

By: Representative Compretta

To: Transportation

HOUSE BILL NO. 1595

1 AN ACT TO AMEND SECTIONS 45-35-7, 63-1-43, 63-1-47 AND
2 63-1-82, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DRIVERS'
3 LICENSES, IDENTIFICATION CARDS ISSUED BY THE DEPARTMENT OF PUBLIC
4 SAFETY AND ALL COMMERCIAL DRIVERS' LICENSES ISSUED TO PERSONS WHO
5 ARE NOT UNITED STATES CITIZENS SHALL EXPIRE ONE YEAR AFTER DATE OF
6 ISSUE; TO PRESCRIBE THE FEE FOR SUCH LICENSES; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 45-35-7, Mississippi Code of 1972, is
10 amended as follows:

11 45-35-7. (1) Except as provided in subsection (3) of this
12 section, each applicant for an original identification card issued
13 pursuant to this chapter who is entitled to issuance of such a
14 card shall be issued a four-year card. Each card shall expire at
15 midnight on the last day of the cardholder's birth month.

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

20 (3) (a) Any applicant who is blind, as defined in Section
21 43-6-1, upon payment of the fee prescribed in this section, shall
22 be issued an original identification card which shall remain valid
23 for a period of ten (10) years. All renewal identification cards
24 issued to such persons shall also be valid for a period of ten
25 (10) years.

26 (b) Any applicant who is not a United States citizen,
27 upon payment of the fee prescribed in this section, shall be
28 issued an original identification card which shall remain valid
29 for a period of one (1) year from date of issuance. All renewal



30 identification cards issued to such persons shall also be valid
31 for a period of one (1) year from date of issuance when
32 accompanied by required immigration documents.

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

39 The Commissioner of Public Safety, by rule or regulation,
40 shall establish a driver's license photograph fee which shall be
41 the actual cost of the photograph rounded off to the next highest
42 dollar. Monies collected for the photograph fee shall be
43 deposited into a special photograph fee account which the
44 Department of Public Safety shall use to pay the actual cost of
45 producing the photographs. Any monies collected in excess of the
46 actual costs of the photography shall be deposited to the General
47 Fund of the State of Mississippi. Such fee shall be deposited
48 into the State General Fund.

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

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

60 **SECTION 2.** Section 63-1-43, Mississippi Code of 1972, is
61 amended as follows:



62 63-1-43. (1) The fee for receiving the application and
63 issuing the driver's or operator's license and the fee for
64 renewing the license shall be:

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

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

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

73 All originals and renewals of regular operators' licenses
74 shall be in compliance with Section 63-1-47.

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

79 (3) The fee for receiving the application and issuing a
80 restricted motorcycle operator's license and the fee for renewing
81 such license shall be Eleven Dollars (\$11.00) plus the applicable
82 photograph fee. All originals and renewals of restricted
83 motorcycle licenses shall be valid for a period of four (4) years,
84 in compliance with Section 63-1-47.

85 (4) From and after January 1, 1990, every person who makes
86 application for an original license or a renewal license to
87 operate a vehicle as a common carrier by motor vehicle, taxicab,
88 passenger coach, dray, contract carrier or private commercial
89 carrier as such terms are defined in Section 27-19-3, except for
90 those vehicles for which a Class A, B or C license is required
91 under Article 2 of this chapter, shall, in lieu of the regular
92 driver's license above provided for, apply for and obtain a Class
93 D commercial driver's license. Except as otherwise provided in
94 subsection (5) of this section, the fee for the issuance of a



95 Class D commercial driver's license shall be Twenty-three Dollars
96 (\$23.00) plus the applicable photograph fee for a period of four
97 (4) years; * * * however, except as required under Article 2 of
98 this chapter, no driver of a pickup truck shall be required to
99 have a commercial license regardless of the purpose for which the
100 pickup truck is used.

101 Except as otherwise provided in subsection (5) of this
102 section, all originals and renewals of commercial licenses issued
103 under this section shall be valid for a period of four (4) years,
104 in compliance with Section 63-1-47. Only persons who operate the
105 above-mentioned vehicles in the course of the regular and
106 customary business of the owner shall be required to obtain a
107 Class D commercial operator's license, and persons operating such
108 vehicles for private purposes or in emergencies shall not be
109 required to obtain such license.

110 (5) The original and each renewal of a commercial driver's
111 license issued under this section to a person who is not a United
112 States citizen shall be issued for a period of one (1) year for a
113 fee of Thirteen Dollars (\$13.00) plus the applicable photograph
114 fee and shall expire on the date the licensee's immigration
115 documents expire. A person who is not a United States citizen may
116 renew a commercial license issued under this section within two
117 (2) weeks before expiration of the license.

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



127 **SECTION 3.** Section 63-1-47, Mississippi Code of 1972, is
128 amended as follows:

129 63-1-47. (1) Except as otherwise provided in this section,
130 each applicant for an original license issued pursuant to this
131 article, who is entitled to issuance of same, and who is eighteen
132 (18) years of age or older, shall be issued a four-year license
133 which will expire at midnight on the licensee's birthday.

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

140 (b) From and after January 1, 1990, no commercial
141 driver's license shall be issued under the provisions of this
142 article for any commercial motor vehicle, the lawful operation of
143 which requires the driver to obtain a Class A, B or C commercial
144 driver's license under Article 2 of this chapter; however, from
145 time to time, the holder of a commercial license may apply for a
146 commercial driver's license under Article 2 of this chapter; and,
147 if he fails to pass the required test for such license, he shall
148 be entitled to an extension of his license that shall be valid for
149 one hundred twenty (120) days or until he again is tested under
150 Article 2 of this chapter, whichever occurs first. The extension
151 shall entitle the license holder to operate all vehicles which
152 such license authorized him to operate prior to taking the
153 required test. The first extension shall be without charge;
154 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for
155 any subsequent extension. No extension shall be valid past March
156 31, 1992.

157 * * *

158 (2) Any commercial driver's license issued under this
159 article before January 1, 1990, which expires after March 31,



160 1992, shall be void on April 1, 1992, for the operation of any
161 commercial vehicle requiring a commercial license to be issued
162 under Article 2 of this chapter; however, if the holder of any
163 such license applies for a commercial driver's license under
164 Article 2 of this chapter, passes the required tests for such
165 license, pays all applicable fees under Article 2 of this chapter
166 except the Forty Dollars (\$40.00) license fee and otherwise meets
167 all requirements for the issuance of such license, then such
168 person shall be issued a license under Article 2 of this chapter
169 which shall expire on the expiration date of the commercial
170 driver's license being replaced.

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

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

184 (5) Any person holding a valid commercial driver's license
185 issued under this article before January 1, 1990, shall continue
186 thereafter, until expiration of such license, to be entitled to
187 operate all vehicles which such license authorized him to operate
188 immediately before January 1, 1990, except that from and after
189 April 1, 1992, such license shall not entitle the licensee to
190 operate a commercial motor vehicle the lawful operation of which
191 requires a commercial driver's license under Article 2 of this
192 chapter.



193 (6) Except as otherwise provided in this article, each
194 applicant for an original driver's license issued pursuant to this
195 article, who is entitled to issuance of same, being under eighteen
196 (18) years of age, shall be issued a one-year license which will
197 expire at midnight on the licensee's birthday. Renewal drivers'
198 licenses of operators under the age of eighteen (18) shall be for
199 one-year periods and may be renewed any time within two (2) months
200 before the expiration of the license upon application and payment
201 of the required fee, unless required to be reexamined. An
202 intermediate license shall be valid for one (1) year from its date
203 of issue and may be renewed any time within fourteen (14) days
204 before expiration of the license. All applications by an operator
205 under the age of eighteen (18) must be accompanied by
206 documentation that the applicant is in compliance with the
207 education requirements of Section 63-1-9(1)(g); the documentation
208 must be dated no more than thirty (30) days prior to the date of
209 application.

210 **SECTION 4.** Section 63-1-82, Mississippi Code of 1972, is
211 amended as follows:

212 63-1-82. (1) Each commercial driver's license shall be
213 marked "Commercial Driver's License" or "CDL," and shall, to the
214 maximum extent practicable, be tamper proof. Each such license
215 shall include thereon, but not be limited to, the following
216 information:

- 217 (a) The name and residential address of the licensee;
- 218 (b) The licensee's color photograph;
- 219 (c) A physical description of the licensee, including
220 his sex, height, weight, eye and hair color;
- 221 (d) The licensee's date of birth;
- 222 (e) Except for a nonresident commercial driver's
223 license, the licensee's social security number; and any other
224 identifying information which the Commissioner of Public Safety,



225 by rule or regulation, determines necessary and essential for the
226 purposes of complying with the provisions of this article;

227 (f) The licensee's signature;

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

231 (h) The name of this state; and

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

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

240 (3) Commercial drivers' licenses may be issued with the
241 following classifications:

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

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

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

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



257 (ii) Vehicles used in the transportation of
258 hazardous materials which are required to be placarded under the
259 Hazardous Materials Transportation Act, 49 USCS Appx., Section
260 1801 et seq.; and

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

265 (4) Commercial drivers' licenses may be issued with the
266 following endorsements and restrictions:

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

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

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

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

274 (e) "N" authorizes driving tank vehicles; * * *

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

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

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

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



290 (7) Except as provided in subsection (10) of this section,
291 the fee charged for the issuance of each original and each renewal
292 of a Class A, B or C commercial driver's license shall be
293 Thirty-eight Dollars (\$38.00) plus the applicable photograph fee.
294 In addition, a fee of Five Dollars (\$5.00) shall be charged for
295 each endorsement or restriction entered on a commercial driver's
296 license under subsection (4) of this section. However, the fee
297 charged for each original and renewal of a commercial driver's
298 license with an "S" restriction shall be the same as the fee for a
299 Class D commercial driver's license in addition to all application
300 fees.

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

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

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

319 (11) Every person applying for renewal of a commercial
320 driver's license shall complete the application form required by
321 Section 63-1-81, Mississippi Code of 1972, providing updated
322 information and required certifications and paying the appropriate



323 fees. If the applicant wishes to retain a hazardous materials
324 endorsement, the written test for a hazardous materials
325 endorsement must be taken and passed.

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

335 **SECTION 5.** This act shall take effect and be in force from
336 and after July 1, 2002.

