

By: Representative Nettles (By Request)

To: Transportation

HOUSE BILL NO. 1174

1 AN ACT TO AMEND SECTION 63-1-9, 63-1-21 AND 63-1-23,  
 2 MISSISSIPPI CODE OF 1972, TO RAISE FROM SIXTEEN TO EIGHTEEN THE  
 3 MINIMUM AGE REQUIRED FOR THE ISSUANCE OF A REGULAR MOTOR VEHICLE  
 4 DRIVER'S LICENSE; TO EXPAND THE NUMBER OF STEPS WITHIN THE  
 5 GRADUATED DRIVER'S LICENSE SYSTEM BY REQUIRING THAT PERSONS FIRST  
 6 OBTAIN A DRIVER TRAINING PERMIT BEFORE BEING ENTITLED TO BE ISSUED  
 7 A TEMPORARY DRIVING PERMIT; TO INCREASE THE PERIOD OF TIME THAT A  
 8 PERSON MUST HOLD A TEMPORARY DRIVING PERMIT AND AN INTERMEDIATE  
 9 LICENSE IN ORDER TO QUALIFY FOR A REGULAR DRIVER'S LICENSE; AND  
 10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 63-1-9, Mississippi Code of 1972, is  
 13 amended as follows:

14 63-1-9. (1) No driver's license, intermediate license,  
 15 temporary driving permit or driver training permit shall be issued  
 16 pursuant to this article:

17 (a) To any person under the age of eighteen (18) years  
 18 except as provided in this article.

19 (b) To any person whose license to operate a motor  
 20 vehicle on the highways of Mississippi has been previously revoked  
 21 or suspended by this state or any other state and/or territory of  
 22 the United States or the District of Columbia, and such revocation  
 23 or suspension period has not expired.

24 (c) To any person who is an habitual drunkard or who is  
 25 addicted to the use of other narcotic drugs.

26 (d) To any person who would not be able by reason of  
 27 physical or mental disability, in the opinion of the commissioner  
 28 or other person authorized to grant an operator's license, to  
 29 operate a motor vehicle on the highways with safety. However,  
 30 persons who have one (1) arm or leg, or have arms or legs  
 31 deformed, and have their car provided with mechanical devices



32 whereby they are able to drive in a safe manner over the highways,  
33 if otherwise qualified, shall receive an operator's license the  
34 same as other persons. Moreover, deafness shall not be a bar to  
35 obtaining a license.

36 (e) To any person who is under the age of seventeen  
37 (17) years to drive any motor vehicle while in use as a school bus  
38 for the transportation of pupils to or from school, or to drive  
39 any motor vehicle while in use as a public or common carrier of  
40 persons or property.

41 (f) To any person as an operator who has previously  
42 been adjudged to be afflicted with and suffering from any mental  
43 disability and who has not at time of application been restored to  
44 mental competency.

45 (g) To any unmarried person under the age of eighteen  
46 (18) years who does not at the time of application present a  
47 diploma or other certificate of high school graduation or a  
48 general education development certificate issued to the person in  
49 this state or any other state, or documentation that the person:

50 (i) Is enrolled and making satisfactory progress  
51 in a course leading to a general education development  
52 certificate;

53 (ii) Is enrolled in school in this state or any  
54 other state;

55 (iii) Is enrolled in a "nonpublic school," as such  
56 term is defined in Section 37-13-91(2)(i); or

57 (iv) Is unable to attend any school program due to  
58 circumstances deemed acceptable as set out in Section 63-1-10.

59 (h) To any person under the age of eighteen (18) years  
60 who has been convicted under Section 63-11-30.

61 (2) All permits and licenses issued on or before June 30,  
62 2003, shall be valid according to the terms upon which issued.

63 From and after July 1, 2003:



64           (a) A driver training permit may be issued to any  
65 person who is at least fifteen (15) years of age who otherwise  
66 meets the requirements of this article.

67           (b) A temporary driving permit may be issued to any  
68 person who is at least sixteen (16) years of age who otherwise  
69 meets the requirements of this article and who has held a driver  
70 training permit for at least twelve (12) months without any  
71 conviction under Section 63-11-30 or of a moving violation. Any  
72 conviction under Section 63-11-30 or of a moving violation shall  
73 restart the twelve-month requirement for the holding of a driver  
74 training permit before an applicant can qualify for a temporary  
75 driving permit.

76           (b) An intermediate license may be issued to any person  
77 who is at least seventeen (17) years of age who otherwise meets  
78 the requirements of this article and who has held a temporary  
79 driving permit for at least twelve (12) months without any  
80 conviction under Section 63-11-30 or of a moving violation. Any  
81 conviction under Section 63-11-30 or of a moving violation shall  
82 restart the six-month requirement for the holding of a temporary  
83 driving permit before an applicant can qualify for an intermediate  
84 license.

85           (c) A driver's license may be issued to any person who  
86 is at least eighteen (18) years of age who otherwise meets the  
87 requirements of this article and who has held an intermediate  
88 license for at least twelve (12) months without any conviction  
89 under Section 63-11-30 or of a moving violation. Any conviction  
90 under Section 63-11-30 or of a moving violation shall restart the  
91 twelve-month requirement for the holding of an intermediate  
92 license before an applicant can qualify for a driver's license.  
93 However, a person who is at least twenty-one (21) years of age who  
94 has been issued a temporary driving permit and who has never been  
95 convicted under Section 63-11-30 or of a moving violation shall  
96 not be required to have held an intermediate license.



97 (d) An applicant for a Mississippi driver's license  
98 who, at the time of application, is at least eighteen (18) years  
99 of age and who has held a valid motor vehicle driver's license  
100 issued by another state for at least six (6) months shall not be  
101 required to hold a driver training permit, a temporary driving  
102 permit or an intermediate license before being issued a driver's  
103 license if the applicant verifies that he has completed similar  
104 training in the licensing state, as determined by the Department  
105 of Public Safety.

106 (3) The commissioner shall ensure that the driver training  
107 permit, temporary driving permit, intermediate license and  
108 driver's license issued under this article are clear, distinct and  
109 easily distinguishable from one another.

110 **SECTION 2.** Section 63-1-21, Mississippi Code of 1972, is  
111 amended as follows:

112 63-1-21. (1) Every applicant for a new or original driver's  
113 or operator's license, except persons holding an out-of-state  
114 license, shall first obtain a driver training permit upon the  
115 payment of a fee of One Dollar (\$1.00) to the Department of Public  
116 Safety. A driver training permit shall be valid for a period of  
117 one (1) year from the date of issue. A driver training permit  
118 entitles the holder to drive a motor vehicle other than a  
119 motorcycle on private property or other areas as may be designated  
120 by the Department of Public Safety or on training areas approved  
121 by the Department of Public Safety when accompanied by a parent,  
122 guardian or certified driver education instructor.

123 (2) Upon the successful completion of the examination  
124 provided for in Section 63-1-33 and the payment of the fee for  
125 such examination provided for in Section 63-1-43, the holder of a  
126 driver training permit may be issued a temporary driving permit.  
127 A temporary driving permit entitles the holder, provided the  
128 permit is in his immediate possession, to drive a motor vehicle  
129 other than a motorcycle on the highways of the State of



130 Mississippi only when accompanied by a licensed operator who is at  
131 least thirty (30) years of age and who is actually occupying the  
132 seat beside the driver. A temporary driving permit may be issued  
133 to any applicant who is at least sixteen (16) years of age. A  
134 temporary driving permit shall be valid for a period of one (1)  
135 year from the date of issue.

136 (3) An intermediate license allows unsupervised driving from  
137 dawn to dusk. At all other times the intermediate licensee must  
138 be supervised by a parent, guardian or other person age twenty-one  
139 (21) years or older who holds a valid driver's license under this  
140 article and who is actually occupying the seat beside the driver.

141 (4) The fee for issuance of an intermediate license shall be  
142 Five Dollars (\$5.00).

143 Except as otherwise provided by Section 63-1-6, every  
144 applicant for a restricted motorcycle operator's license or a  
145 motorcycle endorsement shall first obtain a temporary motorcycle  
146 driving permit upon the payment of a fee of One Dollar (\$1.00) to  
147 the Department of Public Safety, and upon the successful  
148 completion of the examination provided for in Section 63-1-33, and  
149 payment of the fee for said examination provided for in Section  
150 63-1-43. All applicants for such temporary permit shall (a) be at  
151 least fifteen (15) years of age; (b) operate a motorcycle only  
152 under the direct supervision of a person at least twenty-one (21)  
153 years of age who possesses either a valid driver's or operator's  
154 license with a motorcycle endorsement or a valid restricted  
155 motorcycle operator's license; (c) be prohibited from transporting  
156 a passenger on a motorcycle; (d) be prohibited from operating a  
157 motorcycle upon any controlled access highway; and (e) be  
158 prohibited from operating a motorcycle during the hours of 6:00  
159 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall  
160 be valid for the same period of time and may be renewed upon the  
161 same conditions as temporary driving permits issued for vehicles  
162 other than motorcycles.



163           **SECTION 3.** Section 63-1-23, Mississippi Code of 1972, is  
164 amended as follows:

165           63-1-23. The application of any person under the age of  
166 eighteen (18) years for a driver training permit, a temporary  
167 driving permit, an intermediate license or a license issued  
168 pursuant to this article shall be signed and verified before a  
169 person authorized to administer oaths by both the father and  
170 mother of the applicant, if both are living and have custody of  
171 him, or in the event neither parent is living then by the person  
172 or guardian having such custody or by an employer of him, or in  
173 the event there is no guardian or employer then by any other  
174 responsible person who is willing to assume the obligation imposed  
175 under Section 63-1-25 upon a person signing the application of a  
176 minor.

177           **SECTION 4.** This act shall take effect and be in force from  
178 and after July 1, 2003.

