telescopic lenses. If the person passes the test and is otherwise qualified, the person may receive a driver's license. The commissioner may impose reasonable restrictions on the use of a driver's license issued to a person using bioptic telescopic lenses.

Prior to the administration of the test the license examiner shall inspect the horn, lights, brakes, inspection certificate and vehicle registration 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.

Except as otherwise provided by Section 63-1-6, when application is made for an original motorcycle endorsement or a restricted motorcycle operator's license, 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.

SECTION 3. Section 63-1-35, Mississippi Code of 1972, is amended as follows:

63-1-35. The Commissioner of Public Safety shall prescribe the form of licenses issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety which, at the option of the licensee, may or may not be the Social Security number of the

licensee. A licensee who chooses not to use his Social Security number as his driver's license number shall list his Social Security number with the department which shall cross reference the Social Security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full face color photograph of the licensee in such form that the license and the photograph cannot be separated. Such photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph which shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of such license or the superimposition of a photograph without ready detection. Such photograph shall be replaced every four (4) years by the department at the time of renewal. Each license also shall display on the reverse side the telephone number 1-800-545-3764 or *47 (for cellular telephones).

SECTION 4. Section 63-1-51, Mississippi Code of 1972, is amended as follows:

63-1-51. (1) It shall be the duty of the trial judge, upon conviction of any person holding a license issued pursuant to this article where the penalty for a traffic violation is as much as Ten Dollars (\$10.00), to mail a copy of abstract of the court record or provide an electronically or computer generated copy of abstract of the court record immediately to the commissioner at Jackson, Mississippi, showing the date of conviction, penalty, etc., so that a record of same may be made by the Department of Public Safety. The commissioner shall forthwith revoke the license of any person for a period of one (1) year upon receiving a duly certified record of each person's convictions of any of the following offenses when such conviction has become final:

(a) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(b) Any felony in the commission of which a motor

vehicle is used;

(c) Failure to stop and render aid as required under the laws of this state in event of a motor vehicle accident resulting in the death or personal injury of another;

(d) Perjury or the willful making of a false affidavit or statement under oath to the department under this article or under any other law relating to the ownership or operation of motor vehicles;

(e) Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months;

(f) Contempt for failure to pay a fine or fee or to respond to a summons or citation pursuant to a charge of a violation of this title.

(2) The commissioner shall revoke the license issued pursuant to this article of any person convicted of negligent homicide, in addition to any penalty now provided by law.

(3) In addition to the reasons specified in this section, the commissioner shall be authorized to suspend the license issued to any person pursuant to this article for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or 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. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(4) The commissioner shall suspend for a period of ninety (90) days the license of any person who is convicted of littering in violation of Section 97-15-29.

SECTION 5. Section 97-15-29, Mississippi Code of 1972, is

179 amended as follows:

180 97-15-29. (1) Anyone who shall put, throw, dump or leave on
181 the roads and highways of this state, or within the limits of the
182 rights-of-way of such roads and highways, or upon any private
183 property, any cigarette or cigar stubs, or any other thing or
184 substance likely to ignite the grass or underbrush on a road or
185 highway, in addition to being civilly liable for all damages
186 caused by such act shall, upon conviction, be guilty of a
187 misdemeanor and punished as provided by subsection (3) of this
188 section.

189 (2) The Department of Transportation is authorized to erect
190 warning signs along the roads and highways of this state advising
191 the public of the existence of this section and of the penalty for
192 the violation thereof and is further authorized to install
193 receptacles at reasonable intervals along the roads and highways
194 of this state to be used as containers for trash and rubbish and
195 for the convenience of the public using such roads and highways.

196 (3) Any person found guilty of the violation of this section
197 shall, upon conviction, be fined not less than Two Hundred Fifty
198 Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00).
199 The proceeds of such fines shall be expended by the collecting
200 jurisdiction solely for the purpose of funding local litter
201 prevention programs or projects or local or school litter
202 education programs as recommended by the statewide litter
203 prevention program of Keep Mississippi Beautiful, Inc. In lieu of
204 such fine, the court may order that the fine be suspended upon
205 condition that the defendant perform community service by picking
206 up litter along the roads, streets and highways and their
207 rights-of-way within the jurisdiction of the court at an hourly
208 rate prescribed by the court until the defendant has accumulated
209 enough hours to satisfy the amount of the fine. If the conviction
210 occurred in municipal court, the defendant shall be supervised in
211 such community service by the municipal police. If the conviction
212 occurred in justice court or county court, the defendant shall be

213 supervised in such community service by the sheriff or his deputy.
214 In addition to any other penalty as may be prescribed for a
215 violation of this section, the driver's license of such person
216 shall be suspended by the Commissioner of Public Safety for a
217 period of ninety (90) days.

218 (4) As a part of the fine imposed by subsection (3) above, a
219 person convicted for an offense upon which fines are imposed by
220 this section may be required to perform the following, and a
221 person convicted for a second or subsequent offense upon which
222 fines are imposed by this section shall be required to:

223 (a) Remove or render harmless, in accordance with
224 written direction, as appropriate, from the Department of
225 Environmental Quality or local law enforcement authorities, the
226 unlawfully discarded solid waste;

227 (b) Repair or restore property damaged by, or pay
228 damages for any damage arising out of the unlawfully discarded
229 solid waste;

230 (c) Perform community public service relating to the
231 removal of any unlawfully discarded solid waste or to the
232 restoration of any area polluted by unlawfully discarded solid
233 waste; and

234 (d) Pay all reasonable investigative and prosecutorial
235 expenses and costs to the investigative and/or prosecutorial
236 agency or agencies.

237 (5) Upon a second or subsequent conviction of an offense
238 upon which fines are imposed by this section, the minimum and
239 maximum fines shall be doubled.

240 (6) When any litter is thrown or discarded from a motor
241 vehicle, the operator of the motor vehicle shall be deemed in
242 violation of this section.

243 (7) Assessments collected under subsection (4) of Section
244 99-19-73 from persons convicted of a violation of this section
245 shall be deposited to the credit of the Statewide Litter
246 Prevention Fund created in Section 65-1-167.

247 (8) It shall be the duty of all law enforcement officers to
248 enforce the provisions of this section.

249 (9) This section shall not prohibit the storage of ties and
250 machinery by a railroad on its right-of-way where the highway
251 right-of-way extends to within a few feet of the railroad roadbed.

252 SECTION 6. This act shall take effect and be in force from
253 and after July 1, 1999.