To: Highways and Transportation

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

By: Senator(s) White (29th)

SENATE BILL NO. 2087

AN ACT TO AMEND SECTION 63-1-19, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO APPLICANT SHALL BE ISSUED A DRIVER'S LICENSE WITHOUT SIGNING A STATEMENT THAT HE UNDERSTANDS THE CRIMINAL PENALTIES FOR VIOLATION OF THE HIGHWAY LITTER LAW, AND SIGNS A STATEMENT AGREEING TO REPORT ANY OFFENDERS OF THIS LAW TO PROPER LAW ENFORCEMENT OFFICERS; TO AMEND SECTION 63-1-33, MISSISSIPPI CODE OF 1972, TO DIRECT THE COMMISSIONER OF PUBLIC SAFETY TO INCLUDE QUESTIONS RELATING TO THE HIGHWAY LITTER LAW ON THE DRIVER'S LICENSE EXAMINATION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-1-19, Mississippi Code of 1972, is amended as follows:

63-1-19. (1) Every applicant for a license issued pursuant to this article shall file an application for such license, on a form provided by the Department of Public Safety, with the commissioner or an official license examiner of the department. All persons not holding valid, unexpired licenses issued in this state shall be required to secure an original license, except those specifically exempted from licensing under Section 63-1-7. The application shall state the name, date of birth, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom and for what cause, and whether any previous application by him has been denied, and whether he has any physical defects which would interfere with his operating a motor vehicle safely upon the highways.

(2) Every applicant for an original license shall show proof of domicile in this state. The commissioner shall promulgate any rules and regulations necessary to enforce this requirement and
shall prescribe the means by which an applicant for an original license may show domicile in this state. Proof of domicile shall not be required of applicants under eighteen (18) years of age.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

(4) From and after July 1, 2002, no applicant shall be issued a license to operate a motor vehicle under this section unless and until he signs a statement certifying that he understands that littering the roads and highways of this state is a violation of Section 97-15-29, Mississippi Code of 1972, and that violators are guilty of a misdemeanor punishable as follows:

(a) A fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Fifty Dollars ($250.00);

(b) For a second or subsequent offense, the minimum and maximum fine is doubled;

(c) In addition to the fines, the court may order the offender to (i) remove litter from the roads and highways, (ii) repair property damaged by littering, (iii) perform community service relating to the removal of litter, and (iv) pay investigative and prosecutorial expenses; and

(d) For a second or subsequent offense, the court is required to order the offender to perform the service specified under paragraph (c).

As a further condition for issuance of a license, the applicant shall sign a statement that he will not litter the roads and highways and will report any offender of the anti-litter law to the proper law enforcement authorities by calling a toll-free number to be provided by the Commissioner of Public Safety on the reverse side of the license.

SECTION 2. Section 63-1-33, Mississippi Code of 1972, is amended as follows:
63-1-33. It shall be the duty of the license examiner, when application is made for an operator's license or temporary driving permit, to test the applicant's ability to read and understand road signs and to give the required signals as adopted by the National Advisory Committee on Uniform Traffic Control Devices and the American Association of Motor Vehicle Administrators.

The commissioner shall have prepared and administer a test composed of at least ten (10) questions relating to the safe operation of a motor vehicle and testing the applicant's knowledge of the proper operation of a motor vehicle.

From and after July 1, 2002, the commissioner shall include a copy of the anti-litter law contained in Section 97-15-29, Mississippi Code of 1972, in the instructional material issued to first-time applicants for study in preparation for the written driver's test, and shall include in the test not less than one (1) question relating to the law and the criminal penalties for violation of the law.

Prior to the administration of the test the license examiner shall inspect the horn, lights, brakes, inspection certificate and vehicle registration of the motor vehicle which the applicant expects to operate while being tested, and if he finds that any of the aforementioned items are deficient, no license or endorsement shall be issued to the applicant until same have been repaired.

An applicant for a Mississippi driver's license who, at the time of application, holds a valid motor vehicle driver's license issued by another state shall not be required to take a written test.

Except as otherwise provided by Section 63-1-6, when application is made for an original motorcycle endorsement or a restricted motorcycle operator's license, the applicant shall be required to pass a written test which consists of questions relating to the safe operation of a motorcycle and a skill test similar to the "Motorcycle Operator Skill Test," which is endorsed
by the American Association of Motor Vehicle Administrators. The commissioner may exempt any applicant from the skill test if the applicant presents a certificate showing successful completion of a course approved by the commissioner, which includes a similar examination of skills needed in the safe operation of a motorcycle.

SECTION 3. This act shall take effect and be in force from and after July 1, 2002.