

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.