

By: Senator(s) Posey

To: Public Health and Welfare

SENATE BILL NO. 2243

1 AN ACT TO AMEND SECTIONS 93-11-153 AND 63-1-83, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT COMMERCIAL DRIVER'S LICENSES SHALL  
3 BE EXEMPT FROM THOSE STATUTES PROVIDING FOR THE SUSPENSION OF  
4 STATE-ISSUED LICENSES FOR NONCOMPLIANCE WITH CHILD SUPPORT ORDERS;  
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 93-11-153, Mississippi Code of 1972, is  
8 amended as follows:

9 93-11-153. As used in Sections 93-11-151 through 93-11-163,  
10 the following words and terms shall have the meanings ascribed  
11 herein:

12 (a) "Licensing entity" or "entity" means any entity  
13 specified in Title 73, Professions and Vocations, of the  
14 Mississippi Code, and includes the Mississippi Department of  
15 Public Safety with respect to driver's licenses but not with  
16 respect to commercial driver's licenses, the Mississippi State Tax  
17 Commission with respect to licenses for the sale of alcoholic  
18 beverages and other licenses or registration authorizing a person  
19 to engage in a business, the Mississippi Department of Wildlife,  
20 Fisheries and Parks with respect to hunting and fishing licenses,  
21 and any other state agency that issues a license authorizing a  
22 person to engage in a business, occupation or profession. For the  
23 purposes of this article, the Supreme Court shall be considered to  
24 be the licensing entity for attorneys.

25 (b) "License" means a license, certificate, permit,  
26 credential, registration or any other authorization issued by a  
27 licensing entity that allows a person to engage in a business,  
28 occupation or profession, to operate a motor vehicle, to sell



29 alcoholic beverages, or to hunt and fish, but does not mean a  
30 commercial driver's license.

31 (c) "Licensee" means any person holding a license  
32 issued by a licensing entity.

33 (d) "Order for support" means any judgment or order  
34 that provides for payments of a sum certain for the support of a  
35 child, whether it is temporary or final, and includes, but is not  
36 limited to, an order for reimbursement for public assistance or an  
37 order for making periodic payments on a support arrearage, or a  
38 sum certain due for a support arrearage.

39 (e) "Out of compliance with an order for support" means  
40 that the obligor is at least thirty (30) days in arrears or  
41 delinquent in making payments in full for current support, or in  
42 making periodic payments on a support arrearage.

43 (f) "Department" means the Mississippi Department of  
44 Human Services.

45 (g) "Division" means the division within the department  
46 that is charged with the state administration of Title IV-D of the  
47 Social Security Act.

48 (h) "Delinquency" means any payments of a sum certain  
49 ordered by any court to be paid by a noncustodial parent for the  
50 support of a child that have remained unpaid for at least thirty  
51 (30) days after payment is due. Delinquency shall also include  
52 payments of a sum certain ordered by any court to be paid for  
53 maintenance of a spouse that have remained unpaid for at least  
54 thirty (30) days.

55 **SECTION 2.** Section 63-1-83, Mississippi Code of 1972, is  
56 amended as follows:

57 63-1-83. (1) From and after April 1, 1992, it shall be a  
58 violation of this article and the Commissioner of Public Safety  
59 shall suspend for a period of one (1) year the commercial driver's  
60 license of any person whom he determines to have committed a first  
61 violation of:



62 (a) Driving a commercial motor vehicle for which a  
63 commercial driver instruction permit or commercial driver's  
64 license is required under this article while under the influence  
65 of alcohol or a controlled substance;

66 (b) Driving a commercial motor vehicle for which a  
67 commercial driver instruction permit or commercial driver's  
68 license is required under this article while the alcohol  
69 concentration of the person's blood, breath or urine is four  
70 one-hundredths percent (.04%) or more;

71 (c) Knowingly and willfully leaving the scene of an  
72 accident involving a commercial motor vehicle for which a  
73 commercial driver instruction permit or commercial driver's  
74 license is required under this article, if the vehicle was driven  
75 by such person;

76 (d) Using a commercial motor vehicle for which a  
77 commercial driver instruction permit or commercial driver's  
78 license is required under this article in the commission of any  
79 felony as defined in this article; or

80 (e) Refusing to submit to a test to determine the  
81 driver's alcohol concentration while driving a commercial motor  
82 vehicle for which a commercial driver instruction permit or  
83 commercial driver's license is required under this article.

84 If any of the violations in subsection (1) of this section  
85 occurred while transporting hazardous materials required to be  
86 placarded under the Hazardous Materials Transportation Act, the  
87 commissioner shall suspend the commercial driver's license of such  
88 person for a period of three (3) years.

89 (2) The Commissioner of Public Safety shall suspend the  
90 commercial driver's license of a person for life, or such lesser  
91 minimum period of time as shall be required under applicable  
92 federal law or regulations, if a person is determined to have  
93 committed two (2) or more of the violations specified in  
94 subsection (1) of this section or any combination of such



95 violations arising from two (2) or more separate incidents. The  
96 provisions of this subsection (2) shall apply only to violations  
97 occurring on or after April 1, 1992.

98 (3) The Commissioner of Public Safety shall suspend for life  
99 the commercial driver's license of any person who uses a  
100 commercial motor vehicle for which a commercial driver instruction  
101 permit or commercial driver's license is required under this  
102 article in the commission of any felony involving the manufacture,  
103 distribution or dispensing of a controlled substance, or  
104 possession with intent to manufacture, distribute or dispense a  
105 controlled substance. The provisions of this subsection (3) shall  
106 apply only to violations occurring on or after April 1, 1992.

107 (4) The Commissioner of Public Safety shall suspend for a  
108 period of sixty (60) days the commercial driver's license of any  
109 person convicted of two (2) serious traffic violations, or one  
110 hundred twenty (120) days if convicted of three (3) serious  
111 traffic violations, committed in a commercial motor vehicle for  
112 which a commercial driver instruction permit or commercial  
113 driver's license is required under this article arising from  
114 separate incidents occurring within a period of three (3) years.  
115 The provisions of this subsection (4) shall apply only to  
116 violations occurring on or after April 1, 1992.

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118 **SECTION 3.** This act shall take effect and be in force from  
119 and after its passage.

