

By: Burton, Dawkins, Carlton

To: Judiciary

SENATE BILL NO. 3176
(As Sent to Governor)

1 AN ACT TO ENACT A GRADUATED LICENSING SYSTEM; TO AMEND
2 SECTIONS 63-1-9, 63-1-21, 63-1-23 AND 63-1-47, MISSISSIPPI CODE OF
3 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

5 SECTION 1. The Legislature has recognized the need to
6 develop a graduated licensing system in light of the
7 disproportionately high incidence of motor vehicle crashes
8 involving youthful motorists. This system will improve highway
9 safety by progressively developing and improving the skills of
10 younger drivers in the safest possible environment, thereby
11 reducing the number of vehicle crashes.

12 SECTION 2. Section 63-1-9, Mississippi Code of 1972, is
13 amended as follows:[CSQ1]

14 63-1-9. (1) No driver's license, intermediate license or
15 temporary learning permit shall be issued pursuant to this
16 article:

17 (a) To any person under the age of eighteen (18) years
18 except as provided in this article.

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

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

26 (d) To any person who would not be able by reason of

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

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

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

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

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

53 (ii) Is enrolled in school in this state or any
54 other state;

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

57 (iv) Is unable to attend any school program due to
58 circumstances deemed acceptable as set out in Section 63-1-10.

59 (h) To any person under the age of eighteen (18) years

60 who has been convicted under Section 63-11-30.

61 (2) All permits and licenses issued on or before June 30,
62 2000, shall be valid according to the terms upon which issued.
63 From and after July 1, 2000:

64 (a) A temporary driving permit may be issued to any
65 person who is at least fifteen (15) years of age who otherwise
66 meets the requirements of this article.

67 (b) An intermediate license may be issued to any person
68 who is at least fifteen (15) years of age who otherwise meets the
69 requirements of this article and who has held a temporary driving
70 permit for at least six (6) months without any conviction under
71 Section 63-11-30 or of a moving violation. Any conviction under
72 Section 63-11-30 or of a moving violation shall restart the
73 six-month requirement for the holding of a temporary driving
74 permit before an applicant can qualify for an intermediate
75 license.

76 (c) A driver's license may be issued to any person who
77 is at least sixteen (16) years of age who otherwise meets the
78 requirements of this article and who has held an intermediate
79 license for at least six (6) months without any conviction under
80 Section 63-11-30 or of a moving violation. Any conviction under
81 Section 63-11-30 or of a moving violation shall restart the
82 six-month requirement for the holding of an intermediate license
83 before an applicant can qualify for a driver's license. However,
84 a person who is at least seventeen (17) years of age who has been
85 issued a temporary driving permit and who has never been convicted
86 under Section 63-11-30 or of a moving violation shall not be
87 required to have held an intermediate license.

88 (d) An applicant for a Mississippi driver's license
89 who, at the time of application, is at least sixteen (16) years of
90 age and who has held a valid motor vehicle driver's license issued
91 by another state for at least six (6) months shall not be required
92 to hold a temporary driving permit or an intermediate license

93 before being issued a driver's license.

94 (3) The commissioner shall ensure that the temporary driving
95 permit, intermediate license and driver's license issued under
96 this article are clear, distinct and easily distinguishable from
97 one another.

98 SECTION 3. Section 63-1-21, Mississippi Code of 1972, is
99 amended as follows:[CSQ2]

100 63-1-21. (1) Every applicant for a new or original driver's
101 or operator's license, except persons holding an out-of-state
102 license, shall first obtain a temporary driving permit upon the
103 payment of a fee of One Dollar (\$1.00) to the Department of Public
104 Safety and upon the successful completion of the examination
105 provided for in Section 63-1-33 and the payment of the fee for
106 such examination provided for in Section 63-1-43.

107 (2) A temporary driving permit entitles the holder, provided
108 the permit is in his immediate possession, to drive a motor
109 vehicle other than a motorcycle on the highways of the State of
110 Mississippi only when accompanied by a licensed operator who is at
111 least twenty-one (21) years of age and who is actually occupying
112 the seat beside the driver. A temporary driving permit may be
113 issued to any applicant who is at least fifteen (15) years of age.
114 A temporary driving permit shall be valid for a period of one (1)
115 year from the date of issue.

116 (3) An intermediate license allows unsupervised driving from
117 6:00 a.m. to 10:00 p.m. At all other times the intermediate
118 licensee must be supervised by a parent, guardian or other person
119 age twenty-one (21) years or older who holds a valid driver's
120 license under this article and who is actually occupying the seat
121 beside the driver.

122 (4) The fee for issuance of an intermediate license shall be
123 Five Dollars (\$5.00).

124 Except as otherwise provided by Section 63-1-6, every
125 applicant for a restricted motorcycle operator's license or a

126 motorcycle endorsement shall first obtain a temporary motorcycle
127 driving permit upon the payment of a fee of One Dollar (\$1.00) to
128 the Department of Public Safety, and upon the successful
129 completion of the examination provided for in Section 63-1-33, and
130 payment of the fee for said examination provided for in Section
131 63-1-43. All applicants for such temporary permit shall (a) be at
132 least fifteen (15) years of age; (b) operate a motorcycle only
133 under the direct supervision of a person at least twenty-one (21)
134 years of age who possesses either a valid driver's or operator's
135 license with a motorcycle endorsement or a valid restricted
136 motorcycle operator's license; (c) be prohibited from transporting
137 a passenger on a motorcycle; (d) be prohibited from operating a
138 motorcycle upon any controlled access highway; and (e) be
139 prohibited from operating a motorcycle during the hours of 6:00
140 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
141 be valid for the same period of time and may be renewed upon the
142 same conditions as temporary driving permits issued for vehicles
143 other than motorcycles.

144 SECTION 4. Section 63-1-23, Mississippi Code of 1972, is
145 amended as follows:[CSQ3]

146 63-1-23. The application of any person under the age of
147 seventeen (17) years for a temporary driving permit, intermediate
148 license or license issued pursuant to this article shall be signed
149 and verified before a person authorized to administer oaths by
150 both the father and mother of the applicant, if both are living
151 and have custody of him, or in the event neither parent is living
152 then by the person or guardian having such custody or by an
153 employer of him, or in the event there is no guardian or employer
154 then by any other responsible person who is willing to assume the
155 obligation imposed under Section 63-1-25 upon a person signing the
156 application of a minor.

157 SECTION 5. Section 63-1-47, Mississippi Code of 1972, is
158 amended as follows:[CSQ4]

159 63-1-47. (1) Each applicant for an original license issued
160 pursuant to this article, who is entitled to issuance of same, and
161 who is eighteen (18) years of age or older, shall be issued a
162 four-year license. Each license will expire at midnight on the
163 licensee's birthday.

164 (a) All renewal licenses of operators eighteen (18)
165 years of age or older shall be for four-year periods and may be
166 renewed any time within six (6) months before the expiration of
167 the license upon application and payment of the required fee,
168 unless required to be reexamined.

169 (b) From and after January 1, 1990, no commercial
170 driver's license shall be issued under the provisions of this
171 article for any commercial motor vehicle, the lawful operation of
172 which requires the driver to obtain a Class A, B or C commercial
173 driver's license under Article 2 of this chapter; however, from
174 time to time, the holder of a commercial license may apply for a
175 commercial driver's license under Article 2 of this chapter; and,
176 if he fails to pass the required test for such license, he shall
177 be entitled to an extension of his license that shall be valid for
178 one hundred twenty (120) days or until he again is tested under
179 Article 2 of this chapter, whichever occurs first. The extension
180 shall entitle the license holder to operate all vehicles which
181 such license authorized him to operate prior to taking the
182 required test. The first extension shall be without charge;
183 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for
184 any subsequent extension. No extension shall be valid past March
185 31, 1992.

186 (2) [none]

187 (3) Any commercial driver's license issued under this
188 article before January 1, 1990, which expires after March 31,
189 1992, shall be void on April 1, 1992, for the operation of any
190 commercial vehicle requiring a commercial license to be issued
191 under Article 2 of this chapter; however, if the holder of any

192 such license applies for a commercial driver's license under
193 Article 2 of this chapter, passes the required tests for such
194 license, pays all applicable fees under Article 2 of this chapter
195 except the Forty Dollars (\$40.00) license fee and otherwise meets
196 all requirements for the issuance of such license, then such
197 person shall be issued a license under Article 2 of this chapter
198 which shall expire on the expiration date of the commercial
199 driver's license being replaced.

200 (4) [none]

201 (5) The Commissioner of Public Safety shall notify, by
202 United States mail addressed to the last known address of record
203 with the Department of Public Safety, all holders of commercial
204 driver's licenses issued under this article before January 1,
205 1990, and which expire after March 31, 1992, that such licenses
206 will be void on and after April 1, 1992, for the operation of any
207 vehicle for which a commercial driver's license is required to be
208 issued under Article 2 of this chapter.

209 (6) Any person holding a valid commercial driver's license
210 issued under this article before January 1, 1990, shall continue
211 thereafter, until expiration of such license, to be entitled to
212 operate all vehicles which such license authorized him to operate
213 immediately before January 1, 1990, except that from and after
214 April 1, 1992, such license shall not entitle the licensee to
215 operate a commercial motor vehicle the lawful operation of which
216 requires a commercial driver's license under Article 2 of this
217 chapter.

218 (7) Except as otherwise provided in this article, each
219 applicant for an original driver's license issued pursuant to this
220 article, who is entitled to issuance of same, being under eighteen
221 (18) years of age, shall be issued a one-year license * * * which
222 will expire at midnight on the licensee's birthday. Renewal
223 driver's licenses of operators under the age of eighteen (18)
224 shall be for one-year periods and may be renewed any time within

225 two (2) months before the expiration of the license upon
226 application and payment of the required fee, unless required to be
227 reexamined. An intermediate license shall be valid for one (1)
228 year from its date of issue and may be renewed any time within
229 fourteen (14) days before expiration of the license. All
230 applications by an operator under the age of eighteen (18) must be
231 accompanied by documentation that the applicant is in compliance
232 with the education requirements of Section 63-1-9(1)(g); the
233 documentation must be dated no more than thirty (30) days prior to
234 the date of application.

235 SECTION 6. This act shall take effect and be in force from
236 and after July 1, 2000.