HOUSE BILL NO. 936

AN ACT TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE REQUIREMENT THAT AN APPLICANT FOR A DRIVER'S LICENSE PRESENT HIS SOCIAL SECURITY NUMBER TO THE DEPARTMENT OF PUBLIC SAFETY SHALL NOT BE APPLICABLE TO A PERSON WHO FILES AN AFFIDAVIT WITH THE DEPARTMENT AFFIRMING THAT HE HAS NEVER BEEN ISSUED A SOCIAL SECURITY NUMBER; TO AMEND SECTION 63-1-19, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE TYPES OF DOCUMENTS THAT AN APPLICANT FOR A MISSISSIPPI DRIVER'S LICENSE MAY PROVIDE TO THE DRIVER'S LICENSE EXAMINER IN ORDER TO SHOW PROOF OF RESIDENCE; 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. (1) 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, except as otherwise provided under subsection (2) of this section, 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.

(2) An applicant who does not have, or who states that he
has never been issued, a social security number as required under
subsection (1) of this section, shall complete an affidavit, under
penalty of perjury, affirming that he has never been issued a
social security number.

SECTION 2. Section 63-1-19, Mississippi Code of 1972, is
amended as follows:

63-1-19. (1) *** Every applicant for a license or permit
issued pursuant to this article, or for renewal of such license or
permit, shall file an application for such license, permit or
renewal, 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, the social security number of the applicant unless the
applicant is not a United States citizen and does not possess a
social security number issued by the United States government,
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 residence in this state. **An applicant for an original
license may show proof of residence in this state by presenting to
the license examiner at least two (2) of the following documents:

(a) A utility bill, including telephone service,
showing a valid residential address;

(b) A bank statement showing a valid Mississippi
address;

(c) An acceptable employer verification, such as an
employment identification card, a letter from the employer on its
official letterhead or a payroll check or payroll check stub;

(d) An automobile, life or health insurance policy
showing a valid Mississippi address;

(e) A driver's license issued by the State of
Mississippi to a parent, legal guardian or spouse;

(f) A Mississippi motor vehicle registration showing a
valid Mississippi address;

(g) An Internal Revenue Service Tax Reporting W-2 Form;

(h) A receipt for personal or real estate taxes paid
within the last year showing a valid Mississippi address;

(i) A copy of a residential lease showing a valid
Mississippi address; or

(j) If the applicant is a student enrolled in a public
or private school in Mississippi, a photo student identification
and acceptable documentation that the student resides on campus.

(3) If an applicant is unable to provide at least two (2) of
the documents described in subsection (2) of this section, he may
provide one of the documents described in subsection (2) of this
section and one of the following documents:
(a) The Individual Taxpayer Identification Number (ITIN) issued by the Internal Revenue Service;

(b) Form I-94 issued to the applicant by the United States Immigration and Naturalization Service;

(c) An Employment Authorization Card (EAD) issued to the applicant by the United States Immigration and Naturalization Service;

(d) A Permanent Residence Card issued to the applicant by the United States Immigration and Naturalization Service; or

(e) A stamp in a foreign passport issued by the United States Immigration and Naturalization Service showing evidence of lawful admission for permanent residence.

(4) The documents described in subsection (1) and (2) of this section must include the applicant's name or the name of the applicant's spouse, if the applicant has a spouse, or if the applicant is a minor, the name of a parent or legal guardian. These documents must also show the valid residence address of the applicant being used on the application for the Mississippi driver's license.

Each application or filing made under this section, except as otherwise provided under Section 63-1-35(2), shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.