MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Representative Nettles (By Request) To: Transportation

HOUSE BILL NO. 1174

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

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

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

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

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

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

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

(d) To any person who would not be able by reason of physical or mental disability, in the opinion of the commissioner or other person authorized to grant an operator's license, to operate a motor vehicle on the highways with safety. However, persons who have one (1) arm or leg, or have arms or legs deformed, and have their car provided with mechanical devices...
whereby they are able to drive in a safe manner over the highways, if otherwise qualified, shall receive an operator's license the same as other persons. Moreover, deafness shall not be a bar to obtaining a license.

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

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

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

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

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

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

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

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

(2) All permits and licenses issued on or before June 30, 2003, shall be valid according to the terms upon which issued. From and after July 1, 2003:
(a) A driver training permit may be issued to any person who is at least fifteen (15) years of age who otherwise meets the requirements of this article.

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

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

(c) A driver's license may be issued to any person who is at least eighteen (18) years of age who otherwise meets the requirements of this article and who has held an intermediate license for at least twelve (12) months without any conviction under Section 63-11-30 or of a moving violation. Any conviction under Section 63-11-30 or of a moving violation shall restart the twelve-month requirement for the holding of an intermediate license before an applicant can qualify for a driver's license. However, a person who is at least twenty-one (21) years of age who has been issued a temporary driving permit and who has never been convicted under Section 63-11-30 or of a moving violation shall not be required to have held an intermediate license.
(d) An applicant for a Mississippi driver's license who, at the time of application, is at least eighteen (18) years of age and who has held a valid motor vehicle driver's license issued by another state for at least six (6) months shall not be required to hold a driver training permit, a temporary driving permit or an intermediate license before being issued a driver's license if the applicant verifies that he has completed similar training in the licensing state, as determined by the Department of Public Safety.

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

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

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

(2) Upon the successful completion of the examination provided for in Section 63-1-33 and the payment of the fee for such examination provided for in Section 63-1-43, the holder of a driver training permit may be issued a temporary driving permit. A temporary driving permit entitles the holder, provided the permit is in his immediate possession, to drive a motor vehicle other than a motorcycle on the highways of the State of Mississippi.
Mississippi only when accompanied by a licensed operator who is at least thirty (30) years of age and who is actually occupying the seat beside the driver. A temporary driving permit may be issued to any applicant who is at least sixteen (16) years of age. A temporary driving permit shall be valid for a period of one (1) year from the date of issue.

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

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

Except as otherwise provided by Section 63-1-6, every applicant for a restricted motorcycle operator's license or a motorcycle endorsement shall first obtain a temporary motorcycle driving permit upon the payment of a fee of One Dollar ($1.00) to the Department of Public Safety, and upon the successful completion of the examination provided for in Section 63-1-33, and payment of the fee for said examination provided for in Section 63-1-43. All applicants for such temporary permit shall (a) be at least fifteen (15) years of age; (b) operate a motorcycle only under the direct supervision of a person at least twenty-one (21) years of age who possesses either a valid driver's or operator's license with a motorcycle endorsement or a valid restricted motorcycle operator's license; (c) be prohibited from transporting a passenger on a motorcycle; (d) be prohibited from operating a motorcycle upon any controlled access highway; and (e) be prohibited from operating a motorcycle during the hours of 6:00 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall be valid for the same period of time and may be renewed upon the same conditions as temporary driving permits issued for vehicles other than motorcycles.
SECTION 3. Section 63-1-23, Mississippi Code of 1972, is amended as follows:

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

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