To: Judiciary

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001
By: Senator(s) Dearing

SENATE BILL NO. 2959
(As Sent to Governor)

AN ACT TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DRIVER LICENSES MAY BE RENEWED BY ELECTRONIC MEANS ACCORDING TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF PUBLIC SAFETY; TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO ACCEPT BANK CREDIT CARDS AND DEBIT CARDS IN PAYMENT OF FEES FOR DRIVER LICENSE RENEWALS THAT ARE PROCESSED BY ELECTRONIC MEANS; TO AMEND SECTIONS 63-1-37, 63-1-43, 63-1-82 AND 45-35-7, MISSISSIPPI CODE OF 1972, TO REVISE THE FEES CHARGED BY THE DEPARTMENT OF PUBLIC SAFETY FOR DRIVER LICENSES AND IDENTIFICATION CARDS; TO ALLOW THE COMMISSIONER OF PUBLIC SAFETY TO ESTABLISH BY RULE OR REGULATION THE FEE TO BE CHARGED FOR THE PHOTOGRAPH OF THE HOLDER OF THE LICENSE OR IDENTIFICATION CARD; 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. 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. 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 ★ ★ ★ by the department at the time of renewal. Driver
licenses, including photographs appearing thereon, may be renewed
by electronic means according to rules and regulations promulgated
by the commissioner. The Department of Public Safety may accept
bank credit cards and debit cards in payment of fees for driver
license renewals that are processed by electronic means and, if
authorized by general law, may charge an additional fee for the
use of such cards.

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

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

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

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

(2) The fee for receiving the application and issuing a
motorcycle endorsement shall be Five Dollars ($5.00). Motorcycle
endorsements shall be valid for the same period of time as the
applicant's operator's license.
(3) The fee for receiving the application and issuing a restricted motorcycle operator's license and the fee for renewing such license shall be Eleven Dollars ($11.00) plus the applicable photograph fee. All originals and renewals of restricted motorcycle licenses shall be valid for a period of four (4) years, in compliance with Section 63-1-47.

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

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

(5) The Commissioner of Public Safety, by rule or regulation, shall establish a driver's license photograph fee which shall be the actual cost of the photograph rounded off to the next highest dollar. Monies collected for the photograph fee shall be deposited into a special photograph fee account which the
Department of Public Safety shall use to pay the actual cost of producing the photographs. Any monies collected in excess of the actual costs of the photography shall be deposited to the general fund of the State of Mississippi.

SECTION 4. 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 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 Thirty-eight Dollars ($38.00) plus the applicable photograph fee. 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.

(11) The Commissioner of Public Safety, by rule or regulation, shall establish a driver's license photograph fee which shall be the actual cost of the photograph rounded off to the next highest dollar. Monies collected for the photograph fee shall be deposited into a special photograph fee account which the Department of Public Safety shall use to pay the actual cost of producing the photographs. Any monies collected in excess of the actual costs of the photography shall be deposited to the General Fund of the State of Mississippi.

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

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

(2) Except as provided in subsection (3) of this section, all renewal identification cards shall be for four-year periods and may be renewed any time during the birth month of the cardholder upon application and payment of the required fee.
(3) Any applicant who is blind, as defined in Section 43-6-1, upon payment of the fee prescribed in this section, shall be issued an original identification card which shall remain valid for a period of ten (10) years. All renewal identification cards issued to such persons shall also be valid for a period of ten (10) years.

(4) A fee of Eleven Dollars ($11.00) shall be collected for the issuance of an original or renewal identification card. The Commissioner of Public Safety, by rule or regulation, shall establish a driver's license photograph fee which shall be the actual cost of the photograph rounded off to the next highest dollar. Monies collected for the photograph fee shall be deposited into a special photograph fee account which the Department of Public Safety shall use to pay the actual cost of producing the photographs. Any monies collected in excess of the actual costs of the photography shall be deposited to the General Fund of the State of Mississippi. Such fee shall be deposited into the State General Fund.

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

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

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