

By: Senator(s) Horhn

To: Highways and
Transportation

SENATE BILL NO. 2826

1 AN ACT TO AMEND SECTIONS 63-1-35, 63-1-81 AND 63-1-82,
2 MISSISSIPPI CODE OF 1972, TO MAKE PROVISION FOR ISSUANCE OF A
3 DRIVER'S LICENSE TO THOSE NOT ENTITLED TO ISSUANCE OF A SOCIAL
4 SECURITY NUMBER; AND FOR RELATED PURPOSES.

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

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

8 63-1-35. (1) The Commissioner of Public Safety shall
9 prescribe the form of licenses issued pursuant to this article
10 which shall, among other features, include a driver's license
11 number assigned by the Department of Public Safety which, at the
12 option of the licensee, may or may not be the Social security
13 number of the licensee. A licensee who chooses not to use his
14 Social security number as his driver's license number shall list
15 his Social security number with the department which shall cross
16 reference the Social security number with the driver's license
17 number for purposes of identification, subject to subsection (2)
18 of this section. Additionally, each license shall bear a full
19 face color photograph of the licensee in such form that the
20 license and the photograph cannot be separated. Such photograph
21 shall be taken so that one (1) exposure will photograph the
22 applicant and the application simultaneously on the same film.
23 The department shall use a process in the issuance of a license
24 with a color photograph which shall prevent as nearly as possible
25 any alteration, counterfeiting, duplication, reproduction, forging
26 or modification of such license or the superimposition of a
27 photograph without ready detection. Such photograph shall be

28 replaced every four (4) years by the department at the time of
29 renewal.

30 (2) In lieu of a social security number for an applicant not
31 entitled to one, an application for a driver's license may be
32 accompanied by:

33 (a) An SSA L-676 letter issued by the United States
34 Social Security Administration stating that the applicant is
35 ineligible to obtain a social security number;

36 (b) A temporary identification number issued to the
37 applicant by the United States Internal Revenue Service; or

38 (c) An affidavit of the applicant stating that the
39 applicant has not been issued a social security number, SSA L-676
40 letter, or temporary identification number. The affidavit must be
41 sworn to and subscribed by the applicant before a notary public of
42 this state in substantially the following form:

43 "I, _____, swear under penalty of perjury that I have
44 not been issued a social security number or an SSA L-676 letter by
45 the United State Social Security Administration or a temporary
46 identification number by the United States Internal Revenue
47 Service."

48 SECTION 2. Section 63-1-81, Mississippi Code of 1972, is
49 amended as follows:

50 63-1-81. (1) Each application for a commercial driver's
51 license or commercial driver instruction permit shall include the
52 following:

53 (a) The full name and the current mailing and
54 residential address of the applicant;

55 (b) A physical description of the applicant, including
56 sex, height, weight, eye and hair color;

57 (c) The applicant's date of birth;

58 (d) The applicant's Social Security number unless the
59 application is for a nonresident commercial driver's license or
60 unless subsection (6) applies;

61 (e) The applicant's signature;
62 (f) The applicant's color photograph;
63 (g) All certifications required by applicable federal
64 regulations;
65 (h) Any other information which the Commissioner of
66 Public Safety, by rule or regulation, determines necessary and
67 essential; and
68 (i) The consent of the applicant to release driving
69 record information.

70 (2) The fee for accepting and processing an application for
71 a commercial driver instruction permit shall be Ten Dollars
72 (\$10.00).

73 (3) The fee for accepting and processing an application for
74 a Class A, B or C commercial driver's license shall be Twenty-five
75 Dollars (\$25.00).

76 (4) No person who has been a resident of this state for
77 thirty (30) days may drive a commercial motor vehicle under the
78 authority of a commercial driver's license issued by another
79 jurisdiction. Any violation of this subsection shall be
80 punishable as provided by Section 63-1-69, Mississippi Code of
81 1972.

82 (5) Any person who knowingly falsifies information or
83 certifications required under subsection (1) of this section shall
84 be subject to the penalties prescribed in Section 63-1-59,
85 Mississippi Code of 1972, and shall be subject to suspension of
86 his commercial driver instruction permit or commercial driver's
87 license in accordance with Section 63-1-51, Mississippi Code of
88 1972.

89 (6) Each application or filing made under this section shall
90 include the Social Security number(s) of the applicant in
91 accordance with Section 93-11-64,*** or, for applicants not
92 entitled to a social security number:

93 (a) An SSA L-676 letter issued by the United States
94 Social Security Administration stating that the applicant is
95 ineligible to obtain a social security number;

96 (b) A temporary identification number issued to the
97 applicant by the United States Internal Revenue Service; or

98 (c) An affidavit of the applicant stating that the
99 applicant has not been issued a social security number, SSA L-676
100 letter, or temporary identification number. The affidavit must be
101 sworn to and subscribed by the applicant before a notary public of
102 this state in substantially the following form:

103 "I, _____, swear under penalty of perjury that I have
104 not been issued a social security number or an SSA L-676 letter by
105 the United State Social Security Administration or a temporary
106 identification number by the United States Internal Revenue
107 Service."

108 SECTION 3. Section 63-1-82, Mississippi Code of 1972, is
109 amended as follows:

110 63-1-82. (1) Each commercial driver's license shall be
111 marked "Commercial Driver's License" or "CDL," and shall, to the
112 maximum extent practicable, be tamper proof. Each such license
113 shall include thereon, but not be limited to, the following
114 information:

115 (a) The name and residential address of the licensee;

116 (b) The licensee's color photograph;

117 (c) A physical description of the licensee, including
118 his sex, height, weight, eye and hair color;

119 (d) The licensee's date of birth;

120 (e) Except for a nonresident commercial driver's
121 license, the licensee's Social Security or other identifying
122 number; and any other identifying information which the
123 Commissioner of Public Safety, by rule or regulation, determines
124 necessary and essential for the purposes of complying with the
125 provisions of this article;

- 126 (f) The licensee's signature;
- 127 (g) The class or type of commercial motor vehicle or
128 vehicles which the licensee is authorized to drive together with
129 any endorsements or restrictions;
- 130 (h) The name of this state; and
- 131 (i) The dates between which the license is valid.

132 (2) The holder of a valid commercial driver's license may
133 drive all vehicles in the class for which that license is issued
134 and all lesser classes of vehicles, including any vehicle for
135 which an operator's license or commercial driver's license issued
136 under Article 1 of this chapter authorizes a person to drive.
137 However, vehicles which require an endorsement may not be driven
138 unless the proper endorsement appears on the license.

139 (3) Commercial driver's licenses may be issued with the
140 following classifications:

141 (a) Class A. Any combination of vehicles with a gross
142 vehicle weight rating of twenty-six thousand one (26,001) pounds
143 or more, provided the gross vehicle weight rating of the vehicle
144 or vehicles being towed is in excess of ten thousand (10,000)
145 pounds;

146 (b) Class B. Any single vehicle with a gross vehicle
147 weight rating of twenty-six thousand one (26,001) pounds or more,
148 and any such vehicle towing a vehicle not in excess of ten
149 thousand (10,000) pounds;

150 (c) Class C. Any single vehicle with a gross vehicle
151 weight rating of less than twenty-six thousand one (26,001) pounds
152 or any such vehicle towing a vehicle with a gross vehicle weight
153 rating not in excess of ten thousand (10,000) pounds comprising:

154 (i) Vehicles designed to transport sixteen (16) or
155 more passengers, including the driver; and

156 (ii) Vehicles used in the transportation of
157 hazardous materials which are required to be placarded under the

158 Hazardous Materials Transportation Act, 49 USCS Appx., Section
159 1801 et seq.; and

160 (d) Class D. All other vehicles or combination of
161 vehicles which are not included in Class A, Class B or Class C and
162 for which a commercial license is required to be issued as
163 provided by Section 63-1-43, Mississippi Code of 1972.

164 (4) Commercial driver's licenses may be issued with the
165 following endorsements and restrictions:

166 (a) "H" authorizes the driver to drive a vehicle
167 transporting hazardous materials;

168 (b) "K" restricts the driver to vehicles not equipped
169 with air brakes;

170 (c) "T" authorizes driving double and triple trailers;

171 (d) "P" authorizes driving vehicles carrying
172 passengers;

173 (e) "N" authorizes driving tank vehicles; and

174 (f) "X" represents a combination of hazardous materials
175 and tank vehicle endorsements.

176 (g) "S" restricts the driver to school buses being
177 operated for the purpose of transporting pupils to and from school
178 or to school-related functions and/or to all other vehicles not
179 requiring a commercial driver's license.

180 (5) Before issuing a commercial driver's license, the
181 Commissioner of Public Safety shall obtain driving record
182 information through the Commercial Driver License Information
183 System.

184 (6) Within ten (10) days after issuing a commercial driver's
185 license, the Commissioner of Public Safety shall notify the
186 Commercial Driver License Information System of that fact,
187 providing all information required to ensure identification of the
188 person.

189 (7) The fee charged for the issuance of each original and
190 each renewal of a Class A, B or C commercial driver's license

191 shall be Forty Dollars (\$40.00). In addition, a fee of Five
192 Dollars (\$5.00) shall be charged for each endorsement or
193 restriction entered on a commercial driver's license under
194 subsection (4) of this section. However, the fee charged for each
195 original and renewal of a commercial driver's license with an "S"
196 restriction shall be the same as the fee for a Class D commercial
197 driver's license in addition to all application fees.

198 (8) If a commercial driver instruction permit or commercial
199 driver's license is lost or destroyed, or if the holder of a
200 commercial driver's license changes his name, mailing address or
201 residence, an application for a duplicate permit or license shall
202 be made as provided by Section 63-1-37, Mississippi Code of 1972.

203 (9) All commercial driver's licenses issued under the
204 provisions of this article shall be issued for a period of not
205 more than four (4) years and shall expire at midnight on the last
206 day of the licensee's month of birth.

207 (10) Every person applying for renewal of a commercial
208 driver's license shall complete the application form required by
209 Section 63-1-81, Mississippi Code of 1972, providing updated
210 information and required certifications and paying the appropriate
211 fees. If the applicant wishes to retain a hazardous materials
212 endorsement, the written test for a hazardous materials
213 endorsement must be taken and passed.

214 SECTION 4. This act shall take effect and be in force from
215 and after September 1, 2001.