

By: Cameron

To: Transportation

HOUSE BILL NO. 354

1 AN ACT TO AMEND SECTION 45-1-21, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT DRIVER'S LICENSE RECORDS MAINTAINED BY THE DEPARTMENT  
3 OF PUBLIC SAFETY ARE EXEMPT FROM THE MISSISSIPPI PUBLIC RECORDS  
4 ACT AND SHALL BE CONFIDENTIAL RECORDS FOR USE ONLY BY THE  
5 DEPARTMENT, THE COURTS AND OTHER LAW ENFORCEMENT AGENCIES; AND FOR  
6 RELATED PURPOSES.

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

8 SECTION 1. Section 45-1-21, Mississippi Code of 1972, is  
9 amended as follows:[JWB1]

10 45-1-21. The Mississippi Department of Public Safety being  
11 required by law to keep various records and perform various  
12 services and being authorized to furnish certain records and  
13 services, said department, by direction of the Commissioner of  
14 Public Safety, shall establish and collect for such services a  
15 proper fee, commensurate with the service rendered and the cost of  
16 such service for the furnishing of any record or abstract thereof  
17 in the Department of Public Safety now or which may hereafter be  
18 required by law to be kept by said department, any photograph or  
19 photo copy or any report of any kind authorized by law, including  
20 services for polygraph tests and reports thereof.

21 No records shall be furnished by the Mississippi Department  
22 of Public Safety which are classified as confidential by law.

23 Driver's license records maintained by the department, including

24 the names of drivers, their addresses, their driver's license  
25 numbers and all other information contained on such records are  
26 exempt from the Mississippi Public Records Act of 1983, and shall  
27 be confidential records for use only by the department, the courts  
28 and other law enforcement agencies with which the department  
29 cooperates. All fees collected under this section shall be paid  
30 into the General Fund of the State Treasury in accordance with the  
31 provisions of Section 45-1-23(2).

32         Provided, however, that any amount of said fee set in excess  
33 of those fees set in the schedule of fees on file with the  
34 Secretary of State under the Administrative Procedures Act as of  
35 November 1, 1990, shall be deposited by the State Treasurer to the  
36 credit of a special fund hereby created in the State Treasury and  
37 designated the Department of Public Safety Administrative Fund.  
38 Monies deposited in such fund shall be expended by the Department  
39 of Public Safety, as authorized and appropriated by the  
40 Legislature, to defray the expenses of the department. Any  
41 revenue in the fund which is not encumbered at the end of the  
42 fiscal year shall lapse to the State General Fund.

43         SECTION 2. This act shall take effect and be in force from  
44 and after July 1, 2000.