H. B. No. 1595

AN ACT TO AMEND SECTIONS 45-35-7, 63-1-43, 63-1-47 AND 63-1-82, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DRIVERS' LICENSES, IDENTIFICATION CARDS ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY AND ALL COMMERCIAL DRIVERS' LICENSES ISSUED TO PERSONS WHO ARE NOT UNITED STATES CITIZENS SHALL EXPIRE ONE YEAR AFTER DATE OF ISSUE; TO PRESCRIBE THE FEE FOR SUCH LICENSES; AND FOR RELATED PURPOSES.

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

SECTION 1. 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) (a) 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.

(b) Any applicant who is not a United States citizen, upon payment of the fee prescribed in this section, shall be issued an original identification card which shall remain valid for a period of one (1) year from date of issuance. All renewal
identification cards issued to such persons shall also be valid
for a period of one (1) year from date of issuance when
accompanied by required immigration documents.

(4) A fee of Eleven Dollars ($11.00) plus the applicable
photograph fee, shall be collected for the issuance of an original
or renewal identification card, except that the fee for the
issuance of an original or renewal identification card to a person
who is not a United States citizen shall be Three Dollars ($3.00)
plus the applicable photograph fee.

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

(a) Eighteen Dollars ($18.00) plus the applicable photograph fee for each applicant for a four-year license;

(b) Three Dollars ($3.00) plus the applicable photograph fee for each applicant for a one-year license, except as provided in paragraph (c) of this subsection; and

(c) Eight Dollars ($8.00) plus the applicable photograph fee for a one-year license for each applicant who is not a United States citizen.

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. Except as otherwise provided in subsection (5) of this section, the fee for the issuance of a
Class D commercial driver's license shall be Twenty-three Dollars ($23.00) plus the applicable photograph fee for a period of four (4) years; 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.

Except as otherwise provided in subsection (5) of this section, 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 original and each renewal of a commercial driver's license issued under this section to a person who is not a United States citizen shall be issued for a period of one (1) year for a fee of Thirteen Dollars ($13.00) plus the applicable photograph fee and shall expire on the date the licensee's immigration documents expire. A person who is not a United States citizen may renew a commercial license issued under this section within two (2) weeks before expiration of the license.

(6) 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 3. Section 63-1-47, Mississippi Code of 1972, is amended as follows:

63-1-47. (1) Except as otherwise provided in this section, each applicant for an original license issued pursuant to this article, who is entitled to issuance of same, and who is eighteen (18) years of age or older, shall be issued a four-year license which will expire at midnight on the licensee's birthday.

(a) Except as otherwise provided in this section, all renewal licenses of operators eighteen (18) years of age or older shall be for four-year periods and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.

(b) From and after January 1, 1990, no commercial driver's license shall be issued under the provisions of this article for any commercial motor vehicle, the lawful operation of which requires the driver to obtain a Class A, B or C commercial driver's license under Article 2 of this chapter; however, from time to time, the holder of a commercial license may apply for a commercial driver's license under Article 2 of this chapter; and, if he fails to pass the required test for such license, he shall be entitled to an extension of his license that shall be valid for one hundred twenty (120) days or until he again is tested under Article 2 of this chapter, whichever occurs first. The extension shall entitle the license holder to operate all vehicles which such license authorized him to operate prior to taking the required test. The first extension shall be without charge; however, a fee of Fifteen Dollars ($15.00) shall be imposed for any subsequent extension. No extension shall be valid past March 31, 1992.

(2) Any commercial driver's license issued under this article before January 1, 1990, which expires after March 31,
1992, shall be void on April 1, 1992, for the operation of any
commercial vehicle requiring a commercial license to be issued
under Article 2 of this chapter; however, if the holder of any
such license applies for a commercial driver's license under
Article 2 of this chapter, passes the required tests for such
license, pays all applicable fees under Article 2 of this chapter
except the Forty Dollars ($40.00) license fee and otherwise meets
all requirements for the issuance of such license, then such
person shall be issued a license under Article 2 of this chapter
which shall expire on the expiration date of the commercial
driver's license being replaced.

(3) The fee for the issuance of an original and renewals of
a Class D commercial driver's license under this article to an
applicant who is not a United States citizen and the period for
which such license will be valid and expire shall be as prescribed
in Section 63-1-43.

(4) The Commissioner of Public Safety shall notify, by
United States mail addressed to the last known address of record
with the Department of Public Safety, all holders of a
commercial driver's license issued under this article before January 1, 1990,
and which expire after March 31, 1992, that such license will be
void on and after April 1, 1992, for the operation of any vehicle
for which a commercial driver's license is required to be issued
under Article 2 of this chapter.

(5) Any person holding a valid commercial driver's license
issued under this article before January 1, 1990, shall continue
thereafter, until expiration of such license, to be entitled to
operate all vehicles which such license authorized him to operate
immediately before January 1, 1990, except that from and after
April 1, 1992, such license shall not entitle the licensee to
operate a commercial motor vehicle the lawful operation of which
requires a commercial driver's license under Article 2 of this
chapter.
Except as otherwise provided in this article, each applicant for an original driver's license issued pursuant to this article, who is entitled to issuance of same, being under eighteen (18) years of age, shall be issued a one-year license which will expire at midnight on the licensee's birthday. Renewal drivers' licenses of operators under the age of eighteen (18) shall be for one-year periods and may be renewed any time within two (2) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined. An intermediate license shall be valid for one (1) year from its date of issue and may be renewed any time within fourteen (14) days before expiration of the license. All applications by an operator under the age of eighteen (18) must be accompanied by documentation that the applicant is in compliance with the education requirements of Section 63-1-9(1)(g); the documentation must be dated no more than thirty (30) days prior to the date of application.

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 drivers' 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 drivers' 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; 

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

(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) Except as provided in subsection (10) of this section, 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) Except as provided in subsection (10) of this section, all commercial drivers' licenses issued under the provisions of this article shall be issued for a period of not more than four years and shall expire at midnight on the last day of the licensee's month of birth.

(10) The original and each renewal of a commercial driver's license issued under this section to a person who is not a United States citizen shall be issued for a period of one year for a fee of Twenty Dollars ($20.00) plus the applicable photograph fee and shall expire on the date the licensee's immigration documents expire. Such person may renew a commercial license issued under this section within two (2) weeks before expiration of the license.

(11) 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.
fees. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed.

(12) 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. This act shall take effect and be in force from and after July 1, 2002.