

By: Senator(s) Hall

To: Judiciary

SENATE BILL NO. 2045

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 14 DAYS BEFORE EXPIRATION; TO AMEND SECTION 63-1-46,
11 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 shall suspend the driver's license and
89 driving privileges of any minor who is convicted for a violation
90 of this subsection (3) until the minor is sixteen (16) years of
91 age. Thereafter, a minor whose driver's license and driving
92 privileges have been suspended under this subsection may be issued
93 a driver's license only after making application with the
94 Department of Public Safety for the issuance of a temporary
95 driving permit, taking and passing the applicable written test and
96 driving skills test, paying the applicable fees, and meeting all
97 other requirements of applicants for the issuance of original
98 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) [none]

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

168 (4) [none]

169 (5) The Commissioner of Public Safety shall notify, by
170 United States mail addressed to the last known address of record
171 with the Department of Public Safety, all holders of commercial
172 drivers' licenses issued under this article before January 1,
173 1990, and which expire after March 31, 1992, that such licenses
174 will be void on and after April 1, 1992, for the operation of any
175 vehicle for which a commercial driver's license is required to be
176 issued under Article 2 of this chapter.

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

186 (7) Each applicant for an original license issued pursuant
187 to this article, who is entitled to issuance of same, being under
188 eighteen (18) years of age, shall be issued a one-year license.
189 Each license will expire at midnight on the licensee's birthday.
190 Renewal licenses of operators who are at least sixteen (16) years
191 of age but under the age of eighteen (18) shall be for one-year
192 periods and may be renewed anytime within two (2) months before
193 the expiration of the license upon application and payment of the
194 required fee * * *. For an operator who is fifteen (15) years of
195 age, upon application and payment by the licensee of the required
196 fee, any license that was issued under Section 63-1-9(3) may be
197 renewed at any time beginning fourteen (14) days before the
198 licensee's sixteenth birthday and, upon renewal, the restrictions
199 on the hours during which the license is valid shall be removed.
200 The application for renewal by an operator under the age of
201 eighteen (18) must be accompanied by documentation that the

202 applicant is in compliance with the education requirements of
203 Section 63-1-9(g); the documentation must be dated no more than
204 thirty (30) days prior to the date of application.

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

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

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

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

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

235 Mississippi Bureau of Narcotics. The Board of Trustees of the
236 Public Employees' Retirement System shall certify to the State
237 Treasurer the amounts necessary for the purposes described above.
238 The State Treasurer shall monthly transfer from the special fund
239 created pursuant to this subsection the amounts deposited in such
240 special fund to the Disability and Relief Fund for members of the
241 Mississippi Highway Safety Patrol until such time as the certified
242 amount has been transferred. At such time as the certified amount
243 has been transferred, the State Treasurer shall transfer any funds
244 remaining in the special fund created pursuant to this subsection
245 to the State General Fund and shall then dissolve such special
246 fund. This subsection (4) of Section 63-1-46 shall stand repealed
247 at such time when the State Treasurer transfers funds and
248 dissolves the special fund account in accordance with the
249 provisions of this subsection.

250 (5) The procedure for the reinstatement of a license issued
251 pursuant to this article that has been suspended for being out of
252 compliance with an order for support, as defined in Section
253 93-11-153, and the payment of any fees for the reinstatement of a
254 license suspended for that purpose, shall be governed by Section
255 93-11-157 or 93-11-163, as the case may be.

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