

By: Martinson, Barbour, Barnett (116th),
Barnett (92nd), Chism, Ellington, Ketchings,
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To: Transportation

HOUSE BILL NO. 899

1 AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY TO ISSUE A
3 DRIVER'S LICENSE TO A PERSON WHO IS FIFTEEN YEARS OF AGE IN
4 CERTAIN HARDSHIP CASES; TO PROVIDE THAT AN APPLICANT FOR A
5 DRIVER'S LICENSE WHO IS UNDER SEVENTEEN YEARS OF AGE MUST PRESENT
6 DOCUMENTATION TO THE COMMISSIONER OF PUBLIC SAFETY THAT THE
7 APPLICANT HAS HELD A TEMPORARY DRIVING PERMIT FOR AT LEAST SIX
8 MONTHS AND HAS ATTAINED CERTAIN BEHIND-THE-WHEEL EXPERIENCE; TO
9 AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A
10 PERSON WHO HAS BEEN ISSUED A TEMPORARY DRIVING PERMIT OR A
11 TEMPORARY MOTORCYCLE DRIVING PERMIT MAY OPERATE A MOTOR VEHICLE OR
12 MOTORCYCLE UPON THE HIGHWAYS OF THIS STATE ONLY WHEN ACCOMPANIED
13 OR SUPERVISED BY A LICENSED OPERATOR WHO IS AT LEAST TWENTY-FIVE
14 YEARS OF AGE; AND FOR RELATED PURPOSES.

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

16 SECTION 1. Section 63-1-9, Mississippi Code of 1972, is
17 amended as follows:[JWB1]

18 63-1-9. No license shall be issued pursuant to this article:

19 (a) To any person under the age of sixteen (16) years

20 * * *.

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

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

28 (d) To any person who would not be able by reason of
29 physical or mental disability, in the opinion of the commissioner
30 or other person authorized to grant an operator's license, to
31 operate a motor vehicle on the highways with safety. However,
32 persons who have one (1) arm or leg, or have arms or legs
33 deformed, and have their car provided with mechanical devices
34 whereby they are able to drive in a safe manner over the highways,
35 if otherwise qualified, shall receive an operator's license the
36 same as other persons. Moreover, deafness shall not be a bar to
37 obtaining a license.

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

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

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

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

55 (ii) Is enrolled in school in this state or any
56 other state;

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

59 (iv) Is unable to attend any school program due to
60 circumstances deemed acceptable as set out in Section 63-1-10;

61 (h) To any person under the age of eighteen (18) years
62 who has been convicted under Section 63-11-30; or

63 (i) To any person under seventeen (17) years of age
64 who, at the time of application, does not present, on a form
65 prepared and approved by the Commissioner of Public Safety, an
66 affidavit signed by the parent or legal guardian of the applicant
67 and acknowledged by a notary public or other person authorized to
68 administer oaths under the laws of this state to administer oaths,
69 stating that: that the applicant has held a temporary driving
70 permit for at least six (6) months and that the applicant, while
71 holding such permit, has been accompanied in the operation of a
72 motor vehicle by his or her parent, guardian or another licensed
73 operator twenty-five (25) years of age or older who actually
74 occupied the seat beside the driver-applicant for a total of not
75 less than fifty (50) hours of behind-the-wheel experience, of
76 which not less than ten (10) hours were at night.

77 * * *

78 SECTION 2. Section 63-1-21, Mississippi Code of 1972, is
79 amended as follows:[JWB2]

80 63-1-21. (1) (a) Every applicant for a new or original
81 driver's or operator's license, except persons holding an
82 out-of-state license, shall first obtain a temporary driving
83 permit upon the payment of a fee of One Dollar (\$1.00) to the
84 Department of Public Safety and upon the successful completion of
85 the examination provided for in Section 63-1-33 * * *. A
86 temporary driving permit may be issued to any applicant who is at

87 least fifteen (15) years of age. A temporary driving permit shall
88 be valid for a period of one (1) year from the date of issue.

89 (b) A temporary driving permit entitles the holder,
90 provided the permit is in his immediate possession, to drive a
91 motor vehicle other than a motorcycle on the highways of the State
92 of Mississippi only when accompanied by a licensed operator who is
93 at least twenty-five (25) years of age and who is actually
94 occupying the seat beside the driver. * * *

95 (2) (a) * * * Every applicant for a restricted motorcycle
96 operator's license or a motorcycle endorsement shall first obtain
97 a temporary motorcycle driving permit upon the payment of a fee of
98 One Dollar (\$1.00) to the Department of Public Safety and upon the
99 successful completion of the examination provided for in Section
100 63-1-33. * * *

101 (b) The holder of a temporary motorcycle driving
102 permit, provided the permit is in his immediate possession, (i)
103 may operate a motorcycle on the highways of the State of
104 Mississippi only under the direct supervision of a person at least
105 twenty-five (25) years of age who possesses either a valid
106 driver's or operator's license with a motorcycle endorsement or a
107 valid restricted motorcycle operator's license; (ii) is prohibited
108 from transporting a passenger on a motorcycle; (iii) is prohibited
109 from operating a motorcycle upon any controlled access highway;
110 and (iv) is prohibited from operating a motorcycle during the
111 hours of 6:00 p.m. through 6:00 a.m. * * *

112 SECTION 3. This act shall take effect and be in force from
113 and after July 1, 2000.