To: Highways and Transportation

MISSISSIPPI LEGISLATURE REGULAR SESSION 2001

By: Senator(s) Horhn

SENATE BILL NO. 2826

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

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

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

63-1-35. (1) The Commissioner of Public Safety shall prescribe the form of licenses issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety which, at the option of the licensee, may or may not be the Social security number of the licensee. A licensee who chooses not to use his Social security number as his driver's license number shall list his Social security number with the department which shall cross reference the Social security number with the driver's license number for purposes of identification, subject to subsection (2) of this section. Additionally, each license shall bear a full face color photograph of the licensee in such form that the license and the photograph cannot be separated. Such photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph which shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of such license or the superimposition of a photograph without ready detection. Such photograph shall be
replaced every four (4) years by the department at the time of
renewal.

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

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

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

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

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

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

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

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

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

(c) The applicant's date of birth;

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

(f) The applicant's color photograph;

(g) All certifications required by applicable federal regulations;

(h) Any other information which the Commissioner of Public Safety, by rule or regulation, determines necessary and essential; and

(i) The consent of the applicant to release driving record information.

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

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

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

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

(6) Each application or filing made under this section shall include the Social Security number(s) of the applicant in accordance with Section 93-11-64,*** or, for applicants not entitled to a social security number:
(a) An SSA L-676 letter issued by the United States Social Security Administration stating that the applicant is ineligible to obtain a social security number;

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

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

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

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

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

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

(b) The licensee's color photograph;

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

(d) The licensee's date of birth;

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

(g) The class or type of commercial motor vehicle or vehicles which the licensee is authorized to drive together with any endorsements or restrictions;

(h) The name of this state; and

(i) The dates between which the license is valid.

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

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

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

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

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

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

(ii) Vehicles used in the transportation of hazardous materials which are required to be placarded under the
Hazardous Materials Transportation Act, 49 USCS Appx., Section 1801 et seq.; and

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

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

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

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

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

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

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

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

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

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

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

(7) The fee charged for the issuance of each original and each renewal of a Class A, B or C commercial driver's license...
shall be Forty Dollars ($40.00). In addition, a fee of Five
Dollars ($5.00) shall be charged for each endorsement or
restriction entered on a commercial driver's license under
subsection (4) of this section. However, the fee charged for each
original and renewal of a commercial driver's license with an "S"
restriction shall be the same as the fee for a Class D commercial
driver's license in addition to all application fees.

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

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

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

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