

By: Senator(s) Dearing

To: Judiciary

SENATE BILL NO. 2959

1 AN ACT TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO  
 2 ALLOW ELECTRONIC RENEWAL OF DRIVER'S LICENSES AND TO PERMIT  
 3 ELECTRONIC PAYMENT OF THE FEE OR FEES REQUIRED THEREFOR; TO AMEND  
 4 SECTIONS 63-1-37, 63-1-43, 63-1-82 AND 45-35-7, MISSISSIPPI CODE  
 5 OF 1972, TO REVISE THE FEES CHARGED BY THE DEPARTMENT FOR LICENSES  
 6 AND IDENTIFICATION CARDS; TO ALLOW THE COMMISSIONER OF PUBLIC  
 7 SAFETY TO SET BY RULE THE FEE TO BE CHARGED FOR THE PHOTOGRAPH OF  
 8 THE HOLDER OF THE LICENSE OR IDENTIFICATION CARD; AND FOR RELATED  
 9 PURPOSES.

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

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

13 63-1-35. The Commissioner of Public Safety shall prescribe  
 14 the form of licenses issued pursuant to this article which shall,  
 15 among other features, include a driver's license number assigned  
 16 by the Department of Public Safety which, at the option of the  
 17 licensee, may or may not be the social security number of the  
 18 licensee. A licensee who chooses not to use his social security  
 19 number as his driver's license number shall list his social  
 20 security number with the department which shall cross reference  
 21 the social security number with the driver's license number for  
 22 purposes of identification. Additionally, each license shall bear  
 23 a full face color photograph of the licensee in such form that the  
 24 license and the photograph cannot be separated. Such photograph  
 25 shall be taken so that one (1) exposure will photograph the  
 26 applicant and the application simultaneously on the same film.  
 27 The department shall use a process in the issuance of a license  
 28 with a color photograph which shall prevent as nearly as possible  
 29 any alteration, counterfeiting, duplication, reproduction, forging

30 or modification of such license or the superimposition of a  
31 photograph without ready detection. Such photograph shall be  
32 replaced \* \* \* by the department at the time of renewal. Driver's  
33 licenses, including photographs appearing thereon, may be renewed  
34 by electronic means according to rules and regulations promulgated  
35 by the commissioner. The Department of Public Safety may accept  
36 bank credit cards and debit cards in payment of fees for driver's  
37 license renewals that are processed by electronic means.

38 SECTION 2. Section 63-1-37, Mississippi Code of 1972, is  
39 amended as follows:

40 63-1-37. In the event that a license or temporary driving  
41 permit issued under the provisions of this article is lost or  
42 destroyed, the licensee shall obtain from the commissioner a  
43 duplicate copy thereof and shall pay a fee in the amount of Three  
44 Dollars (\$3.00) plus the applicable photograph fee therefor. Said  
45 license or permit shall be marked "Duplicate."

46 SECTION 3. Section 63-1-43, Mississippi Code of 1972, is  
47 amended as follows:

48 63-1-43. (1) The fee for receiving the application and  
49 issuing the driver's or operator's license and the fee for  
50 renewing the license shall be Eighteen Dollars (\$18.00) plus the  
51 applicable photograph fee for each applicant for a four-year  
52 license and Three Dollars (\$3.00) plus the applicable photograph  
53 fee for each applicant for a one-year license. All originals and  
54 renewals of regular operators' licenses shall be in compliance  
55 with Section 63-1-47.

56 (2) The fee for receiving the application and issuing a  
57 motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle  
58 endorsements shall be valid for the same period of time as the  
59 applicant's operator's license.

60 (3) The fee for receiving the application and issuing a  
61 restricted motorcycle operator's license and the fee for renewing  
62 such license shall be Eleven Dollars (\$11.00) plus the applicable

63 photograph fee. All originals and renewals of restricted  
64 motorcycle licenses shall be valid for a period of four (4) years,  
65 in compliance with Section 63-1-47.

66 (4) From and after January 1, 1990, every person who makes  
67 application for an original license or a renewal license to  
68 operate a vehicle as a common carrier by motor vehicle, taxicab,  
69 passenger coach, dray, contract carrier or private commercial  
70 carrier as such terms are defined in Section 27-19-3, except for  
71 those vehicles for which a Class A, B or C license is required  
72 under Article 2 of this chapter, shall, in lieu of the regular  
73 driver's license above provided for, apply for and obtain a Class  
74 D commercial driver's license, the fee for which shall be  
75 Twenty-three Dollars (\$23.00) plus the applicable photograph fee  
76 for a period of four (4) years; provided, however, except as  
77 required under Article 2 of this chapter, no driver of a pickup  
78 truck shall be required to have a commercial license regardless of  
79 the purpose for which the pickup truck is used.

80 All originals and renewals of commercial licenses issued  
81 under this section shall be valid for a period of four (4) years,  
82 in compliance with Section 63-1-47. Only persons who operate the  
83 above-mentioned vehicles in the course of the regular and  
84 customary business of the owner shall be required to obtain a  
85 Class D commercial operator's license, and persons operating such  
86 vehicles for private purposes or in emergencies shall not be  
87 required to obtain such license.

88 (5) The department shall set a driver's license photograph  
89 fee which shall be the actual cost of the photograph rounded off  
90 to the next highest dollar. Monies collected for the photograph  
91 fee shall be deposited into a special photograph fee account which  
92 the department shall use to pay the actual cost of producing the  
93 photographs. Any monies collected in excess of the actual costs  
94 of the photography shall be deposited into the General Fund of the  
95 State of Mississippi.

96 SECTION 4. Section 63-1-82, Mississippi Code of 1972, is  
97 amended as follows:

98 63-1-82. (1) Each commercial driver's license shall be  
99 marked "Commercial Driver's License" or "CDL," and shall, to the  
100 maximum extent practicable, be tamper proof. Each such license  
101 shall include thereon, but not be limited to, the following  
102 information:

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

104 (b) The licensee's color photograph;

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

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

108 (e) Except for a nonresident commercial driver's  
109 license, the licensee's social security number; and any other  
110 identifying information which the Commissioner of Public Safety,  
111 by rule or regulation, determines necessary and essential for the  
112 purposes of complying with the provisions of this article;

113 (f) The licensee's signature;

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

117 (h) The name of this state; and

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

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

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

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

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

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

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

143                 (ii) Vehicles used in the transportation of  
144 hazardous materials which are required to be placarded under the  
145 Hazardous Materials Transportation Act, 49 USCS Appx., Section  
146 1801 et seq.; and

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

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

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

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

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

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

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

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

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

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

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

176 (7) The fee charged for the issuance of each original and  
177 each renewal of a Class A, B or C commercial driver's license  
178 shall be Thirty-eight Dollars (\$38.00) plus the applicable  
179 photograph fee. In addition, a fee of Five Dollars (\$5.00) shall  
180 be charged for each endorsement or restriction entered on a  
181 commercial driver's license under subsection (4) of this section.  
182 However, the fee charged for each original and renewal of a  
183 commercial driver's license with an "S" restriction shall be the  
184 same as the fee for a Class D commercial driver's license in  
185 addition to all application fees.

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

191 (9) All commercial driver's licenses issued under the  
192 provisions of this article shall be issued for a period of not

193 more than four (4) years and shall expire at midnight on the last  
194 day of the licensee's month of birth.

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

202 (11) The department shall set a driver's license photograph  
203 fee which shall be the actual cost of the photograph rounded off  
204 to the next highest dollar. Monies collected for the photograph  
205 fee shall be deposited into a special photograph fee account which  
206 the department shall use to pay the actual cost of producing the  
207 photographs. Any monies collected in excess of the actual costs  
208 of the photography shall be deposited into the General Fund of the  
209 State of Mississippi.

210 SECTION 5. Section 45-35-7, Mississippi Code of 1972, is  
211 amended as follows:

212 45-35-7. (1) Except as provided in subsection (3) of this  
213 section, each applicant for an original identification card issued  
214 pursuant to this chapter who is entitled to issuance of such a  
215 card shall be issued a four-year card. Each card shall expire at  
216 midnight on the last day of the cardholder's birth month.

217 (2) Except as provided in subsection (3) of this section,  
218 all renewal identification cards shall be for four-year periods  
219 and may be renewed any time during the birth month of the  
220 cardholder upon application and payment of the required fee.

221 (3) Any applicant who is blind, as defined in Section  
222 43-6-1, upon payment of the fee prescribed in this section, shall  
223 be issued an original identification card which shall remain valid  
224 for a period of ten (10) years. All renewal identification cards

225 issued to such persons shall also be valid for a period of ten  
226 (10) years.

227 (4) A fee of Eleven Dollars (\$11.00) plus the applicable  
228 photograph fee shall be collected for the issuance of an original  
229 or renewal identification card. The department shall set a  
230 driver's license photograph fee which shall be the actual cost of  
231 the photograph rounded off to the next highest dollar. Monies  
232 collected for the photograph fee shall be deposited into a special  
233 photograph fee account which the department shall use to pay the  
234 actual cost of producing the photographs. Any monies collected in  
235 excess of the actual costs of the photography shall be deposited  
236 into the General Fund of the State of Mississippi.

237 (5) Any person who, for medical reasons, surrenders his  
238 unexpired driver's license, and any person whose unexpired  
239 driver's license is suspended for medical reasons by the  
240 Commissioner of Public Safety under Section 63-1-53(e), may be  
241 issued an identification card without payment of a fee. The  
242 identification card shall be valid for a period of four (4) years  
243 from its date of issue. All renewals of such card shall be  
244 subject to the fee prescribed in subsection (4) of this section.

245 (6) The department shall maintain a record of all  
246 identification cards issued, except for those cards cancelled,  
247 surrendered or denied renewal.

248 SECTION 6. This act shall take effect and be in force from  
249 and after July 1, 2001.